



REPORT

OF

THE COMMISSION OF ENQUIRY

APPOINTED TO ENQUIRE INTO THE EVENTS SURROUNDING THE

ATTEMPTED COUP D'ÉTAT OF 27th JULY 1990.

MARCH 2014

TRINIDAD AND TOBAGO

Transmittal of Report of the Commission of Enquiry
to enquire into the events surrounding the attempted coup
which occurred in the Republic of Trinidad and Tobago
on 27th July, 1990

to

His Excellency, Anthony Thomas Aquinas Carmona, O.R.T.T., S.C
President of the Republic of Trinidad and Tobago.

Your Excellency,

We, the undersigned, were appointed by Instrument dated 6 September 2010 under the hand of the then Acting President of the Republic of Trinidad and Tobago, His Excellency, Timothy Hamel-Smith, as Commissioners to enquire into the events surrounding the attempted coup which occurred in the Republic of Trinidad and Tobago on 27 July 1990, in accordance with the provisions of the Commissions of Enquiry Act, Chapter 19:01.

We were required to make such findings, observations and recommendations arising out of our deliberations as we, the Commissioners, deemed appropriate.

Our said Instruments of Appointment further directed that we report to Your Excellency within four (4) months after the conclusion of the Enquiry giving our findings, observations and recommendations on the matters which were the subject of our Terms of Reference. The Commission closed its enquiry on 23 September 2013 and ought to have submitted this Report on or before 23 January 2014. It proved impossible to adhere to the latter date and, by letter dated 3 December 2013, the Commission sought and subsequently obtained an extension of time to submit its Report on or before 31 March 2014.

Our Instruments also directed us to furnish Your Excellency, separately, with a full statement of the proceedings of the Commission and the reasons for the conclusions which we have reached.

We now have the honour and humble duty to submit to Your Excellency our Report on the matters referred for our inquiry.

Under separate cover, we also submit to Your Excellency a statement of the proceedings of the Commission together with our findings and the reasons leading to the conclusions at which we have arrived.

SIR DAVID A.C. SIMMONS, K.A., B.C.H., Q.C.
CHAIRMAN

SIR RICHARD L. CHELTENHAM K.A., Q.C., J.P.
MEMBER

MRS. DIANA MAHABIR-WYATT
MEMBER

DR. EASTLYN K. MCKENZIE
MEMBER

DR. HAFFIZOOL ALI MOHAMMED
MEMBER

Dated this 13th day of March 2014.

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Jamaat-al-Muslimeen	JAM
Trinidad and Tobago Television	TTT
National Trade Union Centre	NATUC
Down Town Owners and Merchants Association	DOMA
National Alliance for Reconstruction	NAR
United National Congress	UNC
People's National Movement	PNM
Colonial Life Insurance Company Limited	CLICO
Organisation for National Reconstruction	ONR
Director of Public Prosecutions	DPP
Commissions of Enquiry Act	The Act
Caribbean Court of Justice	CCJ
Computer-Aided Transcriptionists	CAT
Summit of Peoples' Organisations	SOPO
Oilfields Workers Trade Union	OWTU
Commissioner of Police	COP
Trinidad Broadcasting Company	TBC
United States of America	USA
Cost of Living Allowance	COLA
International Monetary Fund	IMF
Value Added Tax	VAT
Democratic Action Congress	DAC
Indian Cultural Centre	ICC
United Labour Front	ULF
Islamic Cultural Centre	ICC

Islamic Missionary Guild	IMG
Anjuman Sunnat-al-Jamaat Association	ASJA
Sewer Trunk Reserve	STR
Water and Sewerage Authority	WASA
Operation Log	Ops Log
National Security Council	NSC
Trinidad and Tobago Electricity Commission	T&TEC
Strategic Intelligence Agency	SIA
Strategic Services Agency	SSA
Special Anti-crime Unit of Trinidad and Tobago	SAUTT
British Broadcasting Corporation	BBC
Direct Action Task Force	DATF
Joint Operations Command Centre	JOCC
Morvant/Laventille Improvement Organisation	MLIO
Unemployment Relief Programme	URP
Community Enhancement Programme for the Employment of People	CEPEP
Defence Force Intelligence Unit	DFIU

CHAPTER 1

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- (iv) The effective co-ordination of responses by agencies responsible for defence, law enforcement, intelligence-gathering, the emergency services, the social services, the diplomatic corps, and the media in the event of a future occurrence of an attempted coup or other acts of treason, terrorism or insurrection – TOR 2 (iv)

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CHAPTER 1

STATEMENT OF PROCEEDINGS AND REASONS FOR CONCLUSIONS

Appointment of Commission of Enquiry

1.1. On 6 September 2010, the Acting President of the Republic of Trinidad and Tobago, His Excellency Mr. Timothy Hamel-Smith, appointed a Commission of Enquiry pursuant to the Commission of Enquiry Act, Chapter 19: 01, to inquire into the events surrounding the attempted coup in the Republic on 27 July 1990.

1.2. The following persons were appointed as Commissioners:

Sir David Anthony Cathcart Simmons, KA, BCH, QC (Chairman)

Sir Richard Lionel Cheltenham, Ph.D, KA, QC (Deputy Chairman)

Mrs. Diana Mahabir-Wyatt, BA, MA.

Dr. Eastlyn Kate McKenzie, Ed.D

Dr. Haffizool Ali Mohammed, Ph.D

1.3. The Terms of Reference of the Commission of Enquiry were as follows:

"1. To Enquire Into:

- i. The causes, nature, extent and impact of the attempted coup, including any contributing historical, social, economic, political and other factors;*
- ii. The underlying purpose and extent of and the intention behind the plot that led to the attempted coup;*
- iii. Any criminal acts and omissions, including looting, which were committed in connection with the attempted coup and the motives and objectives of the perpetrators of such acts or omissions;*
- iv. The identity of any person or any local, regional or international authority, institution, organization or entity who incited, masterminded, planned, directed, conspired towards, consented to, connived at, acquiesced in, participated in, aided or abetted the carrying out of, had prior knowledge of, or was implicated or otherwise involved in criminal acts or omissions, including looting, which were committed in connection with the attempted coup, and the extent to which any such person, authority, institution, organization or entity did any such thing or had prior knowledge of, or was implicated or otherwise involved in, any such acts or omissions;*
- v. The national security deficiencies and breaches of law that facilitated the attempted coup and the extent to which it was possible to prevent the occurrence of the attempted coup;*
- vi. The response and performance of the Government, the Defence Force, the Protective Services and other Essential Services, the Foreign Service and the media during and after the attempted coup;*
- vii. All matters pertaining to the negotiation, preparation, execution and effect of the amnesty and the negotiation of the terms of surrender; and*
- viii. The continuing propensities for criminal activity arising from the attempted coup and the correlation, if any, between the attempted coup and the trafficking, supplying and possession of illegal drugs, firearms and ammunition.*

2. To make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, in relation to:

- i. The policies, measures, mechanisms and systems that should be put in place to detect, counteract and treat with plots to overthrow the*

democratically elected Government of Trinidad and Tobago and other acts of treason, terrorism or insurrection;

- ii. The development of the capacity of the Government of Trinidad and Tobago to maintain national security, democratic governance and the protection of the citizens and residents of Trinidad and Tobago and State property in the event of a future occurrence of an attempted coup or other acts of treason, terrorism or insurrection;*
- iii. The consequences of any historical, social, economic, political and other factors that may have contributed to the attempted coup;*
- iv. The effective co-ordination of responses by agencies responsible for defence, law enforcement, Intelligence-gathering, the emergency services, the social services, the diplomatic corps, and the media in the event of a future occurrence of an attempted coup or other acts of treason, terrorism or insurrection;*
- v. The modernization of legislation pertaining to national security;*
- vi. ensuring that victims of the attempted coup and the society as a whole are satisfied that their pain, loss, suffering and damage have been acknowledged, with a view to fostering closure of the events surrounding the attempted coup and with a view to the promotion of individual and community healing in the interests of national development; and*
- vii. The prosecution of persons for criminal acts or omissions in connection with the attempted coup”.*

A Note on Background to Appointment

1.4. Prior to our appointment as a Commission of Enquiry, there was no official public enquiry into the circumstances surrounding the attempted coup which occurred twenty years earlier. On Friday, 27 July 1990, armed members of the Jamaat-al-Muslimeen (the JAM) staged an insurrection in Port of Spain.

The leaders of the insurrection were Muslim fundamentalists who purported to follow the Qur'an literally. One group blew up the Headquarters of the Police Service on St. Vincent Street, murdering in the process a young Police Officer, Solomon McLeod. Another group, led by Mr. Bilaal Abdullah, invaded the Parliament of Trinidad and Tobago while it was in session. They perpetrated wanton acts of destruction of the Parliamentary Chamber and proceeded to hold hostage most of the Parliamentarians who were in the Chamber.

1.5. Another group of armed men, led by the leader of the JAM, Imam Yasin Abu Bakr (Abu Bakr) invaded Trinidad and Tobago Television (TTT), held the staff hostage and assumed control of broadcasts.

1.6. A third armed group, led by Mr. Jamaal Shabazz, invaded Radio Trinidad and held its staff hostage. Some unidentified members of the JAM attempted to fire-bomb the National Broadcasting Service but they abandoned their attempt, leaving behind only a small fire and smoke. The fire was quickly extinguished. By the afternoon of Saturday, 28 July 1990, the JAM abandoned Radio Trinidad, and the staff who had been held hostage, escaped.

1.7. For the period, 27 July to 1 August 1990, the JAM held hostage the Parliamentarians and the staff at TTT. In the Parliamentary Chamber at "the Red House", the Prime Minister, Hon. A.N.R. Robinson, six members of the

Cabinet of Trinidad and Tobago and ten other Members of Parliament (MPs) were held hostage. The Prime Minister and the Minister of National Security, Hon. Selwyn Richardson, were shot in their legs after being badly beaten. Other Ministers were beaten and all of the MPs were tied up and made to endure severe pain. Also held captive were former High Commissioner to London, Mr. Mervyn Assam, Permanent Secretary in the Ministry of National Security, Mr. Reynold Fernandes, visitors to Parliament in the Public Gallery and Police Officers. One MP who was shot, Mr. Leo des Vignes, subsequently died. Another, Mr. Trevor Sudama, suffered a slight gunshot injury to one of his feet. During the six days of captivity, the MPs were the victims of unspeakable indignities.

1.8. At TTT only one employee, Mr. Jones P. Madeira, was injured but his injury was slight. All of the employees were in great fear for their personal safety during the six days, notwithstanding that they were not brutalised.

1.9. Two employees of Radio Trinidad, Mr. Pius Mason and Mr. Emmett Hennessy, were shot and required hospitalization. Mr. Mason's injuries were life-threatening whereas Mr. Emmett Hennessy was discharged from the General Hospital on 28 July.

1.10. Effectively, the Army and Police were required to respond to two hostage situations of different intensity in two separate locations some distance away from each other. The Police were de-stabilised and confused as a result of the attack on their Headquarters, but the Army quickly mobilised such personnel as were available, strategised and mounted tactical operations to contain the insurrection.

1.11. About 8.00 p.m. on Friday, the Army contingent of thirty-eight hastily mustered soldiers had worked their way to within approximately 50 metres of the Red House and had cordoned off the area. In the early hours of Saturday morning, another contingent had taken up positions west of the Queen's Park Savannah, from which the soldiers were able virtually to surround TTT.

1.12. From the early evening of 27 July, throughout the night and continuing into Saturday afternoon, mobs and hordes of people looted parts of Port of Spain and its environs. They set fire to buildings in downtown Port of Spain and looted business places with impunity. The capital city of Trinidad and Tobago was devastated. The quantum of the losses sustained ran into hundreds of millions of dollars.

1.13. According to a report prepared by medical staff of the General Hospital, 24 persons died as a result of the insurrection and the injuries which were coup-related numbered 231, of which 133 were attributable to looting.

1.14. The crisis which engulfed the Republic from 27 July, 1990 ended on 1 August 1990 when Imam Abu Bakr and his 113 insurgents surrendered and the hostages at the Red House and TTT were released. Discussions concerning an amnesty for the insurrectionists began on the evening of Friday, 27 July in the Red House. These involved Mr. Winston Dookeran MP, Mr. John Humphrey MP, and Mr. Bilaal Abdullah. Next day, the Acting President, Mr. Emmanuel Carter, signed a document purporting to be an amnesty. Thereafter, negotiations for the release of the hostages and the surrender of the JAM were conducted by Colonel Joseph Theodore and Mr. Bilaal Abdullah continuously until 1 August 1990. However, Prime Minister Robinson had been released on 31 July.

SECTION 1 – STATEMENT OF PROCEDURES

1. Matters Prior to Public Hearings

1.15. During the last three months of 2010, Commissioners were provided with files of newspaper clippings and background materials to ensure

that we had a broad appreciation of the nature and extent of the matters included in our Terms of Reference.

s. We determined to build public support for our task by meeting with persons and organizations that may have been able to assist the public enquiry directly. Accordingly, in November 2010, we held meetings with the following:

- Commissioner of Police – Dr. Dwayne Gibbs

- Col. Mitchell of the Trinidad and Tobago Defence Force and some of his senior ranks

- Representatives of the National Trade Union Centre of Trinidad and Tobago, Mr. Michael Annisette and Mrs. Jacqueline Jack

- The President of the Downtown Owners and Merchants Association (DOMA), Mr. Gregory Aboud

- The Leader of the Opposition, Dr. Keith Rowley

- Representatives of the Trinidad and Tobago Chamber of Industry and Commerce, Mrs. Angela Persad and Mr. Andrew Johnson
- Representatives of the Media Association of Trinidad and Tobago, Mr. Kerry Peters and Ms. Francesca Hawkins

We wish to place on record our sincere gratitude to the persons mentioned above who were most gracious, co-operative and understanding of our role and function.

2. Procedural Rules

1.17. The Chairman drafted the Rules governing the procedure to be followed during the Enquiry. The Rules were published in the Trinidad and Tobago Gazette on 26 November 2010. A copy of the Rules appears as Appendix 1.

3. Public Hearings and Sessions

1.18. The Enquiry's public hearings began on 24 January 2011. We held sixteen sessions on the following dates:

24 January 2011 to 4 February 2011
21 March 2011 to 25 March 2011
26 April 2011 to 6 May 2011
21 June 2011 to 1 July 2011
12 September 2011 to 23 September 2011
24 October 2011 to 4 November 2011
5 December 2011 to 15 December 2011
31 January 2012 to 10 February 2012
26 March 2012 to 5 April 2012
23 April 2012 to 11 May 2012
4 June 2012 to 8 June 2012
27 August 2012 to 8 September 2012
19 November 2012 to 23 November 2012
30 January 2013 to 8 February 2013
20 May 2013 to 23 May 2013
19 September 2013 to 23 September 2013

In addition, as circumstances warranted, we received evidence from witnesses in private. A total of 93 witnesses gave evidence. A list of witnesses appears as Appendix 2.

1.19. We heard evidence over the course of 113 days. For logistical reasons, including the fact that the Commission shared live telecast facilities of its hearings with another Commission of Enquiry into the affairs of CLICO and the Hindu Credit Union, we were unable to sit in continuous session.

1.20. We wish to say that, upon our appointment, we were very concerned about the availability and memories of witnesses, having regard to the lapse of time between the events of 1990 and our appointment. Any doubts and fears which we may have entertained in September 2010 were soon dispelled. Counsel to the Commission went about the task of identifying, contacting and interviewing potential witnesses with zeal, skill and resourcefulness. We were greatly helped, however, by the fact that many witnesses, particularly former Parliamentarians and senior officers in the Defence Force, were still alive. In the several types of litigation which followed the attempted coup in the early 1990's, several of these witnesses had sworn affidavits. These affidavits still exist.

1.21. It was relatively easy, therefore, to retrieve the affidavits and have the memories of the deponents refreshed by sight and consideration of the contents prior to testifying.

1.22. A large number of witnesses, however, who were not involved in the litigation, came forward voluntarily and offered to testify. We are profoundly

grateful to these and indeed all of the witnesses for their public-spiritedness. We are also pleased to report that three of the insurrectionists, Messrs. Jamaal Shabazz, Kala Akii-Bua and Lorris Ballack testified. They were involved in the invasions of TTT and Radio Trinidad.

Imam Abu Bakr's Refusal to Testify

1.23. But it is a matter of much regret that neither Mr. Bilaal Abdullah (Bilaal) nor Imam Abu Bakr gave evidence to this Commission of Enquiry. We were given to understand that Bilaal now resides in the People's Republic of China. Despite the efforts of Instructing Attorney-at-Law to the Commission, no contact was made with Bilaal.

1.24. Imam Abu Bakr's situation is different. At all material times during the Enquiry, Imam Abu Bakr was resident in Trinidad and Tobago. At the commencement of the Enquiry, he made a statement, reported in the Press, that he would give evidence. Indeed, during the testimony of fellow insurgents, Messrs. Jamaal Shabazz, Kala Akii-Bua and Lorris Ballack, those witnesses on occasions, deferred answering certain questions with the response that "the Imam will answer when he comes."

1.25. Imam Abu Bakr never appeared before the Commission despite valiant efforts to secure his attendance. We think it important to record our efforts.

1.26. The records of the Commission show that -

- (i) On 29 June, 2011 (Day #31) Mr. Naveen Maharaj, Attorney-at-Law, appeared before the Commission and entered appearances for himself and Mr. Wayne Sturge, Attorney-at-Law. Mr. Maharaj informed us that Imam Abu Bakr had been advised not to give evidence "at that stage". We were told that Imam Abu Bakr was about to go on trial in the High Court on a five-count indictment for sedition and other offences arising out of a sermon he preached in 2005. The trial was adjourned to 5 July, 2011 for a date to be fixed. Apparently, in 2007, the trial had been "temporarily stayed" for reasons of "adverse pre-trial publicity". In 2011, Imam Abu Bakr's Attorneys-at-Law were still concerned about the issue of pre-trial publicity and Mr. Maharaj said so. He submitted that, if Imam Abu Bakr gave evidence to the Commission, more pre-trial publicity might be generated and could militate against his client having a fair trial. He also

raised issues involving self-incrimination and credibility. However, Mr. Maharaj assured the Commission that Imam Abu Bakr wanted to testify and would testify. He anticipated that when the criminal trial commenced, it would last two to three weeks.

The Commission ordered that, in light of the uncertainty as to the criminal trial, it be kept informed of developments concerning the trial with a view to scheduling dates in the future to hear Imam Abu Bakr's evidence. The Commission also made it clear that Imam Abu Bakr should take steps to provide a Witness Statement for the Commission's benefit.

- (ii) No Witness Statement was provided. On 9 May 2012 (Day #84) Ms. Viveka Pargass, Attorney-at-Law, appeared and entered appearances for herself and Mr. Sturge on behalf of Imam Abu Bakr. Ms. Pargass stated that Imam Abu Bakr was still willing to testify. "To date, he still remains dedicated to his undertaking to testify before the Commission", she said. She confirmed, however, that the criminal trial was set to start on 14 May, 2012. The reason for the long delay between 29 June, 2011 and 9 May, 2012

was "the unforeseen illness of the Imam.....Upon consideration of the severity of Mr. Bakr's condition, Justice Mohammed has granted a three-months' adjournment", viz. from February 2012 to 14 May, 2012.

Ms. Pargass said that the Court was satisfied of the necessity for an adjournment having received medical evidence from Dr. Bhagwandass, photographic evidence and medical reports. Ms. Pargass undertook to have copies of the medical reports and the transcript of Dr. Bhagwandass' evidence made available to the Commission "within a reasonable time". Counsel assured the Commission that her client was, at that date, "in a state of sufficient fitness to stand trial" beginning on 14 May, 2012. She then stated that Imam Abu Bakr had "undertaken to make himself available to the Commission to assist the Commission with his testimony". Ms. Pargass estimated that the criminal trial should have been concluded by mid-July, at the latest. She was reminded that the Commission was still awaiting Imam Abu Bakr's Witness Statement.

Having regard to the submissions of Ms. Pargass, the Commission ordered that: (a) the Witness Statement be provided by 30 June 2012 since Ms. Pargass undertook to do so; (b) the medical reports be provided to the Commission within one week; (c) the transcripts of Dr. Bhagwandass' testimony be provided as soon as they were available; (d) the date of 4 June, 2012 previously set for Imam Abu Bakr's attendance before the Commission be vacated and "Mr. Bakr will attend to give evidence on such date as will be communicated to him and his Counsel in writing".

The Commission subsequently received copies of the medical reports.

- (iii) Imam Abu Bakr's trial commenced on 14 May, 2012 and concluded in mid-August 2012. The jury did not agree a verdict and a re-trial was ordered.

- (iv) The Commission's twelfth session was scheduled for the period 27 August to 8 September, 2012. The week beginning Monday, 3 September was allocated by the Commission to take the evidence of Imam Abu Bakr.

However, *ex abundante cautela*, the Commission caused Imam Abu Bakr to be served with a summons on 29 August, 2012 requiring his attendance on 3 September, 2012. He did not answer to the summons. On the other hand, Mr. Sturge wrote to Ms. Christlyn Moore, then Instructing Attorney-at-Law to the Commission, on 29 August, 2012 making three points. First, he apologised for the absence of the Witness Statement (for which the Commission had been waiting for more than a year). This was due to the length and complexity of the trial. Secondly, Imam Abu Bakr had indicated, through his Counsel, his intention to testify "after the conclusion of his trial for sedition". Mr. Sturge reiterated his concerns about the effect of adverse pre-trial publicity on the fair trial of his client. Thirdly, "the Imam wishes to indicate that he means no disrespect to the Commission and whilst he is willing to attend, unless and until there is a verdict or by the filing of a Notice of Discontinuance by the Director of Public Prosecutions [the DPP], the Imam, in order to ensure for himself a fair trial, will be unable to answer any questions posed to him at this Enquiry."

Although expressing a willingness, through Counsel, to attend the Commission, Imam Abu Bakr did not appear on 3 September, 2012 in answer to the Summons. Ms. Hasina Shaikh, who appeared for Imam Abu Bakr "holding for Mr. Sturge" was unable to offer any explanation for Imam Abu Bakr's absence. "Up to last night, we had been told that he would be present. It was our understanding that he would be present to answer the summons despite the correspondence that had been sent to the Commission. We explained to him the summons and the need to obey it and he understood that."

- (v) On 27 August, 2012, Mr. Sturge wrote to the DPP, Mr. Roger Gaspard S.C., reflecting, *inter alia*, upon matters which transpired at the trial and re-iterating Imam Abu Bakr's concerns about a fair trial. Mr. Sturge opined that it was "in the public interest to hear from the accused [Imam Abu Bakr] the reasons behind the 1990 insurrection as well as other pertinent matters". Insisting that he was not to be seen as putting pressure on Mr. Gaspard, Mr. Sturge enquired whether in Mr. Gaspard's considered view, "it is in the public interest to continue this prosecution".

- (vi) Having received Mr. Sturge's correspondence with the DPP, the Commission invited Mr. Gaspard to address us on 3 September, 2012. He did so and made three submissions:
- (a) He was not entering a *nolle prosequi* in the criminal proceedings. The re-trial would proceed;
 - (b) To reduce the possibility of prejudice to the trial of Imam Abu Bakr, the Commission could receive his evidence *in camera*;
 - (c) He would give an undertaking in writing that, in the re-trial, certain strategies previously adopted by Prosecuting Counsel would not be used.
- (vii) Mr. Sturge appeared before the Commission on 5 September, 2012 and informed us that he had come "out of courtesy". He was not appearing for Imam Abu Bakr at the Enquiry. All along, the Commission had been led to believe that Mr. Sturge was in fact acting for Imam Abu Bakr in the Enquiry and at least two Attorneys-at-Law had represented to the Commission that they were "holding papers for Mr. Sturge".
- (viii) Imam Abu Bakr addressed a letter dated 4 September, 2012 to the Commission. He stated on page 3 thereof, *inter alia*,

"I did not ask Miss Shaikh or Mr. Sturge to attend the Enquiry. I informed Mr. Sturge on Saturday that I could not afford his services at this time and thanked him and his team for the work done thus far. I was therefore surprised to see Ms. Shaikh attend the Enquiry. I am told that Ms. Shaikh attended out of respect."

- (ix) Section 12 of the Commission of Enquiry Act (the Act) empowers the Commission to summon persons to give evidence and produce documentation. By section 12(2) any person who refuses or fails, without sufficient cause, to appear in answer to a summons, is liable on summary conviction to a fine of two thousand dollars. But under the provisions of section 16, no proceedings can be commenced for failure to answer a summons by attendance, "except by the direction of the Director of Public Prosecutions or of the Commissioners". The Commissioners may direct their Secretary, or such other person as they may think fit, to commence proceedings. To the extent that offences under section 12 are summary, proceedings must be commenced within six months of the date of commission of the offence.

- (x) It is in the context of those statutory provisions that the Commission wrote to the DPP on 14 September, 2012, seeking his intervention or direction pursuant to section 16. Almost four months later, on 29 January, 2013, the DPP recommended that the Commission pursue the matter of prosecuting Imam Abu Bakr for breach of section 12(2) by itself.
- (xi) On 9 September 2013, a second summons was served on Imam Abu Bakr requiring his attendance on 23 September, 2013. Once more he did not answer the summons by appearing. No Attorney-at-Law appeared on his behalf.
- (xii) In the circumstances, the Commission directed the Secretary to commence proceedings against Imam Abu Bakr for breach of section 12(2) of the Act or as she may be advised.

1.27. All of the correspondence referred to in para. 1.26 is appended to this Report in Appendix 4. However, before parting with matters relating to Imam Abu Bakr, the Commission desires to say that, with regard to legal representation, we find that Imam Abu Bakr did authorise Ms. Shaikh to appear on his behalf before us on 3 September, 2012.

1.28. We refuse to believe that, however young and inexperienced she may have been, she would have appeared before us without instructions. We believe her that, on the night of 2 September, 2012, Imam Abu Bakr not only understood the content and consequences of the summons but he assured Ms. Shaikh that he would attend. We are bound to say that he “played true to form”. Just as he had assured his co-insurrectionists, Messrs. Shabazz, Akii-Bua and Ballack, that he would give evidence but did not, in similar fashion he convinced Ms. Shaikh that he would appear on 3 September, 2012, but did not, and left her to face what was an embarrassing situation for Counsel.

1.29. The Commission took note that Imam Abu Bakr, in the said letter of 4 September, 2012 stated –

“[Whilst Messrs. Manning and Panday are still alive it might be helpful to ask them both how they knew to be absent on 27 July.]”

1.30. The Commission deprecates the scurrilous innuendo implicit in the statement. Imam Abu Bakr was afforded ample opportunity to give evidence on oath and be subjected to the searchlight of cross-examination to determine the truth of any assertions he cared to make. It does not now lie in his mouth to inveigh against persons outside the witness box.

1.31. Imam Abu Bakr still had one further card to play. In 2013, he made a statement, published widely in the Commonwealth Caribbean, that he

would only appear before the Commission if he were paid on the same basis as the Chairman. We can only say that his conduct towards the Commission of Enquiry has produced a further downward adjustment to his reputation.

5. Structure of the Report

1.32. The Commission made a determination, during the course of the Enquiry, that many of the individual Terms of Reference required treatment in separate Chapters, notwithstanding that there is overlap in the Terms of Reference. We tried to confine the evidence and our findings thereon to discrete Chapters but, having regard to the subject-matter of the Terms of Reference, some repetition was unavoidable.

1.33. Save and except for Chapters 1, 3 and 12, the format of Chapters adopted by the Commission is as follows:

- (A) Introduction – Part A consists of brief statements prefatory to the issues raised in the particular Term of Reference.
- (B) The Evidence – In Part B the Commission reports in narrative form, interspersed with quotations of the actual words of witnesses, the evidence that is relevant to the

issues raised in the particular Term of Reference. We tried, as far as was practicable, to avoid making findings or coming to conclusions during our discussion of the evidence.

- (C) Findings and Conclusions – In Part C of a Chapter, we made findings and/or reached conclusions based on an assessment of the totality of the evidence adduced.

6. Recommendations

1.34. We have made a total of 42 recommendations. In Chapter 9, there are 3 recommendations which relate to the issues that are the subject of that Chapter. In Chapter 11, we make a further 8 recommendations. Chapter 12 contains 31 recommendations of a CONFIDENTIAL nature pertaining to national security.

7. Footnotes/End Notes

1.35. We decided not to make use of footnotes/end notes because, having regard to the size of the Report, it seemed to us that it would cause a reader a fair degree of inconvenience to seek to locate the substance of a matter

referred to in a footnote/end note. Accordingly, we preferred to cite references which would ordinarily appear in footnotes/end notes, in the text itself.

8. References to Rank of Army and Police Officers

1.36. We were fully aware that, since 1990, many of the Army and Police Officers who gave evidence have held ranks higher than was the case in 1990. However, whereas we have not sought at all to be disrespectful, we considered that it would be more appropriate and preferable to refer to those officers by the rank they held in 1990. After all, we are reporting on events at that time, and we thought it would be more accurate, realistic, and intelligible to refer to officers by their 1990 rank. Nevertheless, during the Enquiry we were careful to accord these officers the highest rank they attained. The comparative ranks of Army officers who testified are shown at Appendix 20.

9. Secretary to the Commission

1.37. Mrs. Laraine Lutchmedial SC was appointed as Secretary to the Commission. Hers was a massive task, involving responsibility for all of the administrative arrangements to ensure the smooth functioning of the Commission. Always Mrs. Lutchmedial discharged her duties with diligence, care, sensitivity, aplomb and good humour. We were informed that Mrs. Lutchmedial

performed her duties to the Commission of Enquiry simultaneously with her responsibilities as Chairman to the Law Revision Commission but with no allowance or other remuneration for the services rendered to the Commission. With the greatest respect, we humbly recommend that favourable consideration be given to paying Mrs. Lutchmedial an *honorarium*.

1.38. In the discharge of the Secretary's function, Mrs. Lutchmedial was assisted by a courteous and efficient staff of 13 other persons who comprised the Commission's Secretariat. No praise can be too high for the manner in which the staff of the Secretariat performed their duties. We were extremely satisfied.

10. Counsel to the Commission

1.39. On 6 September 2010, Counsel appointed to the Commission was Ms. Dana Seetahal SC together with Mr. Darryl Allahar, Attorney-at-Law. Ms. Seetahal was obliged to return her Brief shortly after her appointment and Mr. Avory Sinanan SC replaced her. Ms. Christlyn Moore was Instructing Attorney-at-Law. Unfortunately, for personal reasons, Mr. Allahar also relinquished his Brief prior to the start of the Fourth Session, which ran from 21 June to 1 July, 2011. Mr. Jagdeo Singh took his place as Junior Counsel to Mr. Sinanan at that Session and appeared in that capacity continuously thereafter. Ms. Moore continued to serve the Commission until she relinquished

her post to take up a position as Minister of Justice. Ms. Carol Cuffy Dowlat was appointed as Instructing Attorney-at-Law, replacing Ms. Moore in November 2012.

1.40. We believe that the Commission of Enquiry proceeded with its work in an orderly manner, with little disruption and with due diligence. That we were able to function in that manner is a tribute to the exceptional quality of assistance rendered to us by all Counsel assigned to the Commission. We are greatly in their debt. Our burden was considerably lightened by their professionalism and efficiency.

11. Acknowledgments

1.41. Apart from the persons mentioned in paras. 1.37 to 1.40, there are others to whom we must express our profound thanks and gratitude for their assistance during the three and one-half years that we have been Commissioners.

(i) The Commissioner of Police and Security Detail

1.42. In our Instruments of Appointment, His Excellency, the President, directed the Commissioner of Police to attend upon us, keep us safe and

preserve order during the proceedings of the Commission, serve summonses on witnesses and perform such duties as we may have directed. At no time was it necessary for us to call upon Police Officers to preserve order during the Enquiry or at all.

1.43. At all times, however, the security detail provided by the Commissioner of Police ensured that no pains were spared to keep us safe. We shall be forever grateful to those members of the security detail who remained with us from our first day to the very last. We are happy to mention too the team of drivers from the Defence Force who discharged their duties in a punctual and professional manner. Especially we cherish the respect shown to us but we also recall fondly the camaraderie and bonds of friendship that developed between us and our protectors. Accordingly, we thank Commissioners Gibbs and Williams for their superb choices of Police Officers to serve us.

(ii) Presidents and Staff of the Caribbean Court of Justice

1.44. Public hearings were conducted at Court #2 of the Caribbean Court of Justice (CCJ), 34 Henry Street, Port of Spain. These were made possible first by President of the CCJ, Rt. Hon. Michael de la Bastide TC, and, following his retirement, by his successor, Rt. Hon. Sir Dennis Byron. These gentlemen

generously put the facilities of the CCJ at our disposal. We thank them and the staff of the CCJ who ensured that we were always comfortable.

12. The CAT Reporters

1.45. The proceedings of the Commission of Enquiry, both public and private, were recorded *verbatim*, by a dedicated and seemingly indefatigable group of Computer-Aided Transcriptionists (CAT Reporters). One day's proceedings were transcribed and made available to us by the next morning, at the latest. Generally, the transcripts were on our computers the same evening as they were recorded! And they were virtually flawless. Again, we acknowledge a large debt of gratitude to Ms. Kathleen Mohammed and her team who prepared the transcripts of proceedings that have exceeded 12,000 pages.

13. The Government Information Service

1.46. Our public hearings were telecast live and repeated later in the evenings. We wish to thank Mr. Suresh Kawal, the producers in the studio, the camera crews, and all those who ensured that the public were the recipients of telecasts of high quality.

14. The Media

1.47. Our proceedings in public were also faithfully reported by the print media. The Trinidad Express, the Trinidad Guardian and the Newsday newspapers made sure that they attended each day's sitting of the Commission. We thank them for their commitment to informing the public. We had very few complaints about the accuracy of reporting.

15. Written and Electronic Material

1.48. During the first few months of the Commission's existence, we were provided with copies of DVDs and copies of books written about the attempted coup, through the generosity of the authors. We are especially grateful to the following authors:

- Prof. Selwyn Ryan – "The Muslimeen Grab for Power – Race, Religion and Revolution in Trinidad and Tobago" (1991)
- Prof. Ramesh Deosaran – "A Society Under Siege – A Study of Political Confusion and Legal Mysticism"

- Dennis McComie – “1990 - The Personal Account of a Journalist Under Siege” (2010)
- Raoul Pantin – “Days of Wrath, The 1990 Coup in Trinidad and Tobago”
- Israel B. Khan – “Scales of Justice” (2007)
- Daurius Figueira – “Jihad in Trinidad and Tobago, July 27, 1990” (2002)
- Vitruvius E.T. Furlonge-Kelly – “The Silent Victory” (1991)

A list of the DVDs appears as Appendix 5.

16. The Hilton Hotel and Conference Centre

1.49. During our hearings, Commissioners were accommodated at the Hilton Hotel and Conference Centre. We were very comfortable and, at all times, we were made to feel welcome by the management and staff of the facility.

SECTION 2 - REASONS FOR CONCLUSIONS

THE NATURE, EXTENT AND IMPACT OF THE ATTEMPTED COUP – ToR1(i)

FINDINGS AND/OR CONCLUSIONS CONCERNING THE NATURE AND EXTENT OF THE ATTEMPTED COUP

1.50. In this Part, we make findings or draw conclusions from the evidence adduced before us. Much of the evidence was not disputed. We have chosen to let the evidence of various witnesses speak for itself. However, the matters discussed in this Part represent our interpretation and analysis of problematic parts of the evidence. The following are our findings and/or conclusions.

1.51. We are not persuaded by the evidence of Messrs. Jamaal Shabazz, Kala Akii-Bua and Lorris Ballack that they knew of the decision to attempt an overthrow of the Government only shortly before 27 July, 1990. Their evidence is at variance with evidence before us that, for some time prior to 27 July, members of the JAM, posing as vendors, had carried out acts of reconnaissance at the NBS building, at TTT and the Red House. Shabazz himself said that he

had carried out a reconnoitre of Radio Trinidad some considerable time before 27 July, 1990.

1.52. We find that there were four components of the strategy to overthrow the Government, viz.

- (i) to destroy Police Headquarters, throw the Police Service into confusion and create a vacuum in security, thereby allowing armed supporters other than the 114 insurgents, an opportunity to create further confusion in the country;
- (ii) to invade the Red House and hold the Prime Minister and other members of Parliament hostage with a view to displacing the NAR as the Government of the Republic;
- (iii) to invade, take control of Radio Trinidad and use it for propaganda purposes; and
- (iv) to invade, take control of TTT and use it for similar purposes.

1.53. Fire-bombing the NBS building was considered in the original planning of the JAM but, on 27 July, was not properly executed.

1.54. The date and timing for the attempted coup were carefully chosen. As members of the Summit of People's Organisations (SOPO), the JAM were aware that SOPO was planning an informal referendum for 27 July. They were also aware that the Oilfields Workers Trade Union (OWTU) had written to the Prime Minister giving him until 27 July to disband the structural adjustment programme and the austerity measures or else they would escalate their protests on 31 July. Imam Abu Bakr, encouraged by the rhetoric emanating from the public platforms of SOPO, conspired with Bilaal Abdullah and others to attempt a *coup d'état* on 27 July, 1990. We have come to these conclusions on the basis of evidence which we refer to in Chapter 3.

1.55. Imam Abu Bakr, a former policeman, had important contacts with existing members of the Police Service and the Defence Force. He knew that, on 27 July, 1990, many Police Officers and soldiers would have been off-duty and/or attending the football games at the Stadium. He calculated that the Protective Services would have been depleted and sought to take advantage of the security vacuum. He hoped that the surprise element in his attacks would have caught the Protective Services off guard, as it did, and it would have been relatively easy to execute the four-pronged strategy of simultaneous attacks in different and disparate locations.

1.56. Imam Abu Bakr made the false assumption that, because there was widespread discontent with the Government, he would automatically attract popular support for his actions from disaffected persons in the society including members of the Police Service who had recently been publicly demonstrating against the Government. Imam Abu Bakr misjudged the culture of the population and his assumption that he would receive popular support was ill-founded. He was an irresponsible in search of responsibility, even if acquired illegally.

1.57. Imam Abu Bakr's assertions in his first and second broadcasts to the effect that he was in contact with the Army, negotiating with the Army, were falsehoods.

ATTACK ON POLICE HEADQUARTERS

1.58. The murder of SRP Solomon McLeod allowed the occupants of a green station wagon to use it for fire-bombing Police Headquarters. Explosions and fire at the Headquarters, together with indiscriminate shooting by the JAM, caused pandemonium among members of the public. The Fire Service was prevented from adequately responding to the fire at Police Headquarters by the gunfire which was aimed at their appliances by the JAM.

1.59. Acting Deputy Commissioner of Police, Leslie Marcelle, showed tremendous bravery, leadership and initiative in organising panic-stricken members of the public. His leadership was also manifested in mustering such Police Officers as were at Police Headquarters with a view to responding to the gunfire trained on Police Headquarters by the JAM.

1.60. Marcelle's life-threatening injuries were the direct result of his fall from the dilapidated roof at Police Headquarters. The Government was negligent in failing to keep the roof in good repair. The Government was also uncaring in failing to provide Mr. Marcelle with the medical and psychological assistance he needed in the years following his injuries which were sustained in the service of the State.

1.61. Management of the Police Service was careless in failing to ensure that the gate at the south-eastern end of Police Headquarters could be easily opened in cases of emergency.

FIRE-BOMBING OF NBS

1.62. We find that the visits of a "confectionery vendor" to the NBS building over the course of months prior to 27 July, were for the purpose of becoming *au fait* with the configuration of the building with a view to a probable

assault on it. However, it is our finding that, on 27 July, no member of the JAM was designated to lead an assault on the building. The attempt to fire-bomb it with Molotov Cocktails was leaderless and uncoordinated.

1.63. We doubt the truth of Jamaal Shabazz's assertion that the failure of the JAM to take control of 610 Radio was "to leave a communication door open". As we indicate above, the JAM had factored into their planning the seizure of NBS but the attempt to fire-bomb it was incompetently executed and relatively small damage occurred.

1.64. Mr. Dennis McComie displayed admirable and outstanding leadership and courage in taking charge of 610 Radio and keeping the station open throughout the period of the insurrection. This station, through the initiative of Mr. McComie and the dedication of some technical staff in the engineering department, rendered invaluable service to the people of Trinidad and Tobago through the regular dissemination of such information as came to hand.

1.65. We find that the Governmental and Military authorities erred in not taking control and making use of 610 Radio (a Government-owned station) during the period of the insurrection.

1.66. We attach no criticism to Mr. McComie for his decision to interview Imam Abu Bakr. We accept Mr. McComie's explanation that the interview afforded an opportunity to expose Imam Abu Bakr to public opprobrium and afforded McComie a facility to challenge the rhetoric and conduct of Imam Abu Bakr. Although we appreciate and understand Col. Brown's anger and outrage at the Imam Abu Bakr interview with Dennis McComie, we are not of the view that Mr. McComie's conduct is worthy of censure, given the situation and all the surrounding circumstances.

1.67. The fact that the interview took place at all, highlights the *lacuna* in the responses of the authorities who ought to have known of the availability of the Radio 610 facility but took no steps to utilise it. At no time prior to the interview did any official of the Government or the Military communicate with Mr. McComie to advise him of what was going on and what was expected of him in the circumstances.

1.68. The absence of guidelines or a protocol to govern the duties and conduct of the media in situations similar to that which existed in Trinidad and Tobago during the attempted coup, was a weakness in the security arrangements of the Republic.

ATTACK ON RADIO TRINIDAD

1.69. We find that on 27 July, Imam Abu Bakr and Bilaal deliberately put out a rumour among the JAM that a Prince was visiting the Mosque in order to camouflage their real reason for heightened activity at #1 Mucurapo Road.

1.70. We accept Jamaal Shabazz's account of the preparations for and execution of the attack upon Radio Trinidad (paras. 2.44 to 2.49) and the accounts of Messrs. Eddison Carr (paras. 2.50 to 2.52), Emmett Hennessy (paras. 2.53 to 2.56) and Pius Mason (paras. 2.59 to 2.63).

1.71. Messrs. Carr, Mason and Hennessy were put in great fear for their lives. We are of the opinion that Mr. Carr and Mr. Pius Mason should have been offered specific assistance in dealing with the trauma which has been a continuing consequence of their experiences as hostages.

ATTACK ON TTT

1.72. The Molotov Cocktails thrown on the premises of TTT twice before 27 July were preparatory acts on the part of the JAM. As we have indicated at para. 2.24, in respect of NBS, visits by a member of the JAM purporting to be

selling gifts in December 1989, were, in reality, the JAM's method of ascertaining the layout of the TTT building in preparation for a subsequent attack.

1.73. We find that the management of TTT showed a callous indifference to the security of the transmitter sites at Cumberland Hill and Gran Couva prior to the attempted coup. Securing the transmitter sites should have been seen as a priority for this broadcasting facility, especially since the absence of such security had been raised with senior members of management mere weeks prior to the events of July 27.

1.74. We find that Mr. Akii-Bua knew why he was asked by Imam Abu Bakr to come to #1 Mucurapo Road in early July. We do not believe that his first knowledge of an attempt to overthrow the Government was when Juma prayers ended at 2.00 p.m. on 27 July. Mr. Akii-Bua gave conflicting evidence. First, he said that his first knowledge of an attempt to overthrow was when Juma prayers ended at 2.00 p.m. Later, he said that at 2.30 p.m. he did not know that he would be a participant in the insurrection and his first knowledge of his involvement was at 4.30 p.m. We find that Mr. Akii-Bua was too close to Imam Abu Bakr not to have known that an attempt would be made to overthrow the Government.

1.75. We find that Mr. Jones P. Madeira displayed stoic courage and extraordinary leadership in maintaining his equilibrium and equanimity in the face of armed threats. His performance and professionalism deserve national recognition.

1.76. We find that the omission of Imam Abu Bakr to mention in any of his four broadcasts that one of the reasons for the insurrection was the JAM's fear of an attack on their headquarters by the Army and Police was deliberate. Surely, if such fear of an attack were the real reason for the insurrection, or even one of the reasons, the Imam would have informed the population. He did not. We find that the real and pre-eminent reason for the attempted coup was to overthrow the NAR administration and install an interim Government including some members of his group. It is significant that in his fourth broadcast, even before Canon Clarke had received the Major Points of Agreement, Imam Abu Bakr announced that "the new interim Government therefore immediately abolishes all VAT." We find that it was only after the insurrection that the JAM put abroad as an ostensible defence of self-defence, the excuse and smokescreen that they took pre-emptive action against the Government because they feared an attack on their headquarters and leadership.

1.77. We accept that it was not the intention of Imam Abu Bakr and his brethren at TTT to expose the staff to gunfire. When gunmen of the JAM fired

shots in the vicinity of the front of the building, Imam Abu Bakr was genuinely upset and made his objections to such conduct known. The shooting of Mr. Hennessy was an aberration by an errant member of the JAM.

1.78. We find that disabling the TTT transmitters at Cumberland Hill and Gran Couva was an entirely appropriate tactic since it had the effect of reducing Imam Abu Bakr's capacity to use broadcasting facilities to spread his propaganda and message of disaffection. In the circumstances, the establishment of a temporary broadcast facility at Camp Ogden meant that the interim Government was now in possession of a facility from which to make official broadcasts. Mr. Bernard Pantin deserves the highest commendation for his thoughtfulness, foresight and resourcefulness first, in devising a stratagem to bypass broadcasts by Imam Abu Bakr and, secondly, in establishing an alternative broadcast facility from Camp Ogden.

1.79. Capt. George Clarke's deployment of "a platoon minus" consisting of 22 men to the area of the Queen's Park Savannah about 4.30 a.m. on Saturday was an appropriate response. Within 9 hours, he had deployed such soldiers as were available to him.

1.80. We have no concerns with the strategy and tactics employed by the Army. We accept the evidence that, soon after midday on Saturday, the

forces under the command of Capt. Clarke and Major Antoine had compelled the Muslimeen to retreat into TTT and remain confined therein. The Army had effectively contained the insurgents inside TTT. They were now surrounded by the Army with heavier fire power and manpower. By Saturday afternoon, at the Red House and TTT, the captors had become the captives.

1.81. We find that on Sunday, 29 July, the insurgents at TTT knew that an amnesty was being negotiated. We accept the evidence of Canon Knolly Clarke and Mr. Jones P. Madeira that Imam Abu Bakr did harbour ambitions to be appointed as Minister of National Security and even suggested how his appointment might be effected.

1.82. One of the consequences of the declaration of a State of Emergency and curfew on Saturday was that it enabled the Police Service to begin to organise. A second consequence was that the State of Emergency caused reduction in the looting that had been taking place over the previous 18/20 hours. Nevertheless, the overall conduct and response of the Police Service left much to be desired. We deal with these in greater detail in Chapter 8.

1.83. We find that Capt. Clarke's judgment in firing a B300 rocket at the TTT building was unsound. We are not persuaded by Capt. Clarke's explanations

for his decision namely, "to give the JAM something to really shake them up and let them know what time of the day it was" and "to give him an opportunity to evaluate the capability of the weapon to penetrate the wall". Negotiations were ongoing and the firing of the rocket might have derailed those negotiations. Moreover, if the rocket had penetrated the walls of the TTT building, there could have been much loss of life and injury to the occupants, both hostages and insurrectionists alike.

1.84. We find that the timing of the decision by the Board of Directors of the Trinidad Broadcasting Company (TBC), soon after the release of the hostages, that the company would be downsized in anticipation of competition was an insensitive exhibition of the Board's power. The staff were still traumatised following the events of 27 July to 1 August.

ATTACK ON PARLIAMENT

1.85. We received no credible evidence that the absences from Parliament of Messrs. Nizam Mohammed (Speaker), Mr. Patrick Manning (Leader of the Opposition), Mr. Basdeo Panday (Leader of the UNC) at the time of the attempted coup, were the result of prior knowledge of its likelihood. Such evidence as was adduced was of the level of conjecture or hunch. But our duty is to be satisfied on a high standard of proof as to any disputed evidence,

particularly having regard to allegations of such a nature. Applying that standard, we are bound to say that the evidence before us is not of such a nature and quality as to enable us to conclude that it was more probable than not that those persons were forewarned as to what would happen. Imam Abu Bakr has made suggestions in other places that Mr. Manning and Mr. Panday had prior knowledge of the insurrection. We have wholly ignored such effusions of Imam Abu Bakr. He had ample opportunity to appear before the Commission, give evidence on oath and subject himself to cross-examination. He prevaricated and declined to testify.

1.86. We find that when the JAM burst into Parliament shouting and shooting at the ceiling, they intended to force the Parliamentarians into submission and “arrest” them. Prime Minister Robinson, Mr. Selwyn Richardson and Mr. Selby Wilson were particularly singled for physical violence, abuse and humiliation.

1.87. Mr. Robinson’s security detail acted properly and in accordance with their training, in throwing themselves over Mr. Robinson and advising him to lie on the floor. We are of opinion that, if his security detail had fired their weapons at the insurrectionists, there would have been a bloodbath and certain death for many in Parliament that afternoon.

1.88. We find as a fact that the Muslimeen did use words to indicate that Mr. Panday, Mr. George Weekes and Mrs. Muriel Donawa-McDavidson should have safe passage from the Chamber

1.89. In trying to escape from Parliament when the insurgents burst in, Mr. Smart and Mr. Pallackdharrysingh responded instinctively and naturally to a life-threatening situation.

1.90. Mr. Robinson's instruction to the security forces to "attack with full force" was an exceedingly defiant and courageous display of leadership in the face of vicious criminals. We are satisfied, however, that, given the exigencies of the situation, he did not think through the possibility that his instruction may have triggered retaliatory action by the JAM and imperilled the safety of the other Parliamentarians in the Chamber. We find that the shooting of Mr. Robinson and Mr. Richardson by Bilaal was deliberate. However, to the extent that they were both shot in their legs when it would have been easy to shoot them in their heads or chests, we conclude that Bilaal Abdullah did not intend to kill them but to wound and torture them.

1.91. Since we devote an entire Chapter to the circumstances surrounding the amnesty in accordance with our Terms of Reference, we make no findings on the amnesty here except to say that we are satisfied on the

evidence that all of the documents signed by the Parliamentarians were not signed by them of their own free will but, rather, out of fear for their safety and lives.

1.92. We find that Canon Clarke at all material times functioned as a messenger relaying messages among Imam Abu Bakr, Bilaal Abdullah and Col. Theodore. He was never a mediator properly so called and did not function as a mediator.

1.93. Mr. Dookeran's failure to return to the Red House was not an act of bad faith or betrayal. He was physically and mentally exhausted as a result of his traumatic experiences in Parliament. He properly accepted medical and Military advice not to return to the Red House.

1.94. Canon Clarke's return to the Red House on Saturday afternoon probably prevented the murder of the hostages in Parliament. We are convinced that, if he had not returned with the amnesty document, Bilaal Abdullah would have made good his threat to have the NAR Parliamentarians executed. He would have taken that action on the basis of rumours coming to him that foreign forces were likely to attack the Red House. Moreover, owing to Mr. Dookeran's absence, he assumed that Mr. Dookeran had betrayed him and an attack on the Red House was likely.

1.95. From Monday up until the release of the hostages, Canon Clarke was at Camp Ogden. He was isolated by the authorities. Although Canon Clarke told us that he felt as if he were "under house arrest", we have found no evidence to satisfy us that that was so.

1.96. After the amnesty was signed, the JAM in the Red House became conciliatory. Mr. John Humphrey did not cause the delay in release of the hostages. The delay was caused by the protracted negotiations associated with the terms of surrender of the JAM insurgents and, especially, their demand that 15 of them be precepted and allowed to surrender bearing arms or be accorded the status of policemen.

1.97. It was inconsiderate of Bilaal Abdullah to keep Mr. Wendell Eversley, Mr. Mervyn Assam and Mr. Reynold Fernandes as hostages for as long as they were held hostage. We see no reason why they could not have been released on Saturday morning when WPC Olive Ward and Mr. des Vignes were released. They were not Parliamentarians and there was no good reason to hold them hostage.

1.98. Insp. Kenneth Thompson was in dereliction of duty in offering no assistance to Attorney General Smart whom he recognised when they were both fleeing the Parliament. We do not believe that either Insp. Thompson or

Mr. Smart would have been endangered if Insp. Thompson had whispered to him in passing, words identifying himself as a member of Special Branch.

1.99. Dr. Emmanuel Hosein displayed great heroism and leadership during the hostage crisis in the Red House.

1.100. In assigning the insurgents to the different locations, the JAM were careful and strategic. Those who were assigned to the Red House included persons who had had military training in Libya and elsewhere. They were led by Bilaal Abdullah, who stated that he had “experience in negotiations and protocol and stuff”. Bilaal also admitted to having a special interest in guns and shooting experience in Miami. On the other hand, the men whom Imam Abu Bakr chose as his lieutenants at TTT were trusted senior officials such as Kala Akii-Bua, Lorris Ballack, Lance Small and Abdullah Omowale.

FINDINGS AND CONCLUSIONS re THE IMPACT OF THE ATTEMPTED COUP

1.101. Prime Minister Robinson and Ministers Richardson and Wilson were the victims of extreme brutality. Mr. Dookeran was also ill-treated. All of the hostages at the Red House were tortured, put in fear of death and subjected to indignities. The two female MPs, Mrs. Jennifer Johnson and Mrs. Gloria Henry, suffered only slightly less than their male colleagues.

1.102. The vast majority of those who were held hostage in the Red House and at TTT are still suffering from the effects of the stress and trauma experienced in 1990. The psychological scars are indelible. Some victims are still bitter and resentful; others tried to mask their hurt or have us believe that they have forgotten their ordeal. However that may be, we are satisfied that the scars and the memories of the inhumane treatment meted out to the hostages will remain with them for the rest of their lives.

1.103. Business and commerce in Port of Spain were clearly negatively impacted by the insurrection. Arson and looting caused losses estimated by us, on the evidence provided, at approximately \$450,000,000. As a consequence of the destruction wrought in Port of Spain, the nature and culture of business have gone through a metamorphosis. Whereas, prior to 1990, Port of Spain was a desirable centre of shopping for Caribbean persons, after 1990, all that changed. The incidence of crime and violence has become a frightening feature of daily life in Trinidad and Tobago. As a consequence, large numbers of shoppers from neighbouring islands have sought other destinations, while the local population has resorted to the several shopping malls which grew up as one of the consequences of the events of in 1990. Even the architecture of commercial Port of Spain has changed since 1990. It is less appealing and inviting than hitherto.

1.104. The Commission listened sympathetically to the evidence of Mrs. Sybil Sant-Samaroo. Equally, we paid careful attention to the evidence given on behalf of Republic Bank by Ms. Grace Wei. We find that the events of 1990 did contribute, in some measure, to the demise of their businesses. But we also find that the businesses began to suffer serious financial problems prior to the attempted coup. The Bank was indulgent and extended every reasonable business facility to try to assist in rescuing the businesses from ultimate disaster. After 1990 the climate was simply not conducive to a resuscitation of the businesses. No blame can reasonably be attributed to Republic Bank.

1.105. The initiatives of the NAR Government to assist the business community that suffered losses as a consequence of the insurrection were well-intentioned but so complex as not to have been attractive. We received no evidence that successive Governments ever followed up those initiatives or provided any other form of financial assistance to assist the suffering business community.

1.106. We find that the attempted coup and its aftermath had a negative impact on the legal system of Trinidad and Tobago. In particular, the Magistrates' Courts were unable to function for a considerable number of weeks in the Port of Spain jurisdictions. Moreover, scores of pending criminal cases had to be dismissed for want of prosecution because of the loss of relevant

documentation occasioned by the burning of Police Headquarters. After the attempted coup, decisions of the local courts and the Judicial Committee of the Privy Council led to public cynicism about justice and the rule of law.

1.107. So far as the JAM are concerned, there is still resentment against them. We heard evidence that many of the insurgents are no longer alive but grave suspicions still linger about the integrity and credentials of the JAM. Indeed, there are deep-seated concerns as to whether the JAM are, in truth, a law-abiding organisation. Their role in July 1990 still resonates negatively with many persons in Trinidad and Tobago. Their refusal to apologise to the people of Trinidad and Tobago (Jamaal Shabazz and Kala Akii-Bua excepted) has won them no sympathy and is likely to be a stumbling block in the way of effective reconciliation and the meaningful reintegration of the JAM into the society.

1.108. A significant number of the insurgents at the Red House and TTT were boys of tender years, deliberately cultivated and indoctrinated by Imam Abu Bakr. That he chose to arm these boys to carry out a violent attack on the seat of democratic governance in their country and to terrorise innocent workers at TTT, was a most despicable act. With all the energy at our command, we most strongly condemn such conduct.

1.109. It goes without saying that we also condemn the entire adventure indulged in by Imam Abu Bakr, Bilaal and their co-insurrectionists. Witnesses on behalf of the JAM alleged that they still encounter and suffer persecution. This may be self-inflicted by reason of their deeds in 1990. It may also be evidence that the society has not forgotten or forgiven those deeds. The Commission addresses these matters in Chapter 11.

THE CAUSES OF THE ATTEMPTED COUP AND ANY ECONOMIC,
POLITICAL, SOCIAL, HISTORICAL AND OTHER FACTORS WHICH
CONTRIBUTED TO THE ATTEMPTED COUP – ToR 1(i)

AND

THE CONSEQUENCES OF THOSE FACTORS – ToR 2(iii)

1.110. Since “the causes” of the attempted coup are capable of meaning (a) the proximate phenomena which conduced to the attempted coup; and (b) the reasons for it, the Commission’s findings and conclusions adopt those definitions.

1. THE PROXIMATE CAUSE

1.111. Without any hesitation or equivocation, the Commission finds that the proximate cause of the attempted coup was the abject failure of the Special Branch of the Police Service to alert the relevant security and political authorities

in a timely manner or at all of the likelihood of an insurrection by the JAM. This inexcusable omission prevented the Protective Services from taking appropriate counter measures.

1.112. As the Commission sets out extensively in Chapters 4, 6 and 7, Special Branch was seised of an abundance of information and Intelligence from 1988 that the JAM were planning violent action in the Republic. Special Branch had Intelligence that the JAM were contemplating the assassination of Prime Minister Robinson. Special Branch knew that Imam Abu Bakr had vowed "to retaliate" against the Government. Yet the Head of Special Branch never sought a meeting with the Prime Minister, prior to the attempted coup, to apprise him directly of the Intelligence in Special Branch's possession and the seriousness of the threat posed by the JAM. Whereas the Commission finds that Special Branch regularly sent Intelligence reports to the Minister of National Security and the Prime Minister, the Commission also finds that it was thoroughly unsatisfactory that the Head of Special Branch never sought an audience with the Prime Minister.

1.113. The Commission finds it incredible that, although senior officers in Special Branch sincerely believed that violent action by the JAM was imminent, they took no steps to advise the Commissioner of Police as Head of the Police Service or indeed the Head of Special Branch himself. The practice of merely

sending reports upwards to the Head of Special Branch without more, was inappropriate when officers believed, from empirical evidence and Intelligence, that an attack was imminent. 'Pushing paper' was an altogether poor substitute for interactive, face-to-face discussion.

1.114. The Commission finds that the Minister of National Security, Mr. Selwyn Richardson, was aware that the JAM were planning some violent action but he, like many persons in Trinidad and Tobago, never believed that the JAM would act out their violent intentions in an insurrection. The Commission accepts the evidence of Insp. Kenneth Thompson that Mr. Richardson admitted publicly after the attempted coup that he was, in effect, aware that the JAM were mobilising but he did not foresee the nature and extent of their violence.

1.115. The Commission finds that Intelligence Reports were sent under SECRET cover to Prime Minister Robinson prior to the attempted coup informing him that the JAM were planning violence. However, the Commission finds that Mr. Robinson either did not open the correspondence and read it or simply discounted it. The seriousness of the JAM's behaviour was not impressed upon his mind in the way that it might have been if an urgent audience had been sought with him by the Head of Special Branch.

1.116. In a word, national security deficiencies were the primary factor which facilitated the attempted coup.

2. THE REASONS FOR THE ATTEMPTED COUP

1.117. The Commission finds that the JAM had been planning to remove Mr. Robinson from office for a long time. They had a personal hatred of Mr. Robinson and Mr. Richardson. The latter had caused the outpost of Army and Police personnel to be set up outside the JAM's compound at #1 Mucurapo Road on 21 April 1990. This angered the JAM.

1.118. The Commission rejects the evidence given by Imam Abu Bakr in proceedings brought in the USA against Louis Haneef, that the insurrection was spontaneous. The Commission finds that the insurrection was carefully planned, as evidenced by the following:

- (i) Special Branch reports reveal that, in August 1989, the JAM were discussing the assassination of Prime Minister Robinson during the period of Independence activities that year. In September, Imam Abu Bakr, Bilaal and Salim Muwakil were actively plotting the assassination.

- (ii) In October 1989, the JAM were collaborating with members of the Munroe Road Mosque to join with them in a revolution. The JAM were cultivating support for the violent removal of the Government and Imam Abu Bakr was himself negotiating with persons in Libya for money, weapons and ammunition.
- (iii) In October 1989, Bilaal began arranging with Louis Haneef in Florida, the acquisition of weapons and their export to Trinidad.
- (iv) Imam Abu Bakr had negotiated the rental of a warehouse for storage of the weapons in Trincity;
- (v) Feroze Shah, a Customs Officer and member of the JAM, abused his office and facilitated the illegal entry of the weapons into Trinidad and Tobago;
- (vi) By April 1990, the JAM had accumulated a large number of weapons ready for distribution and use at an appointed time;

- (vii) Bilaal, in particular, masterminded and coordinated plans for the insurrection along with Imam Abu Bakr and Hassan Anyabwile.
- (viii) Jamaal Shabazz's evidence, corroborated by Lorris Ballack, was that the JAM intended "to overthrow the Government and install a new Government".
- (ix) Shabazz said that, two weeks before the attempted coup, the decision was taken to move against the Government. This was before a raid on the JAM's headquarters on 24 July.

1.119. The Commission finds that the date of 27 July was carefully chosen because of the following:

- (i) Imam Abu Bakr was a member of SOPO. He knew that SOPO and the Joint Trade Union Movement had nominated 27 July as the date on which the people would have been asked to vote, in a "referendum" launched by those organisations, on the question whether they supported the policies of the Government or not;

- (ii) Imam Abu Bakr and Bilaal were aware of the very great public interest in the football finals set for 27 July at the National Stadium. They calculated that there would have been a large crowd at the Stadium and large numbers of Police Officers would have been deployed there. The attention of the Police would have been diverted to the Stadium.

- (iii) Owing to widespread public discontent with the policies of the Government and the hostile industrial relations climate in the months immediately preceding the insurrection, Imam Abu Bakr and Bilaal assumed that they would have had popular support for their actions.

1.120. The Commission does not discount it as a probability that Imam Abu Bakr received information from his contacts within the Protective Services that an attack on the JAM's headquarters was being planned. If the evidence of such an attack is true, it is clear from Jamaal Shabazz's evidence, that the information came at least three months before the attempted coup. Between April and July 1990 no attempt was made by the Protective Forces to carry out such an attack. Only the Police raided a dormitory on 24 July. Accordingly, the

Commission finds that the insurrection was planned for 27 July two weeks before that date and for the strategic reasons mentioned above at para. 3.17.

1.121. The Commission finds that the JAM may have feared an attack on their headquarters because:

- (i) they had previously experienced a series of Police raids of their compound;
- (ii) they had seen the demolition of the Mecca Entertainment Complex in June. Hence the invitation to Clive Nunez to come to #1 Mucurapo Road two days before the attempted coup to discuss with them;
- (iii) three days before the attempted coup, Ivor Blackman J had dismissed the JAM's application for judicial review of the decision to encamp the Army and Police at #1 Mucurapo Road, thereby leaving the outpost intact and as a possible staging point for an attack against the JAM. The above matters, taken collectively, might reasonably have operated on the minds of the leadership of the JAM.

1.122. Having weighed all the probabilities, the Commission finds that the real reason for the attempted coup was a long-held determination to remove Prime Minister Robinson and the NAR Government from office and install a new Government including some members of the JAM. The JAM's allegations that they feared an attack on their headquarters that would wipe out the leadership, was not the prime reason for the attempted coup. It was an excuse rooted in notions of self-defence and was made to justify their actions. Fear of an attack vouchsafed to the JAM in April 1990, according to them, cannot satisfactorily explain their preparations in 1989 to acquire arms and money.

FINDINGS AND/OR CONCLUSIONS – CONTRIBUTORY FACTORS

(1) ECONOMIC FACTORS

1.123. Economic and fiscal policies pursued by the NAR Government contributed to widespread dissatisfaction, discontent and disaffection with the NAR Government prior to the attempted coup. These policies were a necessary response to the conditions which the NAR met upon assumption of office.

1.124. Under the previous PNM Government, Trinidad and Tobago had experienced severe economic recession between 1970 and 1973. The balance of payments was in deficit and the foreign reserves were in a very parlous state. After 1973, as a result of massive increases in petroleum prices and growth in domestic petroleum production, the deficits were transformed into surpluses.

During the period 1974-1980, Government's revenues grew spectacularly, averaging 44% annually.

1.125. The PNM Government correctly 'locked away' surplus revenues in a number of special accounts, restructured debt and started major capital projects to stimulate growth and employment. Spending was unrestrained and unsustainable. By 1982 the dark clouds of economic recession and depression were gathering on the horizon. The then Prime Minister, Hon. George Chambers, was moved to remind the population that "the fete is over".

1.126. The five years immediately preceding the NAR's term of office saw Trinidad and Tobago once more slide into recession. That period (1984-1986) saw the virtual depletion of the foreign reserves, sharp increases in unemployment, the dissipation of the funds 'locked away' in special accounts, constant industrial relations conflict and mass demonstrations.

1.127. It is our finding that when the NAR assumed office in December 1986, they were confronted with a Treasury that was, in a manner of speaking, almost empty. The foreign reserves and savings were depleted. There was a massive debt burden of \$7.4 billion. The economy required rescue and resuscitation. To achieve these ends, drastic corrective action was required. The Government's fiscal, monetary and economic options were limited. They would involve pain for the people.

1.128. The NAR took the necessary action courageously. But four initiatives upset and angered the people. These were (a) suspension of the Cost of Living Allowance (COLA) 1987; (b) entering into a programme with the International Monetary Fund (IMF) 1988; (c) reducing the salaries of public sector workers by 10% in January 1989; and (d) enacting the Value Added Tax Act (VAT) effective 1 January 1990.

1.129. By 1990 the Government was seeing a turnaround in the economy. The balance of payments had strengthened, the foreign reserves had doubled in one year, the petro-chemical sector had recorded strong growth in 1989 and the Government was satisfying the criteria of the IMF programme. The Commission accepts that the NAR Government was also implementing the series of measures enumerated at para. 3.81 to bring relief to the people.

1.130. But the Government did not communicate effectively with the people to convince them of the need for austerity. When the economy and the fortunes of the country began to turn around, the Government did not apprise the people of what it was doing in their interests. This communication deficit allowed discontent among the people to fester.

1.131. Moreover, the first six months of 1990 were characterised by industrial unrest. There was a General Strike and mass demonstrations around the Red House by public sector workers, including nurses, teachers and even the police. The Government appeared to be disconnected from the people it represented and unmoved by the burgeoning discontent. The country was becoming ungovernable.

1.132. The Commission finds that some members of the NAR Government were aware of the societal discontent but the leadership was complacent in the knowledge that the economy and the Government's programmes were beginning to "move into positive territory".

1.133. No one in the Government seemed to appreciate that the economic situation had engendered such antipathy to the Government that it could create a platform of instability and an environment that would encourage Imam Abu Bakr to believe that he could launch an armed offensive against the Government which would receive popular support.

(2) POLITICAL FACTORS

1.134. While the NAR Government was forced by fiscal and economic circumstances not of its own making to respond with austere measures, a

combination of self-inflicted political wounds weakened the authority and popularity of the Government in the years preceding the attempted coup. The coalition experiment failed.

1.135. Plainly, the economic policies to which we referred at (1) above, were political decisions. But other factors of a purely political nature created instability in the Government and the country.

1.136. The Commission finds that the personality and style of the Prime Minister distanced him from his Ministers and Parliamentary colleagues. He was perceived by them as being arrogant and aloof and insensitive to the reality that, among the membership of the coalition, his Party (DAC) had only two seats in Parliament.

1.137. It was a mistake for the Prime Minister to interfere or appear to interfere in other Ministries and allow persons outside the Cabinet to seemingly be more influential than members of the Cabinet. This had adverse political consequences for the NAR Government.

1.138. Mr. Panday, as leader of the ULF, ought to have offered leadership to his colleagues when he was approached for guidance. Admittedly, Mr. Panday was inexperienced in the modalities of Cabinet Government but he was a vastly

experienced politician, accustomed to conflict, which is a commonplace of trade union activity. We find that he was most magnanimous in recognising, as he stated in his evidence to the Commission, that the country was not ready for an Indian Prime Minister in 1986. Notwithstanding that he brought the largest number of seats to the coalition, he supported Mr. Robinson to be the leader of the NAR.

1.139. The Commission finds that race, which has always been an issue in the politics of Trinidad and Tobago, permeated the operations of the Cabinet and the mantra of the NAR, "One Love", was short-lived.

1.140. Some Ministers did not show fidelity to the principles of Cabinet Government based on 'the Westminster model' and pursued their own agendas and interests. The Commission understands and appreciates that there was a genuine and sincere concern to try to implement Manifesto commitments. Nevertheless, a way ought to have been found to deal with the difficulties of implementing Manifesto promises in harsh economic times while at the same time displaying fidelity to time-honoured principles of Cabinet Government.

1.141. Having regard to the inexperience of the Cabinet, it is a matter of regret that, prior to taking up their Cabinet assignments, members were not brought together in a Retreat to discuss the practicalities of Cabinet Government.

Such a Retreat, informed by contributions from former Ministers, former senior public officials and the Secretary to the Cabinet, would have been a valuable exercise.

1.142. Open conflict between Mr. Robinson, Mr. Panday and Mr. Humphrey in respect of certain policy initiatives adversely affected the cohesion of the Cabinet. Mr. Panday had committed the NAR during the pre-election campaign to the establishment of an Indian Cultural Centre (ICC). He negotiated with the High Commissioner for India to Trinidad and Tobago to have the project become a reality. We find that the rejection of the relevant Cabinet Note, on Mr. Robinson's instigation, embarrassed Mr. Panday and upset the Indian community in the Republic. We accept the evidence of Dr. Emmanuel Hosein and Hon. Winston Dookeran that rejection of the project was "a denial of the aspirations" of the Indian community and delayed their "sense of belonging to Trinidad and Tobago". Surely, a compromise between two mature politicians may have averted the fracture that was the consequence of their seeming intransigence.

1.143. In the case of Mr. John Humphrey, his ideas of a tri-sector partnership comprising the State, the private sector and the leaders of labour, were committed to paper in the Manifesto. So too were the Sou Sou Land project and the Trinity dollar. As such, they should have been discussed in the

Cabinet. Even though the idea of the Trinity dollar was rejected by the Cabinet, we are satisfied that the other initiatives were not accorded mature consideration. But it was a breach of the principles of Cabinet Government, especially the principle of collective responsibility, when Mr. Humphrey persisted in promoting the Trinity dollar idea in public in defiance of the Cabinet decision. We accept Mr. Selby Wilson's evidence that Mr. Humphrey openly criticised the Prime Minister in public. In the Westminster style of Government, a Prime Minister could not be expected to condone public criticism of himself/herself by a Cabinet colleague. Dismissal from the Cabinet was a logical response.

1.144. We find that by the end of 1987 members of the NAR in the Cabinet were openly criticising each other and the Prime Minister. The ULF members of the NAR felt that they were being marginalised. Two articles in the Express newspaper, "The ULF Grab for Power" and "the Indianisation of the Government", helped to fuel the simmering flames of race politics in the Government. All these phenomena chipped away at the unity and cohesiveness of the NAR and the Government.

1.145. When the original Cabinet was required to resign on 26 November 1987 but was reappointed two days later minus Mr. Humphrey and with the portfolios of the ULF members reduced, the very survival of the Cabinet was threatened. It did not survive much longer. Dismissal of Messrs. Panday,

Sudama and Ramnath in February 1988 would have shaken the foundations of the Cabinet. The ostensible unity of the society which was promised by the mantra of "One Love" was severely undermined. The situation was exacerbated by the perception that the NAR was the political vehicle which permitted Indo-Trinidadians, and particularly rural Indo-Trinidadians, to participate in the political process. The response of the ULF members in Parliament and the dismissed Cabinet members was to organise themselves as CLUB 88 on 16 March, 1988. They then established a new political party, the United National Congress (UNC) on 16 March, 1989 under Mr. Panday's leadership. We find, on the evidence, that no real attempt was made to repair the split in the NAR. It is true, however, that the Nanga Committee was established to identify the problems in the Party and determine their causes. We find that this was a worthwhile initiative but the report and recommendations of that Committee seem not to have been effective in healing the political wounds.

1.146. With the formation of the UNC, the NAR was confronted by two opposition Parties with mass support. The PNM relied on its traditional support and the UNC had control of the former ULF constituencies. The country was once again divided along lines of race, viz. Afro-Trinidadians and Indo-Trinidadians.

1.147. The Commission finds that, in the words of Mr. Mervyn Assam, “the combined forces of the Opposition launched an *ad hominem* attack on Mr. Robinson”. This strategy of weakening the head, combined with the reality of the split in the NAR and the austerity programme being pursued by the Government, made it very unpopular. And even though by 1990 there was discernible improvement in the economy and the Government was making positive interventions in several areas, it became disconnected from the people and its communication with them was poor.

1.148. The Commission finds that the concerns identified by Mr. Theodore Guerra in his letter of 5 February, 1988 remained unaddressed. He had warned of “destitution, despair and desperation of the average man in the street, especially the unemployed”. – see para. 3.128.

1.149. The Commission finds that the Government was properly pre-occupied with the problems of governance and tried to move the country forward. However, it failed to ensure that the reasons for austerity and its positive achievements were effectively communicated to the people.

1.150. The Commission recognises that Ministers and Parliamentary Secretaries are consumed by the weight of administration of their various departments – almost on a 24/7 basis. There is a real possibility of such persons

becoming desk-bound. Nevertheless, time must be so organised and managed as to allow for regular interaction with the people.

1.151. The problems of the Government were exacerbated by the hostile industrial relations climate that pervaded the country during the first six months of 1990. SOPO played no small part in fomenting discontent and the trade union movement was unrelenting in its application of pressure against the Government. The Government was under attack on several fronts.

1.152. We find that the leadership of the fractured NAR paid too little attention to its opponents and their messages. Even when he gave evidence to the Commission, Mr. Robinson seemed to be dismissive of SOPO and Canon Clarke. Mr. Robinson seemed to think that Canon Clarke and SOPO represented "a strong communist movement which had influence in Trinidad and Tobago". All the more reason why he should have been monitoring what they were preaching and its effects on the masses.

1.153. The Commission does not believe that the Tesoro scandal and the debate in the Parliament during July 1990 precipitated the attempted coup. Indeed we are of opinion that the public had pronounced on alleged corruption under the PNM Government by its massive vote against that Government in December 1986. Between 1986 and 1990 the problems of the Republic were

fiscal, economic and social. The electorate desired the NAR Government to deal with those problems. Any concentration on corruption in 1990 was likely to be misplaced and, probably, a waste of political powder and shot in the context of the real problems affecting the society as a whole.

(3) SOCIAL FACTORS

1.154. The Commission reiterates its finding that, by 1990, the core problems and concerns identified by Mr. Theodore Guerra in early 1988 had not been successfully addressed. But we hasten to add that those problems did not originate with the NAR Government. By 1986, the economy had returned to recession under the PNM. Unemployment was unacceptably high, workers were being retrenched, companies were closing and bankruptcies were becoming commonplace. The youth and the poor were the greatest sufferers. Their condition remained static.

1.155. With the introduction of a period of austerity under the NAR, social conditions continued to deteriorate as a consequence of the economic state of the country. Foreclosures, bankrupt businesses, redundancies and unemployment took a severe toll on the human spirit and reduced the disposable income of the people. The poor and marginalised were put under extreme strain. Health services were unable to cope because of a lack of funding and the

social welfare agencies could not respond adequately to the demands made upon them. Homelessness increased.

1.156. The impact of the austerity measures bore heavily upon the family structure and its stability. People who had moved away from parents were obliged to return for parental security and solace. Domestic conflict was inevitable. Many young children engaged in truancy.

1.157. The Commission accepts that the JAM at #1 Mucurapo Road offered sanctuary to disenchanted youth and persons in distress. That organisation filled some of the void in the health services, for example, by the provision of spectacles. And the JAM provided food, shelter and a welcoming environment. The youth were attracted to the JAM.

1.158. We accept the evidence of Mrs. Verna St. Rose-Greaves that young men –

“were excited by the religion, its practices, doctrine and rituals and looked forward to participating.....Many spoke of first going to the Muslim community for help, receiving help and staying.”

For the JAM, this was a captive cohort.

(4) THE DISPUTE CONCERNING THE LANDS AT #1 MUCURAPO ROAD

1.159. Historically, the tenure of the lands at #1 Mucurapo Road has posed problems for the Government of Trinidad and Tobago. For over thirty years, there has been an unresolved dispute among the JAM, as occupiers of the land for most of that time, the Government and the Port of Spain City Council.

1.160. The Commission identified seven issues which are germane to this long standing dispute. These are: (a) the history of occupation of the lands; (b) the ownership of the land and the amount of land in dispute; (c) the use and occupation of the lands; (d) efforts to settle the dispute; (e) the occupation of part of the lands by the Army and the Police in April 1990; (f) litigation concerning the land; (g) the JAM's schools; (h) the State's attitude to schools run by the JAM. On all these issues, the Commission makes findings and we also discuss and make findings relating to attempts to resolve the dispute out-of-court and in court.

Issue #1 – History of Occupation of the Lands

1.161. The first occupier of the lands was the Islamic Missionaries Guild (IMG). The IMG approached the then Government in 1965 with a view to establishing an Islamic Cultural Centre (ICC) in Trinidad and Tobago. The Prime Minister, Dr. Eric Williams, promised to provide the IMG with land. On 23

January 1969, the Permanent Secretary, Ministry of Planning and Development, wrote to the IMG offering them the site at #1 Mucurapo Road and “[authorising them] to enter the land to carry out any works necessary for the construction of the Centre” (ICC). – see para. 3.213. The City Council did not object to the proposal of the central Government and signified its approval in correspondence addressed to the Permanent Secretary dated 5 February 1969.

1.162. The Commission finds that, at that time, the lands were mostly swamp and mangroves. The City Council permitted the IMG to begin construction works for the ICC. The land was fenced and a site office and storeroom erected. A plan of the land was drawn by the Director of Surveys, Mr. G.A. Farrell. The land was said to measure 8 acres, 2 roods and 5 perches and the notation on the survey plan was that the land was “to be leased for a site for an Islamic Cultural Centre”. The IMG never received a lease.

1.163. On 3 August, 1969 the foundation stone for the ICC was laid. Subsequently, architectural plans were drawn.

1.164. Despite a controversy with another Muslim organisation, the Anjuman Sunnat-al-Jamaat Association (ASJA), the IMG continued in possession of the lands. Some persons belonging to the then unincorporated JAM were on part of the lands around 1972. Imam Abu Bakr was not in Trinidad and Tobago

at that time. But the unincorporated JAM remained on the lands for at least six years after 1972.

1.165. The Commission accepts the findings of Brooks J. in the High Court Action No.3982/1990 that “from 1972 onwards the unincorporated Jamaat went into occupation and possession of the Corporation’s [City Council’s] lands at Mucurapo”.

1.166. However, the Commission also finds that, by letter dated 24 October 1977, the IMG sought permission from the Sub-Intendant of State Lands to continue filling the site up to 5 November, 1977. Permission was granted but the IMG were instructed to undertake no other construction work on the site. Indeed, the IMG were advised in early November 1977 by the central Government to look for an alternative site for the ICC and they did so. The IMG paid the requisite rates and taxes to the City Council and, at no time, were they asked to sign a lease either by the State or the City Council.

1.167. The Commission finds that, after Imam Abu Bakr returned to Trinidad and Tobago in November 1978, he took possession of the lands. He sought the IMG’s permission and they acceded to his request. In this regard, we believe Mr. M.K. Hosein’s evidence that Imam Abu Bakr “booted out” the IMG, took over and took possession of the site.

1.168. The Commission also accepts Mr. Hosein's evidence that the IMG were always compliant with the instructions of the central Government and/or the City Council. They built no permanent structures. When the IMG removed themselves, the way was clear for Imam Abu Bakr and the JAM to begin consolidating themselves on the lands. The IMG, who had authority to be on the lands, were gone. The JAM who had no authority began to squat or to continue squatting.

Issue #2 – The Amount of Land and its Ownership

1.169. The Commission has no hesitation in accepting the testimony of Mr. Andrew Bowles, Director of Surveys. A key feature of the survey plans since 1969 is that they identify a Sewer Trunk Reserve (STR), 80 feet wide, which traverses the entirety of the 8 acres, 2 roods, 5 perches originally under the possession of the IMG.

1.170. The STR in effect demarcates two separate parcels of land in different ownership but comprising, in total, 8 acres, 2 roods, 5 perches. The Commission finds that that parcel or portion of land north of the STR and comprising 1.5203 hectares is owned by the City Council. That parcel or portion of land, south of the STR and comprising 1.9324 hectares is owned by the State.

1.171. The Commission finds that the letter from the Permanent Secretary, Ministry of Planning and Development, dated 23 January, 1969 is the source of the confusion that has since attended the issue of the lands at #1 Mucurapo Road. In that letter, the State purported to deal with land which it did not own, namely, the 1.5203 hectares owned by the City Council. Since the IMG genuinely believed that they were entitled to go into possession of all the lands (8 acres, 2 roods, 5 perches) and, indeed, took possession thereof, the JAM, as successor-occupants to the IMG, believed that they were entitled to occupy all of the lands.

1.172. The Commission finds that all of the parties laboured under an original mistake both of fact and law. The State purported to transfer land which it did not own. The IMG, being aware of the true facts, purported to take possession of the entire lands and deal with them as they were permitted. Subsequently, the JAM, believing that the entire lands were to be used for construction of an ICC, took possession of and laid claim to all of the land.

Issue #3 – Use and Occupation of the Lands

1.173. The Commission finds that, without approval of the City Council and the Chief Town Planner, from 1984 the JAM constructed a series of buildings on that portion of the lands belonging to the City Council – see para. 3.251.

However, the JAM trespassed on lands owned by the State by placing containers on the lands and erecting a school building on it.

1.174. The Commission also finds that the school is constructed over a part of the STR. This construction has effectively denied the Water and Sewerage Authority (WASA) access to manhole #478 and this is a matter of significant concern to WASA and the Government.

1.175. The Commission finds that, for over ten years, the Government or its agencies have written to the JAM protesting the encroachment of the school on the STR but no firm action has followed. Similarly, the City Council has, since 1987, been aware of unauthorised construction work being carried on by the JAM. The JAM have been served, time and again, with notices of intended prosecution but the threats of prosecution have never been carried out.

1.176. The Commission finds that the empty threats made by the authorities and their failure to take decisive action are clear evidence of a breakdown in the rule of law.

1.177. Except for the *ex parte* Injunction obtained by the City Council against the JAM in 1984, no other legal proceedings were commenced by the

City Council or the State against the JAM's illegal occupation of the lands and construction of properties thereon.

Issue #4 – Efforts to Settle the Dispute

1.178. The Commission finds that the Prime Minister, Mr. Robinson, authorised Dr. Brinsley Samaroo as Minister who had responsibility for Local Government, to try to find a formula for resolving the JAM's illegal occupation of the lands.

1.179. The Commission finds that Imam Abu Bakr was offered 5 acres of the land on a 20-year lease. We find that Imam Abu Bakr initially agreed but subsequently reneged on his agreement when instructions were to be given for preparation of the formal documentation. In like manner, Imam Abu Bakr rejected an improved offer of 10 acres and effectively scuttled the negotiations. The Commission is satisfied, on the evidence, that the NAR Government made *bona fide* attempts to resolve the land issue with the JAM. The situation became intractable because of the propensity of Imam Abu Bakr to "shift the goalposts" in respect of the amount of land which should reasonably have been made available to the JAM. We entirely endorse the comment of one witness to the effect that Imam Abu Bakr would not have been satisfied "unless he got the whole of western Port of Spain".

1.180. We find that, at all times, Imam Abu Bakr was unreasonable, untrustworthy and negotiated in bad faith. He deliberately caused negotiations to fail.

1.181. We find that it was always made a condition of any arrangement or agreement that the JAM would be required to incorporate. In this regard, the Commission notes that the JAM were registered and incorporated in November 1989.

1.182. The Commission finds that the JAM knew and accepted on 18 June 1990 that 3.4 acres of land which they had been occupying were and are owned by the City Council and the remaining portion was and is owned by the State. See letter of 20 June 1990 at para. 3.299.

1.183. The Commission is satisfied that attempts were made by the City Council in June 1990 to discuss and resolve with the JAM the unauthorised construction of buildings on the City Council's lands. The JAM, for their part, submitted plans of the unauthorised structures for approval by the relevant authorities. No enforcement proceedings, which may have included demolition of the unauthorised structures, were undertaken apparently because the City Council was awaiting the decisions of the relevant authorities.

Issue #5 – Occupation by the Protective Services

1.184. The Commission finds that on 21 April, 1990, on instructions from the Minister of National Security, the Army and the Police set up outposts near the JAM's compound at #1 Mucurapo Road.

1.185. The Army's specific instructions were to prevent further intrusion on State lands.

1.186. The Commission finds that, notwithstanding its specific and express task, the Army ought to have paid greater attention to what was happening at the compound. The Army did not perform any Intelligence-gathering function in respect of the JAM because Special Branch had not shared its Intelligence with the Army.

1.187. The Commission finds that the establishment of the outpost annoyed the JAM and its presence induced the leadership of the JAM to believe that it could be used as a staging post for an offensive against the JAM. The Commission had no reliable evidence to corroborate the evidence of the JAM's witnesses that the Police and Army were peeping at their women while they were bathing.

1.188. The JAM sought judicial review of the decisions to establish the outpost but the application was dismissed for the reasons adverted to at para. 3.322.

Issue #6 – The Schools

1.189. Although the treatment by the State of the schools built at #1 Mucurapo Road by the JAM was not suggested to the Commission as a factor contributing to the attempted coup, the Commission is of the view that it is inextricably linked to the whole matter of the use and occupation of the lands.

1.190. The Commission is satisfied that the City Council and the State have been aware that a primary and a secondary school have been constructed without planning permission at #1 Mucurapo Road since the early 1980s. Notwithstanding the unauthorised construction, the Ministry of Education has registered the schools but has also consistently refused to accord the schools 'Assisted School Status', and to have the primary school included in the School Nutrition Programme.

1.191. The Commission finds that there are two overarching concerns of the Ministry of Education, namely, the location of the Islamic College within the

STR and evidence of ownership of the land for more than 50 years. Both of these matters raise serious challenges for the JAM.

1.192. With regard to the question of ownership, the Commission notes that, on 18 October, 1993, the City Council formally leased its portion of the lands to the JAM at an annual rent of \$6,000. No plausible reason was given to the Commission for the failure to inform the JAM before 25 March, 1988 that the President of the Republic had approved a lease five years earlier. We think that the delay could not be attributable to 'bureaucratic bungling'.

1.193. In respect of the location of the STR, the Commission recommends that, in the public interest, the portion of land occupied by the school be compulsorily acquired with payment of appropriate compensation. However, prior to such State action, the Commission recommends that the parties enter into negotiations to discuss and settle the issues consequent upon compulsory acquisition, for example, relocation of the school elsewhere.

(5) OTHER SUGGESTED CONTRIBUTORY FACTORS

1.194. The Commission finds that the allegations of Jamaal Shabazz that WPC Bernadette James saw Ministers Richardson and Atwell examining cocaine in a room at Piarco Airport were and are baseless. Furthermore, there is no

credible evidence that WPC James was killed in order to silence her from disclosing what she allegedly saw.

1.195. The Commission finds that the manner in which Bernadette James died was the subject of malicious gossip which, in a small society, can easily be elevated to rumour and given the currency of fact. We accept that the allegations have caused Mr. Richardson's widow and Mr. Atwell great hurt and distress.

1.196. The Commission finds that, even if the Bernadette James affair resonated with the leadership of the JAM, it played no real part in their decision to attempt the coup.

1.197. Similarly, the Commission finds that the dismissal of the judicial review application a few days before the attempted coup was not a factor which contributed to the insurrection.

THE UNDERLYING PURPOSE AND EXTENT OF AND THE INTENTION
BEHIND THE PLOT THAT LED TO THE ATTEMPTED COUP
- ToR 1(ii)

FINDINGS AND/OR CONCLUSIONS

1.198. As indicated in Chapter 3, there is a nexus between the matters raised in this Chapter and the first of our Terms of Reference. Since we have made our findings in respect of the causes (in the sense of the reasons for the insurrection) at Chapter 3, we have sought to eschew repetition in this Chapter but some repetition is unavoidable if only for consistency.

1.199. Thus, the Commission repeats its finding that the purpose of the attempted coup was to overthrow the Government and install a new Government of which members of the JAM would be a part. Planning and preparation for such an event were long and extensive. The JAM's overriding intention was the removal of Mr. Robinson and Mr. Richardson from office in the hope that the Government would fall consequentially. As Lorris Ballack said, "the important thing was to get rid of Robinson and the NAR and put a new Government in place". The evidence of Mr. Dookeran and other hostages of their conversations with insurrectionists in the Red House supports the Commission's conclusions that the main objective of the attempted coup was the overthrow of the Government.

1.200. If the JAM could have achieved their objective, they intended that Mr. Dookeran should act as the Prime Minister pending the supposed 'election in 90 days'. We make this finding, having regard to the evidence of Jamaal Shabazz, Lorris Ballack and the document headed "Major Points of Agreement".

1.201. The Commission finds that, prior to 27 July, 1990, Mr. Dookeran had no knowledge of the JAM's intention to seek to have him appointed as Prime Minister.

1.202. The Commission finds that, after the JAM had received all of the weapons from Louis Haneef in April 1990, they accelerated plans for the overthrow of the Government. In April 1990, the precise date for the insurrection was not decided. That date was chosen at a time closer to 27 July, 1990 when—

- (i) the JAM became aware that SOPO was planning a "referendum" for 27 July;
- (ii) they calculated that the holding of a "referendum" would require the deployment of substantial numbers of Police Officers throughout the country; and

- (iii) they knew that the football finals between Trinidad and Tobago and Jamaica were scheduled for that date and Police Officers would have been performing duties at the stadium some distance away from Police Headquarters, the Red House and TTT. Accordingly, they hoped to take advantage of what they perceived would have been a reduction in the number of available Police Officers to respond adequately to attacks at Police Headquarters, TTT and Radio Trinidad.

1.203. The Commission does not doubt that the JAM had sources within the Ministry of National Security and the Protective Services who may have informed them that there was a likelihood of a raid at their headquarters. Such raids had taken place before. Indeed, on 24 July, 1990, the Police had raided a dormitory. This angered Imam Abu Bakr who promptly complained to Lt. Col. Vidal and Acting Police Commissioner Headley. But, for the reasons expressed in the preceding paragraph, and because of the raid on the dormitory just three days before the attempted coup, the Commission is not convinced that the events of 27 July were spontaneous.

1.204. The Commission finds that the excuse of an apprehended attack at #1 Mucurapo Road to wipe out the leadership of the JAM was made to camouflage the JAM's real reasons for the attempted coup and to proffer a

defence for their offensive. The Commission finds it more than passing strange that, at no time in his broadcasts, did Imam Abu Bakr inform the population that he staged the attempted coup in defence of their properties and their lives. In point of fact, the Commission found no evidence that he mentioned the issues at #1 Mucurapo Road as even one of the reasons for the attempted coup.

1.205. Further, the Commission finds that, in his first few broadcasts, Imam Abu Bakr purported to explain that the reasons for the attempted coup were rooted in discontent and dissatisfaction with the social and economic conditions in Trinidad and Tobago under the NAR. – see para. 4.40 supra. As Mr. Jones Madeira reinforced,

“Their message to me was that the Government was uncaring, not serving the interests of the people, and they had to get involved.”

1.206. The Commission thinks that attribution of their criminality to a desire to alleviate the consequences of the austerity measures was an attempt to trade upon the widespread discontent in the society, promoted and fomented by SOPO and the trade unions.

1.207. Thus, the Commission finds that the JAM were seeking popular acceptance for their conduct by the invocation of reasons for which the JAM assumed that they would have had public support and approbation.

1.208. As events turned out, the JAM had little or no popular support. They misjudged the mood, temper and commonsense of the people of Trinidad and Tobago. Obviously, the people were not prepared to be led by Imam Abu Bakr and his co-conspirators.

1.209. The Commission accepts the evidence of Jamaal Shabazz that “the main aim was to overthrow the NAR...we had a lot of meetings with SOPO, not to discuss the overthrow but that SOPO would be part of the aftermath.” The Commission carefully noted Mr. Shabazz’s evidence that “the JAM were to be the ones to start the thing.” We have construed “the thing” as meaning the overthrow of the Government. Implicit in Mr. Shabazz’s evidence are notions of planning and strategizing.

1.210. The Commission finds that the public platforms and anti-Government campaigns mounted by SOPO and attended by large numbers of disaffected persons, encouraged the JAM to believe that the time was propitious to attempt an overthrow of the Government.

1.211. The Commission finds that the JAM were irritated and angered by the following which led them to believe that they were being persecuted:

- (a) the constant raids on their headquarters;

- (b) the encampment of the Protective Services at #1 Mucurapo Road;
- (c) the stopping and searching of members when leaving the headquarters;
- (d) the non-regularisation of their tenure of the lands.

1.212. However, the Commission is of the view that issues concerning the lands at #1 Mucurapo Road were subsidiary to the primary objective of the JAM, i.e. to remove the NAR Government from office by violent means and install a new Government.

1.213. The Commission accepts that the JAM felt passionately about the lands at #1 Mucurapo Road. They had developed them over time. The Commission accepts that they would have defended any attempt forcibly to divest them of the lands with their lives and were prepared to wage a Jihad in defence of the lands. The transcripts of conversations between Bilaal and Imam Abu Bakr convince us of the intensity of their attachment to the lands. However, those conversations do not derogate from the main objective of the attempted coup, as we have found.

1.214. As to the *extent* of the plot, the evidence reveals and the Commission finds:

- (i) that the attempt to overthrow the Government had a long gestation period, during which time the JAM illegally acquired a relatively large amount of weapons;
- (ii) that their weaponry consisted mainly of shotguns, single shot rifles and a few automatics, according to Capt. George Clarke;
- (iii) that the fire power of the JAM was no match for that of the Army;
- (iv) the plot extended beyond the shores of Trinidad and Tobago. Financing was obtained principally from Libya and Saudi Arabia. Key members of the JAM were sent to Libya for military training and others trained locally in remote parts of Trinidad. Arms were acquired in the USA by Louis Haneef and exported to Trinidad concealed in plywood. Their illegal entry into Trinidad appears to have been facilitated by a Customs Officer.

- (v) Imam Abu Bakr rented a warehouse in Trincity from Nello Suite for storage of what was ostensibly plywood but which, in fact, concealed the weapons.

1.215. The Commission finds that, in April 1990, the leaders of the JAM, having acquired what they considered to be an ample supply of weapons, accelerated their strategy for the eventual insurrection on a date to be decided later.

1.216. The date, 27 July, was finally decided about three weeks before 27 July.

1.217. Personal hatred of Messrs. Robinson and Richardson were significant factors in the JAM's decision to attempt an overthrow of the Government. As we said in Chapter 3, the JAM believed that if they could have removed Mr. Robinson as 'head', the body of the Government would fall. It is noteworthy that in negotiations for an amnesty, Mr. Robinson's resignation was the first order of business.

1.218. The Commission finds that the JAM did dream of and harbour a desire for Trinidad and Tobago to become an Islamic State. It was 'a long-term project' as some witnesses characterised it. Certainly, Imam Abu Bakr and Bilaal

advocated the desire in meetings, as is evidenced by the Special Branch reports. And some of the insurgents alluded to it in discussions with some of the hostages. However, the Commission finds that it was an unrealistic objective, incapable of achievement in 1990.

ENQUIRY INTO:
ANY CRIMINAL ACTS AND OMISSIONS, INCLUDING
LOOTING, WHICH WERE COMMITTED IN CONNECTION
WITH THE ATTEMPTED COUP AND THE MOTIVES AND OBJECTIVES
OF THE PERPETRATORS OF SUCH ACTS OR OMISSIONS – ToR 1(iii)
AND
THE PROSECUTION OF PERSONS FOR CRIMINAL ACTS OR OMISSIONS
IN CONNECTION WITH THE ATTEMPTED COUP – ToR 2(vii)

FINDINGS AND CONCLUSIONS

1.219. Having regard to the totality of evidence adduced to the Commission, we make the following findings.

1. COMMISSION OF CRIMINAL OFFENCES

1.220. We have indicated elsewhere the relevant sections of various statutes which, in our opinion, were contravened prior to and during the period covered by the amnesty, viz. 5.30 p.m. on Friday, 27 July, 1990 to 1 August,

1990. For the purposes of this Part of the Chapter, we list only the titles of the statutes:

- Treason Act, Chapter 11:03
- Firearms Act, Chapter 16:01
- Explosives Act, Chapter 16:02
- Offences Against the Person Act, Chapter 11:08
- Accessories and Abettors Act, Chapter 10:02
- Malicious Damage Act, Chapter 11:06
- Sedition Act, Chapter 11:04
- Riot Act, Chapter 11:05
- Summary Offences Act, Chapter 11:02
- Larceny Act, Chapter 11:12
- Military Training (Prohibition) Act, Chapter 15:05

1.221 However, in relation to offences committed prior to the period covered in the amnesty document, the offenders may, technically, be still liable to prosecution for those of an indictable nature, including the several conspiracies identified hereunder:

- Conspiracy to import illegal firearms
- Conspiracy to traffic in illegal firearms
- Conspiracy to carry firearms in a public place
- Conspiracy to discharge illegal firearms in a public place

- Conspiracy to commit damage to real property
- Conspiracy to blow up Police Headquarters
- Conspiracy to commit treason

1.222. However, in the light of the advice of the Privy Council that prosecution four years after the insurrection may well have resulted in a plea of abuse of process, the Commission strongly recommends that no prosecution should be commenced against the perpetrators of those offences, twenty-four years after the event. To do so would be an abuse of process.

1.223. Moreover, to initiate prosecutions after such a long time would be contrary to one of the objectives of this Commission of Enquiry, namely, to bring closure to the events of 1990 and seek to promote healing and reconciliation in the society.

OBJECTIVES AND MOTIVES OF THE PERPETRATORS

1.224. The Commission finds that the objectives of those who committed criminal acts (apart from looting) in connection with the attempted coup were:-

- (i) To acquire sufficient arms and ammunition to carry out an insurrection;
- (ii) To prepare themselves for such an adventure by engaging in physical exercise and simulated military training;

- (iii) To throw the Police into a state of panic and confusion so that they could not properly respond to the invasions of the Red House and TTT;
- (iv) To inspire fear in members of the public by shooting indiscriminately in the streets and at Police Headquarters as a band of insurgents invaded the Red House;
- (v) To arm themselves in order to create fear among the persons they intended to take as hostages at the Red House and at TTT;
- (vi) To enable them to respond to gunfire from the Protective Services if it became necessary;
- (vii) To precipitate a breakdown of law and order for the furtherance of their political ambitions; and
- (viii) Generally, to facilitate execution of the attempted coup.

1.225. The primary motive of the perpetrators was to overthrow the Government. They hoped to achieve this by causing the resignation of Prime Minister Robinson. They wanted a new Government to be formed of which certain members of the JAM, including Imam Abu Bakr, would be members. The Commission is satisfied, however, that the JAM did not intend to kill Mr. Robinson during their adventure. But they certainly intended to torture him and the other Parliamentarians.

2. LOOTING

1.226. We find that Imam Abu Bakr deliberately mentioned "looting" as a signal to the population to engage in that type of criminality. It is passing strange that he did not warn the population against going into the streets in what was a tense and dangerous situation. On the contrary, he earnestly wished people to throng the streets in a mistaken belief that they would support his actions and create bedlam in the country.

1.227. We found Mr. Clive Nunez to be a credible witness. We accept that he saw persons dressed in Muslim attire pointing out buildings to be looted and, as a result, crowds of persons engaged in indiscriminate looting of business places. In the light of Mr. Nunez's evidence, we have concluded that Imam Abu Bakr's purported admonition not to loot was in fact a coded message to his brethren in the JAM to encourage looting of business places. The looting which began in downtown Port of Spain was not spontaneous. But, once it had started, it had a domino effect in other parts of Trinidad and was accompanied by wanton acts of arson.

1.228. This widespread looting was facilitated by the failure of the Police Service to respond to it for some 19/20 hours. The Police took no action to

control looting between 8.00 p.m. on Friday, 27 July and 3.00 p.m. on Saturday, 28 July.

1.229. The inability of the Police Service to respond was due to a series of factors:

- (i) The Police Service had no plan in place to deal with an emergency of the magnitude which befell Trinidad on the evening and night of 27 July, 1990 or at all.
- (ii) The Acting Commissioner of Police never directed his mind properly to the matter of looting until long after it was underway, and not before the coming into force of the State of Emergency on Saturday, 28 July. By this time, a quite substantial amount of theft had been perpetrated throughout the East/West corridor.
- (iii) No attempt was made to muster off-duty Police Officers during the first day of the crisis.
- (iv) There was an insufficiency of manpower available to the leadership of the Police Service.

- (v) Police stations were under fire from members of the JAM driving and shooting with impunity on the streets of Port of Spain.
- (vi) Police Officers at the stations were afraid to come out of the stations and go on the streets to engage looters. They barricaded themselves inside the station.
- (vii) Even when the Police took steps to control looting after 3.00 p.m. on 28 July, the instructions given to Assistant Commissioners of Police were indecisive, "arrest the situation and try not to shoot anybody". Not "arrest the perpetrators".
- (viii) The lack of responses from police stations in the East/West corridor provided a vacuum in law and order in that corridor and ensured that looters had free rein to burgle and steal.
- (ix) The fire-bombing of Police Headquarters, suddenly and without warning, and the unavailability of adequate supervisory manpower, militated against proper management of the crisis of looting.

- (x) The shortage of manpower which affected the Police on 27 July was not a new phenomenon. For many years before 1990, the Police Service suffered from an acute shortage of manpower.

1.230. The Attorney General of the day, Mr. Anthony Smart, said that when he was at Camp Ogden, he saw both Mr. Taylor and Head of Special Branch, Mr. Dalton Harvey, and both men were at a loss for words and “they didn’t seem to know what was happening. They were shocked at the situation.” We find that the Acting Commissioner seemed disoriented by the events and was not in control. He contradicted himself in the High Court by saying that he saw no Ministers at Camp Ogden and then corrected himself by agreeing that he did see some Ministers of Government on the night of 27 July at Camp Ogden.

1.231. Contrary to the facts, Mr. Taylor said that the Army did not go to the Red House until “the wee hours of Saturday morning”. In fact, the Army was positioned near to the Red House from as early as 8.00 p.m. on the Friday evening. At that time Major Peter Joseph was reporting to Col. Brown that he and his men had worked their way to within 50 metres of the Red House. The Operations Log (Ops Log) shows that Major Joseph set out for the Red House at 6.15 p.m. It is entirely probable that he and his forces were in the vicinity of the Red House by 8.00 p.m.

1.232. There is no evidence that the JAM engaged in looting. However, the acts of terrorism carried out by them in driving around the streets of Port of Spain and shooting at police stations, were designed and calculated to inspire fear in the Police and to create a safe haven for looters.

1.233. Those who looted did so first to satisfy their own needs and, thereafter, to engage in profiteering by offering for sale surplus looted items of which they had no need. Greed and short-run hedonism were at the heart of the looting.

1.234. Food, clothes, footwear, household appliances, such as refrigerators, washing machines, dryers, television sets, furniture were the stolen goods of preference. Supermarkets in the East/West corridor suffered heavy losses.

1.235. Proprietors of small business places, such as the "Vietnam" Bar, allowed their premises to be used unlawfully for the storage of stolen goods. We also have no doubt that some households throughout the East/West corridor were used for similar purposes.

1.236. We find that the Defence Force did not engage in, encourage or condone looting. The incident involving Capt. King was atypical of the general conduct of Army personnel during the crisis. It was an aberration. The

leadership of the Army took appropriate action to court-martial Capt. King and his acquittal was due to legal technicalities.

1.237. Mr. Gregory Aboud's theory that the underlying causes of looting reside in a "cultural deficit" among sections of the population is an extreme theory. In other parts of the world, people have been known to take advantage of riotous situations and mass confusion to loot. For example, looting was a widespread consequence of the blackout in New York in 1978. In 1992, during the infamous "Rodney King Affair", hundreds of persons in Los Angeles looted indiscriminately when there was an absence of Police Officers. In 2011, rioting in many parts of England was accompanied by arson and looting. We are of the opinion that the looting in Trinidad in 1990 was not a unique phenomenon to the Republic and was not correlated to any inherent cultural shortcoming in its people. It bore the characteristics of spontaneity and anonymity - the hallmarks of mob behaviour.

1.238. The evidence suggests that to the extent that looting in situations of disaster in Trinidad and Tobago is not an uncommon phenomenon, it is probable that the looting which occurred during the insurrection was not so much a "cultural deficit" but was more in the nature of a class conflict. The insurrection provided an occasion for the underclass and the less well off in the society to vent their hostility towards or disapprobation of the capitalist class who

were perceived as exploiters. This analysis and probable explanation calls for further sociological or criminological study and research.

THE IDENTITY OF ANY PERSON OR ANY LOCAL, REGIONAL OR INTERNATIONAL AUTHORITY, INSTITUTION, ORGANISATION OR ENTITY WHO INCITED, MASTERMINDED, PLANNED, DIRECTED, CONSPIRED TOWARDS, CONSENTED TO, CONNIVED AT, ACQUIESCED IN, PARTICIPATED IN, AIDED OR ABETTED THE CARRYING OUT OF, OR HAD PRIOR KNOWLEDGE OF, OR WAS IMPLICATED OR OTHERWISE INVOLVED IN CRIMINAL ACTS OR OMISSIONS, INCLUDING LOOTING, WHICH WERE COMMITTED IN CONNECTION WITH THE ATTEMPTED COUP AND THE EXTENT TO WHICH ANY SUCH PERSON, AUTHORITY, INSTITUTION, ORGANISATION OR ENTITY DID ANY SUCH THING OR HAD PRIOR KNOWLEDGE OF OR WAS IMPLICATED OR OTHERWISE INVOLVED IN, ANY SUCH ACTS OR OMISSIONS

ToR 1(iv)

FINDINGS AND CONCLUSIONS

1. IDENTIFICATION OF PERSONS WHO PLANNED, MASTERMINDED, INCITED, CONSPIRED TOWARDS, CONNIVED AT OR AIDED AND ABETTED THE COMMISSION OF CRIMES IN CONNECTION WITH THE ATTEMPTED COUP

1.239. On the basis of the evidence adduced during the hearings, the Commission finds that the persons identified at (i) to (iv) below, masterminded, planned and were involved in crimes associated with the attempted coup.

(i) Imam Abu Bakr and Mr. Bilaal Abdullah

Imam Abu Bakr was the leader of the JAM. According to Special Branch reports – (which the Commission accepts) – as early as April 1989 and, certainly by 23 August, 1989, Imam Abu Bakr was planning with others, including Ramsas Tamba, Kibwe Atiba and Wayne Hoyte, the assassination of Prime Minister Robinson and other senior officials. About 28 September, 1989, Imam Abu Bakr, Bilaal and Salim Muwakil were continuing to plot the assassination because Imam Abu Bakr had said at a meeting on 23 August, 1989 that if their plans were not implemented during the Independence period 1989, they would be used in the future. In fact, no assassination happened in 1989.

1.240. From October 1989, Imam Abu Bakr and Bilaal actively prepared for an attack on the Government. This conclusion is evidenced by the following:

- (a) Bilaal began negotiating and arranging with Louis Haneef for the acquisition and supply of arms.
- (b) Imam Abu Bakr provided Bilaal with funds in the form of Travellers' Cheques and some cash, ostensibly to purchase construction materials and computers, but in reality to pay for weapons and plywood in which to conceal the weapons.

The Commission saw documentary evidence that substantial funds originating from Arab Financial Services (the Arab Bank) ended up in the hands of Bilaal.

- (c) Bilaal spent about 100 days out of Trinidad, and mainly in the USA, between October 1989 and April 1990 finalising the purchase of weapons and their export to Trinidad. During this time Bilaal also purchased detonating devices.

- (d) At or about the same time, Imam Abu Bakr rented a warehouse in Trincity from Nello Suite at \$1,000 per month to store the weapons concealed in plywood. We find that Bilaal was aware of the manner in which the weapons were to be shipped to Trinidad. The Commission rejects the evidence of Kala Akii-Bua that the guns were concealed in plywood at Abbas Ali Hardware Ltd. at Caroni Savannah Road, Charlieville, Chaguanas. That evidence is inconsistent and at variance with the evidence of Mr. Nello Suite, who admitted that the hollowed-out plywood was found at the warehouse of his company, Trincomtel, at Trincity. It is also inconsistent with evidence of the Army, who found the plywood on or about 2 September, 1990 at Trincity and not

in Chaguanas. The Commission is drawn to the irresistible inference that the allegation that the plywood was stored at Abbas Ali Hardware is without merit.

- (e) On 7 October, 1989, Bilaal disclosed to eight members of the JAM that he had been collaborating with members of the Munroe Road Mosque and another Mosque on the Old Southern Main Road with a view to enlisting their support for a revolution.
- (f) On the same day, he revealed that Imam Abu Bakr was seeking assistance from Libya for money, arms, ammunition and potential mercenaries.

1.241. Based on the evidence given in the US proceedings against Haneef, the Commission finds that Imam Abu Bakr lied when he denied knowledge of the warehouse and its landlord. The Commission appreciates that, owing to pending proceedings in the US and in Trinidad and Tobago at the time when Imam Abu Bakr and Bilaal gave sworn evidence, both men relied on the privilege against self-incrimination and were at times cautious and evasive in answering questions.

1.242. Nevertheless, the Commission finds that Bilaal lied when he said that he did not know who shot Mr. Robinson. We find that he deliberately shot both Mr. Robinson and Mr. Richardson. Dr. Hosein witnessed the shootings.

1.243. The Commission finds that Imam Abu Bakr lied when he said that the attempted coup was “spontaneous action based on something that happened that very day”. Bilaal contradicted Imam Abu Bakr in his admission that the attempted coup had been planned before “that very day”, i.e. 27 July. Moreover, Jamaal Shabazz testified that he knew that the JAM would attempt to overthrow the Government two weeks before 27 July. Interestingly, it was two weeks before 27 July that the Commissioner of Police and Insp. Thompson saw Imam Abu Bakr and one of the Faultin brothers in the Parliament. It would place an unusual and incredible strain on the collective common sense of the Commissioners to believe that the attempted coup could have been operationalized in less than a day.

1.244. The Commission finds that Bilaal was leader of the insurgents who invaded the Red House. Various hostages at the Red House testified that he was the leader. It was he who gave orders; it was he who negotiated with Mr. Dookeran and Mr. Humphrey; it was he who negotiated with Col. Theodore. Bilaal was being economical with the truth when he said, in the US proceedings, that he did not know who led the insurgents at the Red House.

1.245. Both Imam Abu Bakr and Bilaal also participated in criminal acts connected to the attempted coup and incited the other persons mentioned hereunder to commit crimes.

(ii) Messrs. Lorris Ballack and Kala Akii-Bua

1.246. The Commission finds that Ballack and Akii-Bua were involved in the planning and execution of the attempted coup. We accept the evidence of Jamaal Shabazz that 'Ballack was closer to Imam Abu Bakr' than Shabazz. Shabazz said that the attempted coup was planned three months before it took place. If Shabazz knew three months in advance, it is hard for the Commission to believe Ballack when he said that his first knowledge was about 2.00 p.m. on 27 July.

1.247. The same applies to Akii-Bua. In early July, Imam Abu Bakr summoned him to the Mosque. He went a few days later and returned every day until 27 July. Why did he make those daily trips, if, as he said, he first knew of the attempted coup at 5.00 p.m. on the very day of its occurrence? The Commission also finds that Ballack and Akii-Bua participated in holding the staff at TTT hostage.

(iii) Mr. Jamaal Shabazz

1.248. For the most part, Shabazz was a very open and forthcoming witness. He admitted his prior knowledge of the attempted coup and his sight of the weapons two weeks before the actual event. He led the group of insurgents who stormed Radio Trinidad which he had "checked out" on previous occasions to familiarise himself with its layout and security arrangements. On the day of the attempted coup, he received and distributed weapons to members of his group and he told them what was the mission.

1.249. In the circumstances, the Commission finds that Jamaal Shabazz incited the insurgents in his group and participated in criminal acts. We do not find, on the evidence, that he masterminded the attempted coup. To the extent that he knew that it was planned three months in advance, we believe that he was involved in the planning, especially having regard to his leadership role on the day of the attempted coup.

(iv) Messrs. Hassan Anyabwile and Salim Muwakil

1.250. These men not only participated in criminal acts but were also responsible for organising the use of explosives to blow up Police Headquarters. Hassan also set up a vehicle with explosives outside TTT and gave the signal to

Shabazz to mobilise his group of persons to invade Radio Trinidad. Muwakil was the security expert in the JAM. In September 1989 he was involved in surveillance of the Prime Minister's movements and was plotting Mr. Robinson's assassination.

(v) Messrs. Randolph Mills and Bernard Blache

1.251. The Commission accepts that these men were recruited by Lorris Ballack on the day of the attempted coup. They accompanied Ballack in his car when he left San Fernando. Accordingly, we do not accept Ballack's evidence that about 5.00 p.m. he instructed Mills and Blache not to leave #1 Mucurapo Road and he conscripted them to assist in the insurrection and gave them the choice of staying or leaving. A Special Branch report of 3 August, 1988 did mention that on 30 July 1988, Ballack and Blache went to Cedros seeking a supplier of weapons and reported the result of their visit to Imam Abu Bakr at 12.45 p.m. on 31 July, 1988. When this information was put to Ballack during his testimony, he denied it.

1.252. The Commission finds that, when Mills and Blache left San Fernando, they were well aware of what they were to be involved in and they participated willingly in the criminal acts.

(vi) Messrs. Louis Haneef and Feroze Shah

1.253. The Commission finds that Haneef conspired with Bilaal and Imam Abu Bakr to acquire weapons for use in the insurrection. He arranged the export of the weapons in hollowed-out plywood to Trinidad and Tobago. Feroze Shah, as we have reported elsewhere, abused his position as a Customs Officer and facilitated the illegal entry into Trinidad of the weapons through Pt. Lisas. The Commission received evidence, which it accepts, that Shah participated in the insurgency into the Red House and was subsequently charged.

(vii) Messrs. Olive Enyahooma-EI (Lance Small) and Omowale Abdullah

1.254. Kala Akii-Bua's evidence links Omowale to the importation of weapons. Accordingly, the Commission finds that Omowale conspired towards and was implicated in the criminal acts associated with the attempted coup. So far as Lance Small is concerned, the evidence of Akii-Bua is to the effect that Small mentioned to him on 27 July that a Prince was visiting the Mosque and he sent for food appropriate for a Prince. Inferences from that primary evidence would be equivocal and the Commission makes no adverse findings thereon.

1.255. However, upon a consideration of the evidence of Mr. Rawle Raphael, the Commission finds that Small had prior knowledge of the attempted

coup “several weeks before” it happened and warned Mr. Raphael of the likelihood of the attempted coup on three separate occasions. We have no evidence of the part played by Small prior to and during the attempted coup. The Special Branch’s evidence of Small’s investment in fishing vessels and a Florida-based company about May 1990 is also equivocal and we make no finding thereon.

1.256. The Commission finds that Omowale conspired towards and connived at the carrying out of the attempted coup. On the evening of 27 July, he handed Akii-Bua a rifle from the trunk of a car and subsequently drove that car to TTT.

(viii) Messrs. Ramsas Tamba, Kalib Khan and Kibwe Atiba

1.257. The Commission finds that Ramsas Tamba and Kibwe Atiba conspired with others about 23 August, 1989 to monitor the movements of the Prime Minister and his security detail. Tamba advised Imam Abu Bakr and 230 members of the JAM that a high-powered rifle should be used to assassinate Mr. Robinson. The Commission therefore finds that Tamba conspired towards the attempted coup. We find that Kalib Khan drove a car with weapons and insurgents from the Mosque to TTT. He actively participated in the attempted coup.

(ix) Messrs. Nigel Braxton, D'Angelo Garcia, Garvin Guillard

1.258. The Commission accepts the evidence of Kala Akii-Bua that these three persons were young boys aged between 13 and 15. They participated in the activities at TTT after the invasion began. The Commission is satisfied that they were armed and strongly deplores the fact that Imam Abu Bakr used boys of such tender years to participate in criminal conduct as innocent pawns in his criminal adventure.

2. ENTITIES OR ORGANISATIONS

1.259. The Commission finds that Imam Abu Bakr sought and obtained money from the Arab Bank in Saudi Arabia to fund the purchase of weapons. We also find that he organised training in Libya for members of the JAM with a view to their participation in the attempt to overthrow the Government. Whereas we find that persons in Libya were aware of Imam Abu Bakr's intentions, there is no evidence to find that the Arab Bank knew the true purpose to which the funds supplied through them would have been put and thereby were part of a conspiracy.

3. INDENTIFICATION OF PERSONS OR ENTITIES WHO HAD PRIOR KNOWLEDGE OR WERE OTHERWISE IMPLICATED IN THE CRIMINAL ACTS CONNECTED TO THE ATTEMPTED COUP

Members of the Jamaat-al-Muslimeen

1.260. The Commission finds that the following members of the JAM had prior knowledge of the attempted coup and were implicated in its execution:

- Imam Yasin Abu Bakr
- Bilaal Abdullah
- Jamaal Shabazz
- Kala Akii-Bua
- Lorris Ballack
- Hassan Anyabwile
- Omowale Abdullah
- Kibwe Atiba
- Salim Muwakil
- Randolph Mills
- Bernard Blache
- Feroze Shah
- Ramsas Tamba
- Kalib Khan
- Olive Enyahooma-EI (Lance Small)

Other Persons with Knowledge but not Implicated

1.261. The Commission finds that the persons whose names are highlighted in paras. 6.244 to 6.248 and 6.167 to 6.206 either had direct knowledge of the likelihood of an insurrection or believed that an insurrection was imminent. But the Commission finds that these persons were not implicated in any criminal acts connected to the insurrection.

Mr. Rawle Raphael

1.262. The Commission finds that Mr. Rawle Raphael, MP, was warned three times by Lance Small that an armed insurrection by the JAM was to take place at Parliament. Both Mr. Raphael and Small were members of "the 'A' Team" which was comprised of members of the NAR and, *inter alia*, were responsible for the Prime Minister's security. Moreover, Small was known to Mr. Raphael as a member of the JAM. After the first warning "weeks before the attempted coup", Mr. Raphael sent a message of what he had been told by Dennis Cornwall to the Minister of National Security. Mr. Raphael took no action himself because he viewed the information as "a big rumour, a big joke". When he received the second warning some days before 27 July, he "did not take it seriously", and advised Small to tell Mr. Richardson. Again, Mr. Raphael took no action himself. On the very day of the insurrection, Small warned Mr. Raphael

that there would be “trouble at Parliament” that day and advised him not to go. Mr. Raphael ignored the warning and told no one.

1.263. The Commission finds that Mr. Raphael was careless and irresponsible in failing to approach Mr. Richardson and Mr. Robinson directly to advise them of his information. He disregarded the *raison d'être* of the 'A' Team. As a member of the 'A' Team, he showed an appalling ignorance of the basic essentials of a security unit.

1.264. Even if his first omission could be excused on the ground of the information being no more than a rumour, the Commission finds that Mr. Raphael's failure to act directly on the subsequent occasions was the height of incompetence, irresponsibility and negligence. Had he taken the time to acquaint Messrs. Robinson and Richardson personally of his information and its source, there is the possibility that countermeasures may have been taken to foil the insurrection. The Commission puts it no higher than a possibility because the Commission finds that both Mr. Robinson and Mr. Richardson were too casual in their approach to security matters. Mr. Robinson had previously refused to strengthen his own security arrangements as recommended by the Police. And although Mr. Richardson had assured his Cabinet colleagues that he was aware of the threat to national security by the JAM and “things were under

control", it seems, on his own admission after 27 July, that he underestimated the extent of the JAM's threat.

Mr. Clive Nunez

1.265. The Commission finds that Mr. Nunez's visit to #1 Mucurapo Road two days before the attempted coup, convinced him that some action by the JAM in respect of their concerns about the land was imminent. He conveyed a sense of urgency to Dr. Carson Charles whose response was to the effect that the Government was prepared. In fact they were not. The Commission finds that Dr. Charles betrayed an attitude of complacency. He was invited to give evidence but declined.

Special Branch

1.266. The Commission refers to its findings in respect of Special Branch which are set out in Chapter 7.

Mr. Basdeo Panday

1.267. The Commission finds that rumours and belief in some sections of the public that Mr. Panday had prior knowledge of the insurrection are not supported by evidence. Before we give our reasons for this finding, it seems

appropriate to ask this question: if Mr. Panday knew in advance of the attempted coup, why did the JAM insurgents in the Red House ask for him and indicate that he should be given safe exit? Surely, the leadership would have known not to expect him to be in the Chamber.

1.268. The Commission finds that the rumour of Mr. Panday's prior knowledge was given currency by Mr. Panday himself. We accept that he said the words, "Wake me up when it's finished" as a joke to his wife who tried to rouse him from sleep when she saw Imam Abu Bakr on television. Mr. Panday himself publicly told people the joke and it has become part of the folklore of the insurrection. The Commission also accepts the evidence of Mr. John Humphrey, given as early as 24 March, 2011, to the effect that Mrs. Panday told him the anecdote.

1.269. There was an issue on the evidence of Mr. Raphael. He said that Mr. Sudama had told him that he had telephoned Mr. Panday from the Red House and Mr. Panday said, "Wake me up when it's finished". Mr. Sudama denied ever having such a conversation with Mr. Raphael. When Mr. Raphael returned to give further evidence on 13 September, 2013, he told the Commission that Mr. Sudama made the call on Saturday, 28 July. Mr. Panday pointed out that he was not at home on the Saturday. Therefore, he could not

have spoken to Mr. Sudama. To this Mr. Raphael replied, "It could have been the Friday. I probably got a little tie-up".

1.270. The Commission finds that Mr. Sudama did not have the alleged conversation with Mr. Raphael. And Mr. Raphael's belief that Mr. Panday had prior knowledge was purely speculative and not grounded in fact because, as he admitted, he came to his conclusion because Mr. Panday was not in Parliament at the time of its invasion.

1.271. Many Parliamentarians speculated during their testimony that owing to Mr. Manning's absence from Parliament at the time of the attempted coup, he must have had prior knowledge of the likely event. Mrs. Gloria Henry testified that on 27 July when she was returning to the Chamber after the tea break, she saw a group of young men standing near to the entrance talking to Mr. Manning. After he had spoken to these men, Mr. Manning went into the Chamber, took up his briefcase and left. Mrs. Henry then saw the same group of men in the Chamber participating in the attempted coup. From these primary facts, Mrs. Henry concluded that Mr. Manning had prior knowledge.

1.272. The Commission finds that the inferences deducible from the primary facts were capable of more than one conclusion. It may be that the men were informing Mr. Manning of their plans. On the other hand, it may just have been an exchange of pleasantries, a purely innocent conversation. Where

inferences are equivocal, the fact-finder must, as a matter of law, draw that inference which is more favourable to the person who is accused. In the circumstances, the Commission was not satisfied that the primary facts stated by Mrs. Henry logically pointed to the inescapable single conclusion that Mr. Manning must have had prior information of the insurrection. Accordingly, we conclude that, on the evidence, Mr. Manning did not have prior knowledge of the attempted coup.

1.273. The Commission disregards insinuations by Imam Abu Bakr in other forums suggesting that Messrs. Panday and Manning were not in Parliament at the time of the insurrection because they had prior knowledge of it. Imam Abu Bakr was given ample opportunity to testify on oath and to be cross-examined at the Enquiry like Shabazz, Akii-Bua and Ballack. He refused to testify.

4. THE EXTENT OF INVOLVEMENT OF PERSONS OR ENTITIES IN THE COMMISSION OF CRIMINAL ACTS CONNECTED TO THE ATTEMPTED COUP

1.274. The Commission believes that its findings on the other aspects of this Term of Reference satisfactorily answer this issue and we make no specific finding in this regard.

THE NATIONAL SECURITY DEFICIENCIES WHICH FACILITATED THE
ATTEMPTED COUP AND THE EXTENT TO WHICH IT WAS POSSIBLE
TO PREVENT THE OCCURRENCE OF THE ATTEMPTED COUP
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FINDINGS AND CONCLUSIONS

1.275. Having considered all of the evidence adduced at the Enquiry, the Commission makes the following findings.

1.276. Egregious lapses and deficiencies in the security arrangements of the State, more than anything else, facilitated the occurrence of the attempted coup. Special Branch, the official Intelligence agency, utterly failed to discharge its duties and responsibilities effectively and efficiently at a time when the JAM were, and were perceived to be, the most dangerous threat to the security of the State. The State's principal Intelligence agency was grossly negligent.

1.277. In 1990, Special Branch was the principal agency gathering Intelligence. There were Units within the Defence Force, the Coast Guard, the Customs and Excise and Immigration departments, which purported to obtain Intelligence, but only in a perfunctory and rudimentary fashion, and only for themselves. There was no concept or appreciation of an Intelligence community, functioning collectively and sharing information *inter se*. These several agencies did not work as a team.

1.278. The mandate and duties of the Special Branch had been expanded after 1962 by administrative directive of the Prime Minister and, by 1990, its responsibilities included monitoring all activities which could negatively affect national security. These activities included, *inter alia*:

- political activities and public meetings;
- trade unions and their activities;
- ports of entry and coastal areas;
- protest action and/or demonstrations;
- drugs and firearms trafficking; and
- social dissatisfaction.

1.279. The Special Branch was, moreover, specifically mandated to "*inform the Commissioner of Police on matters which may negatively impact national security*". Most importantly, the Special Branch was charged with the duty of "*advising the Prime Minister, the Minister of National Security and the Minister of Foreign Affairs on all matters relating to protective security and the use of security Intelligence.*"

1.280. Special Branch rigidly pursued a culture of refusing to share information or Intelligence from the time of its creation in 1954 up to 1990. This selfish attitude was grounded in a distrust of the others and, so far as the Defence Force was concerned, an inferiority complex. The Head of Special Branch in 1990,

Mr. Dalton Harvey, was fully aware of the above-mentioned duties and responsibilities of Special Branch, especially having regard to the fact that he had served continuously in that department from 1954 to 1995.

1.281. The National Security Council, which was formed in 1954, was re-constituted on 30 October, 1978, on which date the Cabinet approved its re-constitution as an integral part of new security arrangements for the Republic. The members of Cabinet who were authorised to sit on the NSC were the Prime Minister, the Minister of National Security and "one other Minister designated by the Prime Minister". The NSC was considered to be of such importance to the security of the State that, *inter alios*, the Heads of the Army and the Police were made members of it.

1.282. The Defence Force's Intelligence Unit in 1990 was a small, basic structure consisting of one officer and two support staff. Its focus was internal, that is to say, keeping surveillance of the Defence Force's own personnel. Similarly, the Coast Guard's Intelligence Unit targeted mainly its areas of functionality, namely, enforcing marine laws, search and rescue and drugs interdiction.

1.283. Both the Customs and Immigration Departments assigned officers to perform Intelligence-gathering functions with a view to using Intelligence for their

departments only. Sharing Intelligence within an identified community and working co-operatively were essential to ensuring the protection of the national interests and the security of the State. However, to the extent that Special Branch did not share information and Intelligence with other agencies, there was an obvious deficiency in the security arrangements existing in 1990.

1.284. During the period 1986 to 1990, the National Security Council (NSC) did not function at all. It existed in name only notwithstanding that its Chairman was the Prime Minister and that there was a Minister of National Security. The Deputy Head of Special Branch, Mr. Mervyn Guiseppi, Prime Minister Robinson himself and Mr. Joseph Toney who succeeded Mr. Selwyn Richardson as Minister of National Security, all testified that, during the regime of the NAR, the NSC was non-functional.

1.285. The absence of a functioning NSC seriously compromised the security of Trinidad and Tobago. It created a void in security since there was no authority superior to the other agencies that could have had, and should have had, the benefit of analysis to enable it to formulate strategies and policies. The consequence of the NSC's slide into desuetude was that the State lacked, at the highest policy-making level, a strategic management capability to confront the JAM in an agreed and co-ordinated manner. This deficiency was regrettable since Special Branch was the only Intelligence-reporting agency and it precluded collaboration with the other agencies. The fact that the NSC was not properly

constituted and was non-functional during the period 1986-1990, left a huge gap in the security arrangements of the State. In our opinion, if the NSC had been functioning as originally intended, the plethora of Special Branch reports would have come to an agency on which were represented other Heads of the Protective Services and at which appropriate strategies, responses or decisions could have been taken. All of the critical leaders of the Protective Services would have been “in the loop” of information as it were. As it turned out, an unsatisfactory system had grown up in which the Head of Special Branch sent reports to the Prime Minister and National Security Minister, without any follow-up. There was no dialogue or feedback between Prime Minister and Head of Special Branch. We find that the Government did not have in place a central emergency plan for management of a crisis, nor did it have a plan for the management of information. These were major deficiencies.

1.286. At the time of the attempted coup, Special Branch was the official agency that provided information and Intelligence to the Executive branch of the Government. It did so by forwarding reports under secret or confidential cover to the Prime Minister and the Minister of National Security. Special Branch functioned inefficiently in 1990. The efficiency and effectiveness of Special Branch were weakened by political manipulation which brought about too many changes at the level of Head of Special Branch between 1986 and 1990. Some seven Heads were changed in that period. In that period, political interference in the leadership of

that department conduced to feelings of insecurity and engendered low morale among officers. This interference created an unstable environment within the department to the detriment of its efficient and effective functioning. In addition, personal animosity between a former Head of Special Branch, Mr. Lance Selman, and Mr. Dalton Harvey, the Head in 1990, negatively impacted the administration and functioning of Special Branch.

1.287. Special Branch saw the JAM as an organisation of interest from the time when there appeared to be a struggle between the organisation and the IMG over the lands at #1 Mucurapo Road. The JAM were monitored consistently. Certainly from 1986 the Special Branch had infiltrated the JAM and were reporting regularly on their activities. We do not accept Mr. Dalton Harvey's evidence that the Special Branch had tried to infiltrate the JAM but were not successful because Mr. Harvey contradicted himself by saying that Mr. Lance Selman had "managed to infiltrate" the JAM as early as 1986. If Mr. Harvey did not know that his own department had infiltrated the JAM, we can only conclude that he was not paying due care and attention to the reports generated within his own department. We received a plethora of Special Branch reports which clearly show that Special Branch must necessarily have had a "plant" or "plants" in the very bosom of the JAM.

1.288. In 1987, according to reports tendered to the Commission, Special Branch had information that the JAM were liaising with persons in Libya at a time when it was known, internationally, that that country was sponsoring terrorism worldwide. Special Branch kept the JAM under surveillance and clearly infiltrated that organisation. The reports to which we refer extensively in Chapters 4 and 6, show very clearly that Special Branch was in regular receipt of information about the activities of the JAM.

1.289. Sometime in May/June 1990, Imam Abu Bakr told Insp. Thompson that he intended to “retaliate” against the Government. Insp. Thompson said that he understood that threat to imply that an armed attack was likely. He prepared a report and assumed that, in accordance with usual procedure in the department, his report would have been forwarded to the Minister of National Security. Indeed, Insp. Thompson treated this information so seriously that he prepared an Intelligence report to be forwarded to the Prime Minister and the Minister of National Security. Such reports were sent under “CONFIDENTIAL” or “SECRET” cover in two sealed envelopes for sight and attention of the addressee only. We have no evidence that either Mr. Robinson or Mr. Richardson actually saw the report. But we believe that the report was sent. It may not have been opened or read before 27 July, 1990. Applying the maxim *omnia praesumuntur rite esse acta* (everything is presumed to have been properly done), it is our considered finding,

on a balance of probabilities, that the report was sent by Special Branch but was not read by the Prime Minister.

1.290. It is our finding that, in July 1990, Mr. Guiseppi and Insp. Thompson genuinely believed that an offensive by the JAM was imminent. Their belief was informed by their own analyses of information in their possession and their observations of the unstable state of the country. Two days before the attempted coup, Mr. Guiseppi was so convinced of an attack by the JAM that he convened a meeting of other officers in the agency. Mr. Harvey was not present but the Commission accepts Mr. Guiseppi's evidence that he subsequently informed Mr. Harvey of the nature of the discussion at the meeting.

In respect of Minister Richardson, the evidence of Insp. Thompson was that Minister Richardson said publicly after the attempted coup "that the Government knew that something was about to happen but did not know that it had reached so far". On the basis of that evidence, we find that Minister Richardson did see the report. He was alerted to the probability of an attack by the JAM. We find that Insp. Thompson, having been warned by Imam Abu Bakr in May 1990 that he intended to retaliate against the Government, failed to use his skills in Intelligence-gathering two weeks before the attempted coup when he saw Imam Abu Bakr and one of the Faultin brothers in the visitors' gallery of the Parliament. His instincts as a Special Branch officer should have prompted him to the possibility, at least, of some sinister motive for their attendance at the Red

House. We accept the evidence of Insp. Thompson that, according to his analysis, there were five factors which led Special Branch to believe that "something like the attempted coup was about to happen", viz. the persistent agitation of SOPO; the marches being held by Imam Abu Bakr; the bad state of the economy; dissatisfaction of the middle class with the policies of the Government; widespread dissatisfaction in other sections of the society.

1.291. Mr. Harvey's assertion that there was no burning issue in 1989/90 which required him to see the Prime Minister is incredible, especially in the light of the contents of Special Branch reports which we saw and the evidence of two senior officers in his department. Mr. Harvey's evidence speaks eloquently to the lack of communication between high-level officers in Special Branch and the dysfunctional nature of that department in 1990. His evidence is contradicted by documents emanating from within his own department and it is at variance with the oral evidence of Mr. Guiseppi and Insp. Thompson, which we accept.

1.292. We consider it to be absolutely astonishing that Mr. Harvey, as Head of Special Branch, never met with the Prime Minister prior to the attempted coup. As we have pointed out at para. 7.7, one of the responsibilities of Special Branch was "to advise the Prime Minister....on all matters relating to protective security and the use of security Intelligence". Mr. Harvey was under a duty to apprise and advise the Prime Minister about the activities of the JAM. It was not satisfactory

merely to forward reports to the Prime Minister without more. As the chief expert in Intelligence matters in Trinidad and Tobago, Mr. Harvey was required to be proactive. He should have sought an audience with the Prime Minister and given him the benefit of his experience in an analysis of the nature and possible extent of actions on the part of the JAM. Special Branch was in possession of sufficient Intelligence immediately prior to 27 July, 1990 that warranted an urgent and direct approach to the Prime Minister and the Minister of National Security.

1.293. We find that Mr. Harvey and Special Branch were in grave dereliction of duty in not seeking an urgent meeting with the Prime Minister and Mr. Richardson to apprise them and discuss the seriousness of the threat posed by the JAM.

1.294. Neither Mr. Harvey nor Mr. Guiseppi informed the Commissioner of Police of their concerns at this time or at all, nor did they take any steps to share their Intelligence with other senior Police Officers with a view to devising an appropriate strategy and countermeasures. This was a serious omission and was directly contrary to the express mandate of Special Branch "to inform the Commissioner of Police on matters which may negatively impact national security". Indeed, the Commission strongly condemns the then practice of Special Branch to by-pass the Commissioner of Police in many matters.

1.295. The Commission is of opinion that, armed with compelling evidence of the mobilisation of the JAM and their threat of violent action against the Government, the proper course of conduct by the Police Service should have involved the following:

- (i) Special Branch should have urgently consulted with the Commissioner of Police;
- (ii) the Commissioner should have convened a meeting of other senior Police Officers;
- (iii) a plan of action should have been developed; and
- (iv) the Commissioner and Head of Special Branch should have sought an urgent meeting with the Prime Minister and Minister of National Security at which a strategy or menu of options should have been presented to the Executive and decisions taken.

1.296. Both the Prime Minister and Minister of National Security were lay persons. They would have relied upon the expertise of Police Officers to guide them in decision-making. None of this suggested procedure was followed by

Special Branch. In the result, at no time was a menu of options presented to the Executive to pre-empt action by the JAM.

1.297. The Commission is at a loss to understand how Mr. Guiseppi, Insp. Thompson and other Special Branch officers could have been convinced of the imminence of a violent assault by the JAM and yet, Mr. Harvey, the Head of Special Branch, confessed to the Commission that, "in 1989/1990 there was no burning issue which required me to see the Prime Minister". Mr. Guiseppi's disturbing evidence is that "many of us were not surprised at the coup". On the other hand, Mr. Harvey's evidence was that "by July 1990, we did not see the JAM as a threat sufficient to overthrow the Government. Nothing alerted us to that type of action." Mr. Harvey's inability to comprehend the purport and implications of the messages inherent in the reports of Mr. Guiseppi and Insp. Thompson reflects on his competence and eloquently speaks to the deeply dysfunctional nature of Special Branch in 1990.

1.298. We condemn the practice adopted by the Special Branch of not keeping the Commissioner of Police informed of many matters crucial to the overall security of the State. The three Special Branch officers testified that, invariably, Intelligence reports were sent directly to the political directorate without reference to or the knowledge of the Commissioner of Police. We strongly dissent from Insp. Thompson's evidence that "Special Branch reports should not go to the

Commissioner routinely. He should see matters relating to serious crimes." Neither Mr. Harvey nor Mr. Thompson could say affirmatively that the Commissioner saw the reports in which the imminence of violent action by the JAM was reported.

1.299. The events of 27 July involved very serious crimes indeed. We can think of nothing more deserving of the Commissioner's attention than a possible violent attack against the duly elected Government. Having regard to the evidence of the Special Branch officers, we find, on a balance of probabilities, that the likelihood of an imminent, violent attack against the Government of Trinidad and Tobago by the JAM was not drawn to the attention of the Commissioner, Mr. Jules Bernard. The Commission was, however, heartened to learn that the Commissioner of Police, as a matter of best practice, is now fully briefed on operations of and information residing within the Special Branch.

1.300. The various departments within the Police Service were poorly coordinated. One week before the attempted coup, the Acting Deputy Commissioner of Police (Crime), Mr. Leslie Marcelle, received information from an Assistant Commissioner of Police that weapons and ammunition for the JAM had landed at Cedros and were destined for the JAM's headquarters. Mr. Marcelle did not inform Special Branch or the Commissioner of Police. He met with Divisional

heads and they devised a strategy involving setting up roadblocks. Searches and roadblocks yielded nothing.

1.301. The Commission is satisfied that the information was misleading. The arms and ammunition had been in Trinidad since April. However, the approach to this matter bespoke a lack of a coordinated strategy to deal with the threat of the JAM. This is further exemplified by Mr. Marcelle's evidence that he was not aware that the Army and Police had encamped at #1 Mucurapo Road. He believed that "the Flying Squad had officers by the cemetery observing movements." Mr. Harvey had an officer stationed at the encampment but he got "no information from the officer". Mr. Harvey should have been seeking reports from that officer on a regular basis.

1.302. We find that Mr. Leslie Marcelle exercised poor judgment in failing to share information given to him by ACP Carrington on 20 July, 1990 with Special Branch and the Commissioner of Police. We also find it astonishing that Mr. Marcelle was not aware of the presence of Police and Army officers at #1 Mucurapo Road when he dispatched Police Officers to that location to conduct a search. After all, the Police and Army had established a post at #1 Mucurapo Road since April 1990. The attempted coup took place on 27 July, 1990. It is equally astonishing that Mr. Harvey stationed a Police Officer at #1 Mucurapo Road but received no reports from that officer.

1.303. We are satisfied that the Police Service, as a whole, took the threat posed by the JAM far too casually.

1.304. The Commission finds that, in the 18 hours immediately following the attempted coup, too many Police Officers absented themselves from police stations and too many stations went into lockdown mode, barricading themselves from the public. The failure of the Police to establish a *cordon sanitaire* around Tragarete Road, in breach of agreed strategy formulated at Camp Ogden between Col. Brown and Acting Commissioner of Police, Leonard Taylor, created a security vacuum on 27 July that enabled the JAM to roam freely. Indeed the Commission received evidence that about thirteen of the original insurgents at TTT used this loophole in the security network to effect their escape. They have never been identified or charged. This was a gross abdication of responsibility on the part of the civil power as the primary agency to protect the State. Of course the Commission appreciates that the Police Service was naturally destabilised by the destruction of its Headquarters and the events generally. Although these deficiencies did not facilitate the insurrection, the security vacuum that resulted did facilitate the wanton looting and arson that occurred.

1.305. Relations between the Army and the Special Branch were poor in 1990. Special Branch shared no information/Intelligence with the Defence Force. Even on the evening of 27 July at Camp Ogden, officers of the Army and Police kept their distance from each other. Mr. Harvey felt that the Police were

“marginalised”. The Commission does not accept Mr. Harvey’s opinion. Col Brown had not even met Mr. Harvey before that night. Once again, Mr. Harvey had not seen it as his duty to introduce himself to the leadership of the Defence Force after his appointment. In any event, on the evening of 27 July, Col. Brown interacted with the Acting Commissioner of Police, Mr. Leonard Taylor, at Camp Ogden.

1.306. The evidence raises the suspicion in the Commission’s mind that not only lax procedures but corruption as well in the Customs and Excise Department may have helped to facilitate the attempted coup. The Commission was given evidence that Feroze Shah, a Customs Officer and member of the JAM, was involved in the illegal importation of the weapons used in the attempted coup and did himself participate as an insurgent in the Red House. We are satisfied that the procedures for clearing and unstuffing containers were loose. For example, goods could have been inspected at the landing port or at the importer’s premises. Only the designated Customs Officer was authorised to break the seal on a container. And only he could examine goods to verify their authenticity. All of the goods were not necessarily inspected. Physical examination of goods would not necessarily have revealed contraband embedded within goods, such as hollowed-out plywood. Moreover, a Customs Officer was advised of his assignment to a station and that assignment was for four months. That was sufficient time to enable a corrupt Customs Officer to conspire with dishonest exporters and

importers. Finally, an importer, bent on smuggling, could have changed the seal on a container.

1.307. Accordingly, the Commission is satisfied that, notwithstanding the landing of the weapons at a legitimate port of entry, Pt. Lisas, there were so many loopholes in the system in 1990 as to have permitted the illegal importation of the weapons without any great difficulty.

1.308. We find that the failure to inform the Head of the Coast Guard of the insurrection prior to 7.30 p.m. on 27 July was a deficiency in the security arrangements. That omission was not deliberate but was occasioned by the sudden crisis. Fortunately, it did not compromise the security of the State.

1.309. With regard to the security of Parliament in 1990, the Commission has identified six weaknesses which, cumulatively, made it relatively easy to carry out the invasion of Parliament.

- (i) Police Officers for duty at Parliament were selected at random from the five police stations in the Port of Spain Division. There was no specific or fixed unit within the Police Service dedicated to Parliamentary duties;

- (ii) None of the officers on duty, including those of Special Branch, was armed;
- (iii) Visitors to the Public Gallery were not searched;
- (iv) The attitude of some Police Officers to Members of Parliament was one of indifference;
- (v) Complaints about the lack of proper security arrangements were not acted upon or followed up meaningfully; and
- (vi) On 27 July, three cordons should have been put in place to enhance the Prime Minister's security. They were not. This failure was attributable to Special Branch since information concerning the Prime Minister's movements was always communicated to Special Branch in advance and that agency made the relevant arrangements.

1.310. Finally, the Commission is bound to say that the security detail attached to the Prime Minister, viz. Sgt. Maurice, Cpl. Charles and PC Pilgrim, responded to the sudden invasion of the Parliamentary Chamber with commendable bravery and professionalism. They reacted sensibly and in

accordance with their training by throwing themselves over the Prime Minister. Although they did not succeed in saving the Prime Minister from harm, their defensive action was appropriate. It would have been foolhardy for the security detail to seek to engage the JAM in a firefight. They were outnumbered by the insurgents who had superior firepower in the Chamber.

THE RESPONSE AND PERFORMANCE OF THE GOVERNMENT,
THE DEFENCE FORCE, THE PROTECTIVE SERVICES AND OTHER
ESSENTIAL SERVICES, THE FOREIGN SERVICE AND THE MEDIA
DURING AND AFTER THE ATTEMPTED COUP
- ToR 1(vi)

FINDINGS AND CONCLUSIONS

1. THE GOVERNMENT

1.311. Contrary to the desires, hopes, expectations and efforts of the JAM, the Government of Trinidad and Tobago was not overthrown on 27 July, 1990. It was not paralysed. It may have been temporarily destabilised. Three Ministers, Messrs. Samaroo, Basdeo and Tiwarie were overseas. But on the evening of the attempted coup, Messrs. Atwell, Myers, Pantin and Charles were ensconced at Camp Ogden. They were joined early on Saturday morning by Attorney General Smart. Thus, on Friday evening, Ministers were available to discuss and take decisions before Mr. Dookeran became available on Saturday

morning. With the return of those on overseas business on Sunday, the interim Government was strengthened. The politicians were supported by senior Public Officers during the crisis.

1.312. The Commission cannot accept the observations of the Trinidad and Tobago Chamber of Industry and Commerce that “the response of the Government was nil, until Ministers Lincoln Myers and Clive Pantin, as far as we recall, made a public broadcast a day or two after 27 July...” Mr. Myers’ patriotism and devotion to duty sent him straightaway to Camp Ogden as soon as he heard the news, at his office, of the attempted coup.

1.313. Mr. Bernard Pantin’s television experience and presence of mind made it possible for Ministers Myers and Pantin to go to Cumberland Hill about 9.00 p.m. on Friday to broadcast to the nation from a makeshift facility which had been rigged up for that purpose. The Acting President himself made a broadcast about 3.00 a.m. on Saturday.

1.314. The Commission finds that, before Mr. Dookeran was sufficiently recovered from his ordeal in Parliament, Mr. Atwell chaired meetings of the politicians at Camp Ogden and was the *de facto* leader of the interim Government. It was to the interim Government that Col. Theodore and Col. Brown referred matters for decision and to whom they always deferred.

1.315. As early as Friday night, the interim Government took key decisions:

- (i) The Army put before them three options, namely, negotiating a solution to the crisis, storming the Red House or blowing it up. The interim Government decided, on expert advice, that the best and most sensible solution was to negotiate.
- (ii) The interim Government decided to deny Imam Abu Bakr continuous access to the airwaves and they authorised the disablement of the transmitter at Gran Couva.

1.316. On Saturday, the interim Government authorised the Acting President to issue a Proclamation of a State of Emergency. By the afternoon, they had discussed the question of an amnesty and consigned that question to the expertise of the lawyers who had been invited to assist.

1.317. The Commission finds that Mr. Myers and Attorney General Smart made no contribution to the text of the amnesty. The Commission accepts that, whereas Mr. Smart would probably have agreed to the terms of the amnesty, he

did not see it before it was sent off to the Red House. The Commission believes Mr. Myers' evidence that he was "dead set against any amnesty". What the Commission concludes is that, even in the depleted Cabinet as it was, dissentient opinions were accommodated and majority rule prevailed. Mr. Myers saw a copy of the amnesty that was initialled by the Acting President.

1.318. On Sunday the interim Government decided to relocate the centre of operations to the Hilton Hotel for logistical reasons. Camp Ogden was inadequate to accommodate the Ministers (now joined by those who had returned from overseas), public officials and the leadership of the Army. And the time had come for a more organised structure to be brought to bear on deliberations.

1.319. The Commission finds that the interim Government was also taken up with responding to foreign friendly Governments which were offering assistance or calling to inquire about the status of the situation. In this regard, the Commission notes that the Government of the United States was prepared to send troops; Governments of CARICOM also volunteered troops and the Government of Venezuela offered medical supplies. The interim Government requested the US to give technical support in respect of Hostage Management. The Commission finds that the interim Government did not request foreign troops from the US or any other Government. However, the interim Government

agreed that CARICOM troops could come to Trinidad after the crisis was over to assist in keeping order on the streets and performing static guard duties at business places.

1.320. Mr. Myers and Dr. Romesh Mootoo coordinated medical supplies and the Government of Venezuela quickly landed “tons of medical supplies”.

1.321. Ministers Smart, Carson Charles and Atwell addressed the nation on Saturday 28 and Sunday 29 respectively. They tried to inform the public of the condition of the hostages, the fact that negotiations were ongoing, details of the curfew and appealed for calm. – see paras. 8.36 to 8.38 for the content of speeches made by the Ministers. Most of all, the Ministers sought to reassure the country that the Government was functioning and that the Defence Force and Police were now in control.

1.322. One of the responsibilities of the interim Government was to listen, via the eavesdropping equipment brought by the US, to what was happening in the Red House. The Ministers took turns sleeping and listening to the information being relayed.

Response of the Government after the Insurrection

1.323. When he was in a condition to travel, Mr. Robinson went overseas to recuperate. Mr. Dookeran acted as Prime Minister. He requested reports from the Police Service and Defence Force. Apparently the report from the Police Service was not sufficiently “profound” and it was sent back. WASA and T&TEC gave reports. The Commission saw no report from the Special Branch or the Police Service. In this Chapter, we report on the responses of WASA and T&TEC at paras. 8.410 and 8.411 to 8.419.

1.324. Why was there no enquiry or Commission of Enquiry prior to 2010 when this Commission was established? The evidence is conflicting. Mr. Dookeran said that he was dissuaded from having “a deeper investigation” by Mr. Reginald Dumas, Permanent Secretary, Prime Minister’s Office. Mr. Dumas denied Mr. Dookeran’s assertion because, as he said, he always believed that there should have been an enquiry. To have advised otherwise would have been inconsistent with his belief and inclination.

1.325. There was no sufficient evidence before us on which we can make a clear finding on this conflicting evidence.

1.326. The Commission finds that Mr. Robinson was not in favour of a Commission of Enquiry at the time because he and the Government were more concerned with restoring the country to a state of normalcy and dealing with the

consequences of the destruction of Port of Spain. Mr. Anthony Smart's opinion was that since criminal proceedings had begun against the JAM, it would have been improper to hold a Commission of Enquiry at the same time.

1.327. The Commission did not hear argument on the legal issue raised by Mr. Smart. The Commission is satisfied, however, on the basis of its own experience during this Enquiry, that if an attempt had been made to hold a Commission of Enquiry while the Preliminary Enquiry into the charges against the insurgents was pending, there would, in all probability, have been such a plethora of judicial review applications that the work of the Commission would have been rendered nugatory.

1.328. Moreover, under existing legislation, the Commission has and had no power to compel the attendance of any witnesses, especially in circumstances where it would be submitted that testifying before a Commission of Enquiry might prejudice an accused's right to a fair trial before the courts.

1.329. The Commission finds that, after the insurrection, the Cabinet took two decisions related to assistance for victims of the attempted coup. The first, made on 20 August 1990, provided that persons paid from public funds, who were injured or traumatised as a result of the events of 27 July, should receive medical and/or psychiatric assistance at institutions in Trinidad and Tobago or

abroad, if recommended by a panel of doctors. Cabinet further agreed to introduce an Employee Assistance Programme for Public Officers to address the needs of such officers and “those persons in the Parliament building who were affected by the events...”

1.330. This Cabinet decision was never fully implemented.

1.331. On 10 January, 1991, Cabinet agreed that Members of Parliament and Public Officers who suffered loss or damage to personal property as a direct result of the attempted coup and its aftermath, be compensated.

1.332. This Cabinet decision also was never fully implemented.

1.333. The Commission makes certain recommendations in Chapter 11 of this Report to ensure that restorative justice is accorded to victims of the attempted coup.

1.334. The Commission finds that, although the Government did not undertake to rebuild Port of Spain, it attempted to assist in its rehabilitation. In that regard, a loan facility was established. These initiatives foundered because there was no proper plan in place to rehabilitate Port of Spain and the

procedures for accessing loans were cumbersome and convoluted. Very few businesses benefited.

2. THE DEFENCE FORCE

1.335. The Commission does not accept the opinion of the Chamber of Commerce that "the response of the Army was slow...". The Operations Log of the Regiment records that at 6.15 p.m. Capt. Smart instructed Guard Commanders at Camp Ogden and Camp Cumuto to close the gates. "Camp is confined."

1.336. When Imam Abu Bakr first broadcast at 6.20 p.m. Lt. Col. Hugh Vidal sent two senior officers into downtown Port of Spain to investigate what was happening and report back. They reported that Police Headquarters were on fire, there was shooting from the Red House and persons were driving around shooting. Meanwhile, Felix Hernandez had told Col. Brown at the stadium that the JAM had bombed Police Headquarters. This was about 6.00 p.m. and Col. Brown immediately left for Camp Ogden.

1.337. The Chief of Defence Staff, Col. Theodore, received a telephone call from retired Commander Jack Williams about 6.00 p.m. informing him of the attack on the Police Headquarters. Col. Theodore called Lt. Vidal for transport,

got dressed and set off for Camp Ogden. About 7.00 p.m. Col. Theodore and Col. Brown met with Lt. Col. Vidal. Col. Brown ordered Major Peter Joseph "to muster as many men as you can and go into Port of Spain". Col. Theodore dispatched two Warrant Officers to the vicinity of the Red House to see what was happening. No one was aware, at that time, that there were hostage situations both at the Red House and at TTT.

1.338. At 6.35 p.m., according to the Ops Log, Major Joseph and Capt. Bishop were directed "to seal off the Red House while other forces are being gathered. Capt. Maharaj, who is on marijuana ops, is told to return to Camp Ogden immediately."

1.339. Col. Brown returned to the stadium to use the public address system to order all sailors and soldiers to meet him by the main stand. He ordered the sixty who responded to report to Camp Ogden where Lt. Col. Vidal was devising a strategy for containing the insurrectionists.

1.340. Col. Brown, Col. Theodore and Lt. Col. Vidal watched Imam Abu Bakr's broadcast at 7.15 p.m. They heard him say that the Army was on the side of the JAM. They were incensed. It was a blatant lie, as we so find.

1.341. The Commission finds that, before setting out for Port of Spain, Major Joseph devised "a Hasty Plan". He reported to Lt. Col. Vidal and 38 soldiers were mobilised to go into downtown Port of Spain to contain the situation at the Red House.

1.342. Of the 38 soldiers mobilised, 18 were assigned to Major Joseph to go to the Hall of Justice; 20 under the command of Capt. Bishop went to the CLICO Building.

1.343. The Commission finds that the foregoing preparations, decisions and actions by the Military were an appropriate response, having regard to the emergency nature of the events.

1.344. About 7.30 p.m. Major Joseph led the 38 soldiers into Port of Spain. The strategy was that Capt. Bishop and his men would control the area from Sackville Street to Prince Street and Major Joseph and his men would approach from the opposite direction. Communication equipment was limited. At the beginning of the operation, the soldiers had "a basic load of ammunition".

1.345. Major Joseph's objective was to establish a position at the Hall of Justice but on their way there, he and his men encountered sniper fire. About 8.00 p.m., however, Major Joseph had worked his way to within 50 metres of the

Red House and, by 8.30 p.m. he had established a position within the Hall of Justice. Capt. Bishop's troops were occupying the CLICO building.

1.346. Col. Brown ordered that the airports at Piarco and Crown Point be closed.

1.347. The Commission was impressed to hear that, throughout Friday night, soldiers kept reporting for duty and many who were living overseas and heard the news, called to say that they would return at the first available opportunity.

1.348. Sometime after midnight, Capt. Maharaj and his troops returned from Cumuto, manned the outer cordon and did patrols. The Commission finds that the Army had effectively surrounded and contained the Red House when the forces of Capt. Bishop and Major Joseph were in place.

1.349. Lt. Col. Carlton Alfonso commanded the Support and Service Battalion (SSB) stationed at Teteron. He was custodian of the Army's ammunition and controlled the issuance of arms. He spoke with Lt. Col. Vidal and he knew that soldiers had been deployed to the area around the Red House. He knew that they got arms and ammunition at Camp Ogden. But based on his

own assessment of the situation “and an anticipated firefight”, Lt. Col. Alfonso sent 50,000 rounds to the First Battalion.

1.350. Three matters peeved Lt. Col. Alfonso. First, on 28 July, Major John Sandy requested more ammunition. Lt. Col. Alfonso questioned the need for additional ammunition. He told Maj. Sandy to let Lt. Col. Vidal know that he was not sending the ammunition. Lt. Col. Vidal telephoned Lt. Col. Alfonso and there was what may be characterised as “a professional disagreement”. On 28 July the matter was settled. Lt. Col. Alfonso sent the ammunition. The second matter which drew Lt. Col. Alfonso’s ire was that, on his arrival at Teteron, he could not account for many of the soldiers assigned to the SSB. They had reported to Camp Ogden as directed by Col. Brown. Thirdly, Lt. Col. Alfonso claimed that, up to 28 July, neither Col. Theodore nor Col. Brown had communicated with him. He had to take decisions on his own.

1.351. The Commission finds that the professional disagreement between Lt. Col. Alfonso and Lt. Col. Vidal was an occurrence that was the consequence of the urgent situation that was confronting the Army. In situations of extreme urgency, tensions and tempers are apt to become frayed at the edges. However, Lt. Col. Vidal was on the ground. He was closer to the action than Lt. Col. Alfonso. Major Joseph and Capt. Bishop were reporting to him. It was his call of judgment that sounded for more ammunition.

1.352. The Commission accepts that appropriate Military protocol dictates that when a soldier is ordered to report to camp, he ordinarily ought to report to his assigned camp. But again, we repeat that this was a situation of extreme urgency. The exigencies of the crisis required “all hands on deck” as quickly as possible, to borrow a naval metaphor. Col. Brown was the Commanding Officer of the Army. He ordered the men to report to Camp Ogden – the closer camp to the action in Port of Spain. Time lost in soldiers finding their way to Teteron, getting “kitted out” and driving back to Camp Ogden for orders could have been crucial to the success of the early operations. In the circumstances, the Commission ascribes no criticism to Col. Brown for his decision. It may not have been best practice but, in all the circumstances, it was efficacious.

1.353. The Commission makes no finding in respect of the allegation that Lt. Col. Alfonso did not communicate with Col. Theodore and Col. Brown prior to 28 July. Col. Brown was adamant that he gave Major Derrick instructions to inform Lt. Col. Alfonso of the operation and he is sure that Major Derrick did as he was ordered. We never received evidence from Major Derrick and this is very much a situation of word against word. We are unable, on the evidence, to make a conclusive finding.

1.354. Turning now to the situation at TTT, the Commission finds that, prior to midnight on 27 July, there was an insufficiency of soldiers to establish a cordon around TTT.

1.355. In the early hours of 28 July, however, Capt. George Clarke led a platoon minus (22 men) to an area west of the Queen's Park Savannah in order to secure a position around the Savannah and dominate the area near to TTT. On arrival at Queen's Park West, Capt. Clarke's men took up positions by various junctions and effectively threw a cordon around TTT. We find that not all of the soldiers were equipped with their own weapons, but at least they had rifles, a basic load and enough ammunition to establish and maintain a presence in the area.

1.356. On Saturday, Major Joseph's troops received heavy gunfire from the JAM. They returned fire. A JAM was shot while trying to get into a vehicle outside the Red House. About 6.00 p.m. Major Joseph was ordered to cease fire except if fired upon. This was obviously after Canon Clarke's intervention with the amnesty document. However, Police Officers continued firing from the Cyril Duprey building in defiance of orders from the Acting Commissioner of Police. Their firing ceased after Col. Theodore sent a message that he would have them "taken out".

1.357. We find that, by noon on Saturday, Capt. Clarke had received reinforcements from Alpha Company under the command of Major Antoine. The augmented forces now made a forward push from various directions towards the JAM at TTT. Although the soldiers received gunfire from the JAM, they were able to force the JAM to retreat and remain in TTT. TTT was now contained. But a battle ensued that lasted for 4 hours. Four of the insurgents were injured. Sometime soon after 6.00 p.m., there was a ceasefire at TTT.

1.358. The Commission finds that the response of Capt. Clarke and his men up to this time was exemplary and entirely successful.

1.359. On Sunday morning Major Joseph launched a B300 rocket (Bazooka) against the Red House but not near to that part of the Parliamentary Chamber where the hostages were held. This action was in response to heavy gunfire against the Army from the JAM who were trying to break out of the Red House. It caused a small fire but the JAM in the Red House extinguished it.

1.360. On Monday afternoon, Capt. Clarke's soldiers outside TTT bombarded the building and, on Tuesday, there were sporadic exchanges of gunfire. Negotiations were continuing; Mr. Robinson was released and the release of all hostages was eagerly anticipated. On Wednesday, 1 August, 1990 – the very day of release and surrender – Capt. Clarke launched a B300 rocket

against the TTT building. He wanted to test the capability of the building to withstand any attempt to penetrate it. He also said that the JAM needed “to know that they were in a war”; they needed to have “something to really shake them up and let them know what time of day it was”.

1.361. The Commission finds that the launch of the rocket was a very unwise decision. The hostages in TTT could have been harmed. The negotiations could have been derailed. Capt. Clarke was, however, duly reprimanded. It was errant strategy.

1.362. The role of the Army in negotiating the release of the hostages and surrender of the JAM is given full and separate treatment in Chapter 9.

1.363. As to the criticisms of Lt. Griffith, we are of opinion that, based on his recent training and graduation from Sandhurst three months before the attempted coup, he was inspired by idealism and a yearning for the application of best practices to a real-time crisis. However, through no fault of the Defence Force, some of the ideal systems could not be implemented since the country's resources did not afford implementation at the time.

1.364. The exigencies of the situation demanded an urgent response. Col. Brown used his best endeavours to muster troops who were at the stadium. They answered his call to fall in promptly. In the meantime, the leadership sent emissaries into Port of Spain to ascertain, at first hand, what was happening at

the Red House, while Major Joseph devised a "Hasty Plan" and Lt. Col. Vidal was considering overall strategy and operational modalities.

1.365. In different circumstances, the soldiers should have reported to their respective assigned camps but it was not practical, given the emergency, for those assigned to Teteron to seek to go to that camp. Valuable time would have been lost in assembling a contingent to get into Port of Spain as speedily as possible. The Commission accepts that the consequences of not reporting to assigned camps meant that some soldiers were not fully attired and were obliged to use weapons which were not their assigned weapons. But the key strategy was to have men on the ground in the vicinity of the Red House.

1.366. It is clear that the plan drawn up by Major Joseph required him and his men to take up a position near or in the Hall of Justice whereas Capt. Bishop and his soldiers were to take command of the CLICO building and its environs. The Commission finds that this plan was well executed by 8.00 p.m. on Friday. The JAM were contained in the Red House. This was the overall strategy and intent determined by Col. Theodore, Col. Brown and Lt. Col. Vidal when they met in the yard outside Camp Ogden about 7.00 p.m. on 27 July.

1.367. The Commission accepts that, although in 1990 training was predominately concentrated on conventional warfare, soldiers were, in fact, given some training in counter-revolutionary warfare.

1.368. The Commission acknowledges that the Ministerial instruction given to the Army on or about 21 April, 1990 was to take up a position at #1 Mucurapo Road to prevent the JAM from further encroachment on State lands. It might seem that the Army may have taken too narrow a view of their functions. However, the Commission recognizes that the overarching deficiency in security at the time was Special Branch's approach to the execution of its mandate. It was selfish with and jealous of its information. It shared with no one. It is therefore conceivable, and we so find, that the Defence Force never had a proper appreciation of the extent of the threat posed by the JAM, precisely because Special Branch never briefed the Force. To have assumed that the Defence Force should have performed a task ancillary to its express instructions and perform quasi-Intelligence functions was to assume that the Defence Force was aware of the extent of the threat.

1.369. It is convenient here to state that the Commission does not accept Lt. Griffith's evidence that several Intelligence agencies were "tripping over each other". We have stated several times in this Report that such rudimentary agencies as the Defence Force Intelligence Unit, the Customs Intelligence Unit, scarcely performed Intelligence functions properly so called and certainly did not share information. The principal Intelligence agency was Special Branch and, we repeat, that agency did not share.

1.370. The Commission finds that Lt. Col. Vidal was properly briefed by Col. Brown, his Commanding Officer, and by Chief of Defence Staff, Col. Theodore. Contrary to Lt. Griffith's assertion, Major Joseph and Capt. Bishop were sufficiently briefed by their seniors to execute the strategy of containment. Lt. Griffith suggested that it would have required only ten or fifteen minutes to design a strategy but that did not happen. We are satisfied, upon an analysis of the evidence, that Lt. Col. Vidal and Major Joseph would have taken much longer to develop their strategies including the Hasty Plan, which by its very nomenclature, implies that it was, in truth, a strategy.

1.371. In any event, we were told several times that an officer's initiative is key to good soldiering. We find that Lt. Col. Vidal and Major Joseph used their initiative in the circumstances to great advantage.

1.372. In the absence of the reality of an Operations Command Centre which did not exist at the time in Trinidad and Tobago, the Commission finds that use of Camp Ogden and the Hilton Hotel was appropriate and necessary in the circumstances.

1.373. The Commission finds that a lack of adequate transport, an inadequate number of functioning radios and basic communications equipment

were deficiencies which affected the response and performance of the Defence Force. However that may be, the Commission is satisfied that the response and performance of the Army in what was an unprecedented situation, were first class.

A STRANGE PIECE OF EVIDENCE – FRANCIS BRUZUAL

1.374. A retired Air Traffic Controller, Mr. Francis Bruzual, gave evidence on 1 May 2012. He said that on Sunday, 29 July, about 9.00 p.m., Mr. Ewart Boiselle, Assistant Director of Civil Aviation, called him and told him that a C130 Military aircraft would be calling about 11.00 p.m. (Call Sign “Charlie One”). The pilot would request that the runway lights be turned on.

1.375. About 11.00 p.m. an aircraft called and gave its Call Sign. Mr. Bruzual turned on the runway lights. The aircraft landed from the east. It was a C130. It went to the southern side of the BWIA hangar and was “marshalled into the hangar area”, viz. in front of the hangar. Mr. Bruzual said that the following happened:

“The back area of the aircraft was opened and between ten and fifteen vehicles poured out of the aircraft. I saw no one meet the aircraft. People were driving the vehicles. I was about 400 yards away in the tower. About 30 to 40 feet from the hangar is a fence and a gate. I saw the vehicles go through the gate and into Piarco Road. They went in the direction of Port of Spain and disappeared from my

view.....On Monday morning, the aircraft was still on the ground."

1.376. Col. Brown was astonished at this evidence. He described it as "fiction". He explained that when it was decided to allow the US Government to send an aircraft with hostage management personnel and eavesdropping equipment, it was necessary to reopen the runway which had been physically blocked. Commander Kelshall had the obstacles removed to facilitate the aircraft's landing.

1.377. Col. Brown, Mr. Atwell, US Ambassador Gargano and Major Derrick went to Piarco to meet the aircraft. There were about seven vehicles in the convoy. Col. Brown agreed that the aircraft did land from the east, which is not normal. It was a Military registered aircraft. It taxied to the BWIA hangar. It was a DC8, configured at its front as an office. Col. Brown was certain that the aircraft was not a C130 and, further, a C130 could not accommodate 15 jeeps.

1.378. Col. Brown testified that his convoy of vehicles remained in the hangar on the tarmac until they left after the five passengers alighted and the equipment was offloaded. He thought that what Mr. Bruzual probably saw was –

"the vehicles departing, heading into Port of Spain. He saw the egress of the convoy, not its arrival."

1.379. Col. Brown disputed other aspects of Mr. Bruzual's evidence. "There is no aircraft that could bring in 15 vehicles". It would also be unnecessary for a Military aircraft to request that runway lights be turned on. "These Military aircraft can see. They can see the runway. They do instrument landing. So they don't need the lights to land."

1.380. The Commission finds that the aircraft bringing the hostage management personnel and eavesdropping equipment sent by the US Government was not a C130 but a DC8. It landed from the east and taxied to the area of the BWIA hangar. There was a convoy of approximately seven vehicles which met the aircraft. Mr. Bruzual saw the convoy as it left the airport for Port of Spain. The Commission is satisfied that no heavy duty vehicles were transported by or landed from the DC8 aircraft.

3. THE POLICE SERVICE

1.381. Starting with the response of the Police Officers in Parliament at the time of the invasion by the JAM, the Commission finds that those comprising the Prime Minister's security detail, viz. Sgt. Steve Maurice, Cpl. Charles and PC Pilgrim, performed with a high and commendable degree of professionalism and commonsense. They were incapable of responding to the gunfire from a large group of invaders. In accordance with their training, they tried to protect

the Prime Minister from harm and threw themselves over him as a human shield. In the course of carrying out their duties, they were badly beaten and made to endure the humiliation of being sent out of Parliament in only their underwear. PC Kenrick Thong, the Prime Minister's driver, fired shots from his weapon in Abercromby Street but he was hit by gunfire from the JAM and lost a leg.

1.382. We find that WPC Olive Ward's reaction to the invasion, namely, to run and hide, was a natural response, given especially that she was unarmed. Likewise, we do not criticise Insp. Thompson for trying to escape from the mêlée in the Chamber. On the other hand, we think it was selfish and thoughtless of him not to try to assist the Attorney General (whom he recognised) when Mr. Smart too was trying to escape. Sgt. Julien escaped onto the roof of Parliament and remained there until Sunday afternoon. He was shot at while on the roof. The JAM captured him during a lull in the fighting and proceeded to beat him and humiliate him.

1.383. In the light of the fact that the JAM released the Prime Minister's security team and WPC Ward, the Commission can find no good reason why Sgt. Julien was tortured. He offered no resistance to the JAM. It was sheer wickedness to brutalise him at a time when negotiations for a solution were taking place or at all. Acting Deputy Commissioner of Police, Leslie Marcelle, tried to organise the few Police Officers at Headquarters when it was blown up

and then went on a roof to respond to the JAM who were firing from a crane on a construction site. The roof caved in and he fell to the ground, very badly injured. We find that, on the evening of 27 July, Mr. Marcelle displayed tremendous courage.

1.384. Whereas the Commission generally commends those officers referred to above, we condemn the behaviour of those outside the Red House. They fired bullets indiscriminately; they used foul language to and about the Prime Minister, other Parliamentarians and Permanent Secretary Reynold Fernandes. They abused their Acting Commissioner and refused to obey his orders. In the entire milieu on Friday and Saturday, they showed themselves to be thoroughly indisciplined.

1.385. We had evidence that some Police Officers were seen changing from uniform to plain clothes and running away from the area of the Red House. This conduct was cowardly.

1.386. We find that Mr. Dalton Harvey was disoriented by the events and he was unable to make any useful contribution at Camp Ogden when he got there about 6.30 p.m. on Friday. He was not sidelined. The leadership of the Army did not know him. Although he had been appointed in 1989, he had not sought to introduce himself to Col. Theodore or Col. Brown. It is simply

astonishing that Mr. Guiseppi, the Deputy Head of Special Branch, could not find Mr. Harvey to communicate with him (and that Mr. Harvey never called him) until Monday, 30 July. We believe Col. Theodore when he denies that the Police were in a kind of protective custody at Camp Ogden as testified by Mr. Harvey.

1.387. The Commission finds that from Friday evening until about 2.00 p.m. on Saturday, the Police Service was not in control of the situation then existing in Trinidad. There were *some* mitigating factors for this apparent abdication of functions as we have proffered in Chapter 5. Those factors notwithstanding, it is the Commission's considered opinion that the response and performance of the Police Service as a whole were wholly inefficient.

4. THE FOREIGN SERVICE

1.388. The Commission finds that the Diplomatic Corps were not briefed on what was taking place in Port of Spain. They should have been briefed so that they could inform their sending States what was the Government's official position. Such briefings are the usual and appropriate protocol.

1.389. The Commission finds that the US Ambassador to Port of Spain, Mr. Charles Gargano, was particularly sensitive to the events and actively offered such assistance as the interim Government considered necessary. When it was

decided that the US Government should be asked to assist with hostage management, the US Government responded promptly and expertly. By Saturday night, five persons arrived at Piarco, bringing with them eavesdropping equipment.

1.390. Heads of Government of CARICOM were in Jamaica at the time of the attempted coup. The Jamaica Government flew Minister of External Affairs, Mr. Sahadeo Basdeo, from Barbados to Jamaica to brief regional Heads. He reported, *inter alia*, that on Saturday, 28 July, he and other Ministers temporarily located in Barbados, had devised a plan to move 350 CARICOM troops to Barbados whence they would be sent to Trinidad after the crisis was over. Mr. Dookeran and Prime Minister P.J. Patterson of Jamaica approved the plan. The troops were mobilised but not sent to Trinidad until after the insurrection on 1 August 1990. Their mission was to assist the Police in restoring normalcy in Trinidad and to provide relief to Trinidadian officers whenever and wherever necessary.

1.391. The Commission finds that, while Trinidad and Tobago was under a State of Emergency, the CARICOM troops rendered excellent service at business places and working in pairs with local Police to prevent further looting.

5. *THE MEDIA*

1.392. Despite the frightening experience of being held captive for six days, the hostages at TTT displayed tremendous courage. We commend Mr. Jones P. Madeira, Mr. Dominic Kallipersad, Mr. Raoul Pantin and others at TTT, Mr. Dennis McComie and his band of five at Radio 610, Messrs. Emmett Hennessy and Eddison Carr for their devotion to duty and exemplary patriotism. We have also referred to Mr. Bernard Pantin's foresight in causing Imam Abu Bakr to be taken off the air and assisting in setting up a temporary broadcast facility to keep the public informed. No praise is too high for Mr. Pantin and all the others mentioned in this paragraph. When Mr. Carr reached safety after the JAM abandoned Radio Trinidad, he joined with Mrs. Allyson Hennessy to operate and broadcast from a temporary facility at Camp Ogden.

1.393. If there was one deficiency in the media operations, it was the omission of the interim Government to make maximum use of Radio 610, which was a Government-owned station. In our treatment of the evidence in this Chapter relating to the media, we have provided a full account of the response and performance of Radio 610. Suffice it to say that the Commission finds that the broadcast media performed excellently under the circumstances.

1.394. The print media carried daily reports via the Trinidad Express and Trinidad Guardian newspapers and the Daily Mirror, usually a weekly publication, went daily during the crisis. The Express published a separate volume "Trinidad Under Siege – The Muslimeen Uprising – Six Days of Terror". The Commission found it to be an invaluable resource.

1.395. The foreign media, including the BBC and CNN, seemed to be less inhibited in seeking out information compared with their local counterparts. But the BBC and CNN were both guilty of publishing inaccurate or distorted stories. The misfortune was that false impressions of the reality were being created. But CNN, in particular, served to galvanise former Trinidadian soldiers living in the USA into decisions to come home and help. And that network first brought the attention of Dr. Harvey Schlossberg to the crisis unfolding in Port of Spain.

1.396. In 1990 no crisis management information centre or guidelines for the media in times of crisis existed in Trinidad and Tobago. Plainly, this was a deficiency. We have made appropriate recommendations elsewhere in this Report.

6. THE ESSENTIAL SERVICES

(a) Water and Sewerage Authority (WASA)

1.397. The evidence before the Commission revealed that, during the period of the attempted coup, the Army and Police were deployed at key installations of WASA and accompanied officials of WASA on their operations. We can report that there was no damage to any of WASA's infrastructure during the crisis.

(b) Trinidad and Tobago Electricity Commission (T&TEC)

1.398. T&TEC first received news of an explosion and fire at Police Headquarters sometime after 5.00 p.m. The operator in T&TEC's control room, Mr. Ramhit, asked Mr. Ganesh Narine, Electrical Engineer, to investigate. But in the meantime, Mr. Mervyn Ramjohn, Engineering Controller, had heard the conversations and he contacted Messrs. Ramhit and Narine. Mr. Ramjohn instructed Mr. Narine to recall all crews to base at Flament Street and await instructions.

1.399. As soon as Mr. Winston Sankar, Shift Operator, heard that a coup was attempted, he invoked Phase I of T&TEC's disaster preparedness plan,

viz. he recalled all crews to base to re-group and be deployed. By 7.00 p.m. all crews were at Flament Street. It was confirmed that Police Headquarters had been destroyed. The consequence of the destruction was that the high voltage system at Headquarters 'blew' and the electrical supply isolated itself.

1.400. Because of severe traffic problems and the general bedlam, it was difficult for crews to move into disaster areas in Port of Spain. They were unable to access the substation at Woodford Square which supplied the Red House. Throughout Friday night, the control room at T&TEC was operational but the crews had to remain at Flament Street.

1.401. On Saturday morning, T&TEC had to deal with a large number of calls that the city was essentially on fire. Still, the chaotic state of traffic impeded their responses. However, T&TEC de-energised "a large area of Port of Spain". Staff had reported for work. Fires were reported at Queen, Henry, Charlotte, Chacon and Frederick Streets and at Independence Square.

1.402. The Commission accepts all of the foregoing evidence of T&TEC's response and believes Mr. Narine's evidence that T&TEC was willing and able to respond as quickly as calls came in but, in many cases, it was not possible to reach a location. Thus, some areas had to be isolated until access became easier.

1.403. T&TEC, however, was able to restore power to the General Hospital. T&TEC was overwhelmed by the magnitude of the fires and their consequences, but kept responding. There is no report of T&TEC's activities.

1.404. Electricity supply was restored to all affected areas within six days after the attempted coup but, in lower Port of Spain, restoration took considerably longer (about 4 months) because of the scale of destruction and the need to change a number of high voltage systems. One employee was injured in the restoration phase.

1.405. Mr. Richard Kissoon used his initiative on Saturday to restore power to St. Clair, Queen's Park Oval and Alexandra Street, *inter alia*.

1.406. The Commission finds that, having regard to the difficulties inherent in responding to fires in a city thronged with people and without traffic management, T&TEC responded with dispatch, considerable skill and resourcefulness.

7. THE FIRE SERVICE

1.407. Acting Assistant Chief Fire Officer, Mr. Leo Joseph, gave evidence and tendered a Report of the Fire Service for the period of the insurrection and up to 5 August 1990.

1.408. On the evening of the insurrection, the Chief Fire Officer issued a "Call Out" to all officers but advised caution because of the violent and dangerous situation in Port of Spain. Mr. Joseph reported on Saturday morning and worked the entire weekend until Monday, 30 July. Throughout the weekend, the Fire Service fought fires in downtown Port of Spain. Water supply was good and there was an ample number of fire appliances and equipment. Unfortunately, a lack of police protection and threats of violence by members of the public created difficulties for the Service.

1.409. In their attempt to respond to the blaze at Police Headquarters, Fire Officers were met with gunfire from members of the JAM. Appliances were forced to reverse from the direction they were heading towards the Red House and Police Headquarters. They were able to gain entry to the Police Headquarters on the Edward Street side of the Headquarters and they rescued 120 persons.

1.410. Later in the night of 27 July, although the Service responded to fires in the City, they could not effectively fight the fires without protection. By 5.30 a.m. on Saturday, police protection was given and the Service made a concerted and determined attack on the fires in Port of Spain. Eventually, effective fire control was established in downtown Port of Spain but “tremendous destruction by fire” had occurred.

1.411. The Fire Service’s investigations led to the conclusion that there were three causes of fire –

- (a) deliberate arson by looters;
- (b) heat transmission of buildings on fire;
- (c) the use of “patented devices” in initiating outbreaks.

1.412. The Fire Service estimated that 116 buildings in downtown Port of Spain suffered extensive fire damage and the value of losses was estimated at \$125,663,416.00. On 3 August, 1990, the Service responded to a fire at #1 Mucurapo Road “which gutted the headquarters of the JAM”.

1.413. The Commission finds that sniper fire by the JAM on the evening of the insurrection and a lack of police protection hindered the Fire Service in its attempts to fight the fire which broke out at Police Headquarters. Later in the evening of 27 July, the unruly behaviour of looters as well as the two constraints

mentioned above, adversely affected the Fire Service's attempts to expedite fire control in downtown Port of Spain.

1.414. By early Saturday morning, the Service received police protection and were able to carry out operations even though a large number of businesses and properties were destroyed. By midnight, the fires were brought under control. The Commission did not receive any evidence adverse to the Fire Service and concludes that, having regard to all the circumstances prevailing in Port of Spain on 27 and 28 July, 1990, the Fire Service performed as well as could have been expected. The Fire Service's Report is to be found at Appendix 7.

8. THE GENERAL HOSPITAL

1.415. Dr. Deneash Ariyanayagam gave evidence and tendered a report, authored by himself and other medical practitioners following the insurrection. The Report is at Appendix 8. Very early, the authorities at the General Hospital decided to compile records daily. In addition, patients were interviewed to assess their activities at the time of injury. On Saturday morning, the Heads of Surgery, Orthopaedics and the Medical Chief of Staff went to the hospital but they could not remain very long since the State of Emergency and the curfew had come into force.

1.416. The Surgical and Orthopaedics departments were put under great pressure. During the crisis, two of the four operating theatres were in constant use. Staff responded excellently, going beyond the call of duty to be of service during the six days of the crisis.

1.417. Dr. Ariyanayagam said that, during the first 48 hours of the crisis, there was a definite need for more surgeons, chiefly because injured looters began to go to the hospital. The following figures tell the tale. On 27 July, 43 persons were seen in the Accident and Emergency Department (A&E). On 28 July, 152 persons were seen.

SUMMARY OF THE REPORT

1. Accident and Emergency Department

1.418. This department saw 560 persons during the period 27 July to 1 August. 302 were admitted to wards; 250 were treated and discharged; 8 died. Of the 250 treated and discharged, 54 were coup-related and 23 of those were injured while looting. 10 suffered blunt trauma injuries; 8 had gunshot wounds; 3 were stabbed or chopped and 11 seemed to have been injured accidentally.

2. Surgical Department

1.419. 187 admissions had surgery, of which 170 were coup-related. The report highlighted that many of the gunshot wounds were “grotesque”.

3. Mortalities and Profile of Injured

1.420. 24 persons died as a result of the insurrection, 15 of whom died at the hospital. Of the 231 injuries related to the attempted coup, 133 were looters, 28 were bystanders and 12 were soldiers or Police Officers. Only two of the JAM presented at the hospital.

1.421. The Commission finds that medical staff, nurses, radiographers, attendants, technicians and security personnel worked excessively long periods. On average, there were always approximately 12 doctors and 18 nurses in the A&E department at any time. Orthopaedic, Anaesthetic and General Surgery staff remained at the hospital when the imposition of the curfew restricted their movements out of the hospital. But catering and food supplies were inadequate. After a few days, WASA vehicles, buses and ambulances assisted in transporting staff.

1.422. The Commission found the Report most helpful and transparent. It identified the following deficiencies in the disaster plan, such as it was. "Planning for and coping with the disaster was definitely the weakest area" because of: (a) inadequacies in the disaster plan itself; (b) failure to implement several aspects of the plan; (c) inadequate communication between the hospital and disaster areas; (d) the unique nature of the disaster itself. Even though there seems to have been a disaster plan specific to the health sector, it was not circulated to all staff. But, according to the witness, when he got to the hospital on 28 July, there was no plan.

1.423. The Commission wishes to draw attention to the following:

- There was no provision made for mobilising health care workers during a period of curfew. By 29 July, there were only three curfew passes for the entire medical staff but, after the insurrection ended, passes were available for the majority of doctors. The Commission hopes that, since the experiences of 1990, this deficiency has been remedied.
- There was no provision made for keeping a large number of health care workers at the hospital for prolonged periods.

- Medical and hospital staff were not properly informed as to what was happening.

1.424. The Commission has made recommendations for the establishment of a Crisis Management Centre and an Information Management Centre elsewhere in its Report.

1.425. The Commission concludes that the General Hospital responded admirably to the challenges posed by the insurrection and performed magnificently. However, the Commission remains perplexed that Mr. Leslie Marcelle was, as it appears to us, peremptorily discharged, still suffering massive injuries, within 48 hours of his admission to a ward.

ALL MATTERS PERTAINING TO THE NEGOTIATION, PREPARATION,
EXECUTION AND EFFECT OF THE AMNESTY AND THE
NEGOTIATION OF THE TERMS OF SURRENDER
ToR 1(vii)

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

1. NEGOTIATION, PREPARATION, EXECUTION AND EFFECT OF THE AMNESTY

1.426. The document which purported to grant an amnesty to the insurrectionists was in these terms:

"I, JOSEPH EMMANUEL CARTER, as required of me by the document headed Major Points of Agreement, hereby grant an amnesty to all those involved in acts in insurrection commencing approximately 5.50 p.m. on Friday, 27th July 1990 and ending upon the safe return of all Members of Parliament held captive on 27th July 1990.

This amnesty is granted for the purpose of avoiding physical injury to the Members of Parliament referred to above and is therefore subject to the complete fulfilment of the obligation safely to return them."

1.427. The Acting President, Mr. Carter, signed the original and initialled a copy of the document. It is noteworthy that the amnesty did not cover any acts by the insurrectionists prior to 5.30 p.m. on 27 July and did not take account of the hostages at TTT. As the Commission explained at paras. 9.3 to 9.6, the Judicial Committee of the Privy Council held that the amnesty was invalid, principally because, at the time when the JAM received the amnesty, they did not treat the insurrection as at an end. They sought to continue negotiations in an effort to achieve further objectives. In so doing, they did not comply with the condition to which the amnesty was subject, namely, prompt compliance or, at least, compliance as soon as was practicable.

1.428. Soon after the JAM invaded the Parliamentary Chamber, they battered Messrs. Robinson, Richardson and Selby Wilson and tied up all the MPs. The Chamber was reduced from its pristine state to a room of trembling, fearful bodies lying on the floor surrounded by a congeries of armed, intimidatory villains. Chaos reigned.

1.429. It was difficult then, as it is difficult now, to keep track of precise time. But, at approximately 8.00 p.m., while shooting was heard inside and outside the Red House, Bilaal ordered Mr. Robinson, at gunpoint, to instruct the soldiers outside to withdraw and lay down their arms. Mr. Robinson responded by ordering the soldiers to "attack with full force" and characterized the insurgents as "murderers, torturers". Mr. Robinson's orders angered Bilaal. He forthwith shot Mr. Robinson and Mr. Richardson in their legs. That Bilaal did not shoot them in their heads or chests suggests that he did not intend to kill them. Mr. Robinson's order was provocative and incautious. It could have jeopardised the lives of the other Parliamentarians. Those who gave evidence confessed to an understandable sense of dread and despair.

1.430. The shooting of Mr. Robinson and Mr. Richardson was the catalyst for discussions to put an end to the previous violence. Dr. Emmanuel Hosein pleaded with Mr. Winston Dookeran to invite the JAM to talk and negotiate. Mr. Dookeran, who had himself been beaten with the butt of a gun, indicated to a member of the JAM that they should talk.

1.431. About 9.20 p.m., Bilaal approached Mr. Dookeran and asked if he would inform "Headquarters" that they were talking and the Protective Services should hold their fire. With Bilaal's gun firmly stuck in his neck, Mr. Dookeran

agreed to do as requested. Bilaal gave him a walkie-talkie and Mr. Dookeran said –

“This is Minister Dookeran speaking. We are having discussions. Stop firing.”

1.432. Mr. Dookeran crawled to the steps of the VIP gallery and lay down on a step. Bilaal came to him and warned him that if there was any breakdown in negotiations, he would shoot MPs and throw them over the banister. Mr. Dookeran told Bilaal that he wanted a peaceful resolution to the situation and that there should be no bloodshed.

1.433. In an affidavit sworn by Mr. Dookeran on 7 February, 1992, he deposed that Bilaal’s first demand was the resignation of Mr. Robinson as Prime Minister. Mr. Dookeran pointed out that that was a constitutional matter “and whatever agreement was reached [on that matter] would have to be within the constitutional framework – you could not change a Government just like that.” Bilaal agreed.

1.434. *En passant*, the Commission finds that Bilaal’s demand for Mr. Robinson’s resignation was consistent with the main objective of the attempted coup, viz. the overthrow of the Government by removing Mr. Robinson.

Negotiating the Amnesty

1.435. The Commission finds that discussions started in earnest about 9.20 p.m. The Commission has concluded that, owing to the imprecision in times as revealed by the evidence, it is of greater value to record the substance of the discussions. Times to which reference is made are only approximations.

1.436. At first, about 10.00 p.m. Bilaal and Mr. Dookeran had discussed and agreed to the following of Mr. Dookeran's proposals that:

- (i) there should be no further bloodshed;
- (ii) discussions should take place, having regard to the requirements of the Constitution; and
- (iii) an independent third party should be brought in to assist in resolving the crisis. Bilaal nominated Canon Knolly Clarke and Mr. Dookeran agreed.

1.437. About this time, Mr. John Humphrey of the UNC Opposition was invited to join Mr. Dookeran and Bilaal and he did so. In Mr. Humphrey's presence, discussions continued and it was finally agreed that the following

matters would constitute the essential terms of an agreement between Messrs. Dookeran, Humphrey and Bilaal:

- (i) ceasefire and no more bloodshed;
- (ii) due regard had to be paid to the requirements of the Constitution;
- (iii) Mr. Robinson would resign as Prime Minister;
- (iv) Mr. Dookeran would become Interim Head of the Government;
- (v) Canon Knolly Clarke should be the mediator;
- (vi) The JAM be given an amnesty on condition that there be no further bloodshed and all of the hostages be freed.

1.438. Mr. Joseph Toney, who was not part of the negotiating team, was asked to reduce the agreement to writing. Mr. Dookeran informed Mr. Robinson of the terms of the agreement and, reluctantly, he agreed to them. We find that Mr. Robinson made no contribution to the negotiations. He said

that he “authorised Mr. Dookeran to negotiate but gave him no specific instructions. He had a free hand.”

1.439. Mr. Toney drew up:

- (i) a document containing Mr. Robinson’s resignation with immediate effect. It was signed by Mr. Robinson - see para. 9.43(i)

- (ii) a document signed by all of the hostage-MPs - see para. 9.43(ii);

- (iii) a document headed “Major Points of Agreement” (MPA) see para. 9.44 that was not signed by the MPs but which provided as follows:

“(1) Mr. Robinson writes letter of resignation to the President and makes appropriate statement;

(2) All Parliamentarians, including Mr. Robinson, sign the letter supporting Mr. Dookeran for Prime Minister;

(3) General Elections to be declared in 90 days;

- (4) Mr. Dookeran would leave Chamber with letters to go to President with Canon Knolly Clarke. Leo des Vignes to be released simultaneously for treatment;
- (5) Mr. Dookeran, upon his appointment, secures an amnesty for all those involved in the insurrection between 5.30 p.m. Friday, 27 July 1990 and resolution of the matter. Amnesty document to be prepared by the President.
- (6) Mr. Dookeran and Canon Clarke to return with amnesty papers. All to be freed."

1.440. The MPA were central to the drawing up of the amnesty documents.

1.441. Sometime around midnight, Canon Clarke arrived at Camp Ogden from his home in San Fernando. He met with Col. Brown and Mr. Leonard Taylor, Acting Commissioner of Police. He also spoke on the phone with Bilaal who requested medication for Mr. Kelvin Ramnath and a light stretcher for

Mr. Leo des Vignes, MP for Diego Martin. In the mêlée that ensued following the JAM's invasion of Parliament, Mr. des Vignes was shot.

1.442. On Saturday morning, about 6.00, Mervyn Telfer, a concerned citizen and former journalist, who had gone to Camp Ogden to see what assistance he could render, drove Canon Clarke to the Red House without armed escort. Before going to the Red House, the Acting President, Mr. Carter, had seen Canon Clarke. Canon Clarke was told to obtain details of the JAM's demands. Both Mr. Carter, in an affidavit sworn on 7 February, 1992, and Col. Brown, in oral evidence to the Commission, said that they relied on Canon Clarke to return with an eyewitness account of what was happening inside the Parliamentary Chamber.

1.443. At the Red House, Canon Clarke met Bilaal and he was given the three documents mentioned at para. 9.230. On his way from the Red House, Canon Clarke assisted in putting Mr. des Vignes on a stretcher. He and Mr. Dookeran then went to Mr. Telfer's car and were driven to Camp Ogden.

1.444. Canon Clarke arrived at Camp Ogden shortly before 9.00 a.m. when Mr. Carter left to go to Cumberland Hill to declare a State of Emergency. He gave Mr. Carter an account of the scene in the Red House. Mr. Carter said "the details portrayed a very horrifying picture". Canon Clarke had handed over

the three documents he received from Bilaal to Mr. Dookeran. Mr. Carter saw the documents.

1.445. The Commission accepts that Mr. Carter was under extreme pressure but he acknowledged that the documents required a response. We also accept that he refused to act on the documents relating to Mr. Robinson's resignation and the appointment of Mr. Dookeran as Prime Minister because –

- (a) under the provisions of the Constitution, the 16 signatories to the document purporting to support Mr. Dookeran's appointment as Prime Minister, did not constitute the sufficient number of MPs required for majority of support; and
- (b) he required the written advice of the Attorney General that he could accept Mr. Robinson's resignation "given the circumstances in which these documents were signed".

1.446. About midday on Saturday, 28 July, Canon Clarke made a second visit to the Red House. He took medication for Messrs. Robinson and Ramnath. It seems that Canon Clarke returned from the Red House with two documents. The first, to Mr. Carter, was from Mr. Richardson purporting to act pursuant to

section 89(3) of the Constitution. In this document (see para. 9.62) Mr. Richardson advised Mr. Carter to take steps "to grant an unconditional pardon to all/anyone who participated [in the insurrection]." The second document, signed by the Parliamentarians, directed "that no foreign intervention be required or allowed in our affairs which we are confident we can resolve." It was instigated by Mr. Eden Shand, Acting Minister of External Affairs and was drawn up by Mr. Toney.

1.447. The Commission finds that, in respect of Mr. Richardson's document, he consulted the Constitution and wrote the document in response to questions from the JAM about the legal validity of the three documents which were originally sent to the President. The JAM seemed to realize that their validity might be challenged on grounds of duress. As to the document inspired by Mr. Shand, the Commission finds that Bilaal had got word that the substantive Minister of External Affairs, Mr. Sahadeo Basdeo, who was delayed in Barbados, had asked the US Government to intervene.

1.448. Bilaal was angry and, during the afternoon, he made preparations to execute the MPs representing the NAR. Bilaal was convinced that forces would storm the Red House, put out the lights and throw in hand grenades. Thus, Bilaal lined up the male members of the Government and had an insurgent

stand over each member with a gun ready to shoot when ordered. All the hostages were consumed with despair and fear.

1.449. Fortuitously, Canon Clarke returned to the Red House for a third time about 6.00 p.m. and shouted, "Hold it, hold it. I got an amnesty." Mr. Dookeran was not with him. The Commission finds that Mr. Dookeran was under great stress and was advised by the doctors at Camp Ogden not to return. He spent most of Saturday in the sick bay at Camp Ogden. He did intend to return to the Red House and did not in fact double-cross the JAM.

1.450. Canon Clarke's entreaty had the desired effect. Bilaal relented. Gradually the extreme tension was relieved. Canon Clarke spent the whole of Saturday night at the Red House.

Preparation of Amnesty Document

1.451. The amnesty document was drafted by three lawyers: Messrs. Michael de la Bastide SC, Martin Daly SC, and Mr. Fyard Hosein. The Acting President relied on their skill and expertise. Mr. de la Bastide was the first to go to Camp Ogden. He was called from home about 11.00 p.m. on the night of the insurrection by Minister Clive Pantin. He met with Ministers Atwell, Pantin and Lincoln Myers who wished to know whether duress would invalidate an

amnesty. Without the benefit of legal texts, Mr. de la Bastide opined that duress would invalidate a pardon.

1.452. Mr. de la Bastide, however, was intimately concerned with preparing the documentation necessary for Proclamation of a State of Emergency. About 2.00 a.m. on Saturday, he contacted the Chief Parliamentary Counsel, Mr. Stephen Miller, and later that morning, they drafted the documentation. He returned to Camp Ogden about 10.30 a.m.

1.453. Messrs. Daly and Hosein were already at Camp Ogden when Mr. de la Bastide returned. They had a draft of the amnesty and showed it to Mr. de la Bastide. He inserted the words, "*for the purposes of avoiding physical injury to the Members of Parliament referred to above*". This was to emphasise that the amnesty was being given under duress and to save lives.

1.454. The Commission finds that the Acting President did not have the power to grant an amnesty without the advice of the Cabinet. To reach that conclusion requires that, section 87(1) of the Constitution, authorizing the President to grant a pardon, be read together with section 80(1) of the Constitution which makes it mandatory that the President act "in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet" (except in three specific cases, of which grant of a pardon is not one).

We agree with that conclusion which was also reached by Messrs. de la Bastide, Daly and Hosein.

1.455. Mr. Daly's evidence was that, in drafting the amnesty, it was crucial to link the grant of the amnesty to the demand in the MPA. As he said, "we had to locate the grant of the amnesty to that document". The Commission finds that the opening sentence of the amnesty captured Mr. Daly's point – "*As required of me by the document headed 'Major Points of Agreement'*". The Commission finds and accepts that Mr. Daly and Mr. Hosein carefully and correctly avoided any linkage of the amnesty to Mr. Richardson's letter.

1.456. With respect to the issue of duress, the Commission does not seek to reflect upon the advice of the Privy Council, but we think that there was merit in the contention of Messrs. de la Bastide and Daly that the President could not validly act on his own but was required to act in accordance with the advice of Cabinet. Since the Cabinet did not give, and was in no position to give, any advice, "that was the end of the matter", as Mr. de la Bastide put it.

1.457. The Commission is satisfied that, although the legal arguments referred to at paras. 9.236 to 9.238 were advanced to the legal team representing the State in the Privy Council, they were not pleaded and argued.

In such case, the Privy Council could not have pronounced upon an issue not pleaded and argued.

1.458. After drafting the amnesty document, Mr. Hosein supervised a soldier who typed it. It was completed about 5.00 p.m. and Mr. Hosein took it to Mr. Carter who kept the original and gave a copy to Canon Clarke.

1.459. The Commission finds that the Attorney General, Mr. Smart, had no input into the amnesty document and did not see it in its final version. The reason that the hostages at TTT were not mentioned in the document was that it was the view of the lawyers and the politicians at Camp Ogden, that so long as the issue in the Red House was resolved, that at TTT would likewise be settled. The Commission finds it passing strange that the Attorney General, Mr. Smart, as the principal legal advisor to the Government, did not insist upon seeing the final typed version of the amnesty document before it was sent off with Canon Clarke.

1.460. The Commission finds that Canon Clarke's insistence that he take a document to Parliament on late Saturday afternoon, influenced Mr. Carter to sign the amnesty document and give Canon Clarke an initialled copy of it. The Commission also finds that the document was for the consideration of the JAM. If they approved it, then Mr. Carter would have had a formal document prepared in the usual form. Mr. Carter took the precaution to have an Instrument of

Appointment prepared appointing Mr. Dookeran as Prime Minister. But since the Attorney General had not given written advice for the appointment of Mr. Dookeran, the Instrument was never signed.

1.461. The Privy Council found that continuing negotiations of the JAM after receipt of the amnesty document invalidated it. We find, on the basis of Mr. Carter's affidavit, that the JAM made at least four demands after receipt of the document. These were –

- (i) appointment of a Senator nominated by the JAM;
- (ii) that Imam Abu Bakr be made Minister of National Security;
- (iii) that the JAM and the Leaders of the Opposition Parties advise Mr. Dookeran on the appointment of members of an interim Government; and
- (iv) that Mr. Carter and Archbishop Pantin go to the Red House.

1.462. On Sunday, 29 July, Canon Clarke went to TTT at the invitation of Col. Joseph Theodore. He saw Imam Abu Bakr and heard him speak to Bilaal. The Commission finds that Imam Abu Bakr distinctly said that he should be

Minister of National Security and suggested that he could be a Senatorial appointment.

1.463. The Commission finds that the effect of the amnesty was three-fold. It certainly saved the hostages at the Red House from the execution for which Bilaal was preparing. It reduced the fear and tension in the Red House and brought a measure of civility to relations between the hostages and their captors. It allowed negotiations for the ultimate release of the hostages and surrender by the JAM to proceed in an orderly fashion, even if they were somewhat protracted.

1.464. The Commission finds that Canon Clarke did not function as a mediator properly so-called. He was essentially a messenger.

2. NEGOTIATION OF THE TERMS OF SURRENDER

1.465. So long as the interim Government and the leadership of the Defence Force had decided to negotiate a way out of the crisis late in the morning of Saturday, 28 July, the question arose as to the person to lead those negotiations on behalf of the State. Col. Theodore, Col. Brown and Commander Kelshall all had training in hostage negotiation and management which would have qualified them for the task. In the end, it devolved upon Col. Theodore to

negotiate the release of the hostages and the surrender of the insurrectionists. Col. Theodore rendered outstanding service to the Government and people of Trinidad and Tobago.

1.466. Col. Theodore's strategy, no doubt influenced by the advice of Dr. Harvey Schlossberg who was consulted by Col. Brown, was not only appropriate but successful. It involved making it clear to the other side that Col. Theodore was not the final decision-maker and, equally important, keeping negotiations protracted to wear down the JAM.

1.467. The trigger for the start of negotiations was a telephone call from Bilaal to Col. Theodore while Canon Clarke was in the Red House on Saturday afternoon following his last-minute intervention with the amnesty document. Bilaal complained that shots were being fired at the Parliamentary Chamber from the direction of St. Vincent Street. Col. Theodore ordered the Army to cease fire. The Police did not comply with similar instructions from the Acting Commissioner. They responded to him with abuse. Col. Theodore threatened to have the five recalcitrant policemen on top of the Cyril Duprey building "taken out". The threat had the desired effect. They ceased firing. But other shooting continued and Canon Clarke was obliged to make an appeal for shooting to stop. It took a rocket from the Army to quell the shooting in the early hours of Sunday, 29 July. The rocket hit the south-eastern part of the Red House.

1.468. Negotiations began in earnest on Sunday morning when Col. Theodore and Bilaal resumed dialogue after Canon Clarke returned from the Red House.

1.469. We find that Bilaal's first proposal was the release of the hostages but he wished them and the insurgents to be taken to #1 Mucurapo Road with Military escort while the JAM kept their weapons. He would release the hostages at Mucurapo. Not surprisingly, Col. Theodore rejected the proposal.

1.470. We find that the JAM had been misled into thinking that they could keep their weapons because Canon Clarke had not made it clear to them that they would be required to lay down their arms. Canon Clarke admitted to Col. Theodore that he was not sure that he had specifically explained that requirement to the JAM, although he had been instructed to inform Bilaal accordingly.

1.471. The next few days were consumed with attempts to convince the JAM that there was no pre-existing agreement that they could leave the Red House with their weapons. Apparently, within the Red House, Bilaal believed that he had reached an agreement, presumably with Mr. Richardson, that the JAM could leave armed.

1.472. Dialogue between Bilaal and Col. Theodore continued throughout Monday when the strategy on both sides was effectuated.

1.473. As indicated at para. 9.248, Col. Theodore made no on-the-spot decisions. The discussions would be interrupted while he took a proposal to the politicians gathered at the Hilton Hotel (to which they had all moved) and then he reported their advice to Bilaal. For his part, Bilaal consulted Imam Abu Bakr before putting forward a position. This 'back and forth' necessarily caused delay.

1.474. In the early hours of Tuesday, 31 July, Bilaal telephoned Col. Theodore to indicate that the JAM were prepared to release Mr. Robinson "immediately and unconditionally". A procedure was agreed and Mr. Robinson left the Red House about 1.30 p.m. on Tuesday, 31 July 1990. Later that day, the parties agreed the release of the other hostages.

1.475. We find that the delay in releasing the other hostages at the Red House was attributable to the following:

- (i) the reluctance of the JAM to surrender their arms;
- (ii) their reluctance to go to a place other than #1 Mucurapo Road after surrender;

- (iii) the JAM's proposal that a number of them be licensed (precepted) to surrender with their arms;

- (iv) the involvement of Mr. Richardson in the negotiations in the Red House. He was trying to accommodate Bilaal's demands for precepting, but this was contrary to the negotiating position adopted by the interim Government and Col. Theodore. It put Col. Theodore in an awkward and embarrassing position;

- (v) Col. Theodore having constantly to explain to Bilaal that he was not the final decision-maker but took his instructions from the political directorate;

- (vi) as late as Tuesday night, the issue of precepting some of the JAM was a live one. It even involved Bilaal's suggestion that firearm licences should be sought for some of the JAM. Col. Theodore pointed out that to try to obtain licences would be a lengthy, time-consuming process replete with inherent difficulties;

- (vii) at no time before early Wednesday, 1 August, 1990, did the JAM indicate that they were willing to surrender unconditionally. Between Sunday and Wednesday morning, they continued to make demands;
- (viii) release and surrender were not practical on Tuesday because of extremely inclement weather in Port of Spain.

1.476. We find that an agreement was finally reached on Wednesday morning between Col. Theodore and Bilaal. The terms of the agreement were:

- (i) the JAM would leave all handguns in a bag in the Parliamentary Chamber;
- (ii) the guns would be taken to #1 Mucurapo Road by the Army;
- (iii) the guns would be held "in trust" for any of the JAM who may have been precepted;
- (iv) the JAM should leave a list of the names of those to be precepted in the bag in the Chamber, in the event that any of them might be precepted; and

- (v) fifteen handguns would be placed on the table in the Chamber to be handed over "at some other time".

1.477. We find that this agreement was an expedient to bring the crisis to an end, but there was never any real intention to allow the JAM to recover possession of the weapons once they had surrendered them.

1.478. With regard to the hostages and captors at TTT, it was agreed that the hostages should leave first, followed by the JAM who would be transported to a site. When the JAM reached that site, Imam Abu Bakr was to call Bilaal and confirm his safe arrival. Thereafter, evacuation from the Red House would proceed.

1.479. Imam Abu Bakr duly called Bilaal from Chaguaramas. He confirmed that he had ordered one Sadiq to disarm a vehicle that was parked on Marli Street with explosives and that had been done. Then the evacuation of the Red House took place, after the precedent of TTT had proven satisfactory.

1.480. The hostages at the Red House were released about 3.30 p.m. on Wednesday, 1 August, 1990. We find that the operation of release and surrender was extremely well coordinated and executed. We entirely endorse the opinion of Col. Brown that –

“It was a complex situation where [the authorities] were, in effect, handling two separate hostage situations but which were linked together. The process of release and surrender had to be properly synchronised.”

3. RECOMMENDATIONS

1.481. Three issues arose out of the circumstances surrounding the grant of the amnesty. They relate to the defence of duress, the adequacy of legislation covering the grant of an amnesty and the question of the appointment of a Prime Minister when the substantive Prime Minister is incapable of performing his duties. It seemed convenient and logical to the Commission to discuss these issues briefly in this Chapter.

(a) Duress

1.482. The decisions of the Supreme Court of Trinidad and Tobago and the Judicial Committee of the Privy Council exposed the difficulties inherent in the common law approach to the concept of duress. The Commission was not in a position to receive full legal argument on the matter of duress in the context of the criminal law. However, accepting that even the Privy Council expressed concerns about the applicability of the defence in the circumstances of the events of 1990, the Commission recommends that a statutory definition of “duress” be crafted, taking into account the deficiencies of the common law and the circumstances of 1990.

(b) Improving the Requirements of a Valid Amnesty

1.483. Although section 87(1) of the Constitution makes provision for the President to grant a pardon, the Commission is of the view that, in the light of the experience of 1990, careful consideration should be given to the question whether the power of the President ought to be amplified to grant an amnesty in relation to acts committed in times of political, social or economic upheaval. If such amplification is thought prudent, then the essential parameters of the same should be clearly spelt out in the appropriate legislation."

(c) Appointment of Prime Minister when Substantive Prime Minister Is Incapable of Performing his/her Substantive Functions

1.484. During the insurrection, the Acting President was placed in a dilemma. The Prime Minister was held hostage and injured. He purported to resign but, clearly, his actions were involuntary. Other Parliamentarians purported to support Mr. Dookeran's appointment as Prime Minister. Again their support was not of their own free will. The Acting President made no appointment because he refused to act in the absence of a written recommendation by the Attorney General. None was given. The President was unable to act, in his own deliberate discretion. Thus, the country was without an effective, functioning Prime Minister during the crisis.

1.485. The Commission recommends that consideration be given to amending the Constitution in such a manner as would vest, in the President, the power to appoint a Prime Minister where the substantive Prime Minister is incapable of performing his/her substantive functions. An amendment should also specify the Minister who should be appointed Prime Minister and the procedure to be followed for appointment.

THE CONTINUING PROPENSITIES FOR CRIMINAL
ACTIVITY ARISING FROM THE ATTEMPTED COUP AND THE
CORRELATION, IF ANY, BETWEEN THE ATTEMPTED COUP AND
THE TRAFFICKING, SUPPLYING AND POSSESSION OF ILLEGAL DRUGS,
FIREARMS AND AMMUNITION – ToR 1(viii)

FINDINGS AND CONCLUSIONS

1.486. Although the integrity of criminal statistics of crime reported to the Police may be compromised by a “dark figure” of unreported crime, such statistical data are nonetheless of inestimable utility. They assist in indicating trends and patterns of crime thereby informing policy, strategies and responses.

1.487. Thus, even allowing for a “dark figure”, the criminal statistics set forth at para. 10.4, show that from the year 2002 when the number of reported murders doubled vis-à-vis 1990, the crime of murder has consistently spiralled upward, reaching a high of 547 in 2008. Similarly, woundings and shootings

exploded to 608 in 1993, then dipped to a low of 319 in 1998, only to rise consistently thereafter, reaching their highest level (801) in 2005.

1.488. It appears that between 1990 and 1996 there was no separate classification of “kidnapping for ransom”. Whether such crime was subsumed under the broad classification of “kidnapping” is unclear. However that may be, kidnapping rose exponentially to alarming proportions during the years 1998 to 2012, with notable reductions only in 2010 and 2011. The worst years for overall serious crimes reported to the Police were 2008 to 2010 when the number exceeded 20,000 per year. We make the observation that the classification “kidnapping” probably pertained to the well-known *modus operandi* of drug operatives who frequently capture rivals from opposing gangs. On the other hand, “kidnappings for ransom” probably refer to situations where “well-to-do” persons in the society are held by criminals in exchange for money for their release.

1.489. The Commission accepts the evidence that the JAM, as a studied and deliberate strategy, targeted the idle youth in Laventille from the late 1980s, under a religious veneer, and encouraged them to gravitate towards #1 Mucurapo Road along with the criminal element. At #1 Mucurapo Road, these young persons were indoctrinated and committed to Imam Abu Bakr and the JAM. Many of these were involved in the insurrection.

1.490. The Commission finds that, after the JAM were freed, actual and potential criminals internalized a belief and attitude that since the JAM could commit the most heinous crime and be acquitted, they too, could follow the example and go unpunished. The metaphor inherent in the Mighty Cypher's calypso "If the Priest could play, who is me?" most aptly captured the mood that emerged among the criminal element after the acquittal of the JAM.

1.491. The Commission also accepts that the criminals who emerged post-1990 displayed a consciousness of their legal and human rights no doubt engendered as a result of criminal learning processes acquired in prison. There was a boldness trespassing on arrogance that was manifested even in the face of magisterial authority. All of this was linked to the events of 1990 and their aftermath culminating in the decisions of the Judicial Committee of the Privy Council.

1.492. Firearm offences and drug offences proliferated after the acquittals of the JAM. The Commission has no difficulty in accepting the expert evidence given *in camera* that, after 1993, substantial increases were seen in gun crimes, drug crimes, kidnappings and murder. Moreover, there is cogent evidence to lead to the conclusion that the JAM were involved in kidnapping, extortion and murder after their release.

1.493. The King Brothers brought organised crime to Laventille. They were involved in drugs, robberies and kidnappings. Their opulent lifestyle caused many youths to be attracted to them and the Kings became the early gang leaders in Laventille.

1.494. The Commission finds that the Unemployment Relief Programme (URP) became a breeding ground for criminals and the development of gangs or “near-groups” and its leadership was vested in known criminals, such as Mark Guerra, Sean Francis, Kerwin Phillip and Herbert John. We use the word “gangs” in the colloquial sense of a group of persons acting together or going around together and not in the strict classification of criminology, i.e. groups organised around shared functions and goals (Jablonsky). Strictly speaking, there is also the “near-group” which is basically a formation of delinquent youths who possess a chameleon-like quality, in that they are in a constant state of flux.

1.495. Guerra was a member of the JAM and, even after his murder, the JAM infiltrated the URP. The funds of the URP, consisting of transfers from the Central Government, were diverted from legitimate objects through the use of ‘ghost workers’, viz. persons who did no work but received a wage or through the use of fictitious payees. Corruption was further facilitated when payment of ‘workers’ by cheque was changed to permit payment in cash. The funds of the

State were used illicitly to fund personal lifestyles of gangsters and the operations of gangs.

1.496. We find that the euphemistic appellation 'Community Leaders' was a gross misnomer as well as a grave misfortune. Essentially, it sought to accord respectability to persons who were in truth large-scale criminals. In reality these criminals were empowered by money to organise crime in Trinidad and Tobago and to become active participants in international organised crime. Persons such as Guerra and Francis were professional criminals committed to an identity defined by conspicuous consumption, funded by crime. They were criminal entrepreneurs who built a network of similarly-minded operatives.

1.497. International organised crime is firmly entrenched in Trinidad and Tobago. The availability of firearms fuels much of the criminal activity being witnessed in Trinidad and Tobago since 2000. Venezuela is the main source of supply for illegal firearms. But firearms also enter Trinidad and Tobago through the export of appliances from the USA. Marijuana, especially, is imported from St. Vincent and cocaine from certain South American states. Firearms are acquired by drug operatives to protect their drugs and their territory.

1.498. Criminal gangs have entered the illegal economy of drug importation and distribution. Garrison communities have been formed from

cocaine and law enforcement authorities are aware that certain gangsters and cocaine dealers have connection with the JAM. The Commission finds that disputes among gang members were the result of the inequitable distribution of money among members. Many of the murders recorded by the police are to be attributed to internecine warfare among gangs.

1.499. The spread of the gang culture to Enterprise, Mt. D'Or, Maloney and Sangre Grande has created social disequilibrium. It has also had an intimidatory effect on politicians. There are certain areas of Trinidad and Tobago to which politicians cannot go unless gang leaders pave the way for their entry. One of the disconcerting features of contemporary crime in Trinidad and Tobago is the geographical demarcation of territory by gangs or near-groups. Within particular areas, there are further subdivisions of territory within which individuals or groups are confined. Crossing borders will inevitably result in violent conflict.

1.500. The Commission finds that the JAM did seek to rid 'the blocks' of cocaine and used violence to achieve that end. However, the Commission received no credible evidence as to the disposition of cocaine confiscated by the JAM. In the circumstances, the Commission makes no finding that, as one witness put it, "This was a sham and in fact the JAM themselves trafficked in cocaine."

1.501 There are structural problems of race and class that may spawn disaffection and a sense of alienation and hopelessness. There may be a relationship between crime and the core structure and values of the society. Accordingly, policy makers should take into account the wider social structure in which may lie inequality and feelings of injustice.

1.502. On the basis of the evidence tendered to the Commission and bearing in mind that the issue posed in this Term of Reference was not the subject of scientific study or analysis, the Commission concludes, on balance, that the burgeoning crime and the changing nature of contemporary crime in Trinidad and Tobago have their origins in the events of 1990 and the aftermath thereof.

ENSURING THAT VICTIMS OF THE ATTEMPTED COUP AND THE SOCIETY AS A WHOLE ARE SATISFIED THAT THEIR PAIN, LOSS, SUFFERING AND DAMAGE HAVE BEEN ACKNOWLEDGED, WITH A VIEW TO FOSTERING CLOSURE OF THE EVENTS SURROUNDING THE ATTEMPTED COUP AND WITH A VIEW TO THE PROMOTION OF INDIVIDUAL AND COMMUNITY HEALING IN THE INTERESTS OF NATIONAL DEVELOPMENT
- ToR 2(vi)

FINDINGS AND/OR RECOMMENDATIONS

1. VICTIMS OF THE ATTEMPTED COUP

1.503. The Commission finds it astonishing that the Cabinet decisions of 30 August 1990 and 10 January 1991 do not appear to have been carried out. But, in any event, the scope and reach of those decisions were too limited. The Commission believes that a more sensitive and comprehensive approach is now required to ensure that all innocent victims of the attempted coup are identified, acknowledged and receive restorative justice.

1.504. The Commission respectfully recommends that a small, special unit be created to ferret out and investigate credible information concerning all innocent victims of the attempted coup. The Unit should be headed by an attorney-at-law and include investigators. There should be categorization of the victims; for example, those who died; those who were injured and still suffer the effects thereof; those who were injured but have made a complete recovery; those who received compensation and those who received no compensation.

The Government should fix a limit for the amount of compensation for each category of victim after a preliminary report has been submitted to the Cabinet. Thereafter, the Unit should be authorised to make appropriate awards according to the respective categories.

1.505. In this Chapter, the Commission has identified the victims about whom we received evidence, the nature of their injuries and their *sequelae* if any. We summarise the cases of those victims below.

(A) Police Officers

1.506. There was uncontroverted evidence before the Commission that ASP Roger George was killed in the precincts of Parliament on the evening of 27 July. No member of his family appeared before the Commission. We therefore do not know whether his family received any compensation. The same comments apply to the family of SRP Solomon McLeod. Deputy Commissioner of Police, Leslie Marcelle continues to suffer pain, loss of amenities and financial loss as a result of his injuries. In addition, the courage which he showed on the evening of 27 July, 1990, merits an award of a non-monetary nature. Likewise, Sgt. Raymond Julien should also receive a compensation for his injuries and an award for meritorious service. Sgt. Steve Maurice, Cpl. Charles and PC Dave Pilgrim, members of Prime Minister Robinson's security detail, were beaten and humiliated by the JAM. They deserve monetary

compensation and an award for the bravery shown in the face of sudden and unexpected hostilities. Their colleague, PC Kenrick Thong, did receive compensation for his injuries but he still has to bear the cost of changing prostheses. He should be assisted.

The case of WPC Olive Ward requires further investigation to determine whether she should receive monetary compensation.

(B) Civilians in Parliament

1.507. The basis upon which and the quantum of the *ex gratia* award made to the widow of Mervyn Teague as well as the monthly pension of \$500 paid to her require further investigation. In like manner, the circumstances of Lorraine Caballero's daughter, Afeisha, require investigation with a view to making an appropriate award of compensation. Messrs. Mervyn Assam and Wendell Eversley were traumatised by their experiences when they were held hostage in Parliament. Whereas Mr. Eversley was freed on 28 July, Mr. Assam was not freed until 1 August, 1990. They should receive compensation. Harry and Venus Ramadhin ought to be investigated with a view to compensation.

(C) Parliamentarians

1.508. Evidence was led that the family of the late Mr. Leo des Vignes were compensated. However, notwithstanding the terms of the Cabinet Minute

referred to, no evidence was adduced to the Commission that any of the Parliamentarians held hostage were ever compensated. The Commission *recommends* that all Parliamentarians who were held hostage be compensated for their injuries and otherwise harrowing and traumatic experiences. In relation to those who have died since the attempted coup but were victims of violence, their surviving next of kin should receive compensation on behalf of the deceased.

(D) Hostages at TTT

1.509. Although the hostages at TTT were not physically injured, except Mr. Jones P. Madeira who received a minor injury, they were all subjected to a harrowing ordeal for the duration of the crisis. As a consequence, some of them have been left psychologically scarred. Mr. Raoul Pantin suffered a personality change with serious consequences. The Commission *recommends* that all of the hostages at TTT should receive compensation. Further, the heroism of Mr. Madeira and the initiative of Mr. Bernard Pantin in assisting in keeping Imam Abu Bakr off the airwaves, should be recognised by an appropriate non-monetary award.

(E) Hostages at Radio Trinidad

1.510. The hostages at Radio Trinidad should be compensated by the State. Messrs. Emmett Hennessy and Pius Mason were injured. They should receive an award higher than that paid to others who were held captive at Radio Trinidad.

(F) Radio 610

1.511. Mr. Dennis McComie and his five colleagues should be rewarded for their extraordinary commitment to duty in keeping Radio 610 on air during the insurrection. The Commission is of the view that Mr. McComie and his colleagues should also receive a non-monetary award to mark their outstanding service to the people of Trinidad and Tobago.

2. SPECIAL MEDAL OF HONOUR

1.512. The Government should mint a Special Medal to be awarded to persons who rendered exceptional service or displayed bravery during and immediately after the insurrection but who have not previously been recognised appropriately. In this regard, the Commission recommends for favourable consideration the following persons and organisations:

- Dr. Emmanuel Hosein
- Rear Admiral Richard Kelshall and the Coast Guard
- Mr. Jones P. Madeira
- Mr. Dennis McComie and the five persons who kept Radio 610 on air during the insurrection
- The hostages at the Red House and at TTT
- Canon Knolly Clarke
- Hon. Winston Dookeran
- Mr. Emmanuel Carter
- The Cadet Corps
- Mr. Alloy Lequay
- Dr. Romesh Mootoo
- Mr. Tim Lambkin
- Mr. Jensen Fox
- Mr. Mervyn Telfer
- Water and Sewerage Authority
- Trinidad & Tobago Electricity Commission
- Morvant/Laventille Improvement Organisation

3. SETTLEMENT OF THE ISSUES OF #1 MUCURAPO ROAD

1.513. The long-standing issue of the tenure of the lands at #1 Mucurapo Road should be resolved once and for all. The Commission accepts that there is a body of opinion within the society that the criminality of the JAM should in no way be rewarded. However, the JAM are the holders of a valid lease signed in 1993 by President Hassanali. Accordingly, an attempt has been made to regularise their tenure. Furthermore, the JAM have developed the lands. The single disconcerting feature of the JAM's tenure is the construction of a property above the Sewerage Trunk Reserve. The public interest requires that this sewer be accessible to WASA. Government has the statutory authority to acquire the relevant portion of the land compulsorily. To do so without consultation will exacerbate an already tense situation.

1.514. The Commission feels that the time has come for healing the hurt occasioned by the events of 1990 and for reconciliation. During the course of the Commission's preparation of this Report, Nelson Mandela died. His legacy is that the worst forms of human conflict and degradation can be peacefully resolved in a spirit of reconciliation and forgiveness. The Commission hopes that the Mandela legacy may infuse the approach of both the Government and the JAM. The JAM would do well to heed the advice of Mr. Clive Nunez and apologise to the nation. In this regard, the Commission finds that

Messrs. Jamaal Shabazz and Kala Akii-Bua were sincere in stating that the majority of the JAM desire closure and reconciliation.

1.515. We are of the view that the processes of Alternative Dispute Resolution may be usefully employed to settle the conflict over #1 Mucurapo Road and the continuing non-recognition of the schools for State assistance. We therefore *recommend* that the issues be referred to a Mediation Panel of three suitably qualified Mediators of international repute. The Government and the JAM should each nominate one Mediator and the Chair of the panel should be nominated by the Mediation Board of Trinidad and Tobago.

4. MEMORIALISING 27 JULY – A DAY OF NATIONAL SIGNIFICANCE

1.516. The Commission *recommends* that 27 July should be commemorated as a *Day of National Significance*, not a holiday, but a time for reflection. The media and religious organisations should be encouraged to reflect the significance of the day in appropriate ways. A pamphlet of the significance of the day should be commissioned for use in all schools. An impressive monument should be erected near to the Red House on which the names of those who died are inscribed.

5. NATIONAL FLAG AND ANTHEM

1.517. The National Flag should be in all schools and students should salute the National Flag and sing the National Anthem every Monday and on 27 July or the nearest date thereto if that day falls on a weekend.

6. GUIDELINES/LEGISLATION TO REGULATE MEDIA OPERATIONS IN TIMES OF NATIONAL CRISIS

1.518. The Commission *recommends* that appropriate guidelines, or if necessary, legislation for the operation of the media in times of crisis/emergency should be developed and published. The British Broadcasting Corporation (BBC) has guidelines which may provide a useful starting point of reference.

7. NEED FOR CONTINUING STUDY AND RESEARCH INTO SOCIAL PROBLEMS

1.519. During the course of the Enquiry, it was brought home forcefully to the Commission by social scientists and former Parliamentarians that the biggest social problems in contemporary Trinidad and Tobago are: youth crime and violence, illegal drugs and guns, and a feeling of alienation by sections of the society. There is an apparent breakdown in the intrinsic value systems of many young people.

1.520. There appears to be a dearth of criminological and sociological research into these problems. For example, we were not directed to any recent scientific study and analysis of the criminal risk factors at work in the society, to inform and target appropriate responses and strategies. The matters addressed in Chapter 10 have never been scientifically researched.

1.521. On the assumption that no contemporary studies of the problems exist, the Commission recommends that such studies be commissioned with a view to informing strategies and responses. Simply to throw money at the problems is certainly not the answer.

8. MODERNISING THE COMMISSIONS OF ENQUIRY ACT

1.522. The fact that Imam Abu Bakr refused to give evidence to the Commission of Enquiry has left many persons disappointed and has deprived the Commission of critical evidence. His refusal to testify, even after publicly stating that he would give evidence, highlighted gaping deficiencies in the existing legislation, principally the inability of a Commission of Enquiry set up under the legislation to compel the physical attendance of a witness. We feel that if a Commission of Enquiry in modern times is to discharge its mandate effectively in the public interest, it is imperative that this gaping deficiency be remedied without delay.

FINDINGS, OBSERVATIONS AND RECOMMENDATIONS RELATING TO THE POLICIES, MEASURES, MECHANISMS AND SYSTEMS THAT SHOULD BE PUT IN PLACE TO DETECT, COUNTERACT AND TREAT WITH PLOTS TO OVERTHROW THE DEMOCRATICALLY ELECTED GOVERNMENT OF TRINIDAD AND TOBAGO AND OTHER ACTS OF TREASON, TERRORISM OR INSURRECTION- ToR 2(i)

AND

THE DEVELOPMENT OF THE CAPACITY OF THE GOVERNMENT OF TRINIDAD AND TOBAGO TO MAINTAIN NATIONAL SECURITY, DEMOCRATIC GOVERNANCE AND THE PROTECTION OF THE CITIZENS AND RESIDENTS OF TRINIDAD AND TOBAGO AND STATE PROPERTY IN THE EVENT OF A FUTURE OCCURRENCE OF AN ATTEMPTED COUP OR OTHER ACTS OF TREASON, TERRORISM OR INSURRECTION – ToR 2(ii)

AND

THE EFFECTIVE CO-ORDINATION OF RESPONSES BY AGENCIES RESPONSIBLE FOR DEFENCE, LAW ENFORCEMENT, INTELLIGENCE-GATHERING, THE EMERGENCY SERVICES, THE SOCIAL SERVICES, THE DIPLOMATIC CORPS, AND THE MEDIA IN THE EVENT OF A FUTURE OCCURRENCE OF AN ATTEMPTED COUP OR OTHER ACTS OF TREASON, TERRORISM OR INSURRECTION – ToR 2(iv)

AND

MODERNISATION OF NATIONAL SECURITY LEGISLATION – ToR 2(v)

RE-VISITING THE NATIONAL SECURITY ARCHITECTURE

OBSERVATIONS AND RECOMMENDATIONS

1.523. The years since 1990 have spawned a relentless upward spiralling of crime impacting adversely on the sense of security of the people and threatening the stability of the Republic. New forms of criminality have emerged since 1990 and there is reason to believe that international organised crime has taken root. Trafficking in illegal narcotic substances and trafficking in illegal firearms, have the potential to undermine democratic governance and corrupt

public officials. Worst of all, the loss of human life that is a consequence of high levels of murder, is a wanton waste of human resources.

1.524. Our observation is that the responses of successive Governments have been sporadic and *ad hoc*, suggestive of a kind of “knee-jerk” reaction to particular, disquieting situations. The Commission makes specific recommendations below at (1) to (31).

Re-evaluation of National Security and Intelligence Agencies

(1) Intelligence Agencies

1.525. We respectfully *recommend* that the entire national security architecture should be re-visited. We are mindful that there have been several studies and reports prior to this Commission of Enquiry which, if properly approached and analysed, together with the empirical evidence available from the agencies mentioned above, can produce an appropriate security architecture for Trinidad and Tobago.

1.526. We are also satisfied that there is no need to import expertise from abroad. There exists in Trinidad and Tobago a sufficient number of persons whose knowledge, experience, expertise and sense of patriotism, imbue them with the appropriate credentials to develop a security framework for their country that is relevant to meet the challenges of crime and security effectively.

(2) Legislation for National Security Council and Secretariat

1.527. The National Security Council and Secretariat should be put on a legislative basis to ensure their more effective functioning and to lend authority to their decisions.

(3) National Security Operations Centre

1.528. No National Security Operations Centre existed in 1990. We are of opinion that such a centre, as a focal point for all arms of the security and Intelligence community, would greatly enhance the capability of the State to respond to emergencies. It would provide the ultimate communications platform among the various security agencies and be the agency to issue National Security Alerts when necessary.

(4) Rationalisation of SIA, SSA and SAUTT

1.529. There needs to be rationalisation of entities such as SIA, SSA and SAUTT. One agency should be created from these three. Duplication of effort was evident when these three agencies were in operation. Moreover, the relationship of such agencies to the Police Service needs to be carefully thought out to ensure that there is no duplication of function and effort and that lines of

authority and command are clear. The objective should be to establish a symbiotic and collaborative relationship among the agencies.

1.530. The Commission accepts and supports the view that specific units/entities should be established to target specific types of criminal activity, e.g. drugs and arms trafficking. The Commission also accepts that Intelligence-gathering is indispensable to success in the war against crime. Thus, such anti-crime structures that are finally developed should have Intelligence-gathering capabilities. But all Intelligence-gathering should be coordinated and shared through the aegis of the Secretariat of the NSC.

(5) National Intelligence Superstructure

1.531. The Commission received strong recommendation that it is necessary to rationalize the disparate agencies which provide Intelligence and consolidate them into one composite authority in the nature of a national security superstructure. This body should have its own staff and a compensation package designed to attract "the brightest and best" analysts and operatives. The appointment of the Head of this organisation should be made by the President on the advice of the Prime Minister after written consultation with the Leader of the Opposition.

This superstructural organisation should, as far as practicable, be comprised of civilians, duly polygraphed and specially trained. Recruitment of personnel from the Military and/or Police should be avoided. Analysts should be assigned to target particular objects of attention, e.g. arms trafficking, drug trafficking and gangs, but be 'cross-trained' in the event of unavailability of personnel.

1.532. The Commission is of the view, however, that the operations and modalities of such an overarching structure should be carefully thought out to avoid undue bureaucracy, infiltration, corruption and cross-contamination.

(6) Heads of Security Meetings

1.533. The issues of tasking and coordinating within the security structures require attention. The NSC will often only be able to give approval to or guidelines for action or response. Who carries out a particular task and who co-ordinates action or response may become problematic.

1.534. We *recommend* that Meetings of Heads of Security should be institutionalised, perhaps convened every two weeks. These Meetings would require the attendance of the Heads of the Protective Services, Customs, Immigration and Prisons. They should be chaired by the Minister of National

Security. It is important to involve the Prisons. Indeed, consideration should be given to making the Prisons an Intelligence Cell. Prisoners plan criminal activity from within the confines of a Prison and often disclose information about previous criminal activities during their incarceration.

1.535. Sub-committees of the Heads of Security can be formulated and tasked to deal with specific issues and then pass information to the requisite executing Unit or report back as the situation requires. We are of the view that proper tasking and co-ordinating are critical to the success of operations.

1.536. The objective of Heads of Security Meetings is the involvement of every key Intelligence actor on the national stage with key analysts in order to have, at all times, a comprehensive picture of the national situation.

(7) Legislation

1.537. Appropriate legislation should be enacted to govern the operations of any of the entities established to function as security or Intelligence agencies.

(8) Direct Action Task Force

1.538. In respect of operational matters, we recommend the creation of a Direct Action Task Force (DATF) as a first response or first strike Unit under the command of the Commissioner of Police. The DATF's role would involve direct intervention in areas or situations of potential or actual criminal activity.

(9) Crisis Management Centre and Information Management Centre

1.539. One of the deficiencies in the security arrangements in 1990 was the absence of a central body to manage the crisis occasioned by the attempted coup. There was also no Central Emergency Plan.

1.540. The case for a Crisis Management Centre is overwhelming. It is axiomatic that such a Centre should exist. Allied to such a Centre should be an Information Management Centre to coordinate and disseminate information to the media and the public. Were it not for 610 Radio, the public would have been at an even greater disadvantage than they were in 1990. And the media arrangements at the Holiday Inn Hotel left much to be desired. There seemed to have been a reluctance on the part of the local media to make use of the Holiday Inn facility. On the other hand, the foreign media did not appear to have any inhibitions.

(10) The Police Service

1.541. Policing crime in Trinidad and Tobago today seems comparable to walking up an escalator going downwards. It seems as though the Police Service is unable to respond to the challenge of contemporary crime effectively. Violent crime seems to be an everyday occurrence. Drugs and guns are at the centre of much of Trinidad and Tobago's crime problem.

1.542. Crime and the fear of crime have reduced the quality of life for most of the population. Crime is one societal phenomenon about which every individual seems to have his/her own explanation and solution. But there is no single explanation of crime. International criminological evidence still holds to the view that criminality is best explained on the basis of multi-factor theories.

1.543. If the starting point is that a variety of factors may predispose to crime, then surely the response to crime must be multi-faceted. Many of us have our own ideas of what will work to reduce crime. However, the international evidence shows that only a limited number of strategies have proven successful in the fight against crime.

(11) *Specific Targeted Law Enforcement Strategies*

1.544. So far as law enforcement is concerned, the following have been shown by the *Lawrence Sherman Report, 'Preventing Crime: What Works, What Doesn't, What's Promising'*, and other studies to actually work in reducing offending:

- Strengthening the resources of law enforcement agencies;
- Diversifying police strategies, for example, by establishing neighbourhood watches; increasing the mobility of the police; and adopting strategies of community policing and problem-oriented policing.
- Assisting the public in situational crime prevention through public education;
- Modernising the administration of justice and the penal system;
- Continuing research, evaluation and analysis to inform anti-crime strategies.

1.545. The Commission therefore recommends that the resources of the Police Service be strengthened in the following areas, mentioned at (a) to (d) below:

(a) Technological Resources

1.546. The pace of moving from a paper-based system to an electronically-based system should be accelerated. A contemporary state-of-the-art telecommunications system should be installed and contemporary fingerprint, biometric and Intelligence technologies should be acquired.

(b) Human Resource Development

1.547. The Commission is aware that policing is no longer seen as an attractive profession to many of today's youth. But the quality of recruits has to be improved by enhancement of the terms and conditions of Police Officers. Commensurately, however, the entry level for enlistment in the service is too low; three 'O' Level passes or their equivalent. If terms and conditions are enhanced, it is probable that enlistment in the Service will be more attractive to a better-educated recruit.

1.548. Provision should be made to permit the recruitment of an appropriately qualified officer directly at the level of Assistant Superintendent upon condition that the officer undergoes relevant overseas training.

(c) Training and Curriculum Change

1.549. The top management of the Police Service should be exposed to regular training opportunities abroad to bolster professionalism. A state-of-the-art Training Institute for Police Officers should be built in central Trinidad.

1.550. The curriculum at the Police Training College should be re-designed to lay greater emphasis on training for policing with a heavier concentration on teaching relevant law. The military aspect of Police training should be de-emphasised; for example, foot drill and rifle drill. We were told that "60% of a Police recruit's training is foot drill and military stuff". This should be counterbalanced by more training in the use of side arms and the weapons specific to particular aspects of Police work.

(d) Mechanical Resources

1.551. The mobility of the Police Service is a critical factor in proactive and reactive policing. The Government must ensure that the visibility of the Police is

always high. This requires the provision and availability of vehicles to serve and reassure the public as well as to protect them.

(12) Diversification of Police Strategies

1.552. "Community policing" has replaced the former nomenclature 'Resident Beat Officer'. Essentially, community policing promotes interaction with communities and seeks to find solutions for problems as defined by the communities. "Problem-oriented policing" is practised by many Police Forces in England and the USA.

1.553. The Commission was heartened to learn that the Police Service is actively pursuing these two types of contemporary policing which have been shown to work. No resources should be spared to ensure that these types of policing are seriously and constantly pursued.

(13) Encouraging Situational Crime Prevention

1.554. Criminal activity can be prevented by manipulating the physical environment in order to reduce opportunities to commit crime. This is an approach to crime control that is termed Situational Crime Prevention. One way of achieving this result is by providing the public with information or education

about crime prevention methods so that they can work effectively with others in the community. Another method involves the offering of incentives to businesses to encourage the implementation of physical measures designed to curb crime.

1.555. Properly organised situational crime prevention has been shown to be a most cost-effective method of reducing crime.

(14) Continuing Research, Evaluation and Analysis to Inform Anti-Crime Strategies

1.556. The Police Service should ensure that a Unit of Crime Policy and Analysis, staffed with criminologists and statisticians, develops and uses high quality information, advice and evaluation to assist the Ministry of National Security and criminal justice agencies in preventing and reducing crime.

1.557. However, because the prevention and reduction of crime are complicated and involve a certain amount of "cross-fertilisation", the Crime and Policy Analysis Unit will be obliged to work in conjunction with other Ministries of Government.

(15) Deployment of Police Officers

1.558. The Commission is not in a position to recommend an increase in the personnel of the Police Service. Indeed, too often the cry of the uninformed is 'Get More Police'. The Commission cautions that the first exercise that should be undertaken in considering the optimum strength of the Police Service is to analyse the total security personnel available in Trinidad and Tobago and, thereafter, analyse whether the deployment of such personnel is efficacious or whether better results could not be achieved by different deployment. In any event, the Commission *recommends* that deployment of Police Officers be constantly kept under review.

(16) Anti-Corruption Unit

1.559. It was represented to the Commission that corruption within the Police Service compromises its effectiveness and contributes to a loss of confidence in the Police Service among the public. The Police Service must put in place strategies and systems to counter corruption. The Commission *recommends* the establishment of a Unit specifically selected to monitor and investigate corruption within the security agencies generally.

THE DEFENCE FORCE

(17) Removal from Camp Ogden

1.560. All witnesses agreed that the Defence Force's Headquarters at Camp Ogden are not congruent with the needs of a contemporary Defence Force. We were told that it has long been recognised and accepted that a new location should be found for the Defence Force. Accordingly, we see no value in enumerating the reasons why the Defence Force should be moved from Camp Ogden. Those reasons were advanced to the Commission persuasively and we therefore *recommend* that the Government take the necessary action to ensure that there is no inordinate delay in causing the Defence Force Headquarters to be relocated. 1990 exposed some of the limitations of Camp Ogden but, 23 years later, Camp Ogden is exactly where it was 23 years before.

(18) Legislation Relating to the Military

1.561. It was represented to the Commission that the legislation relating to the Military is archaic or deficient in many respects. For example, subsidiary legislation to be made under the *Defence Act* has, in fact, not been made. Thus, the Defence Force is required to use British Manuals of Military Law (Parts I, II and III) to assist in solving problems arising under the *Defence Act*.

1.562. There are no Regulations specific to the Army, the Air Wing or the Coast Guard and resort is had to the relevant British Army, Air Force and Navy Regulations. This is wholly inconsistent with an independent Trinidad and Tobago.

1.563. Where the *Defence Act* requires the creation of Rules of Procedure, Boards of Enquiry Rules and Detention Rules, none exists. Use is therefore made of the Queen's Regulations. The Army Act 1955 is out of date. No legislative basis exists for enlisting Reservists to lend assistance in times of emergency.

1.564. When the Defence Force was originally established, the spread and fear of communism were given as the *raison d'être* for that Force. The threat of communism disappeared in the early 1990s. Today's threats to the security of State are drugs, illegal firearms and international organised crime. The Commission therefore recommends that, having regard to the changed nature of contemporary crime and security issues, there should be an analysis and evaluation of the role and function of the Defence Force to determine whether its role and function should not involve deeper collaboration with the civil power. No comprehensive legislation exists to provide for joint operations between the Military and the Police. It is vital that the circumstances under which, and the

manner in which, the Military is empowered to act in aid of the civil power be clearly defined and legislated.

(19) Working Party to Modernise Legislation

1.565. There are a number of retired senior officers and Commanders of the Defence Force who wish to offer their country the benefit of their expertise and experience. Accordingly, the Commission *recommends* that a Working Party comprising persons such as those mentioned, and assisted by a draftsman from the Chief Parliamentary Counsel's Chambers, be appointed to prepare drafts of amendments to primary legislation and drafts of necessary subsidiary legislation.

(20) Deployment of the Military

1.566. The Police have an aversion to going on operations in the forests and bush. They are not trained to undertake such exercises. On the other hand, the Military are trained for such tasks. *We recommend* that the Military be directed, as a matter of policy, to spend more time "in the bush" where there is information/Intelligence about the erection of camps and illegal activities.

(21) Establishment of Think Tanks

1.567. Both the Military and the Police Service would do well to establish "Think Tanks" on an ongoing basis, including retired Heads of the Protective Services and retired senior officers. These times in Trinidad and Tobago require "All Hands on Deck". There exists a significant number of retirees from the Protective Services who are willing and able to share their expertise, experience and institutional memories with currently serving officers. A mechanism should be created to use the talents of these officers in a productive way.

(22) Cadet Corps and Servol

1.568. Some witnesses alluded to widespread indiscipline among the youth. It was suggested to the Commission that Cadet Corps should be established in all Government secondary schools and there should be concerted efforts to expand the Servol, Boy Scout and Girl Guide Movements in all schools. We recommend that these suggestions be analysed to determine their viability and the obvious cost implications.

THE CUSTOMS AND EXCISE DEPARTMENT

1.569. Historically, the Customs and Excise Department was a revenue collection agency. At this point of the 21st Century, the functions, operations and objectives of this Department have moved beyond revenue collection. More and more the Department has become a border security agency.

1.570. In this new incarnation, the department must be well-resourced and well-equipped, as set out below.

(23) Scanners and Anti-Corruption Unit

1.571. We *recommend* that state-of-the-art scanners be installed at all legal ports notwithstanding that the bulk of contraband enters the State through illegal ports. In addition to scanners, we recommend that a special independent Anti-Corruption Unit be established within the Customs and Excise department. Its responsibility will be to monitor, investigate and identify the activities of corrupt and rogue elements within the department. However, Government may consider whether it is preferable to establish separate independent Anti-Corruption Units for the Police Service and the Customs and Excise department, as we recommend, or whether it would not be more efficacious to establish one over-arching body.

(24) Vacancies

1.572. We *recommend* that the vacancies at entry level and senior levels of the Customs and Excise department be filled as a matter of urgency to satisfy the personnel needs of the department. However, it seems to us that the basic qualifications at entry level should be raised to at least the equivalent of 'A' Level with a view to improving the quality of staff.

USE OF SECURITY TECHNOLOGY

(25) Psychometric and Polygraphic Testing and Financial Disclosure

1.573. Staff of all security agencies should undergo psychometric and polygraphic testing prior to recruitment and during their employment. In addition, we recommend that staff of all security agencies should be made to disclose their assets and liabilities on a biennial basis. If necessary, appropriate legislation should be enacted to achieve these objectives.

(26) CCTV Equipment for Car Parks of Prisons

1.574. Bearing in mind that we received evidence that the prisons ought to be considered part of the national security framework of the country, we

recommend that, if not already installed, CCTV equipment be placed at the car parks of all prisons to ensure exterior surveillance of those facilities.

(27) Development and Promulgation of a Disaster Preparedness Plan

1.575. One of the deficiencies in 1990 was the absence of a Disaster Preparedness Plan. The General Hospital suffered because of this *lacuna* in arrangements for crises. We *recommend* that such a Plan covering hospitals and other medical facilities be developed and promulgated.

(28) Architectural Plans and Drawings of Certain Buildings

1.576. The architectural plans and drawings of certain buildings considered vulnerable, such as Parliament, President's House, Police and Defence Force Headquarters, Prime Minister's residence and office, should be copied and kept in a secure and secret place and copies should reside at the Headquarters of the Defence Force and the Police Service. In 1990 there were no architectural drawings of the layout of Parliament to assist the Protective Services. Fortunately, the Acting President was very familiar with the layout of Parliament by reason of his experience of Parliament as both Clerk and President of the Senate, and he was able to assist a soldier in hastily drawing a sketch of the layout of the Parliament.

(29) Transmitter Sites and Essential Services

1.577. Legislation should be enacted to make it mandatory that all transmitter sites and essential services have security on a 24/7 basis.

SOCIAL AND ECONOMIC POLICIES

1.578. We do not think that we are competent to make specific recommendations for the development of social and economic policies. These are matters of a political nature and best articulated by political parties. However, the social and economic conditions of 1990 did create a climate of dissatisfaction, discontent and disaffection among large sections of the population. The resultant societal disequilibrium may have led Imam Abu Bakr to believe that he would receive popular support for his adventure. Societal instability can express itself in internal threats to democratic governance.

1.579. We took note of the views of witnesses, during the public hearings, that –

- some parts of Trinidad and Tobago, at the time of writing this report, are still without running water and electricity. However, it became clear that these deficiencies applied

mainly to areas where there are illegal squatting communities.

- the matter of race is still an issue in the Republic.

(30) Regional and International Cooperation

1.580. We *recommend* that the Government of Trinidad and Tobago take urgent steps to accede to the Treaty establishing the Regional Security System (RSS). The collaboration between the security and law enforcement agencies for the 2007 Cricket World Cup shows that the capability exists within the Commonwealth Caribbean to design and execute successful anti-crime strategies and operations.

1.581. Having regard to evidence from more than one person that Venezuela is the primary source of guns entering Trinidad and Tobago, the Commission recommends that the Government of Trinidad and Tobago seeks to develop a Memorandum of Understanding with the Government of Venezuela for closer co-operation in the fight against illegal firearms and drugs.

(31) Regulation of Sea Craft Leaving and Entering the Country

1.582. Such legislation as currently exists should be revisited with a view to modernising the same and providing a comprehensive regime for the monitoring and recording of all sea craft entering or leaving the territorial waters of Trinidad and Tobago. Information so garnered or obtained should be readily accessible to all agencies involved with national security.

CHAPTER 2

The Nature, Extent and Impact of the Attempted Coup TOR 1 (i)

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CHAPTER 2

THE NATURE, EXTENT AND IMPACT OF THE ATTEMPTED COUP – ToR1(i)

PART I - NATURE AND EXTENT

A—INTRODUCTION – A BROAD OVERVIEW

2.1. Friday, 27 July, 1990 may have begun like any other day in the Republic of Trinidad and Tobago but it ended like no other in the Republic's history. In the afternoon, thousands of citizens and a few hundred visitors journeyed to the National Stadium to witness the Caribbean Football Union finals between Jamaica and Trinidad and Tobago. Many members of the Trinidad and Tobago Defence Force were among the spectators. The Commanding Officer of the Regiment, Col. Ralph Brown (as he then was), was at the game. He was a Vice-President of the Football Federation and an announcer at the game.

2.2. The three political parties represented in the House of Representatives were: The National Alliance for Reconstruction (NAR) which formed the Government; The People's National Movement (PNM) which was the official Opposition; and The United National Congress (UNC). The Prime Minister, Hon. A.N.R. Robinson, 7 members of the Cabinet and 9 other members

of Parliament were attending a sitting of the House of Representatives at the Parliament building (the Red House) in Port of Spain. The Leader of the Opposition, Hon. Patrick Manning, and the leader of the UNC, Mr. Basdeo Panday, were not in their places when the House resumed sitting at 4.30 p.m. after the suspension for tea. Neither Mr. Manning nor Mr. Panday attended the football game. Mr. Panday was to attend a lawyers' function in the Hall of Justice but he changed his mind and went home.

2.3. Those citizens who remained at home were accustomed to watching the nightly telecast at 7.00 p.m. of the news programme "Panorama" on the Republic's sole television station, Trinidad and Tobago Television (TTT). Panorama had an estimated viewership of approximately 60,000 to 70,000 persons. The programme was usually anchored by Mr. Jones P. Madeira, the then Head of News and Current Affairs at TTT. However, about 6.20 p.m., instead of seeing Mr. Madeira in his customary role, viewers saw him sharing the news desk with a man dressed in the attire of a Muslim and flanked by two other men with rifles. The man dressed in Muslim garb was Imam Yasin Abu Bakr, originally known as Lennox Phillip. He was a former policeman. In 1990 he was the leader of a group or organisation known as the Jamaat-al-Muslimeen (JAM) which professed adherence to Islam.

First Broadcast by Imam Abu Bakr

2.4. Mr. Madeira announced that he had been informed by Imam Abu Bakr that the Government of Trinidad and Tobago had been overthrown. Immediately thereafter, Imam Abu Bakr addressed the television audience as follows:

“Good evening, ladies and gentlemen. We would like to take this opportunity to inform you that at about 6.00 p.m. this afternoon the Government of Trinidad and Tobago has been overthrown. The Prime Minister and members of the Cabinet are at present under arrest. The military are in contact with us and we are asking everybody to lay down their arms so that there can be a peaceful transition. We’re asking people not to involve in looting or any form of unlawful actions or else they will have to pay the consequences thereof. We would like to keep you informed with a further news broadcast as we proceed.”

2.5. Mr. Madeira then tried to assure the population of the safety of workers at TTT. He said:

“Just to tell you that the situation here at Trinidad and Tobago Television is under control. No one has been hurt. The women and children who are among our staff members and who were on the station have been sent home and everything is alright. I repeat. The situation here at Trinidad and Tobago Television is alright. Everything is under control. No one has been hurt. The women and children, and those include our staff members and those who were on the station, have been sent home and everything is O.K. We’ll keep you abreast of developments. Thank you and good evening.”

2.6. Those first televised announcements stunned the population. Witnesses before the Commission of Enquiry likened the situation to a "soap opera". The majority of citizens were in a state of disbelief. Mr. Madeira confessed to psychological disorientation but said that he "tried to remain calm." Those first announcements were the first televised information that a violent attempt had, in fact, been made to overthrow the democratically elected Government of Trinidad and Tobago. The announcements heralded a period described by Prime Minister Robinson as -

"the most grievous period within living memory."

Second Broadcast

2.7. About 7.00 p.m. Imam Abu Bakr made a second broadcast in these terms:

"At 6.00 p.m. this afternoon, the Government of Trinidad and Tobago was overthrown. The Prime Minister and members of the Cabinet are under arrest. We are asking everybody to remain calm. The revolutionary forces are commanded to control the streets. There shall be no looting or interference with persons or property. We are having negotiations with the Army who is assisting in keeping the peace. The Police are commanded not to raise arms against the people.

This animosity and hatred in this nation must now come to an end. There shall now be justice in Trinidad and Tobago. We want to assure all members of the diplomatic corps and foreigners that they are safe and we wish for continued good relationships. There shall be no victimization. People will not lose their jobs and we want to assure the public at

large that their safety is our prime concern at the moment. However, we could no longer stand by while our country reached the abyss of no return.

Amidst all the poverty and the destitution where people can't find jobs, where there is no work, where children are reduced to crime in order to live, where there is no drugs in the hospitals, the Prime Minister this week, the last Prime Minister, the ex-Prime Minister, broke the camel's back when he said that half a million dollars was going to be allocated for a stone monument to Gene Miles. We could no longer take that kind of action from leaders. We will keep you tuned with further broadcasts."

2.8. Mr. Madeira once again assured viewers that everyone at TTT was safe; the situation at Television House was under control and women and children were sent home. Then he mentioned each member of staff by name and said that they had all been accounted for. He closed his remarks with the comment "And just in case you didn't make me out; I am Jones P. Madeira."

Strategy of the Insurrectionists

2.9. The leader of the attempted coup, Imam Yasin Abu Bakr did not give evidence to the Commission of Enquiry but, in criminal proceedings by the US Government against Louis Haneef, in Florida in 1991, for his role in exporting the guns used in the attempted coup, Imam Abu Bakr gave a sworn deposition. He claimed that the attempted coup "was a spontaneous action based on something that happened that day and before." This evidence was contradicted by other members of the JAM who testified before the Commission.

2.10. Some members of the JAM knew at least two weeks prior to 27 July, 1990 that an attempt would be made to overthrow the Government. According to Jamaal Shabazz, the attempt would involve holding members of the Government captive in Parliament (the Red House), taking over Radio Trinidad and engendering fear in the Police by use of a car bomb at the Headquarters of the Police Service on St. Vincent Street. Shabazz's information was reasonably accurate. He says that, two days before the attempted coup, he was told of the strategy for effecting the coup. Broadly, that strategy involved the following violent actions:

- (a) A group of armed men led by him would invade and take control of Radio Trinidad;
- (b) A second group led by Imam Abu Bakr would invade and take control of TTT;
- (c) A bomb would be exploded at Police Headquarters "to frighten the Police";
- (d) A group led by Bilaal Abdullah would invade the Red House, capture Parliamentarians and take them to an undisclosed location.

The obvious purpose of taking control of the television and radio stations was to facilitate communication with the people of Trinidad and Tobago and announce the overthrow of the Government.

2.11. As events turned out on 27 July, 1990, the strategy of the attempted coup was indeed executed. Police Headquarters was bombed and destroyed; TTT was assaulted and taken over by Imam Abu Bakr and 68 of his followers; Radio Trinidad was attacked and its staff held captive; members of the Government and members of the Opposition in Parliament were held hostage; and another radio station, 610 Radio, was attacked with "Molotov Cocktails". It was suggested to us that the JAM took deliberate advantage of the vacuum in leadership created by the absence of high officials from their substantive positions, either in the Police Service, or in Parliament or in the Defence Force, to launch a violent attempt to overthrow the Government. The President of the Republic, His Excellency Mr. Noor Hassanali, was out of the country; so too, were the Commissioner of Police, Mr. Jules Bernard, and a number of Ministers of Government. Many soldiers in the Defence Force were on home leave for the weekend and it was common knowledge that the football finals were scheduled for that Friday.

2.12. The execution of the strategic plans of the JAM insurgents involved the use of armed violence at all of the locations and the physical brutality of many Parliamentarians. The quality and quantity of violence and vicious conduct were of a quite unprecedented scale in the Republic of Trinidad and Tobago. Many witnesses who gave evidence before us broke down while recalling their

experiences; many remain to this day deeply traumatised and psychologically scarred.

2.13. We propose to recount the salient features of the evidence given before us in relation to each of the locations mentioned at para. 2.11 in order to provide a broad overview of the nature and scale of the attempted coup. However, having regard to the comprehensive nature of our Terms of Reference, more detailed treatment of the evidence will appear in the Chapters related to specific Terms of Reference.

B—THE EVIDENCE

1. ATTACK ON POLICE HEADQUARTERS

2.14. The JAM's first assault was against the Police Headquarters. There was an entrance to Police Headquarters on Sackville Street. Opposite to this entrance was a car park. The office of the Solicitor-General at 25 St. Vincent Street was directly opposite to the Red House. Ms. Lynette Stevenson was an Assistant Solicitor-General on 27 July, 1990. From her Chambers, she had an uninterrupted view of Police Headquarters. About 5.57 p.m. she was alone in Chambers. She went to the conference room to look for a friend who was coming to meet her.

2.15. While looking through a window, she saw a policeman standing in the northern entrance to the Police Headquarters. At the same time she saw a young man of African descent walking down Sackville Street with a brown paper bag in his hand. He went up to the policeman and they spoke. The policeman stepped from the archway to Headquarters, went to the pavement, turned West and pointed towards the Sacred Heart Church. The young man raised his hand and immediately Ms. Stevenson heard "popping sounds". She realised that the young man had shot the policeman, who fell clutching his chest. The young man continued shooting and discharged at least 8 rounds at the policeman while he lay on the ground. Then he fired a shot in the air and fled. The policeman, Special Reserve Officer Solomon McLeod, lay dead.

2.16. Almost immediately, a green station wagon raced around the corner from St. Vincent Street into Sackville Street. Four occupants of the station wagon jumped from it. They ran along St. Vincent Street. The station wagon entered Police Headquarters crushing the body of the slain policeman in the process. The station wagon exploded in Police Headquarters while the slain policeman was on fire.

2.17. While all of this was happening, there were men in dark clothing running along Knox Street firing guns. Others who had been loitering on the compound of the Red House were also running along Knox Street firing guns.

About 36 armed men were seen running towards the Red House along Abercromby Street. Civilians were running in all directions. When vehicles of the Fire Service tried to drive along Knox Street, they were fired upon. They were obliged to reverse in the direction of Duke Street.

Mr. Leslie Marcelle

2.18. Leslie Marcelle was the Acting Deputy Commissioner of Police (Crime) in July 1990. He was standing in the garage opposite to the Sackville Street entrance to Police Headquarters. He saw the men jump from the station wagon by Police Headquarters and he saw that vehicle go up in flames. He thought it was an accident until he heard gunshots coming from the direction of the St. Vincent Street entrance. Peeping through louvre windows he saw two men in the compound of the Red House shooting at the entrance to Police Headquarters. Mr. Marcelle left and went to an office from where he saw a man on a ladder shooting at the Headquarters. A building was under construction where Police Headquarters are now located at the corner of Edward and Sackville Streets and the man on the ladder was on the construction site.

2.19. All this time, approximately 50 civilians were running and screaming through Police Headquarters. Mr. Marcelle instructed some unarmed policemen to gather the civilians together and take them to the back of Police

Headquarters – on the south-western side. He addressed them and implored them to be calm. He then called all the policemen together. One was armed with a sub-machine gun and Mr. Marcelle told him to shoot off the lock on the gate at the Edward Street entrance to Police Headquarters. This was ineffective.

2.20. Mr. Marcelle told us that he then went to the departments of Special Branch, CID and the Fingerprint Office and removed all the guns and ammunition which he found. He proceeded to arm the policemen at the back of Headquarters and sent the civilians to a particular area where they were guarded. He then deployed policemen at different positions and made the decision to go onto the roof of Police Headquarters “to take care of the chap on the ladder”. At first the other policemen refused to go with him onto the roof. They thought it was too dangerous. Eventually, however, about 10 officers agreed to go.

2.21. They went onto the roof crawling on their stomachs. Suddenly a flock of pigeons flew from the roof. The roof collapsed and Mr. Marcelle fell below – some 27 feet. He suffered serious life-threatening injuries and has no memory of what happened subsequent to his fall. – See Chapter 11 for details of Mr. Marcelle’s injuries and their *sequelae*.

Mr. Dennis McComie

2.22. The evidence of Mr. Dennis McComie, a broadcaster at NBS 610 Radio assists in painting the picture of destruction and devastation that befell Police Headquarters. At 5.55 p.m. he left the studio at the National Broadcasting Service (NBS), on Abercromby Street in search of a taxi. He walked along Abercromby Street. As soon as he reached the old Fire Brigade Station, he heard "a series of popping sounds and an enormous blast from the direction of Police Headquarters". He collapsed at the corner of Hart and Abercromby Streets. According to Mr. McComie, he heard and saw people screaming, collapsing and running in different directions after the explosion. He saw fire and columns of smoke rising from Police Headquarters. He returned to the NBS building. He saw armed men near to the building and a station wagon parked outside from which arms were being distributed to four or five people assembled outside the building.

2.23. Mr. McComie entered the building. Barbara Salandy was reading the 6.00 p.m. news on 610 Radio. Mr. McComie went to the roof of the NBS building and interrupted Ms. Salandy to give a live broadcast of what he was seeing. He told listeners that he did not know what were the reasons but Police Headquarters were on fire. During the course of his broadcast, he saw people running to and from Police Headquarters, including policemen evacuating the

building. Mr. McComie said that he also observed "lots of men in dark clothing going towards the Red House" with arms.

2. FIRE BOMBING OF NATIONAL BROADCASTING SERVICE

2.24. About two months before 27 July, 1990, a member of the JAM, posing as a vendor of confectionery, had visited the NBS building and was afforded access throughout the entire building. Thereafter, he was a regular visitor to NBS. The National Broadcasting Service was owned by the Government of Trinidad and Tobago. It operated two radio stations: 610 Radio, an AM station, and 100 FM. It was located two buildings away from the corner of Queen and Abercromby Streets on Abercromby Street itself. On the first floor of the NBS building were administrative offices and the Engineering Department. In the words of Mr. McComie, the second floor "was really the engine room of the building, because the Engineering Department had all the main tapes and all of the engineering equipment that supported broadcasts." On the third floor were more studios and offices. The former news room had been converted into a staff room and the news room was relocated to the area of the roof to make a fourth floor. Master Control, where technicians operated the AM and FM wavebands, was located on the third floor.

2.25. When Mr. McComie completed his live broadcast from the roof, about 6.15 p.m., he noticed that there was smoke coming from the NBS building itself. He went to the ground floor where he saw two security guards, Messrs. Desmond Harper and Harry Clinton, lying on the floor on their stomachs. The doors of the building were open and there were persons "rushing around".

2.26. Mr. McComie spoke to Mr. Clinton. The latter explained that men had threatened him and Harper and made them open the doors to let them into the building. These men ordered the security guards to lie face down until they were instructed otherwise. After the conversation, Mr. McComie went upstairs again. In doing so, neither he nor any intruders saw each other owing to the presence of smoke and the general chaos.

2.27. It was clear that the building was on fire. Smoke was everywhere. Mr. McComie and other members of staff of NBS identified the source of the smoke as being the first and second floors and they moved to extinguish any fire. They found a few fire extinguishers but some of them were not in working order so they used pieces of carpet and water to extinguish what Mr. McComie described as "spot fires" on the first and second floor. They succeeded.

Broadcasting Equipment Still Functioning

2.28. A check of the Engineering Department revealed that vital equipment was still functioning. No intruders were to be seen. Apparently, they had left the building. However, unsure as to whether the arsonists might return, the staff banded themselves together and made a check of the entire building. They did not encounter any strangers in the building.

2.29. Upon confirming that all fires had been put out and there were no unwanted persons in the building, Mr. McComie, as the most senior staff member at NBS, called a meeting of other NBS staff and offered them the choice of staying or leaving. The majority decided to leave. Mr. McComie remained together with Messrs. Clinton, Harper, Gerald Lampow and Derek Timothy. Mr. McComie said that his "journalistic instincts", his sensitivity to a major news story and loyalty to his profession and his employer persuaded him to stay and keep the station on air.

2.30. After the decision to remain at NBS, the six members of staff barricaded themselves in the building. From time to time, they went on the balcony but were the recipients of gunfire from the vicinity of the old Fire Station and were obliged to retreat to safe haven.

2.31. When they saw the first appearance of Imam Abu Bakr on television, the NBS staff concluded that the attack on the building was part of an orchestrated insurrection against the Government of Trinidad and Tobago. Although 610 Radio was broadcasting the football match from the Stadium, this broadcast was discontinued after the second telecast by Imam Abu Bakr soon after 7.00 p.m. – see para. 2.7 *supra*.

Mr. McComie's Role

2.32. The Imam Abu Bakr telecast prompted Mr. McComie to make his own broadcast that evening. This broadcast was not taped. However, Mr. McComie told us that the gist of his broadcast was along these lines:

“Imam Abu Bakr has just made an announcement on television. Obviously there is an insurrection in the making. We will keep the station open as long as we can. The people of Trinidad and Tobago must make up our minds as to what kind of system we want in the country. This is a democracy and no one is going to be allowed to take over the Government unconstitutionally.”

Throughout the entire Friday night, the Radio 610 continued on air. Mr. McComie says he was only able to play and replay a phonograph record “Silhouette” by Kenny Gorelick (Kenny G) since he was unable, at that time, to gain access to the music library to offer his listeners more varied musical fare.

2.33. The telephone system at NBS was operational and journalists and members of the general public were in constant communication with Mr. McComie. Among those who spoke with Mr. McComie off air was Imam Abu Bakr himself.

Mr. McComie's Interview with Imam Abu Bakr

2.34. Shortly before noon on Saturday, 27 July, 1990, Imam Abu Bakr called 610 Radio on the telephone. Mr. McComie answered. Imam Abu Bakr was agitated and complained that TTT had been taken off the air. He demanded that it be put on immediately. Mr. McComie and a technician, Kelly Buckradee, taped the conversation. *Inter alia*, according to Mr. McComie, Imam Abu Bakr said that he had a responsibility to talk to "my people". He was "the leader of a just revolution". He admitted that he was responsible for what was taking place in Port of Spain and, in a word, he said that he was taking over the Republic because the Government was not governing properly. He promised elections in 90 days.

2.35. He alleged that most of the armed forces were obeying his orders "but the whole Army needs to obey". Mr. McComie disabused Imam Abu Bakr of the notion that the insurrection was a popular revolution. People were not clamouring for him in the streets.

2.36. Mr. McComie said he ruminated on the wisdom of engaging Imam Abu Bakr in debate during the exchange and he concluded that "it would be very important to let him say what he wanted to say and challenge him; which is what I did."

Response of Col. Brown to Imam Abu Bakr Interview

2.37. Col. Ralph Brown, the Commanding Officer of the Regiment, telephoned Mr. McComie expressing, in muscular language, his displeasure with the broadcast of the interview with Imam Abu Bakr. Col. Brown threatened "to take out" Mr. McComie if he continued to give Imam Abu Bakr access to the airwaves. Mr. McComie requested protection and Col. Brown promised to assist.

2.38. After hours passed and no security personnel came to NBS on Saturday, 28 July, Mr. McComie asked the Police to come to the station and protect him and his companions. They came in the evening of Saturday, 28 July, 1990 and instructed the staff not to go on the balcony.

2.39. From time to time Mr. McComie spoke off air to Mr. Madeira at TTT, Imam Abu Bakr and Mr. Bilaal Abdullah, the leader of the JAM who invaded the Red House. On Sunday morning, Dominic Kallipersad of TTT told Mr.

McComie, "We are extremely dependent upon 610 to know what is happening outside."

Appeal by Movement for Social Transformation

2.40. Although 610 Radio was a Government-owned broadcasting facility and was at all times functioning, it was not used by the authorities to communicate with the population during the period 27 July to 1 August, 1990. However, Mr. McComie received a large number of calls from the general public. About 5% of callers to 610 Radio, according to Mr. McComie, supported Imam Abu Bakr and opposed the Prime Minister. Some even went so far as to suggest that the Prime Minister be killed.

One person of significance who called Radio 610 to appeal "for good sense to prevail" was Mr. David Abdullah. On 28 July, 1990 he was Interim Political Leader of the Movement for Social Transformation (MOTION) and Treasurer, Chief Education Officer and Research Officer of the Oilfields Workers' Trade Union (OWTU). At 8.10 a.m. he voiced the following statement live:

"The Movement for Social Transformation (MOTION) is deeply concerned about the present crisis in the country. Our Party stands for peaceful democratic change effected by the people themselves. We are mindful of the sufferings of large sections of the population, which sufferings must be alleviated in any just and humane society. We appeal to all involved in the present crisis for good sense to prevail and for a peaceful resolution to this crisis."

2.41. For whatever reason, the JAM made no further attempt to cause damage to NBS and took no steps to gain control of it. In the vocabulary of contemporary times, NBS “fell off the radar” of the JAM. According to Jamaal Shabazz, the attempt to invade and take control of 610 Radio was aborted in order “to leave a communication door open”.

3. ATTACK ON RADIO TRINIDAD

2.42. Mr. Jamaal Shabazz said that about two weeks before the attempted coup on 27 July, 1990, he learnt that he was to lead a group of men “to take Radio Trinidad”. He had previously also visited Radio Trinidad and noted the layout and key points of the building. He said that he had a floor plan of the building. Shabazz is a former journalist and had the benefit of a secondary education. He joined the JAM in 1981 and was a convert to Islam. He is now a much respected football coach.

2.43. Shabazz admitted that, from the time he joined the JAM, he learnt about guns. They were given some rudimentary military training and it seems, according to Shabazz, that “Islamic training includes military training”.

Preparations for Attack – Friday, 27 July, 1990

2.44. On 27 July, sometime between 2.00 p.m. and 3.15 p.m., after the Juma sermon at the JAM's Mosque at #1 Mucurapo Road, Shabazz heard that a "Prince" was coming to the Mosque at 6.00 p.m. He dismissed the talk because he understood it to be coded language for an insurrection. However, some of the men in the group to be led by him were ignorant of the true import of the reference to a Prince. He dismissed their inquiries with the blunt answer, "It ent have no Prince coming!" Nevertheless, members of the JAM went to the market to purchase foodstuffs to feed "the Prince".

2.45. About 3.30 p.m. Shabazz and his group of twelve men left the Mosque in three cars. They went to the Queen's Park Savannah. He left Imam Abu Bakr at the Mosque and got no instructions from him. His instructions were given by Hassan Anyabwile. Hassan told him that the weapons for use in the attack on Radio Trinidad would be in a vehicle parked on Maraval Road near to Radio Trinidad. He should await a signal before moving from the Savannah to Radio Trinidad. Shabazz's group "exercised" at the Savannah playing football. He explained to the other men that somebody would bring him information and, when that happened, they would get arms and move against Radio Trinidad. He had been told to expect a signal for the offensive about 5.00 p.m. When that

time came and passed without incident, Shabazz wondered if the insurrection had been called off.

2.46. About 6.00 p.m. he saw smoke rising in the vicinity of Police Headquarters. Hassan drove around the Savannah and spoke to Ayoub Yasin who had been deployed by Shabazz at the junction of Queen's Park West and Maraval Road. Ayoub Yasin told Shabazz that it was time to move against Radio Trinidad.

2.47. Shabazz called his men together and told them they were going to Radio Trinidad. In front of that station would be a vehicle; they would receive weapons and were to operate in an orderly manner. Shabazz and his group jogged down Maraval Road to the vehicle. Under the cover of darkness, he distributed rifles to his men; he took a revolver. He told them that there were entry points at the front, side and back of the building.

Invasion of Radio Trinidad

2.48. There was no guard at the side entrance. Shabazz went inside. He instructed his men to round up all the employees, bring them to the hallway and put them in a room. They should not harm the employees but they should let them know that they were taking control of the station and, if they cooperated,

there would be no problems. All of the insurgents were inside Radio Trinidad within five minutes. Some of them were deployed to man the exterior doors. Shabazz expected that other members of the JAM would have been outside keeping surveillance of the general area.

2.49. After they had been at Radio Trinidad for about half an hour, one Zaki reported to Shabazz that "everything was under control at TTT".

Mr. Eddison Carr

2.50. Radio Trinidad was owned by the Trinidad Broadcasting Co. Ltd. (TBC), a private company. TBC operated three radio stations, viz. 730 AM; 95.1 FM; and 105.1 FM. Its premises were immediately opposite to TTT. Two of its radio broadcasters, Messrs. Eddison Carr and Emmett Hennessy, gave evidence. They should normally have left work about 4.30 p.m. But each stayed. Mr. Carr was waiting on a friend before going to watch the football match between Jamaica and Trinidad and Tobago at the National Stadium. Mr. Hennessy remained to prepare his programme "Hennessy Hundred" in his ground floor office.

2.51. About 6.00 p.m. the late newspaper journalist, Terry Joseph, called Mr. Carr to say that Police Headquarters was on fire. Then Mr. Carr heard an

explosion at TTT. He looked outside at the car park which separated TTT from Radio Trinidad. He heard a voice say: "You come". He looked around and saw a boy about 17 years old with a gun. The boy led him away to the roof and ordered him to lie down. Then this boy began shooting as if at one particular person. Ultimately, Mr. Carr was led to the training room and put to lie on the floor of the newsroom block. Other employees were lying in the studio block. Mr. Carr told us that, at one point, the boy asked Jamaal Shabazz if he should shoot Mr. Carr. Shabazz told him, "Cool yourself!"

2.52. Mr. Carr was eventually taken to the ground floor and made to lie in the stairwell with 10 others including Harold Thompson, McDonald Holder and Sookram Ali before finally going to the studio of Radio 95.1 FM.

Mr. Emmett Hennessy

2.53. It was sometime after 6.00 p.m. that Mr. Hennessy heard gunshots and explosions on Maraval Road. He looked out towards TTT but saw nothing unusual. However, when he looked towards an electronic gate, he saw two young men with rifles. One attempted to shoot the lock. At the sight of this, Mr. Hennessy ran upstairs to the area of the roof. The doors to the roof were locked. He kicked them off their hinges, got on the roof and hid behind a large water tank. From there he could see Mr. Carr and a security guard lying

prostrate on the floor with a gunman standing over them. Mr. Hennessy said that he prayed.

2.54. When he looked up towards the TATIL building, he saw faces looking down upon him. He considered sliding down a drainpipe to the recreation area. Then he heard a voice asking what he was doing there. He looked down and saw two young men with rifles in the driveway at ground level. He told them he worked at Radio Trinidad and was coming down. Suddenly he heard a gunshot from behind. The shot hit the wall. He let go the drainpipe and fell to the second level of the roof, jumped across to a storeroom and climbed on to a galvanise roof. There was a gunman on the roof. The gunman and Mr. Hennessy looked at each other and Mr. Hennessy ran "to the edge of the building". In his words, he was "like a cat on a hot tin roof". He saw the man raise his gun so he decided to run to the back of the building. He heard shooting and jumped from the edge of the building. He landed in a garden on his feet.

2.55. However, while jumping through the air, he was shot on the back of his right arm. He ran through the garden to a street where he saw Ancil Benjamin, a co-worker. Benjamin was trying to re-enter the Radio Trinidad building to fetch his car but Mr. Hennessy dissuaded him from doing so. Mr. Jones Madeira said that one of the JAM told him that he had seen "a white man coming over a wall at Radio Trinidad and he lined up his head to shoot him

but then lowered the rifle and shot him in his back". The white man was Mr. Hennessy.

2.56. Mr. Hennessy flagged down a passing car and told the driver that there were persons trying to kill him. He was driven to a police station in Woodbrook. He was bleeding. A Police Officer was standing on the steps of the station with a revolver. Mr. Hennessy tried to explain his plight to the officer but he was told "We can't help you here!" Fortunately, the car was still close by. He called out to the driver and was taken to the Port of Spain General Hospital where he was placed in a ward and treated. Members of his family came for him later and took him to his brother's-in-law house at Cascade.

Broadcasts by Eddison Carr

2.57. Meanwhile, between 9.00 p.m. and 10.00 p.m., Mr. Carr was ordered to read the news in a studio of 730AM radio. He was instructed to read that -

"the Government had fallen; most of the Protective Services had defected to the Jamaat and those who had not done so, were now advised to do so; there was to be no looting".

Every 15 minutes, Mr. Carr re-broadcast that message under orders from Andy Thomas, one of the insurgents. Only local music was played on Radio Trinidad. Jamaal Shabazz said that he instructed Mr. Carr to play calypsos of Brother

Valentino (Emrold Phillip), especially 'Dis Place Nice' because of a line in the calypso, "I hear my brother talking about Revolution Day, change is on the way." About 10.00 p.m. he was instructed to say that "the revolution" was going as planned. He manned the studio throughout Friday night under the threat of a gun. Mr. Carr estimated that there were approximately 30 insurgents in the building. "The Jamaat were all over the building, in the corridors and raiding the canteen". "They had all kinds of guns, hand grenades and cutlasses".

Abandonment of Radio Trinidad – Saturday, 28 July, 1990

2.58. During the afternoon of Saturday, there was sporadic gunfire between the JAM inside the building and the soldiers outside. Then about 11.00 p.m. on Saturday, the JAM suddenly disappeared. They abandoned Radio Trinidad without any explanation to the hostages. They had burst a hole in a wall and went across to TTT. Jamaal Shabazz's explanation to the Commission was that:

"We were bumped off the air, so we felt that there was no sense in staying in Radio Trinidad. We also came under heavy gunfire... At that point I called TTT and advised the Imam that we should secure the staff members in a room, leave a sign on the door and come to TTT... I put the staff in

a room and wrote on a big piece of Bristol board that inside the room were staff from Radio Trinidad."

Two insurgents were shot while going across to TTT. Mr. Carr telephoned the Headquarters of the Army at Camp Ogden and reported the disappearance of the JAM. The Army promised to come to Radio Trinidad. They came the next day, Sunday, 29 July, 1990. When the Army arrived, the employees were instructed to go to the back of the building. Eleven of them were obliged to jump the wall that separated Radio Trinidad from the residence of Dr. Halsey McShine on Alcazar Street. They were searched and then ran to the Telco sub-station where they were debriefed before being taken to Camp Ogden. They slept on the floor at Camp Ogden for 3 days but were fed 3 meals per day. On Tuesday, 31 July, 1990, they were taken to their homes.

Mr. Pius Mason

2.59. One of the employees of TBC was seriously injured during the attack on Radio Trinidad. He is Mr. Pius Mason. On 27 July he left his workplace around 4.30 p.m. and returned between 5.30 p.m. and 6.00 p.m. He parked his car in the compound of Radio Trinidad. He set off on foot together with some friends intending to walk to the National Stadium to see the football match.

2.60. At Radio Trinidad he observed a grey-coloured Galant motor car parked on the western side of the car park. As he was walking, he saw a group of about 15 men jogging from the direction of the TATIL building. One of his friends asked "Who win the game?" One of the joggers replied "Tomorrow, you go know who win." Mason saw these men go towards the Galant and take out guns. He walked up to the men and asked where they were going. They said that there were "bandits by TTT".

2.61. Mason headed towards Radio Trinidad and went inside. He gave the security guard his keys. As soon as he did that, some of the gunmen he had seen outside walked into the building. He heard someone say "Don't let this man go outside; he will tell people what's happening". Mason said he asked "What kind of stupidity is that?" Then he heard someone say, "Take care of him" and he was told to lie down. Thinking that it was a joke, instead of lying down, he kept on getting up. Harold Thompson, a disc jockey, was in the studio playing the tune "Stay up Zimbabwe" by calypsonian Brother Valentino. Mason told Thompson that a man had a gun in his back and it seemed as if he wanted to kill him. Thompson continued playing the record.

Mr. Pius Mason Shot

2.62. While Mason was asking where to lie down, there was an explosion. It was 6.20 p.m. He heard a man say, "Oh God, I shoot the man". The man asked for the toilet. He said he was getting diarrhoea and made for the toilet. Mason says that he was shot in his upper back and was rendered temporarily unconscious. When he regained consciousness, he lay in a position where he felt comfortable. He heard a man say that he didn't know whether he (Mason) was alive or dead. Later he distinctly heard one of the insurgents say that Imam Abu Bakr had said:

"We ain't come here to kill anybody. Take the gun away from the man who shot the fellow and go and see if he's dead."

A man touched him and Mason said that he was "still alive". He asked for help and he was given a bottle of water. Then one of the insurgents put tape on his wound and advised him to pray.

2.63. Soon after, Mason was told that he was going to be taken to the hospital but he said, "No. I want to die here". However, Harold Thompson and a member of the JAM put him in a car driven by a woman, the girlfriend of a staff member who happened to be in the station that evening. Mason gave her his wedding ring and asked her to take it to his wife. He was taken to a Nursing Home near to the Queen's Park Oval. Although he was in severe pain, he was

able to walk into the Nursing Home. He was attended by doctors who performed a surgical operation. Mason was a patient at the Nursing Home for 13 days. – See Chapter 11 for discussion of the consequences of Mr. Mason's injuries.

4. ATTACK ON TRINIDAD AND TOBAGO TELEVISION (TTT)

Preparatory Acts

2.64. On two occasions prior to the date of the attempted coup, "Molotov Cocktails" were thrown on the premises of TTT. The first landed in the vicinity of the newsroom; the second exploded near to the office of Mr. Jones P. Madeira. On yet another occasion, Mr. Madeira received a letter threatening to blow up a BWIA aircraft. This letter was addressed to Afzal Khan. Mr. Madeira called the Police. Two Police Officers came and one inquired whether there was security at the transmitter sites. Mr. Madeira answered in the negative. He raised the matter of security at the transmitter sites with management. He was told that it was not a priority. These three incidents were seen by Mr. Madeira as some kind of response to the economic austerity measures being pursued by the Government which had become very unpopular.

2.65. During the Christmas season 1989, a member of the JAM, one Khan, visited the premises of Radio Trinidad purporting to be selling gifts. He went to every department.

Mr. Kala Akii-Bua

2.66. One of the leaders of the invasion of TTT was Mr. Kala Akii-Bua. Mr. Akii-Bua became a Muslim in 1971. He and Imam Abu Bakr were friends. They met in Canada and Imam Abu Bakr influenced him to return to Trinidad and form the JAM in 1978. He returned to Trinidad permanently in 1980. He is an electrical contractor and was the JAM's electrician.

2.67. In early July 1990 while in his garden at Las Cuevas, Akii-Bua received a visit from Imam Abu Bakr and another member of the JAM, Ackmad Ali. The latter told him that Imam Abu Bakr (who remained sitting in the car) wanted him to go to the headquarters of the JAM at #1 Mucurapo Road. As a result of the invitation, Akii-Bua went to Mucurapo Road later that week and checked the electrical wiring there. He said in evidence that he was not told the real reason for bringing him to Mucurapo but he "sensed that something was going on".

#1 Mucurapo Road – Friday, 27 July, 1990

2.68. On 27 July about 10.30 a.m. Akii-Bua went to the Mosque of the JAM at #1 Mucurapo Road in a van lent to him by Imam Abu Bakr the previous day. He heard talk at the Mosque about a Prince coming that day. He saw construction experts in the office looking at architectural plans for construction of buildings at #1 Mucurapo Road. But since he saw no evidence of cleaning or painting, he discounted the idea of a Prince's visit.

2.69. According to Akii-Bua's evidence, his first knowledge of an attempt to overthrow the Government was after the Juma prayers ended at 2.00 p.m. It was Bilaal Abdullah who told him not to give the keys to the van to anyone but him (Bilaal). He gave Bilaal the keys and went into the office. Then, says Akii-Bua, Imam Abu Bakr told him in the presence of a nurse: "Bro. Kala, you know you can't leave here now because this afternoon the Government will be overthrown." Akii-Bua interpreted that statement to mean that "we (the JAM) would be part of the action." He said that he did not know that the JAM had plans to overthrow the Government but he was not minded to ask Imam Abu Bakr any questions.

2.70. Akii-Bua said that when he learnt of the planned overthrow, he thought of going home but he did not. He telephoned his wife and told her to go straight home when she left her workplace at the Port. He claimed that at 2.30 p.m. he did not know that he was to be a participant in the insurrection. His first knowledge of his involvement came at 4.30 p.m. In his words:

"I realised it was serious and I asked certain brothers various questions. Some came and we hugged and they went off to Port of Spain. It was after the ASR prayer that Imam Abu Bakr told me to make sure that everybody leaves."

Clearing the Compound

2.71. One of his tasks was to clear the compound of all except those involved in the insurrection. When he cleared the compound of approximately 100 persons dispatched in taxis, Akii-Bua reported to Imam Abu Bakr who was in his office with 4 or 5 persons. Bilaal had already left the compound. Akii-Bua said that he was not told of any plans; he was merely told to accompany Imam Abu Bakr to TTT.

2.72. Clearing the compound of persons involved going to Ethel Street and hiring taxis outside of the compound. This was a necessary tactic to avoid raising the suspicions of the Police and Army personnel located at a post outside the compound of the JAM. If they saw people rushing to taxis coming into the compound, those protective forces might have become suspicious.

Invasion of TTT

2.73. At 6.00 p.m. Akii-Bua heard the sound of gunfire on a two-way radio. He went to Imam Abu Bakr's office and told him. Imam Abu Bakr said: "O.K. That is from the Red House. Things start." Omowale opened the trunk of a blue Galant motor car in the compound and gave Akii-Bua and others guns. Akii-Bua was given a rifle.

2.74. Imam Abu Bakr and his recruits for the mission to take control of TTT left the compound at #1 Mucurapo Road in two vehicles and armed. Omowale drove one; Kalib Khan drove the other.

2.75. When this group of insurgents reached TTT, the road was full of members of the JAM including Hassan, Ayoub and Keshwar. They ushered Imam Abu Bakr and his group into TTT. They had already taken charge of the building and had arranged what Akii-Bua called "a war room". They met together, talked and were congratulated by Imam Abu Bakr. Functions were assigned. Akii-Bua was put in charge of the hostages at TTT. He said that he chose "three brothers who were level-headed" to assist him.

Hostages at TTT – Mr. Jones P. Madeira (See Appendix 22)

2.76. About 5.30 p.m. on 27 July, 1990, Mr. Madeira was in the editing suite of TTT on the ground floor of the building. Raoul Pantin was also in a suite. Approximately 50 employees were in the TTT building. Among the persons at TTT that afternoon were two German nationals on a training attachment at TTT. There was a tap on the glass window of a door leading to the editing suite. Mr. Madeira said that he looked around and saw the barrel of a gun. A gunman ordered him out of the suite. He screamed. Then another gunman joined in. Mr. Madeira got up and the two gunmen pulled him forward uttering threats and expletives. He saw Raoul Pantin come out with his hands in the air and a gun at his back. Both Mr. Madeira and Pantin were in great fear.

2.77. A number of TTT personnel were lying face down on the ground. Mr. Madeira was made to lie face down with his hands on his head. He heard the sound of gunfire outside and realised, from the tenor of men chanting "Allahu Ackbar", that the JAM were in the street outside TTT. Indeed one of the Germans told him that there were people everywhere and it seemed that the country had been taken over. Nicole Huggins, a new member of staff, was among the ten persons lying on the floor.

2.78. About 6.15 p.m. the persons on the ground were ordered to get up and were marched to the main lobby. There Mr. Madeira saw other persons. He also saw Imam Abu Bakr. Mr. Madeira's evidence graphically captures the next moments. He said:

"When Imam Abu Bakr saw me, he jumped. Then he said, 'Mr. Madeira, I don't wish to harm anybody. You must keep them calm and all will be well.' He was not aggressive towards me."

2.79. While Mr. Madeira and Imam Abu Bakr were talking, gunshots rang out from the front of the building. Imam Abu Bakr was incensed. He screamed, "Who did that?" Then he walked to the front of the building and shouted his disapproval of the shooting.

2.80. Members of staff and visitors to the station were placed in a central area of the station and Akii-Bua ordered women and children to leave. One female member of staff asked if Mr. Madeira would be allowed to leave. Imam Abu Bakr said, "He is not going anywhere now." The lady said that she needed a lift since her car was blocked in the garage. Imam Abu Bakr gave her \$10.00 and told her to take a taxi. The Germans were released. But twenty-six staff still remained at TTT and were held hostage.

2.81. Imam Abu Bakr asked for a telephone. Mr. Madeira took him and three gunmen to a room. One of the men was David Bethelmy. They wished to

contact Parliament. Mr. Madeira made a telephone call to the library of Parliament. No one answered. Imam Abu Bakr asked him if he had contact numbers for Ramesh Lawrence Maharaj, attorney-at-law, and Canon Knolly Clarke.

2.82. They left the office. Mr. Madeira saw a number of nervous young men with rifles. He appealed over the public address system of the station to all employees who were hiding in the building to come out. The JAM caught Mr. Grenfell Kissoon while he was trying to escape at the back of the building and brought him to join the others.

Imam Abu Bakr's Broadcasts

2.83. As we have stated in para. 2.4, Imam Abu Bakr made a short broadcast on television about 6.20 p.m. Then, after the time for the scheduled start of the evening news telecast of Panorama had passed, Mr. Madeira was called into a room where he saw Imam Abu Bakr, Bethelmy, one Faultin and another man. Imam Abu Bakr said: "We have to do the news; this is big news." As we recount above, Imam Abu Bakr made the unscripted telecast mentioned at para. 2.7. When Mr. Madeira asked whether the statements made by Imam Abu Bakr were true, Faultin said: "This man continuing to make joke with this thing. This ain't no joke."

2.84. After the second telecast ended at approximately 7.30 p.m., Mr. Madeira and the others returned to the room. Mr. Madeira said in his evidence that "the situation was very dangerous". There were JAM gunmen all over the station. Although the telephone system was not working optimally, he was allowed free use of the telephone and was able to speak with his family.

2.85. Mr. Dominic Kallipersad, a news presenter, also made a short appearance on television that evening. He said:

"The Imam Abu Bakr wants you to know that the Police Headquarters in downtown Port of Spain has been gutted by fire. They are still in control of TTT. The staffers here are unharmed."

Army Intervention to Disable Broadcasts

2.86. After the second broadcast by Imam Abu Bakr, Col. Ralph Brown went to the home of Minister Clive Pantin shortly after 8.00 p.m. He persuaded the Minister to accompany him to Camp Ogden. Col. Brown spoke to Lt. Col. Hugh Vidal, Commanding Officer of the First Battalion, when he and Minister Pantin returned to Camp Ogden. Lt. Col. Vidal had already mobilised troops and initiated action to contain the insurrection at the Red House.

2.87. Lt. Col. Vidal reported to Col. Brown that he did not have a sufficient complement of men to establish a cordon around TTT. He was, however, minded to ask the Acting Commissioner of Police, Mr. Leonard Taylor, to use policemen to assist in properly throwing an armed cordon around TTT. Mr. Taylor was at Camp Ogden. It was decided to use the Police to effect a cordon around the area of Gray Street and Tragarete Road. In the meantime, various persons in or associated with the Government had gathered at Camp Ogden. They included: Mr. Herbert Atwell, Mr. Lincoln Myers, Mr. Felix Hernandez, Mr. Roy Augustus and Mr. Ivan Williams.

2.88. Col. Brown was furious at the sight of Imam Abu Bakr on television and the content of his speeches. He especially took umbrage at statements suggesting that the Army was on the side of the insurrectionists. Such statements were patently untrue. Col. Brown therefore determined that Imam Abu Bakr should have no further ability to address the people. He discussed with Bernard Pantin, son of the Minister, whether it was possible for members of the Government at Camp Ogden and himself to address the nation. In Chapter 8, we detail the circumstances under which the Government Ministers and the military were able to bypass the signal from which Imam Abu Bakr was broadcasting and facilitate broadcasts by Ministers Pantin and Myers as well as Col. Brown from Cumberland Hill shortly after 9.00 p.m. on Friday evening.

2.89. It is enough to narrate here that those persons went to the transmitter site at Cumberland Hill, together with three technicians of TTT, and set up an alternative broadcast facility. Ministers Myers and Pantin and Col. Brown addressed the nation as follows:

MYERS: "Contrary to earlier broadcasts, the Government of Trinidad and Tobago has not fallen. I wish to assure each and every one of you that the situation is under control. The defence forces have been deployed and stand in readiness. The population should remain calm and stay indoors until further notice. Members of the Government will keep you informed as to the situation. Pray for a safe passage through this crisis. May God bless our nation."

PANTIN: "I too wish to support the sentiments of Minister Myers and to request that you keep viewing this channel for further information which we will feed to you from time to time. I now wish to pass you over to Col. Ralph Brown of the Defence Force."

BROWN: "Ladies and Gentlemen, this is Col. Brown, Commanding Officer of the Trinidad and Tobago Regiment. Contrary to what has been relayed earlier this evening, I want to assure the population that the Regiment and indeed the entire Defence Force have not collaborated with, nor do we intend to collaborate with, those perpetrators of this crime against our country. The Defence Force has been deployed and we have the situation under control. I ask you to remain calm; stay in your homes. Those of you who have no business in the road, stay in your homes. The members of the Government will keep you posted as developments occur. Thank you, ladies and gentlemen."

2.90. That broadcast was seen by viewers of TTT. Col. Brown and the Ministers, however, mistakenly assumed that Imam Abu Bakr had been effectively cut off from broadcasting. Sometime shortly after the address by the

Ministers and Col. Brown, Imam Abu Bakr made a third broadcast, more lengthy than the others. This broadcast, however, was heard only by listeners south of the Caroni transmitter because this transmitter had not yet been disabled.

Imam Abu Bakr's Third Broadcast

2.91. Imam Abu Bakr's third broadcast was as follows:

“(Inaudible) notorious Government over the last three years, but for the sake of brevity we will only mention a few. This Government refused to allow poor, destitute people who were sick and dying every day for lack of medicines to have medicines that we brought to this country as a free gift.

Since December last year, we brought hundreds of thousands of dollars of medicines and made it as a free gift to the Government of this country after consultation with the Minister of Health, only to be told, after we had gone through all this expense and the United Nations Childcare Association bought the medicine which we paid for, that we were not allowed to have our medicines till this day.

We are in daily contact with the people of this country. We provide food, accommodation and social services on a daily basis for people, so we know the present suffering of the people and this week we looked at the national TV, the entire community of Trinidad and Tobago with – (break in audio recording) – being destitute on a daily basis. There is no medicines in the hospital and the Prime Minister allocates half a million dollars for a concrete monument to Gene Miles?

Is that the kind of country you want? Is that the kind of country you want the Army to support with guns and bullets that we pay for every day through our hard earned taxes? Is that you want; what you wanted? If these people were rightly guided, then why has God given us the power over them? Why are we sitting here tonight before you? Who

makes the decision in the universe? Isn't it not your creator?

"Where is the Prime Minister tonight to address the nation? Where is he? God has removed him. God has removed the authority, not the power, because no man, including myself, has any power. We have only temporary authority because we all die and our ideas die with us but our noble actions don't die, and we could no longer sit and watch our beautiful country descend into the abyss with no return.

Sure we know the Army is there, sure we know the Police is there, but we know and you know that Almighty God is also there and He is the one who has power and authority over all of us. He is the one who gave us victory over the Prime Minister tonight that he can't address you as planned, because man can plan and plan but Almighty God is the best planner.

There were plans tonight for the Prime Minister to address the nation. Where is he? I am addressing the nation and we are promising you that we will bring an end to this hate and bigotry and racialism that has plagued our country. We promise you that there will be an effort to unite the country once more by having free and fair and free from fear elections in 90 days. We give you our plighted word and I call my God and your God to bear witness that 90 days from this day you will have in Trinidad an opportunity to re-elect people free and fair and free from fear. We give to this nation this opportunity as a gift and our word is our bond.

We've always kept our word and God has given us an opportunity to come before you tonight and to keep our word. We call God to witness that we pray that He will give us an opportunity to unite this country once more, that He will remove the racialism, the hatred, the bigotry, the plighting of men against women, the rape, the incest, the robbery, the drugs and all the things that has plagued our country in the past with no hope by the past regime to correct them.

We ask you to stay tuned. Do not be intimidated by people and by military might and force. It was not military might and force that gave us this opportunity to sit before you and

address you tonight. It was the will of God. It was the will of the Creator, not military might. It would be stupid for us to say tonight we don't produce the military might of the Army, maybe, the tanks and what have you. Sure we don't possess that, and we're not ashamed to say that because we're not depending on a gun to give us victory. We've depended only on our good deeds and it is our good deeds that has given us the victory.

We know that guns and military might can never rule the heart. It is love for man and man that brings good relationships between people and foster love and brotherhood. We know that all the great powers in the world, all the great military powers in the world only live for a time and then they fall. But we know there is a greater power and if the Army, the small Army in Trinidad, muster all the might they can with all the guns, when the sun is about to set tomorrow, no guns, not of this Army, not of the Army of America, of Russia, no Army in the world with all their military might can stop the sun from setting.

That power is greater than all the powers on this earth. That is the power that has put us here to address you tonight. That is the power we're asking you to redirect your energies to and to ask for salvation of this nation. We have done our part. Now you must do your part. As far as the rulership of this country is concerned, we give you again our plighted word, our assurances and our bond, which is our word, that in 90 days there will be an opportunity for the people to again re-elect new leaders to look after their affairs. There will be free elections, free from fear and free and fair.

We bid you good night and stay tuned for a later broadcast. Thank you, beloved brothers and sisters of Trinidad and Tobago.

I would like to assure all foreigners, all our visitors that are here for the football tournament, that we're making arrangements for everything to proceed in a normal manner. It is not our intention to disrupt our society. It is not our intention to have any vindictiveness or malice against anybody. We've merely been given a job by Almighty God to correct the injustices.

We want to give our assurances, our plighted assurances, to all members of the diplomatic corps, all members of the diplomatic corps and to all members of foreign missions, to all our visitors who are here, that they should not worry about their freedom, that they are safe and we will assure to the best of our human ability that they are safe. We wish only for continued good relationships and that our country is once again put on the foot of progress and prosperity. We bid you goodnight."

Imam Abu Bakr's Fourth Broadcast

2.92. About 2.15 a.m. Imam Abu Bakr made yet another broadcast shortly before the authorities succeeded in totally blocking all signals from TTT's headquarters on Maraval Road. In that fourth broadcast, Imam Abu Bakr said –

"Things are currently underway with Canon Knolly Clarke of the Anglican Church, who is a member of the SOPO, the Summit of People's Organisations, to which the Jamaat-al-Muslimeen is a member, along with all the trade union movements in the country, the community organisations, the youth groups, the Writers Association, the Burrokeets Association, all these organisations and many others belong to the Summit of People's Organisations. So, contrary to what you have been told about a handful of people, you've been misinformed.

Those of you who are aware of what is happening in the society will know that the PSA is also a member of the SOPO. You'll also know that the Motion, who was also a political party, is a member, that the UNC is also a member and all those people belong to the Summit of People's Organisations and the Jamaat-al-Muslimeen is also a member of that organisation.

We are at present formulating charges against the Prime Minister and his Cabinet for the murder of a soldier, one Sergeant Rogers, who died two weeks ago and was buried. The death certificate will show that Sergeant Rogers died

from leukaemia and he had an excessive swelling of the spleen due to no treatment being administered for this complaint. The Jamaat-al-Muslimeen provided medicines for that leukaemia. The Prime Minister and his Cabinet refused to release those medicines so that Sergeant Rogers could have an opportunity to be treated for his complaint.

Last Sunday I journeyed with my wife and children in the remote area of Moruga to share condolences with the family of Sergeant Rogers who were very grieved that they could not afford the very expensive medicines of leukaemia so that their 31-year-old son who was a brilliant soldier, one of the best soldiers in the Trinidad and Tobago Defence Force, a 31-year-old man, died without having an opportunity to have the medicines, which are at present sitting in the warehouse, wickedly and maliciously denied him by the Prime Minister and members of his Cabinet. His brother is a Corporal of Police – his brother is a Corporal in the defence service and can bear me out in exactly what I've told you here today.

Also I was informed that not one single member of the Cabinet came to pay their condolences, not one single Minister came to pay any condolences to that soldier whom they contributed directly in murdering, but now they are ordering soldiers in the street to murder poor, oppressed people, who still are without the medicines that they have denied them, which belong to us and was given to the people of Trinidad and Tobago as a gift.

There are several other charges to be preferred against three ex-Ministers of the NAR Government for dealing in cocaine. These charges are as a result of evidence compiled with us and with the assistance of an ex-DEA, American Drug Enforcement Agency officer who was put out of this country last year persona non grata for cooperating with us to break up a drug exporting ring.

Also, charges will be preferred against two ex-Ministers for conspiracy in the death of Policewoman Bernadette James and there are several other charges to be preferred against many members of the ex-Government.

I know that some of those things do not directly affect the poor and the oppressed and you are now concerned with

your day-to-day living. So as of today, the new interim Government, I say interim because I have already given our commitment that there will be new elections in 90 days without fail, God's willing.

The new interim Government therefore immediately abolishes all VAT. I repeat, the new interim Government immediately abolishes all VAT. We are also aware of your anxiety in that in a few weeks school will be reopened and we know that many of you cannot afford school books and even uniforms for your children to go back to school. We're making some preparations to relieve you of that anxiety.

Finally, there will be charges preferred against the Commissioner of Police and we will reserve that information until further notice. We thank you very much and God bless you. Stay tuned; there will be more information later."

Broadcast by Acting President Carter

2.93. About 2.00 a.m. on Saturday, the Acting President of the Republic, Mr. Joseph Emmanuel Carter, addressed the nation from Cumberland Hill. The Acting President assured the population that the office of the President was still intact and that the Government had not been overthrown. He advised them to stay indoors and to pray. He returned to Camp Ogden about 3.00 a.m.

TTT's Transmitters Disabled

2.94. Col. Brown was incensed that Imam Abu Bakr still had access to the airwaves. The transmitter at Cumberland Hill had been disabled yet Imam Abu Bakr was still broadcasting. However, there was a transmitter in Gran Couva. A technician, Grantley Auguste, agreed to go from Cumberland Hill with soldiers to disable that transmitter. That was done. By 2.30 a.m. on Saturday, 28 July, 1990, all of TTT's transmitters had been disabled. Imam Abu Bakr told Jones Madeira that the JAM had found out that the transmitters were being jammed. He accused the staff at TTT of jamming the transmission but Mr. Madeira showed him the error of his beliefs by simply pointing out to him that they were all held hostage in the main studio. Imam Abu Bakr was irate. He insisted that he must "go back on air". And, in a false appreciation of the JAM's standing with the people of Trinidad and Tobago, he said:

"By now people should be here. I should be outside and they should be lifting me on their shoulders."

2.95. After disabling transmissions from TTT, Mr. Bernard Pantin made preparations to establish a makeshift transmitter site at Camp Ogden from which members of the Government could communicate officially with the population.

2.96. In the meantime, Imam Abu Bakr instructed Mr. Madeira to contact the Chairman of TBC, Mr. Martin Daly. Mr. Madeira told the Chairman that the

signals had gone and Mr. Daly might cause them to be restored. Mr. Daly's terse reply was, "Tell those fellows, this is not our business." Mr. Madeira also telephoned the Archbishop of Port of Spain, Anthony Pantin. Imam Abu Bakr grabbed the telephone, told the Archbishop of the danger to the hostages and told him he had to take some kind of action. Imam Abu Bakr ended his conversation with the Archbishop by threatening him that he could be blown up like Police Headquarters when he held a prayer meeting. The Archbishop suggested that he might come to TTT himself. His offer was not accepted.

Early Saturday, 28 July, 1990

2.97. Early on the morning of Saturday, 28 July, Dennis McComie telephoned TTT and spoke to Mr. Madeira enquiring after the health of the staff. Mr. Madeira told him that they were under threats because of the jamming of transmitters. He asked Mr. McComie for help. It was then that Mr. McComie and Imam Abu Bakr had the interview referred to at para. 2.35.

2.98. After the McComie interview, which left Imam Abu Bakr very angry, he blurted out:

"We have to defend ourselves. If anybody comes in here, I can't guarantee that they will go out alive."

Mr. Madeira told us that the hostages at TTT were becoming desperate. The young members of the JAM at TTT were also highly agitated. They took the hostages upstairs and told them they would be put in the Satellite Transmission room where there was a box of explosives wired and fused. The hostages were warned that, if they were not compliant, they would be blown up. Mr. Lorris Ballack, an insurgent, had in fact "rigged up" wires to a Carib beer box without any explosives and caused the hostages to believe that it was truly an explosive device. Naturally, the hostages, not knowing the truth about the contents of the box, were petrified.

Deployment of Army to TTT

2.99. One of the Army officers who had escorted Col. Brown and the Ministers to Cumberland Hill was Capt. George Clarke. In the early hours of Saturday, 28 July, about 1.00 a.m., he also escorted the Acting President to Cumberland Hill. At about 3.00 a.m. on Saturday, Capt. Clarke was given a third task. He was detailed to take 22 soldiers (a platoon minus) to take control of the area around TTT.

2.100. Not all of the soldiers under Capt. Clarke's command had their own weapons and uniforms since they had fallen-in hurriedly at Camp Ogden. But

they were all armed with rifles, a basic combat load and sufficient ammunition to establish a presence in the area and maintain control of the cut-off points.

State of Emergency – Saturday, 28 July, 1990

2.101. At approximately 9.00 a.m. on Saturday, Acting President Carter left Camp Ogden for Cumberland Hill to read the Proclamation declaring the existence of a State of Emergency in accordance with the provisions of sections 8(1), 8(2) and 10(4) of the Constitution.

Interim Government speaks to the Nation

2.102. On Saturday, some of the Ministers addressed the nation. Attorney General Anthony Smart reminded the population that a State of Emergency and a 22-hour curfew were in force and the Government was in negotiations with members of the JAM “on the question of the safe release of hostages in the Red House and at Television House”. He said that, “an intermediary, Canon Knolly Clarke”, was assisting. Minister Smart confirmed that “both Prime Minister Robinson and Minister Selwyn Richardson were slightly injured on Friday. Representative Leo des Vignes, who was also injured on Friday, has been warded at the Port of Spain General Hospital”. He said that, following a meeting

of Ministers and officials on Saturday morning, the Government instructed that the airport be re-opened "for daylight flights".

Midday, Saturday, 28 July, 1990

2.103. During Saturday morning, Mr. Madeira had negotiated with the JAM that they be allowed to use the washroom facilities. This was agreed. Mr. Madeira said that the only meal they had was on the Friday evening when members of the JAM "walked in with a basket of buns" from a small café opposite to TTT. On Saturday afternoon while a fierce battle was waging between Capt. Clarke's soldiers and the JAM inside TTT, Lorris Ballack confessed to the hostages in TTT that the Carib beer box of "explosives" planted by him in the room was a fake.

Ceasefire

2.104. When shooting stopped, Imam Abu Bakr announced: "Okay, there is a ceasefire. We are going to talk about an amnesty." This announcement came after Canon Clarke had been to the Red House early on Saturday morning and after he and Mr. Dookeran had left the Red House and returned to Camp Ogden with certain documents, some of which had been signed by the hostages. These documents paved the way for negotiations towards an amnesty, the

release of the hostages and surrender of the JAM. These matters are the subject of a specific Term of Reference and are dealt with fully in Chapter 9.

Sunday, 29 July, 1990

2.105. On Sunday, 29 July, the JAM insurgents at TTT talked among themselves about an unconditional amnesty as they were fed bits and pieces of information from Bilaal Abdullah as to the progress of negotiations. Mr. Madeira was able to speak with Dennis McComie, Col. Theodore and Bernard Pantin several times. Dominic Kallipersad told Mr. McComie that the hostages at TTT were "treated with dignity and kindness". During Sunday, Imam Abu Bakr could be heard on the telephone talking about being appointed as Minister of National Security. Canon Clarke visited TTT that Sunday and was shown into Mr. Kisson's office. From there, Mr. Madeira clearly heard Imam Abu Bakr telling Canon Clarke that all he wanted was an appointment as said Minister. Canon Clarke tried to explain to him that such appointment required election by the people but Imam Abu Bakr retorted: "They can bring me in through the Senate."

2.106. During Sunday, Curtis Wilson, a TTT hostage with a chronic medical condition, became quite ill and said he would die unless he were given something to eat. Madeira spoke to Imam Abu Bakr about it and Wilson was

released and put in an ambulance. As all of the hostages were similarly starved as Wilson, Madeira asked Col. Theodore to send food for the hostages. None was sent. The insurrectionists inside TTT were also having difficulty controlling themselves. Ballack mentioned to Madeira that one of their number kept asking when were they going to shoot the hostages.

Second Battle – Monday, 30 July, 1990

2.107. Monday, 30 July was a day of gunfire once again. Mr. Madeira says that from 2.00 p.m. to 5.00 p.m. the Army outside TTT kept up a heavy bombardment of the building. One of the JAM on lookout duty reported that soldiers were on their way to TTT. The insurgents took up positions at various points inside the building. They were very concerned that they would be killed in a large scale assault on the building. The JAM and the hostages prayed. According to Madeira, the JAM said they knew "it was going to happen" but they would fight to the end and "go to Paradise". A few very young insurgents, holding hand grenades, lay with the hostages. All prayed. According to Jamaal Shabazz, one Kidar, an insurgent, was sleeping in a room when a smoke bomb from the Army exploded nearby. He suffocated and died.

State of Emergency in effect – Army in Control

2.108. Throughout Sunday and Monday the Army was on the streets following the declaration of the State of Emergency and promulgation of curfew hours. Acting Commissioner of Police, Leonard Taylor, announced a dusk to dawn curfew throughout Trinidad and Tobago and a 22-hour curfew around the Red House and TTT. On Sunday, 29 July, the curfew hours were amended. A nationwide curfew of 18 hours was effected; downtown Port of Spain was subjected to a 24 hour curfew and one of 22 hours applied to an area around TTT. By Monday evening Capt. Clarke's forces had TTT completely surrounded and those of Major Antoine had taken control of the Rediffusion and TATIL buildings.

2.109. When TTT was taken off the air, transmissions were relayed from Camp Ogden. The late Allyson Hennessy, wife of Emmett Hennessy, and herself a much esteemed broadcaster, selflessly assisted in establishing transmissions from Camp Ogden.

Continuation of Negotiations – Tuesday, 31 July, 1990

2.110. Negotiations for the release of the hostages at the Red House and TTT continued throughout Monday, 30 July and Tuesday, 31 July. The Army detachment around TTT had ceased shooting in recognition of the ceasefire.

Prime Minister Robinson was released on 31 July. The Attorney General made the announcement of the Prime Minister's release to the nation in these terms:

"The Prime Minister of our beloved country is now safe. He was released at 1.20 p.m. this afternoon. He is in good spirits. As we say prayers of thanks for the safe return of our Prime Minister, we continue to pray for the safe return to their families of all those who are still held hostage at Television House and the Red House. The Government is continuing its efforts, along with the Protective Services, to secure the release of the remaining persons still held hostage."

Release of Hostages – Wednesday, 1 August, 1990

2.111. On Wednesday, 1 August, 1990, there was heightened anticipation of the release of all the hostages and the country waited to learn the status of the insurrectionists. While negotiations were proceeding with a view to bringing closure to the attempted coup, Capt. Clarke fired a B300 rocket (Bazooka) against the TTT building.

2.112. Later on Wednesday, 1 August, 1990, sixty-nine JAM at TTT surrendered. They had shown signs of fear earlier in the day. About 3.30 p.m. the hostages came out into the street led by Mr. Madeira. All twenty-five were safe and sound except for Mr. Madeira who had an abrasion on his arm from a bullet. They were noticeably shaken and exhausted by the ordeal. The JAM insurgents followed, arms held high. They too, appeared exhausted and dishevelled.

2.113. The hostages at TTT were given vacation leave and an airline ticket by BWIA to a Caribbean island. They received no compensation from the State or the TBC. Immediately after the attempted coup, TBC made plans to downsize the company. According to Bernard Pantin, these plans were made in response to and as a prelude to anticipated competition in broadcasting through a policy of opening the airwaves to other broadcast entities.

5. ATTACK ON PARLIAMENT

Introduction

2.114. We turn now to a discussion of the attack by the JAM on the Parliament which was meeting in the Red House. Never before in the history of Trinidad and Tobago had any attempt been made to overthrow a duly elected Government by armed insurrection. But on 27 July, 1990 members of the JAM, led by Bilaal Abdullah, made a daring, bold, vicious and well-planned armed assault on the Parliament at the Red House while it was in session. The sitting of Parliament began at 2.00 p.m. The Speaker of the House of Representatives, Mr. Nizam Mohammed, was in the chair. Those Parliamentarians (MPs) in the House represented the National Alliance for Reconstruction (NAR), the People's National Movement (PNM) and members of the United National Congress (UNC). These latter two groups sat on the Opposition benches.

2.115. The business before the House was a motion in the name of the Prime Minister, Hon. A.N.R. Robinson, concerning alleged corruption (the Tesoro scandal) on the part of the previous PNM Government and, in particular, one of its Ministers, Mr. John O'Halloran. The Prime Minister was not in his seat when the session commenced but he was scheduled to speak on the motion. He had gone to Tobago to observe the damage caused by hurricane "Arthur". Tea was taken when the House suspended sitting at 4.30 p.m. with resumption scheduled for 5.15 p.m. The Prime Minister told us that the debate was –

"very important to the Government because there had been a train of events involving corruption by the previous Government and the NAR Government was involved in exposing the corruption that had been taking place."

2.116. On resumption, the Deputy Speaker, Dr. Anselm St. George, took the Speaker's chair in the absence of Mr. Mohammed who had left the Chamber. The Leader of the Opposition, Hon. Patrick Manning, returned to the Chamber and quickly left. Another of the three PNM MPs, Mr. Morris Marshall, had been excused from the day's sitting and was not in Parliament but Mrs. Muriel Donawa-McDavidson was in her place when the sitting resumed. Hon. Basdeo Panday, leader of the U.N.C., was not in his place. The Prime Minister was in his seat. He sat next to the Attorney General, Hon. Anthony Smart.

Armed Invasion of Parliament

2.117. About 5.45 p.m., Hon. Joseph Toney, Minister in the Prime Minister's Office, was on his feet addressing the Chamber. During some cross talk with Mr. Trevor Sudama, Mr. Toney asked him "Who is your leader?" All of the MPs who testified to the Commission spoke of hearing noise in the precincts of Parliament, shouting, gunshots and the sound of shattering glass within the Parliamentary Chamber itself. Gunmen were all over the Chamber. Mr. Toney turned and looked in the direction of the noise from his position immediately to the right of the Speaker's chair. Suddenly, men burst through the north-western door of Parliament shouting and shooting at the ceiling and elsewhere. Instinctively Mr. Toney thought "it was a military takeover" since the gunmen were dressed in a kind of military uniform. But they were chanting "Allahu Akbar" and he soon realised that the gunmen were Muslims although he did not, at first, identify them as members of the JAM.

2.118. Two Police Officers of the Prime Minister's security detail, Sgt. Steve Maurice and PC Dave Pilgrim, threw themselves on Mr. Robinson and motioned him to lie on the floor. He did so. All of the MPs ducked under their desks and took cover while shooting, shouting and general bedlam prevailed. The insurgents were asking "Where Robbie?" (Robinson); "Where Sello?" (Hon. Selwyn Richardson, Minister of National Security); "Where Nizam?" (Speaker

Mohammed); "Where the IMF man?" (a reference to Hon. Selby Wilson). One of the insurgents pulled Sgt. Maurice off Mr. Robinson, struck him twice in his neck and tied him up. PC Pilgrim was similarly treated. He was put to lie on Sgt. Maurice. Shortly after 8.00 p.m. Bilaal ordered the release of the security detail but insisted that they leave the Chamber only in their underwear - See Chapter 11 for further evidence of the treatment of the security detail.

2.119. Eventually "they got the place under control" according to Mr. Toney and, as quiet descended upon the Chamber, the insurgents ordered the MPs to lie face down on the floor and keep their heads down. They searched all of the MPs, their briefcases and/or bags because, as they said, they were looking for guns. Mr. Raymond Pallackdharrysingh, MP for Naparima told us that he heard the gunmen asking for Mr. George Weekes, President of the Oilfields Workers Trade Union (OWTU), Mr. Panday and Mrs. Muriel Donawa-McDavidson and said that they were all to be given safe passage out of Parliament. Some persons in the public gallery were also allowed to leave.

MPs taken Hostage (See Appendix 21)

2.120. The MPs were then systematically tied up. Mr. Trevor Sudama described their treatment as "callous, brutish and barbaric." The instruments by which they were bound were pieces of hard plastic material which became tighter the more one tried to ease them. Mr. Raymond Pallackdharrysingh showed the Commission his bond which he has kept as a memento of his experiences. Mr. Pallackdharrysingh had fled from the Chamber and was hiding in a Committee room but he was captured and brought back to the Chamber and placed with other MPs in the well of the Chamber. Messrs. Robinson and Richardson were singled out for special, cruel and inhumane treatment. They were tied up, taken to a separate area of the Chamber and subjected to brutality. Mr. Joseph Toney said that he heard them being cuffed and slapped about their faces and Dr. Emmanuel Hosein and Mr. Rawle Raphael saw when Mr. Richardson was hit in his face with the butt of a rifle. He screamed: "Oh God, all you hitting me; all you hitting me; don't hit me!" Mr. Robinson bore his pain in relative silence. In the mêlée, the Attorney General and the Special Branch Police Officer assigned to Parliament, Inspector Kenneth Thompson, escaped. Mr. Kelvin Ramnath, an MP of the UNC, fled, and Mrs. Muriel Donawa-McDavidson of the PNM, was allowed to leave during the initial confusion following the invasion of the Parliamentary Chamber. Her driver, however, was killed.

Prime Minister and Minister of National Security Shot

2.121. There was shooting from inside and outside the Red House by the insurgents and Police Officers outside. Bilaal, who had a pistol, said to Mr. Robinson:

"Will you instruct the Regiment to withdraw and lay down their guns, because the Government has fallen?"

Mr. Robinson said that he received that instruction "with revulsion". He said:

"I thought it was impertinent. I thought I could not possibly do anything of the sort and should do just the opposite; so I shouted to the Regiment."

He shouted, through a walkie-talkie thrust in his hands by Bilaal, as follows:

"These people are murderers, torturers. Attack with full force."

Bilaal took the radio from him and said:

"So you have no regard for the lives of your Ministers."

Then, without more, he fired one shot each at Mr. Robinson and Mr. Richardson.

Both men screamed and groaned. Mr. Robinson shouted:

"You all have shot me. I am going to die but I am prepared to die for my country."

2.122. About 7.45 p.m. one of the insurgents tried to gag Mr. Robinson. He put a piece of cloth in the Prime Minister's mouth with the muzzle of a gun and shoved it down his throat. Mr. Robinson said he vomited. Dr. Emmanuel

Hosein, the Minister of Health and who was tied to the Prime Minister, shouted to the insurgent: "All you don't do that, you will kill him." The gag was removed.

Injuries

2.123. As a result of being shot, Mr. Robinson suffered an entry wound on the outer aspect of his right knee; the exit wound was close to his ankle. Fortunately, there was not much bleeding. Dr. Hosein, who later examined the wound, said that "the injury was not very serious; but there may have been minor nerve damage". In the case of Mr. Richardson, his entry wound was just below his hip in the upper thigh and the exit wound was just above his knee. Again, Dr. Hosein's opinion was that the injury was not very serious although "there could have been intra-muscular internal bleeding". Accordingly, he kept checking Mr. Richardson to ascertain whether there was internal bleeding.

Escape of Attorney General

2.124. The Attorney General, Mr. Anthony Smart, saw when the security officers assigned to the Prime Minister tried "to take care of him". He immediately made his exit from the Chamber and ran along the veranda. Then he changed his mind, went down the stairs and ran towards the rotunda in the

Red House. He kept on running. There were about ten to fifteen men with rifles running towards the Red House from the vicinity of the Trinity Cathedral.

2.125. Mr. Smart took off his jacket and tie and ran in a southerly direction towards the exit of the Red House into Hart Street. Seeing two men with rifles in front of his office which was located in the Red House, he ran down some steps into an office. There he hid under a counter. A woman was next to him. They did not speak because there was a lot of activity in the room. Members of the JAM came into the room shouting to persons outside.

2.126. Mr. Smart said that he concluded that they were members of the JAM because -

"of all the talk that one had heard of the Jamaat training an Army. Richard de Souza had told me that Imam Abu Bakr was training an Army and he had seen them marching up and down near where he lived."

For about 2½ hours Mr. Smart remained under the counter. The armed gunmen in the room did not see him.

2.127. About 8.15 p.m. he heard the insurgents in the room saying to two women that they did not want them; "we want the big boys". At that point, the woman next to him emerged from hiding and the insurgents saw him and ordered him out. They asked who he was and said he looked "like Special

Branch". They asked him for identification and, when they were about to search him, the woman said: "He is a worker with us." The insurgents did not bother to search him. In fact, they ordered Mr. Smart and the women to leave via the side of the Red House facing St. Vincent Street.

2.128. As he left the Red House, Mr. Smart saw the fire raging at Police Headquarters. He walked to the Old Fire Brigade building, towards a concrete ruin. There were about twenty armed men with rifles in the area of the ruin. Mr. Smart said that he was convinced that those men were Police Officers. He reached Independence Square between 8.15 p.m./8.30 p.m. and tried to get a taxi to take him to Trincity. He did not have the fare but a young Special Branch officer, PC Toney, identified himself and offered to help him. They shared a taxi to La Horquetta with ten other persons.

2.129. Eventually they reached PC Toney's house. At about 9.30 p.m. Mr. Smart telephoned his neighbour, Capt. Winston Borrel, a volunteer Captain in the Reserves. Capt. Borrel was at Camp Ogden and assured him that his family were safe. Still determined to reach Trincity, Mr. Smart disguised himself and was taken by a friend of PC Toney's to Trincity to the house of a friend who was a teacher at Queen's Royal College. The teacher was not at home but his wife was and Mr. Smart used his friend's telephone to speak with his own wife.

During the night, the Attorney General spoke to Mr. Lincoln Myers, a fellow MP, who was at Camp Ogden.

2.130. About 4.00 a.m. on Saturday, 28 July, Capt. Borrel, some soldiers and Felix Hernandez came and took Mr. Smart to Camp Ogden. He arrived there about 6.00 a.m. and joined the other Ministers and fellow MPs.

Start of Discussions – Friday Evening

2.131. After the attempt to gag Mr. Robinson, Dr. Hosein rolled, still bound, towards Mr. Winston Dookeran, the Minister of Planning. Mr. Dookeran was trembling with fear. Dr. Hosein shouted at him a few times:

“Winston, you see what is happening? . . . Say you are going to negotiate . . . You are going to have to negotiate.”

Dr. Hosein suggested to him that he raise his hand and indicate to the insurgents that there should be negotiations. Mr. Dookeran indicated to Bilaal that they should “talk this thing over”. He used words to the effect, “Why don’t we negotiate?” There was great fear in the Chamber. All of the MPs were intimidated by the display of violence against the Prime Minister and Mr. Richardson. Mr. Joseph Toney was so fearful for his life that he said to Mr. Pallackdharrysingh -

"If you manage to get out of here alive, please tell my wife that my insurance policy is in the trunk of my car. Make use of it."

Mr. Dookeran's Role

2.132. Mr. Dookeran's evidence is that he caught the attention of some of the JAM and told them he wished to talk. They agreed. He and Bilaal met behind the Speaker's chair after crawling on his stomach because of "sporadic gunshots flying through the Chamber". Talks began close to 8.00 p.m. They were unstructured. Mr. Robinson said in evidence that he authorised Mr. Dookeran to negotiate. He gave him no specific instructions. "He had a free hand."

2.133. Mr. Dookeran sought legal assistance from Mr. Toney, an attorney-at-law. Mr. Toney crawled on his stomach to the area where Mr. Dookeran was in discussion with Bilaal and another man.

2.134. Mr. Toney thought that the intention of the JAM was to humiliate the NAR MPs and "kill us if necessary". He said the JAM were all armed – some with two guns – and those weapons were always pointed at them. Mrs. Jennifer Johnson, Minister of Youth, Sport, Culture and the Creative Arts, described her captors as being "well-trained" and the operation itself as having been "pre-planned because there seemed to be a methodology to it".

Mr. Pallackdharrysingh described Bilaal as “the mastermind in the Red House”. He said “I realised that he was a highly trained, intelligent man in full command of the situation”.

2.135. Mr. Dookeran and Bilaal invited Mr. John Humphrey, the Opposition MP for St. Augustine, to join them in the talks which took place with Mr. Dookeran under the constant threat of a gun while bound hands and feet.

Mr. Toney's Role

2.136. Mr. Toney said that when he joined the group, he had the distinct impression that some kind of arrangement had already been concluded and he was merely “to write it up”. From his observations, Messrs. Dookeran and Humphrey were responding critically to the demands of the insurgents. In the milieu that obtained in the Chamber, Mr. Toney was reluctant to characterise what was taking place as “negotiations”. He preferred “discussions”. None of the other MPs was consulted about the terms of what Mr. Toney was to “write-up”. Mr. Toney was instructed to go around the room and obtain the signatures of the other MPs in captivity. He did so.

Documents Drawn Up and Signed

2.137. Mr. Toney drafted the two documents following at (i) and (ii) *infra* and had the MPs append their signatures. They were dated 28 July, 1990 and addressed to the Acting President, Mr. Emmanuel Carter. – See also Chapter 9 paras. 9.43 and 9.44.

(i) Document of Prime Minister's Resignation

The first document, containing the resignation of Mr. Robinson as Prime Minister was in these terms:

"I do hereby and with immediate effect tender my resignation as Prime Minister of Trinidad and Tobago."

Mr. Robinson's signature is on the document. Mr. Toney said that he had to cajole Mr. Robinson into signing the document. He said:

"I had to whisper to him, because the gunmen were very close to me.....to sign this thing. It doesn't mean anything. Just let us sign and get out of here."

(ii) Document Supporting Mr. Dookeran as Prime Minister

The second document stated:

"We, the undersigned Members of Parliament, do hereby undertake to support Mr. Winston Dookeran as the Prime Minister of Trinidad and Tobago upon the resignation of Prime Minister ANR Robinson."

At the front of the document are the signatures of the 16 Parliamentarians who were being held hostage in the Red House.

2.138. Mr. Robinson said to us that he was indeed reluctant to sign the documents but –

"Dookeran brought me a piece of paper which he said contained the terms of agreement which had been arrived at. I asked him whether he accepted them. He said 'Yes' and I said, 'Well go ahead.....it is correct that I had no input into those negotiations.' I said to myself that I would have nothing to do with these men."

2.139. It was Mr. Toney's opinion at the time that neither of these documents was legally enforceable because of the circumstances under which they were prepared and came to be signed.

Third Document - Major Points of Agreement

2.140. A third document was drawn up by Mr. Toney but was not signed by the MPs. It was headed "Major Points of Agreement" and provided as follows:

- (1) Mr. Robinson writes letter of resignation to the President and makes appropriate statement.*
- (2) All Parliamentarians, including Mr. Robinson, sign the letter supporting Mr. Dookeran for Prime Minister.*
- (3) General Elections to be declared in 90 days.*
- (4) Mr. Dookeran would leave Chamber with letters and go to President with Canon Knolly Clarke. Leo des Vignes to be released simultaneously for treatment.*
- (5) Mr. Dookeran, upon his appointment, secures an amnesty for all those involved in the insurrection between 5.30 p.m. Friday, 27th July, 1990 and resolution of matter. Amnesty document to be prepared by President.*

(6) Mr. Dookeran and Canon Clarke return with amnesty papers. All to be freed.

2.141. We pause to interrupt the narrative of evidence and explain two aspects of the Major Points of Agreement (MPA). First, Leo des Vignes was an MP representing the constituency of Diego Martin as a member of NAR. He was shot early during the attack in Parliament. When discussions were taking place, Bilaal asked Dr. Hosein to examine Mr. des Vignes since he appeared to have been badly injured. He was quite still lying on the ground. Dr. Hosein crept across the floor and examined Mr. des Vignes. He found a large, gaping wound in his foot with a large blood clot on it. Dr. Hosein decided not to interfere with the clot but told Bilaal that Mr. des Vignes should be sent to hospital without delay. Later on the morning of Saturday, 28 July, 1990, Mr. des Vignes was taken from Parliament to hospital. He died some days later.

2.142. The second aspect of the MPA about which we comment is the reference to Canon Knolly Clarke. Canon Clarke entered Parliament in circumstances set out elsewhere in this Report early in the morning of Saturday, 28 July – see paras. 2.151 to 2.160. The MPA was drawn up about 10.00 p.m. on Friday, 27 July. It seems that Canon Clarke's name surfaced during the discussions as a "mediator" between the parties and that accounts for the

inclusion of his name in the MPA document prepared hours before his intervention. In his testimony, Canon Clarke told us that he did not function as a mediator properly so-called but was in truth and in fact a messenger between the parties.

Conditions under which Documents signed

2.143. We think it important to set out the conditions under which MPs signed the documents. Mr. Toney's evidence neatly encapsulates the circumstances under which the documents were signed:

"People signed the documents with hands bound. Some people were ill. Mr. Sudama was ill; the place was upside down; chairs thrown here and there. People were in a state of tremendous discomfort. Mr. Robinson was lying on the ground all bloodied and battered. Also Mr. Richardson. He was groaning. Mr. des Vignes was still in Parliament lying down and groaning....It was a total mess. Everything was in utter chaos. It is in those circumstances that I went around. Shots flying, people outside, shooting taking place, men with guns at your head, at your stomach. It is in those circumstances that I got the signatures. I think anybody would have signed anything to go home."

And Mr. Selby Wilson said –

"I had no choice but to sign. They untied my hands for me to sign and then they re-tied me. I had to sign for survival."

Fourth Document - No Foreign Intervention

2.144. Mr. Toney drew up another document about 4.00 p.m. on Saturday, 28 July, 1990. It was headed "No Foreign Intervention". Mr. Dookeran had not returned to Parliament. The JAM felt betrayed since Mr. Dookeran had not returned to Parliament after he was released early on Saturday morning and they had heard rumours that foreign troops would invade the country and the Parliament. It was in those circumstances that the No Foreign Intervention (NFI) document was prepared and signed by 14 of the MPs. It states as follows:

"We, the undersigned Parliamentarians who are now at the Red House direct that no foreign intervention be required or allowed in our affairs which we are confident we can resolve."

Canon Knolly Clarke's Intervention

2.145. As talks progressed through late Friday night, the JAM became less hostile. They seemed more inclined to dialogue. Mr. Dookeran, who always had a lingering fear that the troops which had been deployed outside the Red House might storm it, suggested that a mediator be brought in to assist in a resolution of the impasse. The JAM suggested Canon Knolly Clarke. Mr. Dookeran used a walkie-talkie and asked for Canon Clarke to be brought in. He was the Rector of St. Paul's Anglican Church in San Fernando and a prominent member of the

Summit of People's Organisations (SOPO). The Police went to the Rectory and asked him to go to Port of Spain. He was reluctant at first. But after speaking to Assistant Commissioner of Police, Kenny Mohammed, he went to Port of Spain, arriving about midnight. He was driven to Camp Ogden where he met with Col. Brown and the Acting Commissioner of Police, Mr. Leonard Taylor. He spoke on the phone to Bilaal and was advised to go to the Red House. Because of the danger inherent in attempting to go to the Red House during the night, it was agreed that Canon Clarke should go early on Saturday morning, 28 July.

Clarke's First Visit to the Red House

2.146. Although the then Acting President, Mr. Emmanuel Carter, was unable to testify before the Commission owing to illness, we had the benefit of an affidavit sworn by him on 7 February, 1992 in consolidated *habeas corpus* proceedings *No. 1337 of 1990 – In the Matter of Lennox Philip otherwise called Imam Yasin Abu Bakr and 113 Others v. The Commissioner of Prisons and The Attorney General* and *No.5-1311 of 1990 – In the Matter of Lennox Philip otherwise called Imam Yasin Abu Bakr and 113 Others v. The Director of Public Prosecutions and The Attorney General*.

2.147. At para. 10 of his affidavit, Mr. Carter said that he spoke with Canon Clarke in the Officers' Mess at Camp Ogden before he left to go to the

Red House to meet with "the terrorists on the morning of Saturday, 28 July, 1990". He believed that Ministers Atwell, Pantin and Myers were present. Then he continued:

"I had already been advised that Canon Clarke had been in communication with the terrorists at the Red House prior to our discussion. He indicated, as I recollect, that the then Prime Minister, A.N.R. Robinson, Minister Selwyn Richardson and Parliamentary Secretary, Leo des Vignes had been shot and that the captors were making certain demands. He outlined the demands which included the resignation of the Prime Minister, the appointment of Mr. Dookeran (then a hostage) as Prime Minister and the granting of an amnesty. He also stated that the captors had requested a light stretcher for Mr. des Vignes who needed medical treatment."

2.148. In para. 11 Mr. Carter deposed as follows:

"11. After some discussion, Canon Clarke was requested to go to the Red House and speak with the terrorists in order to obtain more details of the demands being made, including the demand for an amnesty. I was also relying on him to bring me an eye witness account of the situation in the Red House.....Canon Clarke left for the Red House between 6.00 a.m. or 7.00 a.m. on Saturday, 28 July, 1990."

2.149. Canon Clarke was not given any instructions or told how to deal with the situation at the Red House. On the suggestion of Bilaal, he took along medicines and a stretcher for Mr. des Vignes. He headed for the Red House in Mr. Mervyn Telfer's car. From the corner of Sackville and Edward Streets, he walked to Parliament. It was 7.00 a.m. He had no escort. He said that he was shaking with fear. He announced himself at the Red House and was pulled

inside by two of the JAM. It still saddens Mr. Robinson that Canon Clarke passed him in the Chamber without any acknowledgement. Mr. Robinson said:

"He came in, walked straight by me as though he did not recognise me. I felt very saddened by this; that someone like Canon Clarke would pass by the Prime Minister and not recognise him or acknowledge that he had seen him. I was sure that he was in a position to see me."

Inside the Chamber, Canon Clarke spoke with Bilaal who instructed him to carry Mr. Dookeran from the Chamber. He had documents to be copied but was unable to make a copy as the photocopier was not working. He left the Red House with the original documents together with Mr. Dookeran to whom he gave the documents. He witnessed hostility to Mr. Dookeran when they met some of the JAM downstairs the Red House. He defused the hostility. He and Mr. Dookeran walked to Mr. Telfer's car and went to Camp Ogden. In the meantime, MP Kelvin Ramnath had been found hiding in the attic of the Red House and was brought into the Chamber by the JAM to join the other hostages.

Clarke back at Camp Ogden

2.150. Canon Clarke returned from the Red House shortly before 9.00 a.m. Mr. Carter saw him before he (Mr. Carter) left to go to Cumberland Hill to declare a State of Emergency. At paragraph 12 of his affidavit, Mr. Carter said that Canon Clarke gave the first full eye-witness account of the situation at the Red House. He told the Acting President and others with him that

Mr. des Vignes had been taken to hospital and that he had been able to secure the release of some non-Parliamentarians who were being held in the Parliamentary Chamber. Canon Clarke brought with him the three documents alluded to at paras. 2.138 and 2.141 (*supra*).

2.151. Canon Clarke described the situation in the Red House as “volatile” and he heard threats being made to commit further acts of violence to the hostages. He described some of the insurrectionists as “young boys with big guns” and he said they appeared “jumpy”. Canon Clarke told the Acting President that the Prime Minister had been shot and wounded and was tied up. All the hostages were bound and made to lie face down on the floor. According to Mr. Carter, “the details portrayed a very horrifying picture and Canon Clarke was visibly shaken and frightened by what he had seen and heard”.

Saturday afternoon in the Red House

2.152. In the Red House on Saturday afternoon, Bilaal was very angry. He told the hostages that he had heard that the Foreign Minister, Hon. Sahadeo Basdeo, who was detained in Barbados because of the events in Trinidad, had asked the United States of America to intervene. Bilaal felt that the agreement on no foreign intervention had been violated. Shooting at the Chamber

intensified but, as Mr. Trevor Sudama said: "Bilaal displayed a high level of leadership and good crisis management skills". During the afternoon when Mr. Dookeran did not return to the Red House, the JAM lined up the Government MPs and put guns to their heads while they lay on the floor. The members of the Opposition and the two female MPs in the Chamber at that time, Mrs. Jennifer Johnson and Mrs. Gloria Henry, were put behind the Speaker's chair along with two members of the public who had been taken from the Visitor's Gallery on Friday. These were Messrs. Mervyn Assam, former High Commissioner for Trinidad and Tobago to the United Kingdom, and Reynold Fernandes, Permanent Secretary, Ministry of National Security. Mr. Selby Wilson said:

"When Dookeran did not return, there was a feeling that we were betrayed and Bilaal said that there was likely to be an invasion of Parliament involving the turning off of lights and sending in flares."

Threat of Execution of MPs

2.153. Bilaal said to his men:

"Muslims, face a politician with your rifle ready. Make your peace with Allah."

He said that the security forces outside would storm the Chamber with green flashes, put out the lights and throw in smoke grenades. He told his men:

"When you see that, you are certain to be killed but take an NAR politician with you."

2.154. He was referring to the male NAR politicians against whom guns were trained. Soon after this threat, there was a voice saying: "Hold it. I got an amnesty! I got an amnesty!" It was Canon Knolly Clarke.

Clarke's Return to the Red House – Saturday, 28 July, 1990

2.155. When Canon Clarke returned to the Red House, he met the very volatile and frightening situation mentioned at paras. 2.152 and 2.153. Mr. Dookeran had not returned and the JAM were angry. Canon Clarke saw the Parliamentarians tied up and the JAM told him that foreign troops were coming and the Red House would be stormed. He was able to convince Bilaal that Mr. Dookeran was not well. Since it appeared that Bilaal was preparing to take drastic action against the hostages, Canon Clarke advised against such action and told Bilaal to read the document which he had brought from the Acting President.

2.156. For the entire Saturday night, Canon Clarke remained at the Red House. He described the atmosphere when he went in as "horrendous". Gradually, the gunfire ceased and the tension on all sides was relaxed. Canon Clarke was able to speak with some of the MPs. He said that the Deputy

Speaker, Dr. Anselm St. George, "was in a state". "He took it very, very hard." He spoke to the JAM about him and they went and loosened his bonds. Many of the JAM were in constant prayer. Some MPs and some members of the JAM talked freely among themselves.

Fifth Document – Letter from Minister Richardson

2.157. It was as a result of reading the affidavit of the Acting President that the Commission learnt that, sometime on Saturday, he had received a letter from Minister Selwyn Richardson. At para. 16 of his affidavit, Mr. Carter said:

"16. I was advised that Canon Clarke returned to the Red House about midday, taking with him medication for the Prime Minister and Kelvin Ramnath, Member of Parliament. At some time in the course of Saturday (after Canon Clarke returned from the Red House with the documents at JEC2) [i.e. the MPA, the document purporting to be Mr. Robinson's resignation and the document supporting Mr. Dookeran as Prime Minister], I received a letter addressed to me written by the then Minister of Justice and National Security, Selwyn Richardson, and a letter signed by Parliamentarians requesting that there be no foreign intervention.

The letter signed by Mr. Richardson was dated 28 July, 1990 and is as follows:

'Your Excellency,

In accordance with sec.89(3) I advise that you take steps under sec.87 of the Constitution to grant an unconditional pardon to all/anyone who participated in the events which started

*at approximately 17.30 hours yesterday,
Friday, 27th July, 1990."*

Signed: Selwyn Richardson

*H.E. Pres E. Carter
President's House/Camp Ogden
Port of Spain*

*P.S.: - I certify that this advice was/is
tendered on my sole initiative without
pressure as a real solution to this entire
episode which would include the saving
of lives."*

Clarke's Departure from the Red House and Visit to TTT

2.158. At noon on Sunday, 29 July, 1990, Canon Clarke left the Red House. He was of the view that "the crisis was virtually over". He went to Camp Ogden, reported to Col. Joseph Theodore, Chief of Staff, and was given lunch. Then he was asked to go to TTT. Col. Theodore had suggested that he try to persuade Imam Abu Bakr to release the hostages at TTT. He did not have a copy of the amnesty document. The Army took Canon Clarke to TTT. There, he heard Imam Abu Bakr and Bilaal conversing on the telephone.

2.159. Canon Clarke heard Imam Abu Bakr saying that the JAM must be part of a national Government and that he (Imam Abu Bakr) should be Minister of National Security. Canon Clarke explained the constitutional difficulties inherent in satisfying Imam Abu Bakr's desires but Imam Abu Bakr said words to

the effect: "They can bring me in through the Senate." Canon Clarke said that Imam Abu Bakr and Bilaal seemed to be at variance. He called Col. Theodore and requested to be taken back to Camp Ogden. He was in fact taken to the Hilton Hotel and given dinner. On Monday, 30 July, he returned to Camp Ogden where he was put in a room with a soldier standing guard. He remained there, as he said, "under house arrest" until the hostages were freed on 1 August. The manner in which he was treated, especially after visiting TTT, greatly upset Canon Clarke.

Bazooka Fired – Sunday Morning, 29 July, 1990

2.160. On Sunday morning, there was a loud explosion at the southern end of the Parliamentary Chamber. The hostages were at the northern extremity. Major Peter Joseph had directed a B300 rocket (Bazooka) against the southern end of the Chamber. There was a report of a fire as a consequence of the launch of the rocket. The MPs became very afraid but the JAM extinguished the fire. Gunfire ceased and there was anticipation that the hostages would soon be going home. But there was a delay. The hostages in the Red House spent the whole of Sunday speculating on the progress of negotiations which were continuing relentlessly among Col. Theodore, Imam Abu Bakr and Bilaal.

Sunday afternoon

2.161. By Sunday afternoon, the tension in the Red House had eased considerably. The JAM were speaking freely with the hostages. They were untied and allowed to use the toilet facilities for the first time since Friday.

Mr. Selby Wilson said:

"I even wrote an authorisation for my bank to give my wife whatever she wanted and I gave her the combination to the safe."

During Sunday afternoon, the JAM brought other hostages to the Chamber including a policeman, Acting Sgt. Raymond Julien, and the Deputy Mayor of Arima, Mr. Martin Thompson. Hostages and captors alike waited in hope of release. It was relatively quiet in the afternoon. But late on Sunday evening an insurgent went berserk. Bilaal was able to disarm him. He was bound to a chair and gagged. During the night Bilaal permitted Mr. Sudama to make a telephone call to Mr. Basdeo Panday. Mr. Sudama was unable to make contact with Mr. Panday.

Monday, 30 July, 1990

2.162. Prime Minister Robinson's condition was deteriorating. He needed urgent medical attention in a hospital setting. The JAM did not wish him to die in Parliament. Arrangements were therefore put in place by the negotiators for

Mr. Robinson's release. When he was actually released, the selfsame JAM physically lifted him out of the Red House. He was taken to the St. Clair Medical Centre. Mr. Sudama said that the JAM were "very conciliatory". Since the hostages were given no information about the status and content of negotiations, there was little they could do but literally sit and suffer. When the atmosphere became more relaxed, they engaged the JAM in conversation to pass the time. It was on Monday that Messrs Robinson and Richardson and Bilaal spoke to the foreign Press from the Red House. They revealed that an amnesty had been granted and the release of the hostages was imminent.

Preparations for Release – Tuesday, 31 July, 1990

2.163. Mr. Robinson was released on Tuesday, 31 July, 1990. During his evidence to the Commission, Mr. Robinson seemed touched by two actions on the part of the JAM. The first was during captivity. He said that one of the insurgents brought him an envelope and whispered to him: "From your wife." It was a note from his wife saying, "I love you". The second matter was the attitude of the JAM to him when he was released. He said:

"I remember the attitude of the Muslimeen had completely changed from the one they had when they entered the Parliament. When they entered, they were hurling abuse at me and did not recognise me for who I was or the position I held. But when they were taking me out of Parliament, they referred to me as 'Mr. Prime Minister'."

Mr. Robinson attributes this change of attitude and show of respect for him to the defiance which he showed them as a hostage.

2.164. After Mr. Robinson's release, negotiations and preparations continued for the release of the other hostages in the Red House and the surrender of the JAM. Since this was an unique situation in which hostages were being held in two separate buildings, some distance apart from each other, it was important that the arrangements for release and surrender respectively be carefully coordinated and executed. The details were settled by Col. Theodore in negotiation with Bilaal. There was a quite considerable delay in effecting release of the hostages and surrender of the JAM. According to Col. Brown and Col. Theodore, the JAM were demanding that some of them be precepted and allowed to bear arms or be made policemen. So far as the Military were concerned, these were non-starters. But it required some considerable use of time before agreement was reached that the insurgents had to surrender by laying down their weapons and exiting Parliament with their arms held high above their heads. Contrary to anecdote, the delay in effecting release and surrender was not caused by MP John Humphrey but was really attributable to the considerable expenditure of time in persuading the JAM that precepting some of them was not acceptable to Col. Theodore.

Release and Surrender – Wednesday, 1 August, 1990

2.165. On Wednesday, 1 August, 1990, appropriately celebrated in Trinidad and Tobago, historically, as “Emancipation Day” the hostages were released and, both the insurgents at the Red House and those at TTT surrendered. Mr. Sudama describes the release of the hostages in these words:

“In the late afternoon of 1 August, we were called to attention and given instructions on the procedure to exit the building. We queued up in the well of the Chamber and slowly walked one by one to the stairs leading to the Knox Street entrance on the ground floor. We were stopped there and, when given the all clear by the security personnel on guard at the entrance, we proceeded to venture on to the pavement and walked with measured steps to the bus which awaited us on the street.”

As the hostages made their way from the Red House to the bus, they were all obliged to cover their noses. The stench of decaying bodies was overpowering.

DEVASTATION OF THE PARLIAMENTARY CHAMBER

Ms. Camini Marajh

2.166. Ms. Marajh's article in the Trinidad Express gave the most graphic account of the impact of the attempted coup on the Parliamentary Chamber.

She wrote, *inter alia*:

"The stairway (leading to the Chamber) was littered with spent cartridges, blood, pieces of clothing, a side of a pair of shoes and cigarette butts. At the top of the stairs, overturned chairs and filing cabinets provide a barricade of sorts. Here, the stench of urine was overpowering. The corridor leading to the library and to the Parliamentary Chamber was dirty. Again, more spent cartridges, used teabags, bits of torn bloodied clothing and reports from the Auditor General.

The library was in disarray. Books, Hansard reports, newspapers and other oddments lay trampled on the floor.....In the Parliament Chamber itself, the havoc is complete. Had a tornado blown through, the effect would have been the same. Everywhere, there were cigarette paper, guns, ammunition, knives, dirty glasses and jugs, a meat cleaver, walkie-talkie sets, headphones, radios, even a bottle of Savlon and olive oil.

On the Members of Parliament desks lay briefcases, scattered documents, cigarette lighters, shoes, dirty glasses and soiled clothing. At the Member of Oropouche, Trevor Sudama's seat, there was a pair of shoes, one side winged by a bullet. The stench of urine was overpowering here and the filled glasses and water jugs bore testimony to how the insurgents relieved themselves. The Chamber appeared to be riddled with bullets and there were gaping holes in some places.....Room after room, corridor after corridor, stairway after stairway – the destruction was complete and continued onto the ground floor on the southern side where another body was found against a stairway. Shattered glass and gaping holes were a grim reminder of the gun battle fought between the Muslimeen men and the Army for six days at this historic building which once housed this country's High Court."

SOME 'GOOD SAMARITANS FROM LAVENTILLE, THE MORVANT/LAVENTILLE IMPROVEMENT ORGANISATION

Mr. Lennox Smith

2.167. On 14 December, 2011, Mr. Lennox Smith, the head of the Morvant/Laventille Improvement Organisation (MLIO) gave evidence. He was aged 34 in 1990. MLIO has been an NGO since 1986. It was created, as Mr. Smith said, because –

“at that time there were a number of young persons who were either unemployed on the block or had been trained and acquired certificates but were unemployed. The MLIO was a response to those problems that we saw developing in the Laventille area in particular. It was designed to have a three-pronged approach.”

2.168. Mr. Smith said that this approach involved - (i) education and training; (ii) a social intervention initiative, including the provision of food and social amenities; and (iii) creation of employment opportunities. Fundamentally, it was a community-based organisation treating with the youth, the family, the neighbourhood and the entire community. It believes that the solution of community problems must “come from and ultimately be resolved by members of the community itself”.

MLIO's RESPONSE TO THE EVENTS OF JULY 1990

2.169. Mr. Smith said that, arising from the chaos and looting, MLIO decided to form a Task Force –

“firstly because we knew that many of the persons who staged that insurrection would have been from Laventille and, secondly, we wanted to demonstrate that not all of Laventille are of that ilk.”

2.170. He said that they believed as well –

“that the restoration of democracy and the assault on our Parliament and our elected leaders deserved a response that would in essence demonstrate to the national community that all of us are not of that view.....that it is the minority that engaged in that kind of undemocratic behaviour.”

2.171. MLIO has a trade school and they targeted all of the companies that needed assistance following the looting. They used the welding department of MLIO to do repair work at the companies which had sustained damage. The work was done *gratis* but Mr. Smith put a value on it in the region of \$900,000.

CLEAN-UP OF PARLIAMENTARY CHAMBER

2.172. MLIO's next act of philanthropy was to offer to clean up the Parliamentary Chamber voluntarily. They wrote to the Speaker of the House of Representatives. He gave permission. Mr. Smith described the scene that awaited the Task Force.

"The room was dark; there was no electricity and the stench of death, rotting blood and urine in glasses, sour flies and that type of thing."

2.173. There were between twenty-five and thirty volunteers, including Mr. Wilfred Farrell who had contested the Laventille East seat, Ms. Henry and Mr. Edward Ramsay (Strong Man), one of the supervisors at MLIO. Mr. Smith said that he saw Mr. Ramsay shed tears.

"It brought out intense feelings of hate, revenge and extreme sadness towards the Muslimeen."

The feeling towards Prime Minister Robinson was "absolute unadulterated love".

2.174. In the course of cleaning the Chamber, the Task Force found "the left side of a high-heeled shoe, very expensive-looking". It belonged to Mrs. Muriel Donawa-McDavidson. They returned it to her. The cleaning exercise finished about 5.00 p.m. Subsequently, the Speaker and the President of the Senate expressed their gratitude to MLIO.

The Maces

2.175. While cleaning the Chamber and surrounding areas, the Task Force came upon two Maces which were badly damaged. They called the Speaker and offered to have the Maces repaired. They identified a goldsmith from Morvant who could carry out the repairs. The Maces were sent to Y. De Lima, the

goldsmith's place of work and were duly repaired. The cost of repair was borne by MLIO's membership and donations solicited by MLIO. Within about two weeks the Maces were repaired. A function was duly held at MLIO's facility in Fernandes compound in appreciation for the work of the organisation. Prime Minister Robinson presented MLIO with a picture of the repaired Maces.

Those Who Died

2.176. In addition to SRP Solomon McLeod who was murdered at the entrance to Police Headquarters and Leo des Vignes who was shot in the Parliamentary Chamber but died later at hospital, the Commission received evidence that the other persons following were killed within the precincts of Parliament.

- ASP Roger George
- Estate Constable Malcolm Basanta
- George Francis
- Arthur Guiseppi
- Helen Lavia
- Lorraine Caballero
- Mervyn Teague

OTHER PERSONS IN PARLIAMENT ON 27 July, 1990

2.177. In the preceding paragraphs of this section, we discussed the situation in Parliament on 27 July, 1990 as it related to MPs. However, there were other persons in Parliament who became embroiled in the insurrection. We briefly mention them in this section and discuss the effects of their experiences more fully at Chapter 11.

Mr. Wendell Eversley

2.178. Mr. Wendell Eversley, a young man aged 19 at the time, went to Parliament for the first time, well dressed in a suit with tie. He was a supporter of the NAR. He sat in the public gallery and saw the invasion by the JAM. He says that, after 45 minutes, Bilaal ordered everyone in the public gallery to leave. When he tried to leave, he was sent back at the point of a gun. He was taken to a room and ordered to lie down. He was then made to crawl from room to room as bullets rained through the Red House. He saw all of the brutality meted out to some of the MPs. He saw a woman, Ms. Caballero, shot in her stomach. She was put next to him. He saw her bleed to death and he urinated on himself out of sheer fear. His guard was a young man about 16 years of age. Eventually, Mr. Eversley was released from Parliament on Sunday.

Mr. Mervyn Assam and PS Reynold Fernandes

2.179. Mr. Mervyn Assam, the former High Commissioner for Trinidad and Tobago to London, was attending the sitting of Parliament. Like Mr. Eversley, Mr. Assam too, was well attired as he sat beside Mr. Reynold Fernandes, the Permanent Secretary in the Ministry of National Security. Both of these gentlemen were captured by the JAM and roughed up. They were held hostage for the entire period of the insurrection and released on 1 August with the Parliamentarians.

Mr. Mervyn Teague

2.180. Jillann Teague-Weekes gave evidence. She is the daughter of the late Mervyn Nicholas Teague. Mrs. Teague-Weekes related that her father was an audio-technician at the Government Broadcasting Unit (GBU). On 27 July, 1990 he was on duty at the Red House filming the sitting of Parliament. He never returned home from work. He was fatally shot.

Mr. Harry Ramadhin and Mrs. Venus Ramadhin

2.181. Mr. Harry Ramadhin and his wife, Venus, were following the debate on the "Tesoro Scandal" live. They attended Parliament on Monday, 23 July and

returned on Friday, 27 July. They were eyewitnesses to the invasion of the Parliamentary Chamber by the JAM. Immediately after Minister Joseph Toney was interrupted during his speech, the Ramadhins ran out of the Chamber and hid in the tea room. They remained there for about half an hour. Then there was a loud explosion which "rocked the Red House". Venus told her husband that she had been shot. She lay on the floor with Harry. Blood poured from her right shoulder. Harry also received a gunshot wound to his left shoulder.

2.182. Harry told the Commission that when the shooting ceased about 7.00 p.m. he heard "an announcement that persons in the public gallery could leave". At this time Venus was becoming very weak. She said, "Harry, you go. Let me die here." Harry left. He started to walk towards Victoria Square where he had parked his car but he forgot that he had left his keys in his wife's handbag. Near to the Colonial Life Insurance building he told some Police Officers that he had been shot. They urged him "to take cover". However, a police car soon came and took him to the General Hospital. He saw a car bringing his wife to the Hospital. He saw her in the Casualty department on a stretcher. He remained with her until she was taken to Ward 23. He was taken to Ward 24 where he saw Deputy Commissioner Leslie Marcelle and Emmett Hennessy. Harry Ramadhin was discharged in the afternoon of 28 July and taken home by ambulance. His wife, on the other hand, remained in hospital for

two weeks. She worked at the Angostura company but was on sick leave for 6 months.

2.183. Harry told the Commission that, after he went home, a policeman named Joseph visited him. He told Harry how his wife got to the hospital. Apparently, Joseph was hiding in a room at the Red House. The JAM found him and asked him and another man to assist them in taking Venus from the Chamber. They did so and "a passing driver gave my wife a lift to the hospital."

Inspector Kenneth Thompson (Special Branch Officer)

2.184. Also in Parliament on 27 July was Police Insp. Kenneth Thompson. He is now an attorney-at-law in private practice since his retirement from the Police Service in 2000. On 27 July he was attached to the Special Branch. Two weeks before, on 13 July, 1990, he was in Parliament along with the Commissioner of Police, Mr. Jules Bernard, and the Head of Special Branch, Mr. Dalton Harvey. Insp. Thompson saw Imam Abu Bakr and one of the Faultin brothers enter Parliament. They sat in the public gallery. The Commissioner enquired of Thompson who was the man sitting with Imam Abu Bakr and he identified him as "one of the Faultin brothers from Belmont". Imam Abu Bakr and his associate remained in Parliament for about half an hour and left. It was not the first time Insp. Thompson had seen Imam Abu Bakr in Parliament.

Although acknowledging that the country was very unstable at the time, Insp. Thompson said that the presence of Imam Abu Bakr and Faultin in the Red House did not raise his suspicions that the JAM were about to do something violent in the country.

2.185. When the JAM invaded the Parliamentary Chamber, Insp. Thompson ran from the Chamber and hid in a room. On hearing loud explosions at Police Headquarters, he escaped through the mêlée of persons onto a veranda overlooking Abercromby Street and jumped 20 feet below to Abercromby Street. He was unarmed and uninjured save for a sprained ankle. In making haste out of Parliament, Insp. Thompson ran beside Attorney General Smart whom he recognised but to whom he said nothing, nor did he assist in any way.

2.186. From Abercromby Street, Insp. Thompson ran to Frederick Street where a policeman gave him a lift in a car. They went to Besson Street police station but that station was receiving gunfire from the JAM. Believing that he was injured because he saw blood on his clothes, Insp. Thompson was taken to Mount Hope Hospital by a civilian. At the hospital it transpired that Insp. Thompson was not wounded. Apparently his clothes became blood-stained when he collided with an injured woman while running out of Parliament. Eventually Insp. Thompson reached his home in Arima.

Acting Sgt. Raymond Julien

2.187. Acting Sergeant Julien was on duty at the Red House on 27 July. His duty was to search persons going to the public gallery. When the JAM invaded the Parliamentary Chamber, he ran off with the scampering crowd towards the veranda. He ended up in a bathroom with some civilians. They left and he locked the door. He subsequently came out and climbed onto the roof of the Red House. He remained there from Friday night to Saturday afternoon. During a lull in the firing, he was found by the JAM and led to the tea room of Parliament. He was identified as a policeman and beaten. About 8.00 p.m. the JAM took him to the attic and tortured him. He was kept as a hostage until the release of the others on 1 August.

2.188. We treat more fully of Acting Sgt. Julien's experiences at Chapter 8 and the consequences of those experiences at Chapter 11.

WPC Olive Ward

2.189. WPC Ward was on duty at the Red House on 27 July. She sat upstairs with PC Augustine and PC Munroe. About 5.45 p.m. she took up a position by the door of the Prime Minister's entrance to Parliament. She saw men run through the entrance shooting. She left her position and ran into the

recording room and then into the Speaker's Office. There she hid. About 10.45 p.m. she was captured and taken to Bilaal. She was bound and taken to the Parliamentary Chamber. She was released on Saturday morning when Mr. Leo des Vignes was taken away to hospital.

2.190. A fuller account of WPC Ward's evidence is reported in Chapter 8 and the consequences of her experiences are to be found in Chapter 11.

PART 2 – THE IMPACT OF THE ATTEMPTED COUP

(A) INTRODUCTION

2.191. Although we are reporting almost 24 years after the events of late July 1990, our inquiries have convinced us that the attempted coup has left an indelible imprint not only on the majority of those persons directly involved, but also on the larger society in virtually every facet of life in Trinidad and Tobago. Mr. Jones Madeira said –

“Memories of 1990 still haunt the population”.

2.192. The psychological scars left by the events of July 1990 are still evident today. Many of the former Parliamentarians broke down while giving evidence before the Commission. Other witnesses were similarly affected.

Mr. Wendell Eversley feels so passionately about the events of 1990 that, from the first anniversary of the attempted coup, he not only called for a Commission of Enquiry into the events but, annually, he single-handedly crusaded in support of such a Commission of Enquiry in a variety of ways, including freedom runs, sit-ins, fasting and sending petitions to Prime Ministers. See also para. 2.197.

(B) THE EVIDENCE

The Parliamentarians

2.193. Almost all of the Parliamentarians who gave evidence are psychologically seared by their experiences as hostages. Those members of Parliament of the National Alliance for Reconstruction (NAR) all attested to a profound sense of fear and dread when they were twice lined up for execution. They testified also to a settled, hopeless expectation of death when the Prime Minister, in defiance of Bilaal's order to cause the Army to lay down arms, instructed the Army to "attack with full force". Throughout the entire period of the insurrection, the MPs were not given any food. By the third day they were able to get water because of the ingenuity of Mr. Humphrey.

2.194. We were told of the indignities to which the MPs were subjected. The Prime Minister and the Minister of National Security, Mr. Selwyn Richardson,

were tied to each other and to Dr. Emmanuel Hosein. Indeed such was the degree of inhumanity shown by the JAM at first, that Dr. Hosein, who still bears the effects of childhood polio and is obliged to wear a calliper on one leg, was tied by that very leg to Mr. Robinson. We were shown by Mr. Raymond Pallackdharrysingh a piece of the plastic used to tie up the MPs. Having seen it ourselves, we can empathise with the agony which the MPs were forced to endure.

2.195. Many MPs were beaten and/or injured. Leo des Vignes died from a gunshot wound to one of his legs. Prime Minister Robinson was struck in his head and face, badly beaten and subsequently shot in his leg. Mr. Richardson was struck in his face with the butt of a gun, so violently, that, in the graphic description of Mr. Rawle Raphael, "he bawled like a cow!" Mr. Winston Dookeran, the Minister responsible for Planning, was cuffed in his face by an insurgent who callously and facetiously said: "You didn't plan for that though!" Mr. Selby Wilson, the Minister of Finance and the Economy, was beaten about his head and threatened by an insurgent with a gun that he would be thrown through a window. Mr. Trevor Sudama suffered an abrasion from a bullet which grazed one of his feet.

2.196. All of the hostages at the Red House were obliged to resort to the most primitive toilet arrangements between Friday and Sunday. Some of the

male MPs urinated and defecated on themselves; others used glasses in which to urinate. The Deputy Speaker, Dr. St. George, was beaten and subjected to humiliating indignities. The two female MPs in Parliament at the time of the attempted coup, Mrs. Jennifer Johnson, the Minister of Youth, Sport, Culture and the Creative Arts, and Mrs. Gloria Henry, Minister of Social Development and Family Services, at first urinated in glasses under a table and then in glasses behind the Speaker's chair.

The Heroism of Dr. Hosein

2.197. None of the hostages in the Red House was given food or water for days. On one occasion, however, Dr. Hosein was able to persuade the insurgents to allow him to search for tea and coffee for the hostages. He eventually found the beverages and served the hostages with the assistance of one of the insurgents. When the Prime Minister's glaucoma showed signs of rapid deterioration threatening blindness, Dr. Hosein successfully insisted that the JAM secure medication for the Prime Minister. They agreed. Dr. Hosein spoke on the telephone to Dr. Vishnu Pooran and the requisite medication was sent.

2.198. Dr. Hosein's humanitarian actions were not limited to his fellow Parliamentarians and his attention to their wounds. Amidst the tension, fear and

confusion in the Parliamentary Chamber, one of the insurgents, as we mentioned earlier, went berserk. He was screaming. Dr. Hosein went “to have a look at him” but the man knocked him over. He resisted Dr. Hosein’s attempts to control him and give him an intravenous sedative. Eventually, however, the man was tied up by one of his brethren and injected.

2.199. More than one witness spoke with sincerity of Dr. Hosein’s “heroism”. Mr. Mervyn Assam said that Dr. Hosein “performed bravely” and lamented that “to this day he has not been suitably and appropriately recognised”. Mr. Assam observed that MPs Raymond Pallackdharrysingh, Rawle Raphael and Anselm St. George were “badly affected” by their ordeal. We make recommendations concerning Dr. Hosein later in this report.

Hostages at Radio Trinidad and TTT

2.200. With regard to the hostages at Radio Trinidad and TTT, there was evidence before us that their experiences have also had a traumatic effect on them. Apart from the injuries received by Pius Mason and Emmett Hennessy in particular, and the obvious pain and suffering associated with physical injury, those witnesses who testified have also been left psychologically damaged. Mr. Hennessy said that his *persona* has been affected adversely. He has become “more introverted, suspicious, impatient and short-tempered”. He believes the

trauma is with him for the rest of his life. Pius Mason lives with fragments of bullets lodged near his spine. He is unable to lift anything reasonably heavy and his ability to play sports is curtailed.

Mr. Jones P. Madeira and Mr. Raoul Pantin

2.201. The period of captivity badly affected Mr. Raoul Pantin physically. Mr. Kala Akii-Bua testified that Mr. Pantin's skin broke out in a rash while he was held hostage. Mr. Pantin suffered emotionally from his ordeal. His personality changed and he became an alcoholic.

Mr. Madeira has tried to consign the effects of his ordeal to the deepest recesses of his mind. When he gave evidence, it was clear that he did not wish to deal with the emotions of fear and hatred which must necessarily have been his constant companions. But there is no doubt that there exists a deep-seated resentment at the manner in which the hostages at TTT were treated by their employer after the attempted coup. Mr. Madeira expressed this resentment tersely:

"The band of hostages at TTT were simply discarded. That is what drove me to testify."

2.202. Mr. Pantin was also highly critical of the way in which the Board of Directors of TTT and the Government responded to him and the hostages at TTT. He said:

“No Board member ever contacted me. They were indifferent and callous. It was a Government-owned station. No one from the Government ever contacted me to inquire about my condition.”

The Police

2.203. As we detail elsewhere in this report, the performance of the Police Service left much to be desired. However, there were mitigating factors. Plainly, the destruction of their Headquarters early in the insurrection utterly destabilised the leadership of the Police Service and threw those officers at the Headquarters into panic and confusion. We were not surprised to hear that when Police Headquarters went up in flames, many officers ran from the scene and took off their uniforms to avoid recognition by the JAM. That sudden attack on Police Headquarters undoubtedly impacted negatively on the Police Service and its performance.

2.204. Col. Ralph Brown told us that he identified the impact of that attack as the main reason explaining the failure of the Police Service to mobilise and join the Army in establishing a cordon at the Tragarete Road and Gray Road intersections. It is also undeniable, on the evidence, that the attempted coup caught the Police Service totally off-guard and unprepared. Thus, when it became clear that there was an evening of violence all over Port of Spain on 27 July, the response of neighbouring police stations was to lock down during

Friday night. No wonder then that Emmett Hennessy was turned away from the station at St. Clair. A similar response came from the station at Woodbrook although there was evidence that the JAM did make an armed, albeit unsuccessful, assault against that station. The Besson Street station also came under attack according to the evidence of Insp. Thompson and the transcript of evidence of Acting Commissioner of Police, Mr. Leonard Taylor, given in civil proceedings.

2.205. About twelve Police Officers were personally harmed during the attempted coup. SRP McCleod died while on sentry duty at the entrance to Headquarters. Deputy Commissioner Marcelle suffered severe and potentially life-threatening injuries. The nature, extent and sequelae of those injuries are recounted at Chapter 11. Mr. Marcelle has received no compensation even though the primary cause of his fall was the collapse of a dilapidated roof poorly maintained by the Government. Assistant Commissioner of Police, Roger George, was killed during the attack on the Red House.

2.206. Dr. Hosein told of a policeman who was captured by the JAM in the Red House. This policeman, who turned out to be Acting Sgt. Raymond Julien, told Dr. Hosein that, when the JAM stormed the Parliamentary Chamber, he took off his uniform and jumped through a window. He then jumped over a balcony and hid in a space facing Police Headquarters. He witnessed exchanges of

gunfire between the Police and the JAM and remained in his covert space for days until the JAM captured him and brought him into the Chamber.

2.207. Dr. Hosein described this policeman as “very paranoid; he assumed that every Muslim was going to kill him”.

CIVILIANS IN THE RED HOUSE

Messrs. Mervyn Teague and Wendell Eversley

2.208. The family of Mervyn Teague lost their breadwinner. Their personal circumstances suffered adversely and their dream of owning their own home has remained unfulfilled.

Mr. Wendell Eversley was deeply affected by his ordeal even though he was released on Sunday, 29 July. He felt passionately that a Commission of Enquiry should have been appointed to investigate all of the circumstances surrounding the attempted coup and campaigned incessantly for the appointment of a Commission of Enquiry. That he has been psychologically scarred by his experiences was evident when he broke down twice while giving evidence.

Mr. Mervyn Assam

2.209. Mr. Mervyn Assam was held hostage for the entire period of the crisis. He was roughed up on 27 July and his clothes were damaged, but, when he testified, he was the epitome of a confident, calm and collected witness, possessed of an equable temperament. He said that, after he overcame his initial fear, he engaged the JAM captors in conversation. This was confirmed by other witnesses. He said that he bore no grudges but was of the view that “the Jamaat did not deserve to live!” During his captivity Mr. Assam was close to the late Mr. Reynold Fernandes, Permanent Secretary, and he testified that Mr. Fernandes “was a total wreck”.

Ms. Lorraine Caballero

2.210. Lorraine Caballero’s death in the Red House not only adversely affected the then 19-year-old Wendell Eversley who saw her shot and bleed to death next to him, but Ms. Caballero’s death seems to have greatly contributed to the dysfunction of her family. It is possible that the family lost her maternal guidance and influence as stabilising factors. What was clear from the evidence of her daughter Afeisha, who was eighteen months old when her mother died, is that, thereafter, her father took to drink and illegal drugs. He died aged 51. Her two brothers manifested anti-social behavioural traits. One was killed by

Police; the other is a heavy drinker who constantly speaks of death and says “they killed my mother”. Afeisha herself had a rather nomadic early adolescence and exists on the generosity of friends. Her wish is to have a house and a job.

Mr. Harry Ramadhin and Mrs. Venus Ramadhin

2.211. Mr. Harry Ramadhin and his wife Venus received gunshot wounds. Venus was shot in her right shoulder and Harry was shot in his left shoulder. Venus spent two weeks in the General Hospital but Harry was discharged on 28 July. He lives with a bullet in his shoulder. His wife who worked at Angostura company was on sick leave for six months following her injury and received benefits from the National Insurance Scheme and the company's Group Health Insurance Plan. However, she suffers from osteoarthritis as a result of her injuries and retired on medical grounds because of the effects of her injury. On his retirement, Harry received a NIS pension and a pension from CLICO.

The Magistrates' Courts in Port of Spain – Mr. George Hislop

2.212. The events of 27 July and the entire crisis adversely affected the magisterial courts. Widespread looting and breaches of the curfew led to a vast number of arrests. The Senior Magistrate in Port of Spain, Mr. George Hislop, testified that, on the evening of 27 July, he assumed that the Magistrates' Courts

in Port of Spain would be opened for business on Monday, 31 July. But those courts remained closed for "two to three weeks". There were seven Magistrates assigned to Port of Spain and the average daily list of cases prior to the attempted coup was 250. After the coup that number doubled. The backlog of bail applications became even worse. It became necessary to enlist Clerks of the Peace to assist in disposing of bailable offences. The entire magisterial system was almost paralysed.

2.213. Hundreds of Police files were destroyed in the fire at Police Headquarters and cases were necessarily adjourned. In the result, prosecutions had to be discontinued.

2.214. Mr. Hislop estimated that the Magistrates' Courts in Port of Spain did not begin to function properly until some 8 to 10 weeks after 27 July. He said "there was a virtual shutdown in Port of Spain". In other parts of Trinidad magisterial business continued as usual. With respect to the insurrectionists who were charged with a variety of offences ranging from treason and murder to wounding, special court facilities had to be constructed to deal with the preliminary inquiries into the indictable offences. The preliminary inquiries came to a halt some years later when, by then, only 3 of approximately 100 witnesses had testified.

2.215. In Mr. Hislop's view "1990 was a watershed in criminal activity". After 1990 he observed a change in the attitude of criminals in court. They exhibited "a confidence and swagger" and showed little respect for curial authority. "They were hostile and nasty; and used strong language". This was especially true of curfew-breakers and the homeless. Prison provided opportunities for the inculcation of criminal learning processes from hardened criminals. After their first court appearances, accused persons seemed more conscious of their human and constitutional rights and were emboldened to assert these rights in subsequent appearances.

2.216. Mr. Hislop was "sure that 1990 expanded the dimensions of crime". He said that there was a noticeable increase in drug and firearm offences after 1990.

The Army

2.217. The attempted coup served to highlight deficiencies in the Army. We examine these in greater detail at Chapter 7. However, for the purposes of this part of our Terms of Reference, we think it appropriate to mention some of those deficiencies as given in evidence. The Army had limited Intelligence capability and inadequate transport in 1990. These may have been a consequence of the general, depressed economic and financial situation in the

country as a whole. However, we are concerned that officers of the Army who testified, left us in no doubt that the Government of the day paid insufficient attention to the needs of the Army. This is remarkable, having regard to the fact that in 1970, the Army was at the centre of an uprising and a mutiny.

2.218. We are happy to report, however, that we were told that shortly after the attempted coup and in later years, greater attention was paid to the Army and its needs were reasonably satisfied. Nevertheless, the location of its Headquarters at Camp Ogden has outlived its utility. 1990 exposed its limitations logistically. We accept the evidence of all the officers who have said that the time has come for the establishment of new headquarters elsewhere in Trinidad.

Business and Commerce – The Evidence of Mr. Gregory Aboud

2.219. The attempted coup had a devastating effect on business and commerce in Port of Spain especially. The Government did not commission a formal study of the economic cost of the attempted coup. Minister Selby Wilson attributed this omission to “the pressure of meeting budget deadlines and other economic pressures”. He said that such costings, as the Government received, “came from the merchants and those persons affected by looting in Port of Spain”. The evidence of Mr. Gregory Aboud, President of the Downtown

Owners and Merchants' Association (DOMA) was compelling. He said that the value of destruction wrought to businesses in Port of Spain was between \$200 million and \$500 million. And insurance companies refused to accept liability. In two test cases in the Supreme Court of Trinidad and Tobago it was held that the insurance companies were not liable to pay under the terms of the policies of insurance.

2.220. Business places in Port of Spain suffered losses from the vast number of fires which engulfed Port of Spain and the wanton looting which began on Friday evening. But looting was not confined to Port of Spain. It took place in the East/West Corridor and beyond. We deal extensively with the matter of looting in Chapter 5.

2.221. When the fires were extinguished, the City Centre of Port of Spain was a picture of burnt out shells of former imposing structures. Charred ruins stood in place of majestic buildings. Many merchants left the city and have never returned. They sold their properties. Many persons lost their businesses and their private properties which were mortgaged as security for their businesses. Inability to pay mortgages led inevitably to foreclosure. In Mr. Aboud's words:

"The city was paralysed and nothing was happening. Half of Port of Spain was for sale and no one was interested in re-building."

2.222. DOMA, however, focused its attention on creating an environment in which Port of Spain could be rebuilt and restored. This strategy encouraged an increase in its membership. Prior to 1990, Port of Spain was the shopping destination for the whole population. It was an equally attractive shopping destination for persons from neighbouring Caribbean islands. After 1990 all that changed.

2.223. Caribbean shoppers, fearful for their safety, ceased going to Trinidad in the same numbers as before. By 2000, malls and suburban stores were offering alternative shopping venues to Port of Spain for the population, and especially "the middle and upper classes". This phenomenon continued apace throughout the first decade of this century.

2.224. Since the attempted coup, much of Port of Spain has been rebuilt. Physically, the city has changed. Many of the reconstructed buildings do not conform to the architecture or design of their predecessors. Most of the new buildings have concrete roofs and very few windows at ground level. Prior to 1990 one of the joys and features of Port of Spain was the design of shops which afforded ample facilities for window-shopping. This pastime is now a thing of the past.

2.225. Mr. Aboud lamented the present day situation in downtown Port of Spain. He said:

"There is very little commercial activity downtown although 200,000 persons pass through Port of Spain daily. Downtown is kept alive by the people of Laventille and Morvant."

Mrs. Sybil Sant-Samaroo

2.226. Mrs. Sybil Sant-Samaroo gave evidence at our 11th session. She testified about the impact of the events of 27 July on her family's businesses. She and her husband, Mr. Daniel Samaroo, were shareholders and Directors of Sant's Hardware Ltd. and a group of interlocking family companies. It seems that Mr. and Mrs. Sant-Samaroo were joint Managing Directors. The group of companies comprised:

- Central Trading Post Ltd;
- Teekah Investments Ltd;
- Quayway Ltd;
- Broadway Wholesalers Ltd;
- Paint Centre and Hardware Ltd.

2.227. The businesses were carried on by the companies within and outside Port of Spain at the following locations:

(a) Port of Spain

(i) At 48 South Quay was a large warehouse where the central management and control of the companies resided. Central Trading Post Ltd. carried on wholesale and retail business at 48 South Quay and housed stock for other businesses. The Sant-Samaroos sold soft drinks, alcohol and items targeted to inter-Island traffic as well as paints. On 27 July, 1990 they had a large quantity of stock from various suppliers in the warehouse. They had received four containers of Westinghouse appliances (each container's cargo was valued at US\$40,000) on the said date and had a large supply of paint in stock.

(ii) At No. 2 Broadway was a hardware shop and a bar, "The Broadway Bar".

(iii) On Charlotte Street/Independence Square was the business "Samaroo's Appliances Ltd" on the ground floor of the Nahous building on the northern side of Independence Square. Refrigerators and electrical appliances were stored at this location.

(iv) A car park was located at 52 South Quay.

(b) Outside Port of Spain

(v) Sant's Hardware, Barataria was at 246 Eastern Main Road near the Morvant Junction.

27 July, 1990

2.228. On 27 July, Mr. and Mrs. Samaroo closed the business at 48 South Quay about 5.00 p.m. and drove towards San Juan. They saw smoke in the Port of Spain area about 6.00 p.m. They turned and drove towards Port of Spain. From the Beetham Highway they observed that No. 48 South Quay was on fire. Mrs. Sant-Samaoo said that it was horrible to think that two guard dogs locked in that building would perish in the fire with all of the stock.

2.229. The next day they realised that the business at No. 2 Broadway and Samaroo's Appliances Ltd. on Charlotte Street/Independence Square had been looted. At 246 Eastern Main Road, looters took away the stock of hardware. (*see Chapter 5*).

Financial Disaster

2.230. Mrs. Sant-Samaroo said that, on 22 August, 1990, she and her husband sent a letter to Republic Bank Ltd "to discuss a moratorium on our

loans" in respect of 246 Eastern Main Road which had been insured for loss by fire at \$1.7 million. The property was sold by the Bank, as mortgagee, for \$480,000.

2.231. Lawsuits were brought against the company which owned 48 South Quay by Solo Beverages Ltd and Cannings Ltd. "Solo" did not pursue its claims but "Cannings" obtained judgment in the sum of \$130,000. Other suppliers negotiated amicable settlements. No. 48 South Quay which was mortgaged to Fincor was sold to the Express newspaper company. Mrs. Sant-Samaroo said "at that point we had no income".

"Different suppliers began sending bailiffs to harass us at our homes, to try to break into our homes and take appliances to the value of the goods that were credited, even though the debt was owed by a limited liability company. Over 40 persons were laid off when we lost our businesses and about 116 persons were directly affected (i.e. the dependants of laid-off employees)."

2.232. The Sant-Samaroos were unable to access the Government's loan facility "because you first had to meet the Bank's lending requirements and we could not meet the security requirement". Mrs. Sant-Samaroo was referring to a facility introduced by the NAR Government under which businesses which had suffered damage and loss could seek to access a soft loan window facility at banks. We were told that, unfortunately, many of the ravaged businesses were unable to meet the conditionalities associated with accessing the facility. In October 1994 they tried to resurrect business at 48 South Quay and No. 2

Broadway but they were unsuccessful. Republic Bank sold No. 48 South Quay and 246 Eastern Main Road. Her husband died in December 1996 "in debt and a very broken man". At his death, Mr. Sant-Samaroo's total liabilities were \$1,339,044.31. After realisation of all available assets, his estate was worth \$9,709.00.

Response of Republic Bank Ltd – Ms. Grace Wei

2.233. Mrs. Sant-Samaroo and her son, Yudhister, who also gave evidence, were inclined to blame Republic Bank Ltd, their bankers, for their ultimate financial ruin. However, Ms. Grace Wei, Manager of the Centralised Credit Unit of Republic Bank, in her appearance before the Commission on 29 August, 2012, explained the position and attitude of the Bank to us.

2.234. In her defence of the Bank's reputation, Ms. Wei made the following points during her evidence -

- When the economic recession of 1982 started to take its toll on business and commerce in Trinidad and Tobago, the Sant's Hardware Limited group of companies experienced a decline in its business;

- It was agreed between the Bank and the Group that certain of the Group's companies should be sold to reduce its indebtedness to the Bank. The parties worked together;
- In 1987 further debt consolidation took place and the Bank continued "to reduce loan instalments in order to ease the Group's deteriorating financial position";
- In 1989 the Bank reduced the interest rate on loans to the Group on condition that the mortgaged properties be placed with real estate agents with a view to sale of some of the property assets.

Offer to Purchase Certain Properties

2.235. However, no satisfactory responses were received over a nine-month period.

- On 18 July, 1990 an offer of \$5 million was received for 4 of the properties, viz. No.2 Broadway, and Nos. 48, 52 and 60 South Quay. On 26 July, 1990 Mrs. Sybil Sant-Samaroo enquired whether the offer was negotiable since she wanted \$6 million.

- The attempted coup took place the next day and No. 2 Broadway was looted and No. 48 South Quay was destroyed by fire.
- Thereafter officers of the Bank were in regular contact with the Directors of the various companies about the state of the various accounts which were delinquent and non-performing.
- On 27 August, 1990 the Bank, by letter, agreed to a moratorium for the month of August 1990 as requested.

2.236. The interest rate was reduced to 13½% and on 2 April, 1991 the Bank agreed a further reduction to 10% and further debt consolidation subject to conditions, including a sale of the properties by 30 September, 1991. The Group asked for time to consider but subsequently advised the Bank that its conditions were acceptable. However, the conditions were not honoured by the Group. The Bank nevertheless extended the time for repayment of the debts to 31 January, 1992.

2.237. Since the sale of properties did not materialise, the Bank signalled its intention to sell the properties by letter dated 22 May, 1992.

2.238. By letter of 26 February, 1993, the Bank gave notice of its intention to sell the property at 246 Eastern Main Road. This property was eventually sold for \$480,000 in January 1996 after being on the market for three years. Evidence was given by Ms. Wei of the fact that this property was duly advertised. Moreover, the Group was advised, prior to the sale, of the offer of \$480,000 and given an opportunity to match or better the offer.

No. 48 South Quay

2.239. With respect to No. 48 South Quay, Ms. Wei testified that the owner of this property, Central Trading Post Ltd., derived its income from rental of the property. But in 1987 the property became vacant and a suitable tenant could not be found. As a result, the company was unable to service its debts. When the property was looted and burnt during the attempted coup, the company did not have sufficient resources to rebuild it. And the insurers of the property refused to settle the claim for loss by fire. The company rented the site as a car park but the rental income was insufficient to service the company's debts.

2.240. There was a loan on this property from FINCOR. It was three years in arrears. FINCOR demanded repayment. The company could not repay and FINCOR sold the property for \$1.1 million in January 1996. The proceeds were applied towards the loan. The Bank did not seek repayment of the balance of the debt.

Settlement of Certain Debts

2.241. Other debts of the companies in the Group were settled as follows -

- Sant's Hardware Limited – by a compromise.
- Teekah Investments Limited – repaid in 1996.
- Quayway Limited – repaid in 2002.

Broadway Wholesalers Limited

2.242. In the case of Broadway Wholesalers Ltd. which was formed to take over the operations of Paint Centre and Hardware, the Bank granted an overdraft facility of \$150,000 to repay the debts of Paint Centre and Hardware. The company was heavily indebted to suppliers of stock lost in the attempted

coup and it secured a further advance of \$25,000. Notwithstanding these indulgencies, the company was obliged to cease operations in February 1993. When a fixed deposit of \$55,000 matured on 11 March 1993, the funds were applied towards the debt and the Bank accepted a monthly sum of \$400 from the guarantors, Mrs. Sybil Sant-Samaroo and her son, Yudhister. Since 2008 the Bank has not pursued the collection of outstanding arrears from the guarantors.

The Bank's Overarching Explanation

2.243. Ms. Wei agreed that the events of 27 July, 1990 accelerated the decline of the Sant-Samaroo businesses, but she insisted that the primary cause of the failure of the businesses was the decline which began in the early 1980s. She said -

"Contrary to the evidence given by the Samaroos to the Commission, the Bank has made all possible attempts to assist the Sant's Hardware Limited Group and Broadway and gave all possible accommodation to the companies in light of their financial situation for several years prior to and following July 1990."

The Insurance Industry

2.244. When the dust of conflict settled, owners of businesses looked to their insurance companies for settlement of claims arising from arson and looting. There were at least nine local insurance companies with whom insurance business had been placed. These companies had in turn effected

re-insurance contracts with entities overseas except that all local insurance companies (save for one company and Lloyd's Underwriters) had themselves placed 5% of all property risks which they accepted in Trinidad and Tobago with the Re-insurance Company of Trinidad and Tobago Limited (TRINRE). In effect, TRINRE had a 5% share of all property risks and, if liable, it would have been required to pay 5% of all legitimate claims. In 1990 the Government of Trinidad and Tobago owned 60% of TRINRE, while various local insurance companies and brokers owned the remaining 40%.

Mr. Bernard Aquing

2.245. Mr. Bernard Aquing was the General Manager of TRINRE in 1990. He gave evidence to the Commission of Enquiry. He told us that he met with business leaders and senior executives in the insurance industry in early August 1990 "to discuss the situation". Meanwhile, the Board of Directors of TRINRE sought legal opinions from eminent Senior Counsel, the late Ewart Thorne QC, and Mr. Gerald Furness-Smith SC. The advice of counsel was that the events of the attempted coup fell within the "War Exclusion" clause of the several insurance policies. Accordingly, the losses were not covered.

2.246. Notwithstanding the depressing advice of counsel, it was agreed between leaders of business and insurance that an approach should be made to

insurers and re-insurers in the international markets “to fully ventilate the events of 27 July and to determine the way forward”. As Mr. Aquing said:

“It was necessary to engage with the leading insurers and re-insurers since these markets would have had to pay a significant share of the total payment.....a high percentage of the risks would have been placed in the international market.”

2.247. A four-man delegation including Mr. Aquing went to Lloyd's Re-insurers and Lloyd's Underwriters in London and thence to Paris, Zurich and Munich. In his testimony Mr. Aquing said that the officials in those cities were sympathetic and listened to the delegation, but they were adamant that the losses were not covered by the policies of insurance and they were not liable to pay. They refused to entertain suggestions of partial contributions or *ex gratia* payments.

Test Cases

2.248. Since there were over 300 claimants, the insurance industry decided to consolidate the management of the claims by establishing a Committee that levied contributions from insurers and settled legal expenses. It was agreed that only two cases would be litigated and all others stayed pending the decision of the two test cases. Thus, litigation proceeded in the names of Grell-Taurel Limited and Joseph Nahous & Co Ltd. Grell-Taurel was part of the Neal and Massy Group of companies and suffered losses in the East/West

Corridor; Joseph Nahous & Co Ltd suffered losses in Port of Spain. It was considered that these two companies amply represented the geographical distribution of loss and destruction.

2.249. Mr. Justice Wendell Kangaloo rendered a decision in the test cases in 1998 in favour of the insurers. He was upheld by the Court of Appeal (Sharma, Hamel-Smith, Warner JJA) in 2001. The *ratio decidendi* of the decisions was that even though "riot" and "civil commotion" were covered by the policies of insurance, what happened on 27 July, 1990 was "an insurrection" and this risk was outside the terms of the policy.

2.250. It is undoubted that the failure of the affected businesses to obtain compensation from their insurers was a crushing and demoralising blow. Mr. Aquing estimates that the potential liability to insurers was in the vicinity of TT\$300 million but that estimate included only those businesses which were actually insured. On the other hand, Mr. Aboud's estimate of total losses accruing from arson and looting was TT\$200-\$500 million. When account is taken of those businesses which were not insured or underinsured, Mr. Aboud's estimate is not unreasonable. On the evidence before us, we have concluded that a figure of TT\$450 million is a fair and reasonable estimate to the total losses attributable to arson and looting.

IMPACT ON THE LABOUR AND MASS MOVEMENTS

2.251. After the attempted coup there was a debate that took place in sections of the trade union movement and elsewhere about what Imam Abu Bakr and the JAM had done. Mr. David Abdullah said that “there were some who did not accept that Bakr’s actions did more harm than good” to the struggles of labour “characterised by disciplined mass action”. He said in his witness statement:

“Ideologically, we were opposed to the notion of a ‘Messiah’ liberating the people, as Bakr so obviously saw himself.”

2.252. Mr. Abdullah said at para. 9.14 –

“The reality is that all the mass protests came to an abrupt end. There was a State of Emergency in effect, which curtailed the rights of assembly and peaceful demonstration. In addition, the labour movement and MOTION were put on the defensive as the media and members of the public questioned the role of SOPO and tried to link us with the Muslimeen’s actions on 27 July. Rather than going forward, the mass movement was effectively derailed. The popular resistance to structural adjustment was severely set back.”

The Summit of People’s Organisations (SOPO) did not survive after the attempted coup. It fell into desuetude.

2.253. Mr. Abdullah was referring to a series of protests and demonstrations organised by the labour movement and SOPO against the NAR

Government in the months immediately preceding the attempted coup. We deal with the industrial climate in 1990 in Trinidad and Tobago more fully in Chapter 3.

IMPACT OF 1990 ON THE JAMAAT-AL-MUSLIMEEN

2.254. Those witnesses who participated in the insurrection, namely Jamaal Shabazz, Kala Akii-Bua and Lorris Ballack, testified that the events of July/August 1990 have adversely affected them and the organisation as a whole. They said that they are viewed with suspicion, persecuted and have met with social ostracism even today. Indeed, Shabazz told us that, although he was not convicted of any offence arising out of the insurrection, he is unable to enter the USA in his capacity as a national football coach. In a word, the JAM believe that they have been unable to gain societal acceptance and re-integration in the society because of their involvement in the insurrection.

TODAY'S LEVEL OF CRIME

2.255. In Chapter 10, we discuss the continuing propensities for criminal activity arising from the insurrection and any correlation between the insurrection and certain types of criminal activity that have become more prevalent since 1990. However, for the purposes of this broad overview, we

merely indicate here that several witnesses pointed to the increased levels of crime that have affected the Republic for the last 15/20 years. It was suggested that the acquittals of the insurgents pursuant to the advice of the Judicial Committee of the Privy Council, were the catalyst for young people to act out anti-social and criminal behaviour. It is enough here to quote the evidence of one witness, Mr. Gregory Aboud:

"The present lawlessness is connected to 1990. What has transpired and what continues up to today is entirely connected to the events of 1990."

*C. FINDINGS AND/OR CONCLUSIONS CONCERNING THE NATURE AND
EXTENT OF THE ATTEMPTED COUP*

INTRODUCTION

2.256. In this Part, we make findings or draw conclusions from the evidence adduced before us. Much of the evidence was not disputed. We have chosen to let the evidence of various witnesses speak for itself. However, the matters discussed in this Part represent our interpretation and analysis of problematic parts of the evidence. The following are our findings and/or conclusions.

2.257. We are not persuaded by the evidence of Messrs. Jamaal Shabazz, Kala Akii-Bua and Lorris Ballack that they knew of the decision to attempt an overthrow of the Government only shortly before 27 July, 1990. Their evidence is at variance with evidence before us that, for some time prior to 27 July, members of the JAM, posing as vendors, had carried out acts of reconnaissance at the NBS building, at TTT and the Red House. Shabazz himself said that he had carried out a reconnoitre of Radio Trinidad some considerable time before 27 July, 1990.

2.258. We find that there were four components of the strategy to overthrow the Government, viz.

- (i) to destroy Police Headquarters, throw the Police Service into confusion and create a vacuum in security, thereby allowing armed supporters other than the 114 insurgents, an opportunity to create further confusion in the country;
- (ii) to invade the Red House and hold the Prime Minister and other members of Parliament hostage with a view to displacing the NAR as the Government of the Republic;
- (iii) to invade, take control of Radio Trinidad and use it for propaganda purposes; and

- (iv) to invade, take control of TTT and use it for similar purposes.

2.259. Fire-bombing the NBS building was considered in the original planning of the JAM but, on 27 July, was not properly executed.

2.260. The date and timing for the attempted coup were carefully chosen. As members of the Summit of People's Organisations (SOPO), the JAM were aware that SOPO were planning an informal referendum for 27 July. They were also aware that the Oilfields Workers Trade Union (OWTU) had written to the Prime Minister giving him until 27 July to disband the structural adjustment programme and the austerity measures or else they would escalate their protests on 31 July. Imam Abu Bakr, encouraged by the rhetoric emanating from the public platforms of SOPO, conspired with Bilaal Abdullah and others to attempt a *coup d'état* on 27 July, 1990. We have come to these conclusions on the basis of evidence which we refer to in Chapter 3.

2.261. Imam Abu Bakr, a former policeman, had important contacts with existing members of the Police Service and the Defence Force. He knew that, on 27 July, 1990, many Police Officers and soldiers would have been off-duty and/or attending the football games at the Stadium. He calculated that the Protective

Services would have been depleted and sought to take advantage of the security vacuum. He hoped that the surprise element in his attacks would have caught the Protective Services off guard, as it did, and it would have been relatively easy to execute the four-pronged strategy of simultaneous attacks in different and disparate locations.

2.262. Imam Abu Bakr made the false assumption that, because there was widespread discontent with the Government, he would automatically attract popular support for his actions from disaffected persons in the society including members of the Police Service who had recently been publicly demonstrating against the Government. Imam Abu Bakr misjudged the culture of the population and his assumption that he would receive popular support was ill-founded. He was an irresponsible in search of responsibility, even if acquired illegally.

2.263. Imam Abu Bakr's assertions in his first and second broadcasts to the effect that he was in contact with the Army, negotiating with the Army, were falsehoods.

ATTACK ON POLICE HEADQUARTERS

2.264. The murder of SRP Solomon McLeod allowed the occupants of a green station wagon to use it for fire-bombing Police Headquarters. Explosions and fire at the Headquarters, together with indiscriminate shooting by the JAM, caused pandemonium among members of the public. The Fire Service was prevented from adequately responding to the fire at Police Headquarters by the gunfire which was aimed at their appliances by the JAM.

2.265. Acting Deputy Commissioner of Police, Leslie Marcelle, showed tremendous bravery, leadership and initiative in organising panic-stricken members of the public. His leadership was also manifested in mustering such Police Officers as were at Police Headquarters with a view to responding to the gunfire trained on Police Headquarters by the JAM.

2.266. Mr. Marcelle's life-threatening injuries were the direct result of his fall from the dilapidated roof at Police Headquarters. The Government was negligent in failing to keep the roof in good repair. The Government was also uncaring in failing to provide Mr. Marcelle with the medical and psychological assistance he needed in the years following his injuries which were sustained in the service of the State.

2.267. Management of the Police Service was careless in failing to ensure that the gate at the south-eastern end of Police Headquarters could be easily opened in cases of emergency.

FIRE-BOMBING OF NBS

2.268. We find that the visits of a “confectionery vendor” to the NBS building over the course of months prior to 27 July were for the purpose of becoming *au fait* with the configuration of the building with a view to a probable assault on it. However, it is our finding that, on 27 July, no member of the JAM was designated to lead an assault on the building. The attempt to fire-bomb it with Molotov Cocktails was leaderless and uncoordinated.

2.269. We doubt the truth of Jamaal Shabazz’s assertion that the failure of the JAM to take control of 610 Radio was “to leave a communication door open”. As we indicate above, the JAM had factored into their planning the seizure of NBS but the attempt to fire-bomb it was incompetently executed and relatively small damage occurred.

2.270. Mr. Dennis McComie displayed admirable and outstanding leadership and courage in taking charge of 610 Radio and keeping the station open throughout the period of the insurrection. This station, through the initiative of Mr. McComie and the dedication of some technical staff in the

engineering department, rendered invaluable service to the people of Trinidad and Tobago through the regular dissemination of such information as came to hand.

2.271. We find that the Governmental and military authorities erred in not taking control and making use of 610 Radio (a Government-owned station) during the period of the insurrection.

2.272. We attach no criticism to Mr. McComie for his decision to interview Imam Abu Bakr. We accept Mr. McComie's explanation that the interview afforded an opportunity to expose Imam Abu Bakr to public opprobrium and afforded McComie a facility to challenge the rhetoric and conduct of Imam Abu Bakr. Although we appreciate and understand Col. Brown's anger and outrage at the Imam Abu Bakr interview with Dennis McComie, we are not of the view that Mr. McComie's conduct is worthy of censure, given the situation and all the surrounding circumstances.

2.273. The fact that the interview took place at all highlights the *lacuna* in the responses of the authorities who ought to have known of the availability of the Radio 610 facility but took no steps to utilise it. At no time prior to the interview did any official of the Government or the Military communicate with

Mr. McComie to advise him of what was going on and what was expected of him in the circumstances.

2.274. The absence of guidelines or a protocol to govern the duties and conduct of the media in situations similar to that which existed in Trinidad and Tobago during the attempted coup, was a weakness in the security arrangements of the Republic.

ATTACK ON RADIO TRINIDAD

2.275. We find that on 27 July, Imam Abu Bakr and Bilaal deliberately put out a rumour among the JAM that a Prince was visiting the Mosque in order to camouflage their real reason for heightened activity at #1 Mucurapo Road.

2.276. We accept Jamaal Shabazz's account of the preparations for and execution of the attack upon Radio Trinidad (paras. 2.44 to 2.49) and the accounts of Messrs. Eddison Carr (paras. 2.50 to 2.52), Emmett Hennessy (paras. 2.53 to 2.56) and Pius Mason (paras. 2.59 to 2.63).

2.277. Messrs. Carr, Mason and Hennessy were put in great fear for their lives. We are of opinion that Mr. Carr and Mr. Pius Mason should have been

offered specific assistance in dealing with the trauma which has been a continuing consequence of their experiences as hostages.

ATTACK ON TTT

2.278. The Molotov Cocktails thrown on the premises of TTT twice before 27 July were preparatory acts on the part of the JAM. As we have indicated at para. 2.24, in respect of NBS, visits by a member of the JAM purporting to be selling gifts in December 1989 were, in reality, the JAM's method of ascertaining the layout of the TTT building in preparation for a subsequent attack.

2.279. We find that the management of TTT showed a callous indifference to the security of the transmitter sites at Cumberland Hill and Gran Couva prior to the attempted coup. Securing the transmitter sites should have been seen as a priority for this broadcasting facility, especially since the absence of such security had been raised with senior members of management mere weeks prior to the events of July 27.

2.280. We find that Mr. Akii-Bua knew why he was asked by Imam Abu Bakr to come to #1 Mucurapo Road in early July. We do not believe that his first knowledge of an attempt to overthrow the Government was when Juma prayers ended at 2.00 p.m. on 27 July. Mr. Akii-Bua gave conflicting evidence. First, he

said that his first knowledge of an attempt to overthrow was when Juma prayers ended at 2.00 p.m. Later, he said that at 2.30 p.m. he did not know that he would be a participant in the insurrection and his first knowledge of his involvement was at 4.30 p.m. We find that Mr. Akii-Bua was too close to Imam Abu Bakr not to have known that an attempt would be made to overthrow the Government.

2.281. We find that Mr. Jones P. Madeira displayed stoic courage and extraordinary leadership in maintaining his equilibrium and equanimity in the face of armed threats. His performance and professionalism deserve national recognition.

2.282. We find that the omission of Imam Abu Bakr to mention in any of his four broadcasts that one of the reasons for the insurrection was the JAM's fear of an attack on their headquarters by the Army and Police was deliberate. Surely, if such fear of an attack were the real reason for the insurrection, or even one of the reasons, the Imam would have informed the population. He did not. We find that the real and pre-eminent reason for the attempted coup was to overthrow the NAR administration and install an interim Government including some members of his group. It is significant that in his fourth broadcast, even before Canon Clarke had received the Major Points of Agreement, Imam Abu Bakr announced that "the new interim Government therefore

immediately abolishes all VAT.” We find that it was only after the insurrection that the JAM put abroad as an ostensible defence of self-defence, the excuse and smokescreen that they took pre-emptive action against the Government because they feared an attack on their headquarters and leadership.

2.283. We accept that it was not the intention of Imam Abu Bakr and his brethren at TTT to expose the staff to gunfire. When gunmen of the JAM fired shots in the vicinity of the front of the building, Imam Abu Bakr was genuinely upset and made his objections to such conduct known. The shooting of Mr. Hennessy was an aberration by an errant member of the JAM.

2.284. We find that disabling the TTT transmitters at Cumberland Hill and Gran Couva was an entirely appropriate tactic since it had the effect of reducing Imam Abu Bakr's capacity to use broadcasting facilities to spread his propaganda and message of disaffection. In the circumstances, the establishment of a temporary broadcast facility at Camp Ogden meant that the interim Government was now in possession of a facility from which to make official broadcasts. Mr. Bernard Pantin deserves the highest commendation for his thoughtfulness, foresight and resourcefulness first, in devising a stratagem to bypass broadcasts by Imam Abu Bakr and, secondly, in establishing an alternative broadcast facility from Camp Ogden.

2.285. Capt. George Clarke's deployment of "a platoon minus" consisting of 22 men to the area of the Queen's Park Savannah about 4.30 a.m. on Saturday was an appropriate response. Within 9 hours, he had deployed such soldiers as were available to him.

2.286. We have no concerns with the strategy and tactics employed by the Army. We accept the evidence that, soon after midday on Saturday, the forces under the command of Capt. Clarke and Major Antoine had compelled the Muslimeen to retreat into TTT and remain confined therein. The Army had effectively contained the insurgents inside TTT. They were now surrounded by the Army with heavier fire power and manpower. By Saturday afternoon, at the Red House and TTT, the captors had become the captives.

2.287. We find that on Sunday, 29 July, the insurgents at TTT knew that an amnesty was being negotiated. We accept the evidence of Canon Knolly Clarke and Mr. Jones P. Madeira that Imam Abu Bakr did harbour ambitions to be appointed as Minister of National Security and even suggested how his appointment might be effected.

2.288. One of the consequences of the declaration of a State of Emergency and curfew on Saturday was that it enabled the Police Service to begin to organise. A second consequence was that the State of Emergency

caused reduction in the looting that had been taking place over the previous 18/20 hours. Nevertheless, the overall conduct and response of the Police Service left much to be desired. We deal with these in greater detail in Chapter 8.

2.289. We find that Capt. Clarke's judgment in firing a B300 rocket at the TTT building was unsound. We are not persuaded by Capt. Clarke's explanations for his decision namely, "to give the JAM something to really shake them up and let them know what time of the day it was" and "to give him an opportunity to evaluate the capability of the weapon to penetrate the wall". Negotiations were on-going and the firing of the rocket might have derailed those negotiations. Moreover, if the rocket had penetrated the walls of the TTT building, there could have been much loss of life and injury to the occupants, both hostages and insurrectionists alike.

2.290. We find that the timing of the decision by the Board of Directors of the Trinidad Broadcasting Company (TBC), soon after the release of the hostages, that the company would be downsized in anticipation of competition was an insensitive exhibition of the Board's power. The staff were still traumatised following the events of 27 July to 1 August.

ATTACK ON PARLIAMENT

2.291. We received no credible evidence that the absences from Parliament of Messrs. Nizam Mohammed (Speaker), Mr. Patrick Manning (Leader of the Opposition), Mr. Basdeo Panday (Leader of the UNC) at the time of the attempted coup, were the result of prior knowledge of its likelihood. Such evidence as was adduced was of the level of conjecture or hunch. But our duty is to be satisfied on a high standard of proof as to any disputed evidence, particularly having regard to allegations of such a nature. Applying that standard, we are bound to say that the evidence before us is not of such a nature as to enable us to conclude that it was more probable than not that those persons were forewarned as to what would happen. Imam Abu Bakr has made suggestions in other places that Mr. Manning and Mr. Panday had prior knowledge of the insurrection. We have wholly ignored such effusions of Imam Abu Bakr. He had ample opportunity to appear before the Commission, give evidence on oath and subject himself to cross-examination. He prevaricated and declined to testify.

2.292. We find that when the JAM burst into Parliament shouting and shooting at the ceiling, they intended to force the Parliamentarians into submission and "arrest" them. Prime Minister Robinson, Mr. Selwyn Richardson

and Mr. Selby Wilson were particularly singled for physical violence, abuse and humiliation.

2.293. Mr. Robinson's security detail acted properly and in accordance with their training, in throwing themselves over Mr. Robinson and advising him to lie on the floor. We are of opinion that, if his security detail had fired their weapons at the insurrectionists, there would have been a bloodbath and certain death for many in Parliament that afternoon.

2.294. We find as a fact that the Muslimeen did use words to indicate that Mr. Panday, Mr. George Weekes and Mrs. Muriel Donawa-McDavidson should have safe passage from the Chamber

2.295. In trying to escape from Parliament when the insurgents burst in, Mr. Smart and Mr. Pallackdharrysingh responded instinctively and naturally to a life-threatening situation.

2.296. Mr. Robinson's instruction to the security forces to "attack with full force" was an exceedingly defiant and courageous display of leadership in the face of vicious criminals. We are satisfied, however, that, given the exigencies of the situation, he did not think through the possibility that his instruction may have triggered retaliatory action by the JAM and imperilled the safety of the

other Parliamentarians in the Chamber. We find that the shooting of Mr. Robinson and Mr. Richardson by Bilaal was deliberate. However, to the extent that they were both shot in their legs when it would have been easy to shoot them in their heads or chests, we conclude that Bilaal Abdullah did not intend to kill them but to wound and torture them.

2.297. Since we devote an entire Chapter to the circumstances surrounding the amnesty in accordance with our Terms of Reference, we make no findings on the amnesty here except to say that we are satisfied on the evidence that all of the documents signed by the Parliamentarians were not signed by them of their own free will but, rather, out of fear for their safety and lives.

2.298. We find that Canon Clarke at all material times functioned as a messenger relaying messages among Imam Abu Bakr, Bilaal Abdullah and Col. Theodore. He was never a mediator properly so called and did not function as a mediator.

2.299. Mr. Dookeran's failure to return to the Red House was not an act of bad faith or betrayal. He was physically and mentally exhausted as a result of his traumatic experiences in Parliament. He properly accepted medical and Military advice not to return to the Red House.

2.300. Canon Clarke's return to the Red House on Saturday afternoon probably prevented the murder of the hostages in Parliament. We are convinced that, if he had not returned with the amnesty document, Bilaal Abdullah would have made good his threat to have the NAR Parliamentarians executed. He would have taken that action on the basis of rumours coming to him that foreign forces were likely to attack the Red House. Moreover, owing to Mr. Dookeran's absence, he assumed that Mr. Dookeran had betrayed him and an attack on the Red House was likely.

2.301. From Monday up until the release of the hostages, Canon Clarke was at Camp Ogden. He was isolated by the authorities. Although Canon Clarke told us that he felt as if he were "under house arrest", we have found no evidence to satisfy us that that was so.

2.302. After the amnesty was signed, the JAM in the Red House became conciliatory. Mr. John Humphrey did not cause the delay in release of the hostages. The delay was caused by the protracted negotiations associated with the terms of surrender of the JAM insurgents and, especially, their demand that 15 of them be precepted and allowed to surrender bearing arms or be accorded the status of policemen.

2.303. It was inconsiderate of Bilaal Abdullah to keep Mr. Wendell Eversley, Mr. Mervyn Assam and Mr. Reynold Fernandes as hostages for as long as they were held hostage. We see no reason why they could not have been released on Saturday morning when WPC Olive Ward and Mr. des Vignes were released. They were not Parliamentarians and there was no good reason to hold them hostage.

2.304. Insp. Kenneth Thompson was in dereliction of duty in offering no assistance to Attorney General Smart whom he recognised when they were both fleeing the Parliament. We do not believe that either Insp. Thompson or Mr. Smart would have been endangered if Insp. Thompson had whispered to him, in passing, words identifying himself as a member of Special Branch.

2.305. Dr. Emmanuel Hosein displayed great heroism and leadership during the hostage crisis in the Red House.

2.306. In assigning the insurgents to the different locations, the JAM were careful and strategic. Those who were assigned to the Red House included persons who had had military training in Libya and elsewhere. They were led by Bilaal Abdullah, who stated that he had "experience in negotiations and protocol and stuff". Bilaal also admitted to having a special interest in guns and shooting experience in Miami. On the other hand, the men whom Imam Abu Bakr chose

as his lieutenants at TTT were trusted senior officials such as Kala Akii-Bua, Lorris Ballack, Lance Small and Abdullah Omowale.

FINDINGS AND CONCLUSIONS re THE IMPACT OF THE ATTEMPTED COUP

2.307. Prime Minister Robinson and Ministers Richardson and Wilson were the victims of extreme brutality. Mr. Dookeran was also ill-treated. All of the hostages at the Red House were tortured, put in fear of death and subjected to indignities. The two female MPs, Mrs. Jennifer Johnson and Mrs. Gloria Henry, suffered only slightly less than their male colleagues.

2.308. The vast majority of those who were held hostage in the Red House and at TTT are still suffering from the effects of the stress and trauma experienced in 1990. The psychological scars are indelible. Some victims are still bitter and resentful; others tried to mask their hurt or have us believe that they have forgotten their ordeal. However that may be, we are satisfied that the scars and the memories of the inhumane treatment meted out to the hostages will remain with them for the rest of their lives.

2.309. Business and commerce in Port of Spain were clearly negatively impacted by the insurrection. Arson and looting caused losses estimated by us, on the evidence provided, at approximately \$450,000,000. As a consequence of

the destruction wrought in Port of Spain, the nature and culture of business have gone through a metamorphosis. Whereas prior to 1990, Port of Spain was a desirable centre of shopping for Caribbean persons, after 1990, all that changed. The incidence of crime and violence has become a frightening feature of daily life in Trinidad and Tobago. As a consequence, large numbers of shoppers from neighbouring islands have sought other destinations, while the local population has resorted to the several shopping malls which grew up as one of the consequences of the events of in 1990. Even the architecture of commercial Port of Spain has changed since 1990. It is less appealing and inviting than hitherto.

2.310. The Commission listened sympathetically to the evidence of Mrs. Sybil Sant-Samaroo. Equally, we paid careful attention to the evidence given on behalf of Republic Bank by Ms. Grace Wei. We find that the events of 1990 did contribute, in some measure, to the demise of their businesses. But we also find that the businesses began to suffer serious financial problems prior to the attempted coup. The Bank was indulgent and extended every reasonable business facility to try to assist in rescuing the businesses from ultimate disaster. After 1990 the climate was simply not conducive to a resuscitation of the businesses. No blame can reasonably be attributed to Republic Bank.

2.311. The initiatives of the NAR Government to assist the business community that suffered losses as a consequence of the insurrection were well-

intentioned but so complex as not to have been attractive. We received no evidence that successive Governments ever followed up those initiatives or provided any other form of financial assistance to assist the suffering business community.

2.312. We find that the attempted coup and its aftermath had a negative impact on the legal system of Trinidad and Tobago. In particular, the Magistrates' Courts were unable to function for a considerable number of weeks in the Port of Spain jurisdictions. Moreover, scores of pending criminal cases had to be dismissed for want of prosecution because of the loss of relevant documentation occasioned by the burning of Police Headquarters. After the attempted coup, decisions of the local courts and the Judicial Committee of the Privy Council led to public cynicism about justice and the rule of law.

2.313. So far as the JAM are concerned, there is still resentment against them. We heard evidence that many of the insurgents are no longer alive but grave suspicions still linger about the integrity and credentials of the JAM. Indeed, there are deep-seated concerns as to whether the JAM are, in truth, a law-abiding organisation. Their role in July 1990 still resonates negatively with many persons in Trinidad and Tobago. Their refusal to apologise to the people of Trinidad and Tobago (Jamaal Shabazz and Kala Akii-Bua excepted) has won

them no sympathy and is likely to be a stumbling block in the way of effective reconciliation and the meaningful reintegration of the JAM into the society.

2.314. A significant number of the insurgents at the Red House and TTT were boys of tender years, deliberately cultivated and indoctrinated by Imam Abu Bakr. That he chose to arm these boys to carry out a violent attack on the seat of democratic governance in their country and to terrorise innocent workers at TTT, was a most despicable act. With all the energy at our command, we most strongly condemn such conduct.

2.315. It goes without saying that we also condemn the entire adventure indulged in by Imam Abu Bakr, Bilaal and their co-insurrectionists. Witnesses on behalf of the JAM alleged that they still encounter and suffer persecution. This may be self-inflicted by reason of their deeds in 1990. It may also be evidence that the society has not forgotten or forgiven those deeds. The Commission addresses these matters in Chapter 11.

CHAPTER 3

The causes of the Attempted Coup and any economic, social, historical and other factors which contributed to the Attempted Coup (TOR 1 (i))
and
the consequences of those factors (TOR 2 (iii))

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CHAPTER 3

THE CAUSES OF THE ATTEMPTED COUP AND ANY ECONOMIC, POLITICAL, SOCIAL, HISTORICAL AND OTHER FACTORS WHICH CONTRIBUTED TO THE ATTEMPTED COUP – ToR 1(i)

AND

THE CONSEQUENCES OF THOSE FACTORS – ToR 2(iii)

A. INTRODUCTION

3.1. The attempted *coup d'état* against the democratically elected Government of Trinidad and Tobago was sudden and caught the Government and the Protective Services totally unawares. The element of surprise gave the appearance of spontaneity but, on the totality of the evidence before the Commission, it is very clear that such an event had long been contemplated by the leaders of the JAM. It is equally clear that there must have been circumstances at work in the society that eventually precipitated the insurrection.

3.2. In Part I of this Chapter, the Commission makes findings and draws conclusions as to the causes of the attempted coup. Part II discusses and reviews the evidence of those underlying circumstances which, although not being the proximate cause of the insurrection, nevertheless created an environment within which the leaders of the insurrection believed that they could successfully stage a *coup d'état*.

3.3. With regard to Part I, the Commission makes its findings and conclusions based on the totality of the evidence adduced during the Enquiry, especially the evidence more particularly set out in Chapters 4, 6 and 7. To avoid repetition of that evidence, Part I of this Chapter deals immediately with the Commission's findings and conclusions as to the causes of the attempted coup. The Commission stresses that in order to appreciate fully our findings and conclusions, Chapters 4, 6 and 7 should be read together with Part I of this Chapter.

3.4. Thus, the format of this Chapter differs from that adopted for most of the other Chapters. Whereas in most of the Chapters, Part B condescends upon the evidence of witnesses, Part B of this Chapter contains the Commission's findings and conclusions.

3.5. In Part II of this Chapter, the Commission discusses the economic, political, social and other factors existing in Trinidad and Tobago and which may have encouraged the insurrectionists to believe that the time was propitious to carry out their adventure. In Part II, full treatment is accorded to the evidence adduced at the Enquiry.

3.6. To the extent that Term of Reference 2(iii) requires the Commission to make findings, observations or recommendations concerning "the

consequences of any historical, social, economic, political and other factors which may have contributed to the attempted coup”, the Commission has also addressed those matters in this Chapter.

3.7. We turn now to our findings and/or conclusions in respect of the *causes* of the attempted coup.

PART I – FINDINGS AND CONCLUSIONS AS TO THE CAUSES OF THE ATTEMPTED COUP

3.8. Since “the causes” of the attempted coup are capable of meaning (a) the proximate phenomena which conduced to the attempted coup; and (b) the reasons for it, the Commission’s findings and conclusions adopt those definitions.

1. THE PROXIMATE CAUSE

3.9. Without any hesitation or equivocation, the Commission finds that the proximate cause of the attempted coup was the abject failure of the Special Branch of the Police Service to alert the relevant security and political authorities in a timely manner or at all of the likelihood of an insurrection by the JAM. This

inexcusable omission prevented the Protective Services from taking appropriate counter measures.

3.10. As the Commission sets out extensively in Chapters 4, 6 and 7, Special Branch was seised of an abundance of information and Intelligence from 1988 that the JAM were planning violent action in the Republic. Special Branch had Intelligence that the JAM were contemplating the assassination of Prime Minister Robinson. Special Branch knew that Imam Abu Bakr had vowed "to retaliate" against the Government. Yet the Head of Special Branch never sought a meeting with the Prime Minister, prior to the attempted coup, to apprise him directly of the Intelligence in Special Branch's possession and the seriousness of the threat posed by the JAM. Whereas the Commission finds that Special Branch regularly sent Intelligence reports to the Minister of National Security and the Prime Minister, the Commission also finds that it was thoroughly unsatisfactory that the Head of Special Branch never sought an audience with the Prime Minister.

3.11. The Commission finds it incredible that, although senior officers in Special Branch sincerely believed that violent action by the JAM was imminent, they took no steps to advise the Commissioner of Police as Head of the Police Service or indeed the Head of Special Branch himself. The practice of merely sending reports upwards to the Head of Special Branch without more, was

inappropriate when officers believed, from empirical evidence and Intelligence, that an attack was imminent. 'Pushing paper' was an altogether poor substitute for interactive, face-to-face discussion.

3.12. The Commission finds that Minister of National Security, Mr. Selwyn Richardson, was aware that the JAM were planning some violent action but he, like many persons in Trinidad and Tobago, never believed that the JAM would act out their violent intentions in an insurrection. The Commission accepts the evidence of Insp. Kenneth Thompson that Mr. Richardson admitted publicly after the attempted coup that he was, in effect, aware that the JAM were mobilising but he did not foresee the nature and extent of their violence.

3.13. The Commission finds that Intelligence Reports were sent under SECRET cover to Prime Minister Robinson prior to the attempted coup informing him that the JAM were planning violence. However, the Commission finds that Mr. Robinson either did not open the correspondence and read it or simply discounted it. The seriousness of the JAM's behaviour was not impressed upon his mind in the way that it might have been if an urgent audience had been sought with him by the Head of Special Branch.

3.14. In a word, national security deficiencies were the primary factor which facilitated the attempted coup.

2. THE REASONS FOR THE ATTEMPTED COUP

3.15. The Commission finds that the JAM had been planning to remove Mr. Robinson from office for a long time. They had a personal hatred of Mr. Robinson and Mr. Richardson. The latter had caused the outpost of Army and Police personnel to be set up outside the JAM's compound at #1 Mucurapo Road on 21 April, 1990. This angered the JAM.

3.16. The Commission rejects the evidence given by Imam Abu Bakr in proceedings brought in the USA against Louis Haneef, that the insurrection was spontaneous. The Commission finds that the insurrection was carefully planned as evidenced by the following:

- (i) Special Branch reports reveal that, in August 1989, the JAM were discussing the assassination of Prime Minister Robinson during the period of Independence activities that year. In September, Imam Abu Bakr, Bilaal and Salim Muwakil were actively plotting the assassination.
- (ii) In October 1989, the JAM were collaborating with members of the Munroe Road Mosque to join with them in a revolution. The JAM were cultivating support for the violent

removal of the Government and Imam Abu Bakr was himself negotiating with persons in Libya for money, weapons and ammunition.

- (iii) In October 1989, Bilaal began arranging with Louis Haneef in Florida, the acquisition of weapons and their export to Trinidad.
- (iv) Imam Abu Bakr had negotiated the rental of a warehouse for storage of the weapons in Trincity;
- (v) Feroze Shah, a Customs Officer and member of the JAM, abused his office and facilitated the illegal entry of the weapons into Trinidad and Tobago;
- (vi) By April 1990, the JAM had accumulated a large number of weapons ready for distribution and use at an appointed time;
- (vii) Bilaal, in particular, masterminded and coordinated plans for the insurrection along with Imam Abu Bakr and Hassan Anyabwile.

- (viii) Jamaal Shabazz's evidence, corroborated by Lorris Ballack, was that the JAM intended "to overthrow the Government and install a new Government".
- (ix) Shabazz said that, two weeks before the attempted coup, the decision was taken to move against the Government. This was before a raid on the JAM's headquarters on 24 July.

3.17. The Commission finds that the date of 27 July was carefully chosen because of the following:

- (i) Imam Abu Bakr was a member of SOPO. He knew that SOPO and the Joint Trade Union Movement had nominated 27 July as the date on which the people would have been asked to vote, in a "referendum" launched by those organisations, on the question whether they supported the policies of the Government or not;
- (ii) Imam Abu Bakr and Bilaal were aware of the very great public interest in the football finals set for 27 July at the National Stadium. They calculated that there would have been a large crowd at the Stadium and large numbers of Police Officers would have been deployed there. The

attention of the Police would have been diverted to the Stadium.

- (iii) Owing to widespread public discontent with the policies of the Government and the hostile industrial relations climate in the months immediately preceding the insurrection, Imam Abu Bakr and Bilaal assumed that they would have had popular support for their actions.

3.18. The Commission does not discount it as a probability that Imam Abu Bakr received information from his contacts within the Protective Services that an attack on the JAM's headquarters was being planned. If the evidence of such an attack is true, it is clear from Jamaal Shabazz's evidence, that the information came at least three months before the attempted coup. Between April and July 1990 no attempt was made by the Protective Forces to carry out such an attack. Only the Police raided a dormitory on 24 July. Accordingly, the Commission finds that the insurrection was planned for 27 July two weeks before that date and for the strategic reasons mentioned above at para. 3.17.

3.19. The Commission finds that the JAM may have feared an attack on their headquarters because:

- (i) they had previously experienced a series of Police raids of their compound;
- (ii) they had seen the demolition of the Mecca Entertainment Complex in June. Hence the invitation to Clive Nunez to come to #1 Mucurapo Road two days before the attempted coup to discuss with them;
- (iii) three days before the attempted coup, Ivor Blackman J had dismissed the JAM's application for judicial review of the decision to encamp the Army and Police at #1 Mucurapo Road, thereby leaving the outpost intact and as a possible staging point for an attack against the JAM. The above matters, taken collectively, might reasonably have operated on the minds of the leadership of the JAM.

3.20. Having weighed all the probabilities, the Commission finds that the real reason for the attempted coup was a long-held determination to remove Prime Minister Robinson and the NAR Government from office and install a new Government including some members of the JAM. The JAM's allegations that they feared an attack on their headquarters that would wipe out the leadership, was not the prime reason for the attempted coup. It was an excuse rooted in

notions of self-defence and was made to justify their actions. Fear of an attack vouchsafed to the JAM in April 1990, according to them, cannot satisfactorily explain their preparations in 1989 to acquire arms and money.

PART II – CONTRIBUTORY FACTORS

3.21. We begin our enquiry into the factors that may have contributed to the attempted coup with a short discussion of the formation of the National Alliance for Reconstruction (the NAR), the Political Party that was the Government of Trinidad and Tobago on 27 July, 1990. It was an unique political organisation that served only one term in office.

PRE-1986 GENERAL ELECTION – FORMATION OF THE NAR

3.22. On 27 July, 1990, the National Alliance for Reconstruction (NAR) formed the Government of the Republic of Trinidad and Tobago. During the campaign preceding the General Elections of 1986, there was much discussion as to whether the NAR should contest the General Elections as a coalition Party properly so called or as a unitary Party in the strictest political sense. It eventually was, and was perceived to be, a coalition of Parties. At its inception, the NAR was an amalgam of the following four Political Parties, viz.:

- (i) The Organisation for National Reconstruction (ONR) led by Mr. Karl Hudson-Phillips, a former Attorney General in a Government of the People's National Movement (PNM) led by Dr. Eric Williams.
- (ii) The United Labour Front (ULF) led by Mr. Basdeo Panday.
- (iii) The Democratic Action Congress (DAC) led by Mr. A.N.R. Robinson.
- (iv) The Tapia House Movement (Tapia) led by Mr. Lloyd Best.

3.23. In 1983 the constituent parties of the NAR had contested Local Government elections under an arrangement characterised as "The Accommodation", and had handsomely defeated the PNM. So, buoyed by that successful electoral experience, it was decided by members of the NAR that the General Elections of 1986 should be contested on a similar basis. A further decision was taken that the ONR and the ULF, which together ran the majority of candidates, would offer candidates in constituencies where they were strongest and would not oppose each other. The DAC's strength was in Tobago which had two seats and that Party ran two candidates in Tobago. Mr. Robinson was one. Dr. Bhoë Tewarie and Mr. Lincoln Myers represented Tapia House.

3.24. Prior to the General Elections, an issue arose as to which of the Party leaders would become Prime Minister in the event of electoral success. Mr. John Humphrey (ULF) promoted Mr. Robinson throughout the country. He had the support of the EXPRESS newspaper. Witnesses told us that the view was expressed that Trinidad and Tobago “was not ready for an Indian Prime Minister”. This view was supported by Mr. Panday himself in his testimony to the Commission. At that time, Mr. Hudson-Phillips carried the baggage of his tenure as Attorney General when he piloted the highly controversial Public Order Act in 1970 and incurred the wrath of the calypsonian, CHALKDUST, who reflected widespread public apprehension of Mr. Hudson-Phillips in the calypso “I ‘fraid Karl”. Mr. Robinson, a former Deputy Prime Minister in a PNM Government led by Dr. Eric Williams, was seen as a statesman of vast experience with a highly respected regional and international image and reputation. In the end, the NAR settled on Mr. Robinson to be Prime Minister.

The 1986 General Election and After

3.25. On 15 December, 1986, the General Election was held. The PNM Government suffered a massive defeat. Of a total of 36 seats in the House of Representatives, the PNM won only 3. The other 33 were won by the NAR. The Election marked the end of a political era in Trinidad and Tobago. After 30 consecutive years in office as the Government of Trinidad and Tobago, the PNM

found itself in the Opposition. Mr. Robinson was duly appointed as Prime Minister.

3.26. Stark political realities confronted the NAR after it won the elections. Mr. Hudson-Phillips did not contest the elections but the members of the ONR in Parliament outnumbered Mr. Robinson's two DAC members. More to the point, Mr. Panday's ULF contributed the second largest number of MPs to the NAR's victory. Thus, Mr. Robinson had the least support in the grouping. Nevertheless, all of the NAR's MP's had subscribed to its winning mantra "ONE LOVE", signifying a unification of the races and a unification of political ideals. But the arrangements for sharing political power had not been worked out.

3.27. Having regard to the unity shown by the NAR in the pre-election campaign and the programme promulgated in the manifesto of the NAR, the population greeted the electoral victory with excited anticipation. We were told by witnesses that there was euphoria in the Republic following the victory of the NAR.

3.28. But there was yet another reality to be confronted. Only two members of the Cabinet had previous Cabinet experience: Mr. Robinson and Mr. Selwyn Richardson. The other Ministers were inexperienced in Cabinet Government. None of them was given any training in order to prepare for

ministerial office. In addition, since the NAR comprised different and disparate political ideologies and interests, there were different expectations, not only among the population but also among the MPs. Nevertheless, because of his vast political experience, assumptions were made about Mr. Robinson's tenure as Prime Minister. It was assumed, particularly by the MPs, that Mr. Robinson would have been sensitive to the distribution of electoral power among the constituent membership of the NAR. It was also assumed that Mr. Panday, who had on occasion acted as Prime Minister and was a seasoned politician, would offer leadership to the newly elected MPs. In due course, neither of these assumptions proved to be well-founded.

3.29. However that may be, the NAR Government began its term of office impressively. It rallied the support of the population for a massive, voluntary clean-up campaign. Mr. Selby Wilson told us that the manifesto committed the Party to accomplishing a number of activities within 90 days and these were achieved as promised. But not long after, the Government encountered economic and political turbulence. The unpleasant realities of economic recession and hitherto unknown massive debt accumulated by the previous Government soon deflected the NAR Government from the pursuit of its manifesto programme and led to its unpopularity. We discuss the fiscal and economic situation that the NAR Government met upon its assumption of office and its response at paras. 3.47 *et seq* of this Chapter.

SECTION 1. CONTRIBUTORY ECONOMIC FACTORS

A. INTRODUCTION

3.30. All of the witnesses who were asked to comment on the factors which contributed to the unpopularity of the Government were at one in agreeing that economic factors played a part in contributing to widespread discontent and dissatisfaction with the NAR Government prior to the attempted coup. There was also agreement that the NAR Government had inherited a parlous fiscal and economic situation upon its assumption of office.

3.31. In order properly to understand the fiscal and economic state of Trinidad and Tobago in 1986, it is crucial to examine the historical record of the economy in the years prior to 1986. No phenomenon in the history of humankind can be properly understood in the absence of the factors which gave rise to the phenomenon.

BRIEF HISTORICAL OVERVIEW OF THE ECONOMY PRIOR TO 1990

3.32. The economy of Trinidad and Tobago has basically been driven by its energy sector and it has been 'a mono-commodity' economy, producing one

major commodity, the sale of which generated most of its foreign exchange, national income and Government revenues.

In the 1970s and early 1980s, the energy sector was dominated by the oil industry. Oil production peaked in the late 1970s at over 240,000 barrels per day principally as a result of a major oil find earlier in the decade by the US company, Amoco. The very high quality of oil fetched premium prices on the international market. At the same time in the mid-70s, Texaco's oil refinery at Pointe-a-Pierre was one of the largest in the world with a throughput of 360,000 barrels per day of oil products. Thus, crude oil production by Amoco and the refining and transshipment capability of Texaco generated very large windfalls for Trinidad and Tobago. The Republic benefited from greater production levels and higher prices.

The Period 1970-1980

3.33. Subsequent to 1973 there were substantial increases in oil prices. Whereas the price of oil was about US\$3 per barrel in 1973, by 1980 the price had moved beyond US\$40 per barrel. The boom years had begun.

3.34. On 18 January, 1982, the then Prime Minister and Minister of Finance and Planning, Hon. George Chambers, delivered the Budget Speech. He

took the opportunity to review the fiscal and economic landscape of Trinidad and Tobago in the period 1970-80. We draw very heavily in this review upon the observations of Mr. Chambers. He began by reminding the Parliament of the recessionary period 1970-73. Mr. Chambers said –

“During the early 1970s, Trinidad and Tobago was exposed to what may have been its most serious economic challenge since the Second World War. Real output grew by just 4% per annum while the rate of unemployment, after falling to 12% in 1971, rose to 14% in 1972. The main source of growth was the non-oil sectors which recorded an annual increase in output of 5%. The petroleum sector, which had been in decline, only began showing signs of recovery in 1972....The balance of payments which was in deficit throughout the period deteriorated to the extent that in the third quarter of 1973, the foreign exchange reserves were the equivalent of less than two weeks of the country's imports.”

3.35. Mr. Chambers mentioned the increase in total revenues at 15% “because of increased tax collections from the non-oil sectors” but also pointed out that Government’s expenditure “rose at an average annual rate of 17% resulting in a large financing gap which was met partly from past savings and by substantial borrowing locally and abroad”.

The Period Post 1973

3.36. The Prime Minister then spoke of the dramatic reversal in the country's fortunes after 1973. He began:

“Mainly influenced by a five-fold increase in petroleum prices in 1973-74 as well as the continued growth in domestic petroleum production, the deficits which characterised the balance of payments and Government’s financial operations in the previous years were suddenly transformed into sizeable surpluses.”

3.37. Mr. Chambers highlighted the contributors to the boom.

- Real output grew at an average annual rate of 7% 1974-1980;
- Construction, manufacturing and the service sectors grew by 8%;
- Crude oil production peaked in 1978 but had started to decline;
- Unemployment fell from 15% to 10%;
- The deficit, financed by oil revenues, increased from \$265M in 1974 to \$2,227M in 1980;
- Wage rates increased spectacularly;
- The balance of payments moved from a deficit of \$32M in 1973 to a surplus of \$695M in 1974 and surpluses continued;
- Net foreign reserves were \$4,782M (coverage for 14 months) at December 1980;

- In the period 1974-1980, Government revenues grew at an annual average rate of 44%.

“Revenues had been vastly improved because of increases in both the level of domestic crude production and the price of the product.”

3.38. In the light of the burgeoning economic and fiscal situation, Government “locked away the surplus” revenues by creating a number of special funds reserved for use in future specific developmental undertakings. Debt was re-structured and a number of major projects were ready to start. Total Government expenditure in 1974-80 rose at an average annual rate of 27%.

Mr. Chambers observed –

“Expenditures were rising faster than revenues towards the end of the 1970s as a result of which a deficit occurred in 1979. The indications are that 1981 will witness another deficit.”

3.39. During the period under review, Government started to diversify the economy by establishing a number of energy-based industries and began localisation of the financial sector with a view to “gaining control of the commanding heights of the economy”. But the heavy expenditure led to problems: inflation increased, subsidies grew; delays and cost overruns plagued the construction industry.

3.40. For example, one project was scheduled for completion in three years at a cost of \$400M. The completion date was not achieved and the cost of the project had increased by three times the original estimate. Subsidies were \$13M in 1970 but, by 1980, they had grown to \$1,000M. The costs of supporting State Enterprises in 1981 were \$886M (excluding loans and credits guaranteed by Government - \$1,400M). Mr. Chambers committed the Government in 1982 to “drastic rationalisation” of State Enterprises.

“The fête is over”

3.41. For the purposes of this brief historical overview, it is important to quote the final sentence of Mr. Chambers’ Budget Speech which sent a clear warning to the population. He said –

“Perhaps, Mr. Speaker, you will permit me to end in the vernacular by saying that the fête is over and the country must go back to work.”

Where boom ended, bust was about to begin.

The 1980s

3.42. Trinidad and Tobago in the 1980’s experienced declining GDP. Mr. David Abdulah, General Secretary of the OWTU, when he gave evidence, captured the essence of the decline at para. 3.7 of his witness statement. He

said that there was “declining Government revenue and declining foreign exchange earnings”. Then he said –

“At the same time, the country faced a debt crisis as loans taken during the boom period to finance major capital works including the creation of a new industrial centre at Pt. Lisas utilising natural gas to produce methanol, ammonia and steel, became due with higher than expected interest rates.....This took place just as Government revenues (and therefore ability to pay) declined, thus placing us in a potential debt trap.”

Response of the PNM Government (1981-1986)

3.43. The Government commissioned a major study of the new economic situation. It was written by the distinguished economist, Mr. William Demas, and was titled “The Imperatives of Adjustment”. The Demas Report recommended reduction in Government expenditure especially cutting back subsidies and transfers. In the meantime, the Government began drawing down the savings ‘locked away’ in the boom years. Between 1981 and 1986 the savings were virtually depleted. Job losses began to happen.

3.44. Mr. Abdulah addressed the industrial relations climate. He said that, during the period (1981-86) “the industrial relations climate was characterised by extreme conflict in both the public and private sectors”. And he mentioned strikes at Lever Brothers, Metal Box and McEneaney Motors, and

Stag Brewery. One strike lasted six months! According to Mr. Abdulah, "in this period, the country saw workers losing their jobs in very large numbers.....There were a number of company closures and bankruptcies.....Car assembly plants, factories assembling household appliances and electronic items were among those that closed their doors....."

3.45. In 1985 the Government passed the Retrenchment and Severance Benefits Act as a response to the plight of workers who were made redundant without compensation. The Government also began retrenching workers on its payroll, e.g. the daily paid workers in the Ministry of Works (DEWD). Mass demonstrations followed. The Joint Negotiating Team (JNT), representing a large body of Public Officers, engaged in mass mobilisation.

3.46. Mr. Abdulah's summary of the period 1981-1986, at para.3.14 of his witness statement, is as follows:

"The period 1981-1986 was therefore characterised by severe economic contraction, high inflation, job losses, company closures, company restructuring, wage freezes and, in some cases, wage cuts, a very confrontational industrial relations environment, mass protests by workers.....and a Government that was under attack for not defending the interests of workers. Unemployment moved from a low of 10% in 1981 to 22% by 1986. In numerical terms.....from some 40,000 in 1981 to close to 100,000 in just a five year period. Youth unemployment was even worse, percentage-wise, with upwards of 50% of the youth in some communities being without a job."

THE INHERITANCE OF THE NAR GOVERNMENT

3.47. Only five weeks after assuming office, the NAR Government had to present Budgetary Proposals to Parliament. Mr. A.N.R. Robinson, as Prime Minister and Minister of Finance, delivered the Budget Speech on 23 January, 1987. He began his Speech thus:

"The basic reality confronting Trinidad and Tobago in 1987 is that, led by a Government in power for thirty years (sc. The PNM) we have failed to meet the challenge of independence. We achieved political independence in 1962, with an economy dependent on one single resource – oil. Twenty-five years later, we are more than ever dependent on the vagaries of the international oil market."

3.48. On page 2 of the Speech, Mr. Robinson identified the stark, salient facts facing the country as follows:

- "(i) All of the fiscal savings generated during the years of the oil bonanza have been exhausted;*
- (ii) The Treasury is not just empty. There is a \$1.2Bn bill still to be paid from 1986. Public expenditures have been sustained by advances from the Central Bank up to the legal limit. The Government has been surviving on overdraft from the Central Bank.*
- (iii) During the past year, the country's reserves fell by \$2,490.9M or more than two-thirds. Even more significant is the drastic change in the composition of the reserves as reflected in the virtual elimination of the free external assets of the Central Bank."*

3.49. In respect of the impact of debt, Mr. Robinson said –

“In 1981, the public debt, like money, was no problem. Six years later, at the start of 1987, this country is suddenly faced with a serious debt problem.....Our total debt was \$2.9Bn in 1981. At the end of 1986, the figure had jumped to \$7.4Bn, while our external debt amounted to \$5.6 Bn.”

3.50. He said that he was presenting the Budget “against the necessity to rescue the country from the jaws of three financial dragons:

- (i) the dragon of an unbridgeable budget deficit;
- (ii) the dragon of continuing balance of payments crisis;
- (iii) The dragon trap into which so many developing countries have become ensnared.”

3.51. The Prime Minister issued a call for all persons “to come to the rescue of our country”. He called for sacrifices and courage in taking up the burden of the economic costs “that have to be paid for past mistakes”.

3.52. The key to avoiding “the deep blue sea of social discontent and social discord” was threefold:

- “(i) Equity in the sacrifices. Everyone must share, and be seen to share, in the sacrifices.*
- (ii) There must be full, frank and open communication with the population.*
- (iii) We must begin the economic recovery this year.”*

3.53. In reviewing the Government's fiscal operations for 1986 and prospects for 1987, Mr. Robinson said that at the end of 1986, the deficit on current account was \$2,765.5M "or more than 36% of recurrent revenue". Turning to 1987 he said –

"The Draft Estimates of Expenditure....which were prepared before this Government assumed office, have forecast a deficit of \$3,854.5M in 1987 or roughly 79% of current revenue.....We anticipated the situation which now confronts us but we never imagined that it would be quite so bad."

3.54. Mr. Robinson said that he had warned the population "in the past months not to expect miracles". "From a budgetary standpoint", he said, "the immediate task is threefold". That task involved bringing recurrent revenue and expenditure into balance; raising additional revenue; and making cuts on the expenditure side. In addition, he stressed the need for job creation and economic growth. He proposed measures aimed at increasing revenue. He also proposed reductions in expenditure especially in relation to Statutory Boards and State Enterprises.

Four Unpopular Policies

3.55. Four policies introduced by the NAR Government prior to the attempted coup, greatly upset and angered the population, especially workers in the public sector. These were: (i) suspension of the Cost of Living Allowance

(COLA); (ii) entering a programme with the International Monetary Fund (IMF); (iii) cutting public sector salaries by 10%; (iv) implementing a Value Added Tax (VAT) regime. We discuss these four policies below.

(i) Suspension of COLA

Trinidad and Tobago had now begun a period of austerity. Two key proposals in Mr. Robinson's budget speech were expressed in these words:

"(a) To set an example in sacrificial measures, Ministers of Government will undergo a 5% cut in current salaries.

(b) In 1987 and until further notice, Cost of Living Allowance (COLA) and merit increases will not be paid."

Impact of Suspension of COLA

3.56. Mr. Selby Wilson said in his witness statement (para.59):

"The decision to freeze or discontinue COLA to Public Servants had nothing to do with the IMF.....The scenario was that revenue was falling, the debt structure was high, we were paying Public Servants but not other providers of services such as contractors. In fact, a lot of contractors went out of business at that time because they were not being paid by the Government. Our borrowing was high; our debt ratio was high; and our earnings were low."

3.57. When Mr. Robinson announced that COLA would be cut from all public employees, there was an immediate response from the trade union

movement. Mass demonstrations took place outside Parliament. The unions felt that expenditure cuts could lead to more job losses and political fallout.

3.58. Mr. David Abdulah recommended in a pre-Budget meeting with Dr. Trevor Farrell and others that the Government should pass the Estimates of Revenue and Expenditure prepared by the Public Officers for the outgoing Government as “an interim Budget”. Then the Government should go to the people “informing them of the economic realities, articulating options and invite the population to propose ways of getting us out of the crisis”.

3.59. Mr. Abdulah’s suggestions did not find favour with the Government.

He said:

“The advice was not heeded and the NAR started off its term in conflict with the trade union movement, a position that only got worse over time.”

3.60. Mr. Abdulah pointed out that the NAR Government, however, “did initiate policies of greater inclusion in decision-making” for example,

“inviting trade unions to be represented on the Boards of State Enterprises, on a number of important technical committees and the newly created National Planning Commission and the Joint Consultative Council.”

(ii) *The International Monetary Fund (IMF)*

3.61. On 17 December, 1985 when Prime Minister Chambers made the Budget Speech for 1986, he had changed the exchange rate for Trinidad and Tobago. He said –

“With immediate effect, the exchange rate will be set at TT\$3.60 per US dollar except for the items referred to earlier, to which the old rate of TT\$2.40 to the US dollar will apply.”

3.62. The items exempted included a range of foods, drugs, agricultural imports and school books. Effectively, therefore, as from December 1985, Trinidad and Tobago operated a dual exchange rate.

3.63. Mr. Selby Wilson, who joined the Cabinet in March 1989 and was Minister of Finance in 1990, said in evidence –

“It was essential to bring stability to the exchange rate. The IMF had a standby facility which was tied to any drop in the price of your main export product. So, we had a window to draw on this special fund because our oil prices were in decline. It was on the advice of the Central Bank that we accessed this window to shore up our foreign reserves. The unification of the exchange rate was also important to stop the haemorrhaging and arbitrage.”

3.64. Mr. Wilson also said –

“Mr. Robinson was very clear that we would not go to the IMF until we knew what our prescription would be, rather than go to them cap-in-hand for them to tell us what to do. The negotiations with the IMF started in 1988 and there

were certain conditionalities tied to macro-economic indicators. These conditionalities were: reduce the fiscal deficit, reduce the balance of payments deficit and engage in the re-negotiation of loans. In order to re-negotiate loans, most lenders would insist on a structured IMF programme. We re-structured the loans and got relief from interest. The IMF's conditionalities were macro-economic and not micro-economic."

3.65. The IMF was anathema to most Commonwealth Caribbean people. Its interventions in other parts of the region were not happy. The people of Trinidad and Tobago were very sceptical and suspicious of the IMF. A large section of the population was opposed to the Government entering into a loan agreement with the IMF. However, on 18 November, 1988, Prime Minister Robinson and Mr. William Demas, then Governor of the Central Bank, signed the relevant documents with the IMF for a loan.

3.66. In his Budget Speech for 1989, delivered on 16 December, 1988, Mr. Robinson said (at p.13):-

"Finally, as you all know, on November 18, the IMF approved a drawing of SDR85.5 million (TT\$470 million) for Trinidad Compensatory Financing Facility. Our request for a purchase of a similar amount, under a Stand-By arrangement, is scheduled to be considered by the Fund's Executive Board early in the new year."

3.67. On 29 December, 1988, the leadership of all the trade unions met to analyse the Budget and determine the way forward. A statement was issued calling upon the Government to roll back certain policies. Most significantly, the

statement mandated the leadership to prepare for protest action, including a General Strike.

3.68. In January and February 1989, the unions mobilised support for a General Strike. On 25 January, 1989 Mr. Robinson met with the trade union leaders and he promised to meet them again within two weeks. This second meeting however, did not take place. In late February and early March the unions held mass meetings in Chaguanas, San Fernando and Port of Spain.

(iii) Ten Percent Salary Pay Cut

3.69. On 27 January the Government legislated a reduction in the salaries of public workers by 10%. Middle and lower middle income public workers were immediately affected – police officers, nurses, teachers, fire and prisons officers, to name some. Mr. David Abdullah said in his witness statement:

“The debate in the Senate on the Bill to effect the 10% cut was particularly acrimonious. The die was cast. The General Strike promised by the union would take place.”

The General Strike

3.70. The General Strike – only the third in the country's history – was held on Monday, 6 March, 1989. It seems that the General Strike under the motto "Resist! Stay at Home on Monday, 6 March" was a success in Trinidad but not in Tobago.

3.71. Mr. Abdulah's witness statement recounts what followed the General Strike. He said at para. 6.16:

"The Strike clearly caused the Government problems. A Minister resigned, others issued conflicting statements and the Prime Minister called for dialogue. The Labour Movement followed up on two fronts. On 23 March it wrote the Prime Minister noting his call for dialogue and, in a Memorandum "Towards a Peaceful Approach to Economic Recovery", it proposed a way forward....At the same time the Labour Movement continued mobilising and held two demonstrations on April 22 and 1 May."

3.72. On 2 May, 1989, the Prime Minister and the majority of the Cabinet met with the unions to discuss the Memorandum. Mr. Abdulah thought that the unions were close to getting the Government to develop, with the unions, a national emergency economic plan "and abandon the orthodox structural adjustment policies of the IMF". However, there was conflict in the ranks of the unions. No common position by labour could be adopted.

3.73. Mr. Wilson spoke of other measures introduced in 1989 in addition to the 10% salary cut. He said –

“Wage freezes were introduced in 1989. The marginal rate of tax was reduced and the tax regime was simplified. The tax bands were also reduced. In that year, in order to meet targets, we had to address public sector wages. It was either we sent home 15,000 people or cut salaries. Public Servants’ wages were a large chunk of expenditure. The other large chunks were subsidies and transfers.”

(iv) Introduction of Value Added Tax (VAT)

3.74. The likely introduction of a Value Added Tax (VAT) in Trinidad and Tobago had been considered during the tenure of the PNM Government prior to the NAR becoming the Government. In 1986 the Fiscal Review Committee stated in its Report:

“The necessary studies required for the introduction of Value Added Tax should be initiated through the establishment of a Special Task Force devoted exclusively to that exercise and to be completed by December 1986.”

3.75. In fact, Mr. George Chambers had given a broad hint of the likelihood of such a tax in his Budget Speech delivered on 17 December 1988 when he said at p.46:

“The modifications of the purchase tax regime are consistent with the principles recommended by a Technical Assistance Mission from the IMF which visited Trinidad and Tobago in 1983 at the invitation of the Government to examine the form of general sales tax most appropriate to our circumstances.”

3.76. Mr. Wilson said in evidence that the NAR Government found no evidence that follow-up work was done prior to the NAR's assumption of office. On 22 December, 1989 – seven months before the attempted coup, Mr. Wilson, then the substantive Minister of Finance, reminded the Parliament that the Value Added Tax Act had been enacted on 19 September, 1989 and took effect from 1 January 1990. The rate of VAT was 15% and it was intended to replace a variety of purchase taxes. Every Opposition MP voted against the Bill to introduce VAT.

Mr. Wilson's Budget Speech 1990

3.77. Mr. Wilson's Speech on the Appropriation Bill 1990 was cautiously optimistic for his country's future after the austerity of the previous four years.

3.78. He said that the country was:

"emerging from the steady downward slide that had accompanied the decline in oil production and prices in the early 1980's and from the effects of fiscal indiscipline and mismanagement that frittered away our financial resources. We enter this decade with confidence in ourselves, knowing that the foundations of our reconstruction effort are firmly in place. We are poised for recovery....."

3.79. Then, the Minister of Finance gave highlights of the 1989 economic performance.

- The country had successfully met all of the performance criteria set by the IMF.
- The balance of payments had strengthened.
- Foreign reserves had grown from US\$65M in 1988 to US\$135M in 1989.
- The long period of economic stagnation was “bottoming out” and the economy was “poised for a slow but steady upward advance”.
- The petrochemical sector recorded strong growth in 1989.

3.80. The Government was, however, deeply concerned about the level of unemployment at 22.5% but recognised that it could only be reduced to socially accepted levels “with growth and a strong and diversified economy”. He said –

“An important strategy is the training and re-training of our people to make use of the new job opportunities that must accompany the recovery and restructuring of the economy, and, secondly, to assist people in creating employment opportunities for themselves.”

3.81. During his evidence to the Commission, Mr. Wilson was at pains to emphasise that, by 1990, the NAR Government had introduced various measures to tackle the inherited problems. For example, he stressed:

- The creation of the Youth Training and Employment Partnership Programme (YTEPP) in July 1988 which had trained 12,800 young persons (aged 15 to 25) with skills, knowledge, attitudes and values to make them more employable or ready for self-employment;
- The incorporation of the Small Business Company in June 1989 to assist small businesses;
- Increased spending on housing and education;
- Increase in old age pensions, food subsidies and welfare assistance;
- Expansion of the school feeding programme for 29,000 children in 290 Primary Schools to 53,000 children in over 440 schools;
- A programme to feed the needy and unemployed of approximately 2000 persons;
- Mortgage relief for Public Officers;
- A series of People-Oriented Programmes directed at select communities that were hardest hit by the recession;
- Creation of recreational and sporting programmes and facilities;
- An employment and income generation programme utilising available land for agricultural pursuits and a community

development effort in the repair of drains, renovation of flats and so on;

- Inauguration of a National Commission for Self-Help in March 1987 to superintend the programmes of communities which came together to undertake projects of varying scales and complexity. In 1989, applications for 407 projects were received by the Commission and 105 were completed.

WAS THE GOVERNMENT AWARE OF THE PEOPLE'S DISCONTENT?

Mr. Selby Wilson

3.82. At para. 57 of his witness statement, Mr. Wilson stated –

"I do not know whether in fact our decisions were unpopular or whether the rhetoric promoted that view apart from any facts. There were numerous occasions where Mr. Patrick Manning spoke and described Mr. Robinson as wicked, vindictive and only interested in Tobago. Mr. Panday continued this rhetoric and it caught on. The PNM came out of a period where money was no problem. They painted the NAR as being mean-spirited since good times were had under the PNM. So, the rhetoric made it personal as opposed to reflecting the factual position."

3.83. But in oral evidence, he said –

"Before the coup, we recognised that people were dissatisfied. The discontent was not unexpected. We were

aware that Public Servants did not take kindly to suspension of COLA and the salary cuts.....What was contributory to the discontent was that opposition forces deliberately targeted Mr. Robinson and got people to see him as wicked, spiteful and vindictive and only interested in Tobago. There was a perception that the measures we took were not relevant and were not necessary. The unemployed and the broad mass of people did not like the VAT."

He admitted that, with hindsight, the NAR Government "could have done a better job with public communication".

Mr. Winston Dookeran

3.84 Mr. Winston Dookeran's view was this –

"What was being promoted at the time against Mr. Robinson was nonsense. He had to get the fiscal side in order and we had anticipated a 1% growth in 1990. We were moving into positive territory.....There has always been a problem in effectively communicating economic matters to the population. It was a problem then. It is a problem now (3 May 2011)."

Mr. Raymond Pallackdharrysingh

3.85. Mr. Pallackdharrysingh said:

"Things may have started to turn around by 1990 but there was a serious disconnect between the Government, the people and the Party because no information was being shared; there was no reaching out to the community in a way to have them understand what was the real situation in the country."

Mrs. Jennifer Johnson

3.86. Mrs. Jennifer Johnson said that the Government needed –

“to keep close to the people. There should have been more social intervention. There was a disconnect. There was festering discontent with the Government’s austerity measures and the Government did not communicate enough.”

Mr. John Humphrey

3.87. Mr. John Humphrey said –

“The pay cuts were not determined by the Cabinet but by Mr. Robinson unilaterally. In June and July 1990 there was widespread discontent.”

Dr. Emmanuel Hosein and Mr. Lincoln Myers

3.88. Dr. Emmanuel Hosein said that before the attempted coup, there was a total state of disequilibrium. Mr. Lincoln Myers said that agitation was very intense.

Mr. Selby Wilson

3.89. Mr. Wilson thought that the Government had shared a lot of information with the public but “it was not easy to sell it to people who had

become accustomed to an opulent lifestyle". He said that the young Jamaat gunmen were not aware of what positive things the Government had done.

Mrs. Gloria Henry

3.90. Mrs. Gloria Henry said that the Government's programmes were "not properly sold to the public".

"We needed propaganda because people were listening to a lot of rubbish from SOPO. SOPO and the unions were making the country ungovernable, agitating the country.....There was political volatility caused by factions outside the Government and the fact that the NAR did not sell its policies and programmes."

Mr. Winston Dookeran

3.91. Mr. Dookeran reflected that the disconnection between a Government and the people "is a challenge to democracy".

Mr. Jones Madeira

3.92 Mr. Jones Madeira expressed the depth of resentment against Mr. Robinson in these words:

"TTT covered demonstrations etc. and we got feedback from the public that they were totally dissatisfied with the Government. It grew over months. Whenever we covered Mr. Robinson, there was adverse reaction to it."

With specific reference to the debate on the "Tesoro Scandal",

Mr. Madeira said –

"Whenever we put out excerpts from the corruption debate, the public reaction was bad. The economic hardship trumped corruption. The public were saying 'You have 33 to 3, why are you spending time on the previous Government? Govern. Make things better for us'. The public wanted the Government to concentrate on economic matters and solutions rather than point fingers or discuss corruption. Nizam Mohammed (the Speaker) asked me one day what sort of feedback I was getting from the public and I said it was very negative. He said, 'I am saying this to the fellows but they are not listening'."

Prime Minister Robinson

3.93. Mr. Robinson admitted that –

"the Government did lose a measure of its popularity but we engaged in programmes that were beginning to have a positive effect in the country.....We approached the matter of sensitizing the population by having meetings with all the major groups, particularly the unions.....The policies of Government caused disaffection among certain sections of the population – even in the security services."

On the IMF, Mr. Robinson said –

"We had to devise a programme to prevent the total collapse of the financial and economic areas and that involved some stringent measures. We went to the IMF only because the debt left by the PNM was so extensive that we could not meet it."

SECTION 2. CONTRIBUTORY POLITICAL FACTORS

B. THE EVIDENCE

3.94 By July 1990 the authority and popularity of the Government had been greatly challenged by a series of political events which had taken place in the course of the four years since the NAR formed the Government. The apparently solid fabric of support on which the Government's entry into office had been woven was steadily weakened to the point where re-election to office was highly unlikely. We have distilled from the evidence of many witnesses the following (but not necessarily exhaustive) political factors which were thought to contribute to the unpopularity of the Government and spawned a climate of instability in the Republic prior to the attempted coup – see (A) to (N) below.

(A) THE FISCAL AND ECONOMIC AUSTERITY MEASURES

3.95. The Government's response to the fiscal and economic crisis by the introduction of the series of austerity measures did not sit well with the population and contributed to instability in the governance of Trinidad and Tobago. In this Part, however, we focus attention on various political factors which also conduced to instability in Trinidad and Tobago during the period 1986-1990.

(B) PERSONALITY AND STYLE OF PRIME MINISTER

3.96. In Commonwealth Caribbean States, the *persona* of the Prime Minister is often central to a Government's success. Caribbean people speak of the "charisma" of a politician. A Prime Minister is expected to have and exhibit "charisma" which makes him/her appealing to the people. Mr. A.N.R. Robinson was described as "arrogant", "inflexible", "clinical", "not a warm personality" and "aloof". Mr. Emmett Hennessy said "he did not resonate with the masses". According to Dr. Emmanuel Hosen, his style was that of "a Prime Ministerial dictatorship". He said that all of his Cabinet colleagues "were taken aback by his style". Moreover, although his Party had the least electoral support, Mr. Robinson gave the impression to his Cabinet colleagues that he was insensitive to that reality.

3.97. Dr. Hosen expanded his observations of Mr. Robinson's style. He said:

"We quickly found that he appeared to be dictating almost everything and taking decisions in other Ministries in a way that left us with the impression that we were figureheads. He was overreliant on outside advisors with whom he made decisions. These were non-Parliamentarians, senior Civil Servants like Eugenio Moore."

According to Dr. Hosen, the ULF members of the NAR "felt alienated in the way things were conducted".

3.98. As an example of Prime Ministerial interference in Ministries, Dr. Hosein cited the following experience. He had made an agreement with the Public Service Association (PSA) which represented nurses, that he would have a large number of trainee nurses substantively appointed since they had qualified for appointment. As Minister of Health, he went to a World Health meeting in Geneva and was away for two weeks. During his absence, a Note, written by Eugenio Moore, an Economic Advisor to the Government, was taken to Cabinet proposing an arrangement at variance with that which he had made with the PSA. Dr. Hosein had not been consulted. He said:

"it caused the PSA and the nurses to turn against me in the worst way."

3.99. In his management of Cabinet and the Government, Mr. Robinson relied upon his political training and experience which were wedded to a Westminster style and approach to governance. The tone of the administration was set by the personality of Mr. Robinson himself. He seemed hidebound to strict adherence to Westminster precepts of Cabinet Government and to observance of relevant regulations, procedures, principles and practices. Within a relatively short time in office, Mr. Robinson came into conflict with Mr. Panday and Mr. John Humphrey, two Cabinet Ministers.

(C) ATTITUDE OF MR. PANDAY

3.100. Dr. Hosein said that he did not protest to Mr. Robinson about the issue of the nurses. He went to Mr. Panday. He asked Mr. Panday what he would do about the matter and the way Ministers were being treated. Mr. Panday asked, "Why me?" Dr. Hosein replied, "You are the leader of the fellows." Mr. Panday retorted "Not me. Every man for himself." Dr. Hosein said he will never forget that experience because he assumed -

"that, as a junior, if there was a problem, I could go to Mr. Robinson or Mr. Panday."

3.101. When Mr. Panday gave evidence to the Commission, he admitted that he probably did respond to Dr. Hosein as alleged. As it turned out, neither Mr. Robinson nor Mr. Panday offered any meaningful assistance to the new Ministers.

(D) DISTRUST OF CABINET MEMBERS AND THE ISSUE OF RACE

3.102. Mr. Selby Wilson said that the NAR began to splinter "within two months of the Party's establishment as the Government". He alluded to a meeting in Oropouche in February 1987 at which Mr. Panday, the Acting Prime Minister, said openly that "the Cabinet is full of PNM people and I now have to begin the struggle".

3.103. Very early in the life of the NAR Cabinet, the “One Love” theme came under pressure. Mr. Ken Gordon, Minister of Industry, Enterprise and Tourism, brought a Note to Cabinet of a list of persons that he recommended for appointment to various State Enterprises. According to Dr. Hosein, the recommendations showed that only 4% of Mr. Gordon’s nominees were of Indo-Trinidadian descent. The relevant Cabinet Note was sent back for reconsideration. When it was re-presented, the percentage had increased only to 10%. Mr. Kelvin Ramnath led complaints that such inequitable representation was at variance with the “One Love” mantra which had its birth in Dr. Hosein’s constituency of Naparima. The issue of race was beginning to raise its head in the Cabinet.

(E) REFUSAL OF MINISTERS TO FOLLOW PRINCIPLES OF CABINET GOVERNMENT

3.104. An elementary principle of Cabinet Government is that all members of Cabinet are bound by the decisions of Cabinet collectively. The principle of collective responsibility requires that, where a Minister does not accept a decision of Cabinet, the proper course of conduct for that Minister is to resign. But it is unacceptable for that Minister, having been Party to a collective decision,

thereafter to criticise it in the public domain. Such conduct weakens the stability and cohesion of the Government. Mr. Robinson told the Commission that the ULF members of the Cabinet refused "to follow the rules of the Westminster system on which the Constitution is patterned". He said –

"The Panday faction was disregarding Cabinet decisions. They felt they could run their Ministries as they pleased and not even the Prime Minister could interfere. They refused to accept the principles of Cabinet Government and said they (the principles) were a colonial imposition."

3.105. Both Mr. Panday and Mr. Humphrey were, however, apparently more concerned with the delivery of manifesto commitments and answering the demands of the electorate than with adherence to the principle of collective responsibility. The attempt to fulfil manifesto pledges brought these two men into sharp conflict with the Prime Minister as are exemplified by the Indian Cultural Centre issue and the issues surrounding Mr. Humphrey's conduct – see *infra*.

(i) The Indian Cultural Centre Issue

3.106. During the pre-election campaign, Mr. Panday committed the NAR to the establishment of an Indian Cultural Centre in Trinidad. On his appointment to Ministerial office, Mr. Panday discussed the matter with the High Commissioner for India to Trinidad and Tobago. He received a favourable

response. A key component of the project was that the Government of India would purchase the land on which the Centre would be built. Mr. Panday claimed that Mr. Robinson had agreed to his signing a Memorandum of Understanding with the Minister of Foreign Affairs of India. Mr. Robinson denied this allegation. Mr. Panday, however, gave the public the impression that construction of the Centre was a certainty.

3.107. A Cabinet Note recommending approval of the project was rejected by Mr. Robinson. This rejection of the project angered Mr. Panday. Dr. Hosein said that Mr. Robinson objected to what he saw as "procedural impropriety". He was concerned that, because the Government of India would become the owners of the land, there could be problems of sovereignty and issues of international law.

3.108. The result of the rejection of the Cabinet Note was that Mr. Panday was unable to make good on his pre-election promise to the very substantial Indian community in the Republic. Mr. Winston Dookeran said -

"Mr. Panday saw the ICC issue as a denial of the aspirations of the people and the wishes of the electorate. His legitimate interests ought to have been accommodated."

Dr. Hosein went further –

"An Indian Cultural Centre would have been the culmination of Indians' sense of finally belonging to Trinidad and Tobago."

3.109. So deep was the resentment of the Indian community at the denial of a Centre that they openly supported the Indian cricket team in the Test Match at Queen's Park Oval (1989). A wedge was driven into the relationship between Messrs. Robinson and Panday. That relationship deteriorated almost relentlessly between 1986 and 1990.

(ii) Mr. John Humphrey's Three Concepts

3.110. Mr. Humphrey was appointed Minister of Works, Settlements and Infrastructure after the 1986 General Elections. He was very much a philosopher and "ideas man". Prior to the elections, he had conceptualised and advocated three initiatives viz. *(i)* a Tri-sector Partnership, *(ii)* and the Sou Sou Land Project and *(iii)* the Trinity Dollar.

(a) Tri-Sector Partnership

3.111. In the course of his evidence, Mr. Humphrey described his concept of a tri-sector partnership as "an alternative to capitalism and socialism involving the State, the private sector and the leaders of labour." He said that "part of the backbone of the manifesto was this proposal of a tri-sector partnership." On p.14 of the manifesto of the NAR it was stated:

"The NAR will:

(2) Actively pursue tri-sector arrangements between the State, provide capital and workers to develop production possibilities in areas identified in the Spence Committee Report....."

3.112. And at p.18 under the heading "Divestment and Tri-Sector Approach, the following pledge was made:

"An NAR Government will pursue divestment and the tri-sector approach as one of the fundamental measures to promote participation of the larger number in ownership and control of the national economy....."

(b) Sou Sou Land Project

3.113. Mr. Humphrey had started this Project prior to the Elections and saw it provide "important social benefits to a large number of persons. He was especially proud that this Project was featured in a UN publication to mark 1987 as *"International Year for Shelter"*. The NAR committed itself to the Sou Sou Land Project in the manifesto.

3.114. For example, at p.5, as an *"Immediate Action Plan"*, the NAR promised that, once elected to office, it would "forthwith put into effect the following Action Plan" including at No. 15 to:

"15. Use the Sou Sou Land concept as a base to commence a nation-wide programme to provide agricultural and building lands, housing and job opportunities."

3.115. At p.27, reference was again made to the Sou Sou Land Project in these terms:

"The NAR will adopt on a national scale the Sou Sou Land approach to the provision of land for housing, agriculture, industry, commerce, recreation, social and cultural activities."

(c) The Trinity Dollar Issue

3.116. After the elections and, notwithstanding the manifesto commitments, none of Mr. Humphrey's ideas was pursued by the new Government. Another of his ideas, viz. the Trinity dollar, was rejected by the Cabinet. According to Mr. Humphrey, he discussed with Mr. Robinson what he saw as breaches of "manifesto promises". But, he said, Mr. Robinson never allowed serious discussion of his three ideas in Cabinet. Indeed, he said, "Cabinet etiquette was very formal". Although, as Dr. Hosein told us, Mr. Humphrey's Trinity dollar idea had no support in Cabinet, Mr. Humphrey was undaunted.

3.117. He spoke in support of his idea publicly, even after it was rejected by his colleagues. This upset Mr. Robinson. He said in evidence:

"In the face of financial stringency, Humphrey recommended a new form of currency – 'the Trinity dollar'. It was rejected by my advisors; it was rejected by the Cabinet; yet he persisted, speaking all over the country. Businessmen

complained to me that it was undermining confidence in the economy. I called in Humphrey and severely warned him. But he continued."

The Central Tenders Board Issue

3.118. Ultimately, the relationship between Mr. Robinson and Mr. Humphrey was fractured. The catalyst was what was referred to in evidence as "the Central Tenders Board issue". It arose in this way. In anticipation of flooding in Port of Spain in 1987, Mr. Humphrey mobilised resources to clear rivers and drains before the onset of the rainy season. He set up a Committee on which the Chairman of the Central Tenders Board was included. In breach of the regulations and procedure governing the award of Government contracts, this committee made awards to private contractors for the clearance of roads and drains.

3.119. The Central Tenders Board, as the entity charged with responsibility for awarding contracts was by-passed. Mr. Humphrey said that within two weeks, the drains and rivers in Port of Spain were cleaned and there was no flooding in 1987. Mr. Robinson did not approve Mr. Humphrey's breach of the financial rules for the award of contracts. As Mr. Robinson said, "he awarded contracts himself". It would not be long thereafter that Mr. Robinson dismissed Mr. Humphrey from the Cabinet.

Public Criticism of Prime Minister by Mr. Humphrey

3.120. Apart from the foregoing problems in the Cabinet relationship between Mr. Robinson and Mr. Humphrey, there was conduct on the part of Mr. Humphrey which adversely affected that relationship. Mr. Selby Wilson testified that in 1987 he attended a meeting of construction industry stakeholders with Mr. Humphrey. Many Civil Servants were present. Mr. Humphrey chaired the meeting and openly criticised the Prime Minister. Mr. Wilson said that he was very embarrassed. This public airing of dissension was not in the best interests of the Government or the NAR. Even the Speaker of the House of Representatives, Mr. Nizam Mohammed, spoke publicly of the disregard shown to him and his constituents by the Minister of Works. These public utterances of internal dissension and discontent led Mr. Robinson to say -

"When the waters are turbulent, the crew members tend to vomit on the deck."

Mr. Panday commented that "the stench is coming from the stateroom".

*(F) MR. PANDAY'S CONDUCT AND CONFLICT WITH THE PRIME
MINISTER*

3.121. Mr. Panday was not blameless. In October 1987 the Prime Minister led a delegation to the Paris Club. Mr. Panday was at the airport to wish him

bon voyage. He hugged Mr. Robinson before he departed. However, later that night, Mr. Panday attended a function in the Croisée and “lambasted” Mr. Robinson. Mr. Robinson said he became aware that Mr. Panday was openly criticizing him in public.

3.122. It did not make for improvement in the relations between Messrs. Panday and Robinson that Mr. Panday was excluded from a committee established to make recommendations for the content of the 1988 budget.

(G) MARGINALISATION OF ULF MEMBERS OF NAR

3.123. By the end of 1987, the ULF members of the NAR had a feeling of marginalization. One major weakness in the political arrangements of the NAR was the absence of a mechanism within the Party to resolve conflicts and problems. The situation was not helped by the stance of the Express newspaper. In 1987 it published two articles viz. “*The ULF Grab For Power*” and “*The Indianisation of the Government*”. These articles attempted to cast blame for the turbulence within the Party on the ULF members. The issue of race was now sounding the death knell of “One Love”.

(H) CABINET RESIGNATION AND RE-APPOINTMENT

3.124. The evidence before us is plain that the conduct of Messrs. Panday and Humphrey did not sit comfortably with Mr. Robinson and Mr. Robinson's management style did not sit comfortably with the ULF wing of the Cabinet. But Mr. Robinson was the Prime Minister, in whose gift were Cabinet appointments and dis-appointments. He moved to expel Mr. Humphrey from the Cabinet.

3.125. On 26 November, 1987 Mr. Robinson requested all members of Cabinet to submit their resignation to him by 4.00 p.m. that afternoon. On the next day, he addressed the media in language foreshadowing a differently constituted Cabinet:

"If you have Ministers of Cabinet criticising each other in public about the business of Government, then you don't have a Cabinet because this nullifies, it diminishes, the notion of collective responsibility."

3.126. On 28 November, 1987, a "new" Cabinet was appointed. It comprised all of the previous members of Cabinet save and except Mr. Humphrey. But the portfolios of the ULF members were reduced. The new Cabinet did not long survive intact.

3.127. In February 1988, two significant events occurred. On 5 February, the MP for Port of Spain South, Mr. Theodore Guerra, felt so passionately about

the unemployment condition of the masses that he addressed a letter of his concerns to his fellow MPs. Mr. Pallackdharrysingh read the contents of the letter into the records of HANSARD.

3.128. The letter stated:

"It is with grave concern that I draw to your attention the destitution, despair and desperation of the average man in the street, especially the unemployed.

There are rumours that the DEWD has been closed and there is no hope of obtaining employment and relief from the present situation for tens of thousands of citizens of Trinidad and Tobago. The façade of merriment that embraces this carnival season is merely but a tenuous cork on a steaming cauldron of dissent and dissatisfaction, and immediately the carnival is over, I feel that the frustration of the masses will be let loose and their main target will be the Government.

It is the feeling on the street that we are the tools of the rich and big businessmen, and that this Government holds no hope of relief for the poor and the unemployed, and that we have betrayed all those who supported us.

The above sentiments have been evident by the resentful and sometimes open hostility displayed to Ministers when performing public duties.

It is with this in mind that I believe that the Government must – and I stress 'must' – make some statement on the unemployment situation, particularly DEWD, and that statement must give some hope of relief in the immediate future, so as to save the country from the wrath that is now seething.

Each and every one of us is responsible at this stage, and I feel we must stop blaming others and find solutions. For it is for this that we were given the power of Government."

Dismissals from Cabinet

3.129. The other significant event in February was the dismissal of Messrs. Panday, Sudama and Kelvin Ramnath from the Cabinet. Mr. Pallackdharrysingh who had been suspended for being absent for a vote in Parliament, saw his photograph alongside those persons mentioned above in the Express newspaper. It was alleged that their dismissal was imminent. Mr. Pallackdharrysingh had not been informed beforehand that he was to be expelled from the Party but he soon found out that he also had been, in fact, expelled.

The Nanga Committee

3.130. After Messrs. Panday, Humphrey, Sudama and Ramnath were expelled from the Cabinet, the National Council of the NAR set up a Committee of 11 persons "to identify the problems in the Party and determine the causes thereof and make recommendations for their solution." The Committee was designated "The Nanga Committee".

3.131. According to Mr. Israel Khan SC., a member of the Committee, "the Committee did a thorough job. It recommended that there should be reconciliation between Robinson and Panday."

3.132. Mr. Khan sent the Commission a copy of his book "Scales of Justice". At pp.156-157, Mr. Khan writes:

"The author's advice which was eventually adopted by the Committee was that 'the Prime Minister must constantly bear in mind that, for the NAR to be successful in the next general election, the so-called ULF dissidents must be an integral part of the NAR', fell on deaf ears. The rest is history – Robinson was in no mood for Reconciliation; he was for Expulsion."

3.133. Having taken evidence from 27 NAR MPs including Messrs. Robinson and Panday, and representatives of the 36 constituencies, the Committee made four main findings and recommendations.

- (i) Those persons who believed that Mr. Robinson was creating a Prime Ministerial dictatorship were not sufficiently knowledgeable of the way in which the business of Cabinet should be conducted. It was recommended that the Constitution should contain a provision embodying constitutional conventions as applied in Great Britain.

- (ii) There was no evidence to support a finding that Mr. Robinson was unlawfully usurping the powers and functions of other Ministers. But it seemed that the Prime Minister was using the Constitution and "his prerogatives in order to cement his position as *primus inter pares*. The Committee

recommended that Mr. Robinson examine himself to determine whether, while cementing his own position, "he is not unwittingly contributing in breaking up the Party".

(iii) There is a lack of discipline among certain members of the Party and the Committee therefore recommended that "a Disciplinary Tribunal and a mechanism for hearing disciplinary charges be immediately put in place to hear evidence against recalcitrant members" with a view to determining innocence or guilt.

(iv) Having regard to the evidence before the Committee, the Committee was uncertain why Messrs. Panday, Humphrey, Sudama and Ramnath were relieved of their Ministerial portfolios. It was recommended that Mr. Robinson, as political leader of the Party, indicate the reasons for his decision within 7 days.

(I) Split in the NAR - Club 88 and The Formation of the UNC

3.134. The dismissed Cabinet members and others in Parliament belonging to the ULF re-grouped and launched the CAUCUS FOR LOVE, UNITY AND BROTHERHOOD (CLUB 88) on 16 March, 1988. By 16 March, 1989, they had formed themselves into a new Political Party – the United National Congress (UNC) under Mr. Panday's leadership. But even the UNC was itself split. Neither Mr. Dookeran nor Dr. Hosein joined the UNC and Mr. Dookeran was, from time to time, the butt of criticism from Mr. Panday. Mr. Selby Wilson lamented that the issue of race became even more pronounced after the formation of Club 88 and the UNC. We have no reason to doubt the accuracy of this observation.

3.135. Mr. David Abdulah, the present leader of the Movement for Social Justice, testified that on the same day that Mr. Robinson had requested all Ministers to resign, several spoke to him. He said –

"The Indos spoke about race and the Afros spoke about race."

Mr. Abdulah described the effect of the split in the NAR in these terms:

"The implication of the split in the NAR was that the mass mobilisation isolated the Government as its support base dwindled to that of Tobago and the professional and business classes in Trinidad. The mass base returned to the old politics of race and religion and relocated themselves in the UNC and PNM."

Mr. Raymond Pallackdharrysingh

3.136. Mr. Raymond Pallackdharrysingh said that the society was divided into the corners that they were trying to emerge from.

3.137. Mr. Pallackdharrysingh was an Assistant General Secretary of the NAR and his evidence was that many members of the Party were saying before the split, "Look, it is time to do something to bring about some measure of reconciliation because, if there is no reconciliation, the Party will not last very long." He said that he was summoned to a meeting with Mr. Robinson. Bhoewar and Herbert Atwell were present. Mr. Robinson indicated that he was having problems with Messrs. Panday, Sudama and Ramnath who were speaking critically of the Government "all over the country". He wanted to know how Mr. Pallackdharrysingh felt. The latter advised reconciliation and suggested that an effort be made to have the Party work together as a unit. He said to Mr. Robinson, "If these men are fired, the Party will disintegrate". Mr. Pallackdharrysingh continued:

"I am still prepared to serve your Government from the back benches. Mr. Robinson said: 'Thank you, Mr. Pallackdharrysingh. This meeting is over'."

3.138. By 1990 Mr. Robinson had become so unpopular that, according to Mr. Jones P. Madeira, whenever TTT covered him in a broadcast "there was

adverse reaction". Mr. Mervyn Assam said that "there was deep-seated hatred of Mr. Robinson and people were indifferent to what he was doing". The people were dissatisfied with the Government as a whole. In the meantime the ULF members who had departed the NAR were actively fanning the flames of disaffection with and hostility towards the Government. And whereas many people yearned for the split in the NAR to be healed, no one in the Government took any initiative to repair the fracture. It was a matter of regret, if not a tragedy, that the confrontational personality of Mr. Panday and the uncompromising attitude of Mr. Robinson did not permit these leaders to subordinate their differences in favour of the national interests.

(J) Opposition Vilification of Prime Minister

3.139. The combination of the Government's austerity programme and the split in the NAR had a devastating effect on the Government. The UNC Opposition and the PNM were able, according to Mr. Wilson, to convince the population that Mr. Robinson was "wicked, vindictive and only interested in Tobago". They described the austerity measures as "unnecessary" and they attributed their enactment to Mr. Robinson's alleged dislike of people. They criticised his style and his personality. Mr. Assam told us that "the combined Opposition forces launched an *ad hominem* attack on Robinson". The climate of discontent was gradually exacerbated. By early 1990, in the words of

Dr. Hosein, “all kinds of opposition forces came out of the woodwork”, taking the Government to task at every turn.

3.140. For its part, the Government was doing positive things, according to the evidence of Mr. Wilson, Mrs. Johnson and Mrs. Henry. Old age pensions were increased; social assistance grants were increased; also food subsidies. The School Feeding Programme was expanded; a Labour Intensive Programme employed 25,000 persons; 7,500 persons benefited from a revaluation of units owned by the National Housing Authority; the mortgage interest rate was reduced from 7% to 5%.

(K) Communication Deficit

3.141. However, these positive actions by the Government did not seem to have been properly communicated, discussed or explained to the population at large. All of the witnesses who were questioned about the Government's public relations programme, testified that there was what we call “a communication deficit”. It is ironic that during their captivity in Parliament, Members of Parliament were chided by the insurgents when they explained that the Government was not oppressing the people but was actually acting in their best interests. In summary, the members of the JAM asked “Why all you didn't tell we?” This was clear evidence of the masses' alienation from the Government

as well as the Government's poor public relations. Mr. Pallackdharrysingh said that the austerity measures were justified. He expressed his opinion in this way:

"It was either we keep the existing salary structure and send home thousands or make the adjustments and retain employment. But the problem was that the measures were not well articulated and sold to the country."

3.142. Between 1988 and 1990, the problems highlighted in Mr. Guerra's letter were not alleviated. Even if members of the Government were seeing a turnaround in the economy, this was not being properly communicated to the broad mass of people. Mr. Pallackdharrysingh said –

"There was a serious disconnect between the Government, the people and the Party. No information was being shared; there was no kind of reaching out to the community in a way to have them understand what was the real situation in the country."

Mr. Reginald Dumas

3.143. One important witness who gave evidence was the distinguished former Ambassador and long-serving Public Officer, Mr. Reginald Dumas, who was Permanent Secretary to the Prime Minister on 27 July, 1990. He was of opinion that if the people "had some idea of what the measures were, or why they had to be introduced", the effects of the measures could have been mitigated. But "the Government had become divorced from the reality that was operating on the ground. They were out of touch with the population."

Mr. Dumas said that he implored Ministers to go out among the people and try to explain to them about the measures. But his advice was not heeded. He spoke of a member of the NAR who expressed "disgust at what was going on" in 1989. This Party supporter said that he was seeking to impress on the Prime Minister that "things were collapsing and a different approach needed to be taken". According to Dumas' informant, he was ignored.

3.144. Mr. Dumas said -

"The adjustments and so on were not explained properly and the country was upset by and large, because although you were cutting Public Servants' salaries, teachers' salaries and so on, it had a ripple effect and people down the line would have been affected."

3.145. Mr. Dumas' view of Prime Minister Robinson is that -

"he was not good at PR and communication generally. He could make out an academic case, which may have been technically correct, but which did not show sufficient empathy with the people and an understanding of their plight."

3.146. Mr. Dumas was a forthright and candid witness. He said that the NAR Government was the least corrupt of Governments in the history of Trinidad and Tobago. It took the right but tough decisions in the interests of Trinidad and Tobago on its own and not in response to the dictates of the International Monetary Fund. There was something wrong with the system of governance in

Trinidad and Tobago and it was imperative to make necessary “adjustments”. The problem was how to make the adjustments and how to get public “buy-in” for them. In this the NAR Government failed.

A Witness in camera

3.147. This witness gave his view of the genesis of the NAR Government's disconnection from the people. He said –

“The Government was too overburdened, too over-concerned with governance and looking at economic problems and making sure that schools were built and there was transport etc. The Government was too concerned with administration and too neglectful of the politics of the situation. So we didn't make sufficiently strong efforts to go out to the community enough and explain sufficiently. It was a Government made up mainly of technocrats. Quite a number of us were technocrats. We had Ministries to run..... I think the political leadership failed us desperately at that time because the leadership didn't go out politicking and explaining to the people. In addition, from early on, the Government was rent by ethnic conflict.”

(L) Industrial Relations Climate – Emergence of SOPO

3.148. The atmosphere of widespread discontent which enveloped Trinidad and Tobago in 1990 provided a fertile environment for opponents of the Government to mass ranks and line up against the Government. Public Servants and trade unions came together. An organisation known as the Summit of

People's Organisations (SOPO) was in the forefront of anti-Government agitation. It was formed on 8 February, 1990. Canon Knolly Clarke was a key member of SOPO. He described it as "an organisation of concern for the issues which the country was encountering". It was formed in 1989 but is no longer in existence having folded up soon after the attempted coup was foiled. Its membership was largely labour unions, some non-Governmental organisations and some faith-based organisations. The Jamaat-al-Muslimeen were members. SOPO had no proper structure, no President and was "a discussion group" according to Canon Clarke.

3.149. SOPO was formed at a meeting of various organisations and individuals at the headquarters of the OWTU on 8 February, 1990. According to Mr. David Abdulah –

"it was a continuation of the process of building broad-based support against the structural adjustment policies of the Government. Many trade unions participated as did farmers and women's groups that were involved in the process leading up to the General Strike."

3.150. In its founding Statement, most of SOPO's demands mirrored the demands articulated by the unions. "Secondly, SOPO is committed to "a programme of peaceful action and an alternative economic programme in pursuit of our just objectives". The pamphlet "SOPO is born" condemned the Government for its failure to bring about national unity and said "it is the

people's organisations that will have to do it.....The Government is so discredited that they have no moral or political standing to put this together".

Mr. David Abdulah

3.151. Mr. Abdulah explained that SOPO was "a continuation of the process of building broad-based support against the structural adjustment policies of the Government." In its founding statement, two significant points require highlighting: (i) SOPO's 1990 demands reflected demands articulated by the trade unions in connection with the general strike of 6 March, 1989; (ii) it said that it was committed to "a programme of peaceful action and an alternative economic programme in the pursuit of our just objectives." It did not advocate violence.

3.152. We are indebted to Mr. Abdulah, whose witness statement provided a clear basis for understanding the *raison d'être* for SOPO and its programme of anti-Government activism. It is convenient to reproduce paras. 8.3 to 8.6 of the Senator's witness statement.

"8.3. SOPO's programme of peaceful action was focused on a series of public meetings and demonstrations throughout the country. Unfortunately, I cannot locate my file on SOPO, so that I am unable to specify all the meetings and demonstrations that were organised during the period from February to July 1990. I am aware that very shortly after the February meeting, the group picketed the Parliament and that Member of Parliament John Humphrey moved a

Motion on urgent public importance taken on the adjournment of the House, on the Government's economic policies and alternative strategies. SOPO organised an inter-faith service at the Holy Trinity Cathedral to commemorate the first anniversary of the March 6th, 1989 strike. The press reported that in his address at the service, Errol McLeod stated "the labour movement must bring about peaceful change in the country..." From the church, the congregation marched to the SWWTU Hall to hold a meeting. In a press conference to announce the outcomes of that meeting, plans were unveiled for a programme of "peaceful action". This programme was the previously referred to series of meetings, rallies and demonstrations in the major towns in the country. At its National People's Assembly held on May 12th at the OWTU's Palms Club in San Fernando, it was decided to hold a National Referendum on the Government's economic policies. The labour movement having organised a successful one-day general strike (March 6th, 1989) and held very many public meetings, demonstrations and other public forums, was looking for another action that would demonstrate the populations' rejection of the policies being implemented by the NAR, and at the same time underline the fact that the NAR had lost all legitimacy. This was the thinking behind the Referendum and in a paid newspaper advertisement inviting participation in the May 12th Assembly, SOPO stated "The Government has not listened to the cries of the people. We therefore have no choice but to effect our founding resolution which calls for the withdrawal of the people's mandate from the Government." (our emphasis). The Referendum never happened as July 27th pre-empted any further mass mobilization by SOPO.

8.4. What is significant is that there was once again a gathering momentum of protests and on this occasion the support base had been broadened as SOPO was wider than just the trade unions. However, SOPO attracted a lot of interest – both positive and negative – given its diverse participation. Thus, in addition to Club 88/UNC Members of Parliament there was Morris Marshall, one of just three PNM MPs. SOPO, through Errol McLeod and Canon Knolly Clarke, did approach the Leader of the Opposition to invite him and the PNM to formally participate in SOPO. Mr. Manning informed them that he would not be involved, though he did

show up at the OWTU Paramount Building to listen to part of a SOPO public meeting. However, the participation of Marshall gave the perception that the PNM or at least a significant section of that Party was supportive of SOPO. The presence of members of the clergy also gave SOPO additional legitimacy as did other NGOs, for example the Women Working for Social Progress (otherwise known as Working Women) led by university lecturer and writer Merle Hodge.

8.5. During the five months of SOPO the Jamaat contributed to its work through its members participating in the work of planning meetings, mobilizing public support through the distribution of flyers and the like. The members of the Jamaat undertook their responsibilities seriously and together with key activists of the Unions – most of whom were also members of MOTION – did most of the logistical work of SOPO. The Imam was often a key speaker at SOPO public meetings and his message was framed to get popular appeal. I recall him saying, for example, that if someone tried to hold a man's head under water there will be a natural response. That is how he justified a tit for tat response to attempts to victimise the Jamaat.

8.6. At the same time as SOPO was organizing various actions, the Public Services Association was engaged in a major campaign on the issue of health care. The nurses section of the PSA took prolonged protest action in the two months prior to July 27th. Given the fiscal problems and the fact that the PNM had spent large sums of a new hospital (Mt. Hope) in the false understanding that this would solve all the country's problems of public health care, that sector was in deep crisis. A lack of resources – from beds to medicines – was the order of the day; while outward migration meant that the system was badly understaffed. The end result was poor patient care and severe frustration amongst all health professionals. As Political Leader of MOTION I interacted with a number of doctors and did several visits to hospitals to get a first hand appreciation of the problems. As a trade union leader, I participated in meetings when the nurses and their union, the PSA, described the difficulties being experienced by them. In one of the weekly columns which I was at that time writing for the Daily Express, I described the nurses struggle as the

women's movement against structural adjustment. This, even more than the SOPO protests, captured the imagination of many in the society."

3.153. Throughout the life of the NAR Government, it was in constant conflict with the labour movement. In January 1987, approximately 5 weeks after the General Election, when Mr. Robinson as Minister of Finance, announced the suspension of COLA to which all public employees had been entitled, the trade union movement responded immediately. There were demonstrations outside Parliament. The seeds of conflict with the unions were sown in January 1987 only to germinate and flower over the next three years. We allude to other industrial relations conflicts in succeeding years later in this Chapter but, in the meantime, it is worth recording that the early summer of 1990 accelerated industrial action and mass mobilisation against the Government.

(M) Accelerated Action by SOPO and OWTU

3.154. Dr. Selwyn Ryan made available to the Commission copies of his book "The Muslimeen Grab for Power" published by Imprint Caribbean Ltd in 1991. Dr. Ryan, however, declined to give us oral evidence. Nevertheless, certain passages from the book were put to Mr. A.N.R. Robinson when he gave evidence. We are very grateful to Dr. Ryan for his generosity.

3.155. On p.21, Dr. Ryan wrote:

"SOPO (which brought together 4 organisations) and the JTUM had planned to call on workers to decide in a national 'referendum' whether they were prepared to accept the Government's claim that there were alternative policies. The question which was to be put to the people was: 'Do you support the Government's Economic Measures? Yes or No?' "

3.156. Dr. Ryan said that the "referendum" which was originally planned for 20 May had to be postponed to 27 July – "the very day the coup took place". He asserted that "The Joint Trade Union Movement and SOPO were already spoiling for a showdown with the Government".

"On 13 July, the OWTU staged a massive protest demonstration in the city and environs. They also wrote to the Prime Minister and to the Minister of Planning and Mobilisation Winston Dookeran, calling on them to abandon the policy of structural adjustment, settle the members' grievances, reverse the privatization policy, and to deal fairly with the Jamaat's struggle on the Mucurapo land issue which was then being litigated. The Prime Minister was told that if the Government did not respond positively by 27 July, more serious protest action would be taken on 31 July.....Dookeran was told that if the NAR's policies were not reversed, the country would surely be pushed to the brink of irreversible disaster."

Was Mr. Robinson Aware of the Extent of Discontent and Industrial Strife?

3.157. It was put to Mr. Robinson that, on 19 June, 1990, there was a trade union rally in which the main theme was that there should be a general strike. Mr. Robinson's answer was that "an influential member of the trade union movement advised that we adopt the policies of a communist country."

3.158. At the rally on 19 June 1990, Canon Clarke told his audience -

"The basic services of our nation are gradually grinding to a halt. The health services cannot deliver quality health care. The nation's health centres and hospitals have little or no equipment, little medicine, and an acute shortage of health care personnel. Our nation's education system is in no better shape. In spite of the school building programme, the real issue in the school system is the shortage of staff, equipment, and the whole infrastructure that makes a building become a school.

Our nation's social and welfare services, because of a lack of funds, are unable to respond to the social and welfare needs of the people. There seems to be much talk about housing and resettlement, but there is no real evidence of housing for the working people.

Our transport system will soon grind to a halt. The roads are in an appalling condition. Potholes abound in many districts, so one finds it very difficult to avoid them....

People like myself, Imam Abu Bakr, the Archbishop and the Bishop preach about it. Whenever two or three are gathered, we talk and cry about our woes and sufferings. Our nation is a river of tears."

3.159. Mr. Robinson was asked whether those statements of Canon Clarke were ever brought to his attention. His reply was "I really do not wish to get involved in personalities".

3.160. Canon Clarke also told the rally that -

"what we have done is to hand over our God-given power and future to the elite; and so we allow ourselves to be fooled every five years, with the illusion that it is people's

power to vote for what we call 'our Party' in power....We have become voiceless. To put it bluntly, changing Governments democratically or otherwise does not help people make decisions that affect their lives.....The clarion call, therefore, is for the solidarity of all the people's organisations."

3.161. Again, when asked if he was aware of Canon Clarke's sentiments,

Mr. Robinson reiterated:

"There was a strong communist movement which had influence in Trinidad and Tobago."

3.162. Mr. Robinson did not disagree that those statements should have been brought to the attention of his Government via the Intelligence services of the country. However, he also said that –

"My view of the matter would be that it is the politicians who should be aware of growing discontent in a country. They should be sufficiently on the ground to have information of what is happening among the people they represent."

3.163. He agreed that the safety and security of the population could be threatened by dissident groups and persons willing to incite insurrection. He did not respond in terms to the suggestion that he was not being kept abreast of the nature and extent of discontent. He did not know that SOPO was planning an informal referendum for the very day of the attempted coup, viz. 27 July, 1990. He did not remember that the Oilfields Workers' Trade Union had written him a

letter giving him until 27 July, 1990 to disband the structural adjustment policies or else face escalation of their protests by 31 July 1990.

(N) The Debate on the Tesoro Scandal and Miss Gene Miles

3.164. One issue which angered and upset many persons in Trinidad and Tobago was the debate in the House of Representatives concerning corruption under an earlier PNM administration.

3.165. The debate on alleged corruption involving Tesoro and high-ranking members of the PNM administration began on 23 July 1990 in Parliament. The NAR Government had sued Tesoro in the USA in an effort to recover money it was alleged was paid as a bribe by Tesoro to Ministers of the Government led by Dr. Eric Williams. The action was compromised and, under the settlement, the NAR Government was to be paid US\$2.8M. Apparently, an arbitration running concurrently with the US litigation and in which Tesoro was claiming \$97M against a Government corporation, was also settled on terms that Tesoro's liability was limited by the Government to US\$960,000.

3.166. The terms of the settlements were not well received by the public. And there was further discontent because, during the debate, Minister Selby Wilson had mentioned that the Government proposed to spend \$500,000 to

erect a monument to the memory of Miss Gene Miles who had 'blown the whistle' against certain corrupt persons in the PNM, including her former paramour, Minister John O'Halloran.

3.167. During one of his television broadcasts on the evening of the attempted coup, Imam Abu Bakr had expressed outrage at the proposal about Gene Miles.

SECTION 3. CONTRIBUTORY SOCIAL FACTORS

3.168. In his book, "The Muslimeen Grab for Power", Dr. Selwyn Ryan published statistics and analyses depicting the very depressed social conditions in Trinidad and Tobago in 1989. At the beginning of Chapter 2 (p.17), he wrote:

"Steve Solomon, Secretary of the St. Vincent de Paul Society which ministered to destitutes, observed that 1,200 families had been added to the Society's list in 1989. The new poor were also flooding the offices of the Social Development and Family Services Department....."

3.169. In an article in the Guardian newspaper of 16 September 1990, Mr. Solomon said –

"The new poor used to be domestics, DEWD workers, store clerks, linesmen, construction workers and people who ran their own small businesses. But they were retrenched or they can't get work anymore. They can't pay their rents or mortgages.....If they are forced to pay the mortgage so they

don't lose their house, they can't pay for anything else; they can't ever buy food!"

3.170. Dr. Ralph Henry, a UWI economist, did research in 1989 which revealed that 22% (264,000 persons) of the population were living below the poverty line. As we indicated above, unemployment was very high and was recognised as such by the NAR Government. Depressed social conditions were all over Trinidad and Tobago. Squatting was rife, "63% of persons living in Chaguanas and its immediate surroundings were still using pit latrines" according to research referred to in Dr. Ryan's book. Moreover, "a further 44% had a very poor water service and depended largely on public standpipes, trucks, springs, rivers, ponds and rain for their water supply". – p.18.

3.171. Between 1986 and 1990, over 8,000 persons had been retrenched by private sector firms. In the public sector, 3,529 employees had been sent home in the corresponding period. And 50 firms owed employees made redundant \$42.9M.

Mrs. Verna St. Rose-Greaves

3.172. Mrs. St. Rose-Greaves gave evidence on 9 May, 2012. She was, at that date, a Senator and the Minister of Gender, Youth and Child Development in the Government of Trinidad and Tobago. In 1990, Mrs. St. Rose-Greaves

worked as an Adviser at the Social Welfare Department in Port of Spain. Her witness statement, from which we take liberal quotations, graphically expressed the nature and extent of social dislocation in Trinidad and Tobago in 1989/1990.

3.173. With reference to the social conditions of 1990, the witness said at para. 3 of her witness statement:

"The poverty, the feelings of exclusion, disenchanted youth, unemployment, under-employment, racism.....The state was put under attack, lives were lost, property destroyed, people hurt, the national psyche was fractured. There was a lot of anger, too much anger."

3.174. In para. 5 she continued:

"The social and economic conditions in Trinidad and Tobago around that time merit significantly more attention than it has been given. As a social welfare officer in Port of Spain, I interacted with a number of parents especially mothers who were struggling to take care of their children. Some children, especially boys, had stopped attending or would miss school intermittently. In some cases the schools were not even aware that the children had not been present sometimes for an entire term. Parents would tell me that their child was going to the Mosque at Mucurapo to the Jamaat and would express their concern."

3.175. Mrs. St. Rose-Greaves said that, because of the frequency of the complaints, she tried to find out for herself what was happening.

"On different days at different times especially on Friday I would drive to Mucurapo Road where I would park my car and spend time observing what was taking place."

3.176. She saw a constant stream of young men going to the Mosque. She talked to some of them to find out "what was going on with them".

"Something different was happening and no one was paying attention. What was bringing them to this place? They were going there with a sense of purpose that was visible in their stride and demeanour. They had a reason for going. They said things that stayed with me. This was a place that they were accepted and felt welcomed." – para. 6.

3.177. Mrs. St. Rose-Greaves said that the young men spoke of their domestic environment in which they felt virtually ostracised but at the JAM –

"they were excited by the religion, its practices, doctrine and rituals and looked forward to participating.....Many spoke of first going to the Muslim community for help, receiving help and staying."

3.178. Mrs. St. Rose-Greaves' analysis of that phenomenon was that, at the JAM, these youths found a structure, some measure of discipline, acceptance and a sense of belonging to the group which had a philosophy.

"For some, they were given the opportunity to develop themselves economically as small entrepreneurs and give back to the less fortunate.....It gave them a way of life, a vision and hope for a better life and an opportunity to participate."

3.179. Mrs. St. Rose-Greaves contextualized the state of the country at the time of her observations. She said –

"We were in the middle of a downturn. Salaries had been cut, people were losing jobs as a result of which babysitters, home-help, handymen etc. were being laid off. Small businesses were folding, hairdressers, parlours etc. People were walking away from their homes and cars because they

could not pay the mortgage. More and more people required help from the State.” – para. 9.

3.180. At the time, because the Social Welfare Department was being under-resourced, there were instructions to reduce or even deny welfare grants. The health system had its own challenges. Some persons who went to the Department for monetary assistance to purchase medication for family members suffering from all kinds of ailments were turned away. The Department could not help.

3.181. According to Mrs. St. Rose-Greaves, nurses at the hospital were under severe stress and were finding it difficult to cope. She gave the example of parents going to seek food and leaving their young children at home on foam mattresses. The children would eat the foam and eventually reached the hospital with distended stomachs. She said that “the nurses at the hospital were seeing malnutrition and attendant problems”.

3.182. Mrs. St. Rose-Greaves described the times as “challenging”. The staff, unable to meet the needs of the public, encouraged them to use their skills to support themselves – “washing, ironing, cleaning, cooking, sewing, in order to earn extra income”.

The Red Phone

3.183. Mrs. St. Rose-Greaves said at para. 13:

"There was a phone called 'the red phone'.....It was a number one could call at the Jamaat and get food and other needs which the State could not provide at that time."

3.184. We were told that the JAM provided good quality spectacles quickly, facilitated doctors' and dentists' appointments, whereas great difficulty was being experienced by the public in obtaining these things from the welfare agencies. Mrs. St. Rose-Greaves observed "people from all levels of the society going to the JAM and sending their children to their schools. One could tell by the cars which dropped them off on mornings." She spoke of bakeries being established by the JAM in some communities and "mothers were given sufficient bread to feed their children". She spoke also of women going to her department seeking shelter but the department was unable to assist. One such person went to #1 Mucurapo Road with her children. In the words of the witness:

"The Jamaat was doing the work that the Social Services should have been doing. Persons could have walked in there and they would have been cared for."

The Impact of the Austerity Measures

3.185. Mrs. St. Rose-Greaves said that the prevailing sentiment in 1990 "was very anti-Government, arising out of the austerity measures, and this

cannot be denied.....Public Servants whose salaries were cut, did not have basics and they were very bitter.” At para.19 of her witness statement, she deposed:

“People stopped buying meat and parked their cars because they couldn’t buy gas. Jumble sales were back. I saw what people were buying, having to put back goods on the shelves. Sometimes they put back things that were needed – basic things that had become luxuries. Because of the austerity measures, there were more people who needed grants.....People were not getting access to assistance they were accustomed to.”

3.186. She said –

“In Port of Spain the JAM was filling most of the gap and the way they gave was very different from others.....With the JAM it was the way they gave. They gave good food, exceptional health care – a choice of glasses’ frames. They assisted people in feeling good about themselves and there was an ethic of care.”

3.187. She testified that people were angry when medicines offered by the JAM were not accepted by the Government and made available to them.

“To them, it seemed an act of spite on the part of the Government. As far as they were concerned there were no medicines in the hospital, they had no money to buy them and when free medicines were being made available, they were denied.”

3.188. The austerity package impacted families “in serious ways”. People moved back home to live with parents and other family members. Readjustment was often difficult. Children were crying out for stability. Homeless men felt marginalised and excluded. The JAM provided a welcoming community where

they were accepted and were a part of "something". The men moved to the JAM and stayed there.

SECTION 4. A CONTRIBUTORY FACTOR THE LANDS AT #1 MUCURAPO ROAD

IMPORTANCE OF THE LAND ISSUE

A. INTRODUCTION

3.189. From the standpoint of the members of the JAM who testified before the Commission and, in the opinion of several other witnesses, an unresolved dispute concerning the tenure of 8 acres of land at #1 Mucurapo Road was a major factor contributing to the attempted coup on 27 July, 1990. The dispute has involved the State, the Port of Spain City Corporation (the City Council) and the JAM. It has persisted for over 30 years during which time it has been the subject of bitter litigation.

B. THE EVIDENCE

3.190. A considerable amount of oral and documentary evidence touching upon the dispute was tendered during the proceedings. The documentary evidence, in particular, is very critical to an understanding of the history of the

dispute. First, however, we propose to examine the oral evidence of the relevance of the land dispute at #1 Mucurapo Road to the attempted coup.

Relevance of the Land Issue to the Attempted Coup

3.191. For more than three decades the occupation of lands at #1 Mucurapo Road by the JAM has been at the forefront of the dispute.

3.192. We think it instructive to consider the opinions of various witnesses who testified as to the significance of the land dispute in relation to the attempted coup.

Prof. Ramesh Deosaran

3.193. Prof. Ramesh Deosaran said that, among the things which outraged Imam Abu Bakr prior to 27 July, 1990 were “the issue of the land, the slow pace of the courts in handling cases involving the JAM and the occupation of the land by the Army and the Police”. He said –

“The land issue was a squatting issue where it was alleged that the JAM had occupied the lands illegally and constructed buildings without official authorisation. The genesis of the entire episode leading to the insurrection grew out of the squatting issue. If it were settled early, the 1990 insurrection might not have arisen. A decision one way or the other, either to evict him or to regularise the

squatting as had been done in other areas with other persons should have been made."

Mr. Lincoln Myers

3.194. Mr. Myers' evidence was as follows:

"The JAM went on someone else's land and seized it as their own. From the 1990s to now, the State did not enforce its rights. Politicians pussyfooted with what was really an elaborate group of squatters. Failure to deal with that issue nurtured and nourished the early exploits of the JAM. They grew in defiance of the State and the politicians never sought to draw a line.....The JAM defied the courts. It is only natural for the leadership of such an organisation to feel that they are bigger than the State."

3.195. In respect of Governmental actions which may have precipitated the violent response of the JAM, Mr. Myers said -

"I believe that when they saw the NAR trying to bring order at Mucurapo and have the State assert its rights and, given the support of SOPO, they felt that they would have been able to accomplish the overthrow which had been planned for some time. Getting in all those guns was a premeditated act."

Mr. John Humphrey

3.196. Mr. Humphrey spoke of "a Cabinet decision to lease the land but not to permit expansion beyond what they were occupying". He claimed that –

"a fence was in fact erected to prevent expansion. The Minister of Local Government was to carry out the Cabinet

decision but it was not carried out. Had the JAM received a deal, there would have been no coup."

Mr. Winston Dookeran

3.197. Mr. Dookeran was categorical. He said –

"The coup arose from the land issue."

He told the Commission that the issue of the land at #1 Mucurapo Road was not included in the Heads of Agreement signed in the Red House although Bilaal Abdullah wanted it included because "I pointed out that that was a different issue and he didn't push it".

Mr. Jones P. Madeira

3.198. In Mr. Madeira's opinion, "the land issue was major". He spoke of a News conference held at the Holiday Inn at which representatives of the JAM were present and he continued –

"A young, black Muslim from the USA said that there could be blood flowing in the streets if the issue were not resolved. This was broadcast on Panorama next day. Selwyn Richardson called and asked if he could see it."

Prime Minister Robinson

3.199. Mr. Robinson said that the NAR Government was of the view that the matter (the land at #1 Mucurapo Road) "had been allowed to proceed for too long". He said -

"It was preferable to negotiate an end to it than to enforce a court decision after such a long time. In spite of the court decision, we allowed the JAM to occupy the land. We thought it was the wiser course of action."

Mr. Jamaal Shabazz

3.200. Mr. Shabazz located the JAM's attempted coup in the context of self-preservation. He said that the JAM had information from an informant in the Ministry of National Security that "the Army and Police would come to our compound and, 'accidentally', we would be killed". He said that, in the light of that information, they made a pre-emptive strike.

Mr. Kala Akii-Bua

3.201. In one of his witness statements, Mr. Akii-Bua said –

"It is still the contention of the Jamaat that the 8 acre parcel of land was designated for an Islamic centre and it had been occupied by the Jamaat and we are entitled to it."

Mr. Clive Nunez

3.202. Mr. Clive Nunez has, for years, been a well-known trade unionist and political activist. On 30 August, 2012 he gave very illuminating evidence related to some of our terms of reference. Two days before the attempted coup, there was a march around the Red House. Imam Abu Bakr was on the eastern side of the Red House in the vicinity of Woodford Square. At the end of the march, he told Mr. Nunez that he wanted to see him and invited him to the Mosque.

3.203. Mr. Nunez went to #1 Mucurapo Road and met with what he described as "the inner executive of the Jamaat". These officials of the JAM, according to Mr. Nunez, wished to hear his assessment of "the situation in the country". Mr. Nunez said that his position was that –

"what they are seeing around Parliament is not a heightened awareness or consciousness on the part of the thousands around Parliament because the bulk of the issues there were industrial relations matters."

3.204. Mr. Nunez said that Ahmad Faultin from Belmont told him:

"Brother, this is not like 1970. The people fed up. They serious and they ready."

When asked by Senior Counsel whether he had an inkling that the JAM were contemplating the violent overthrow of the Government, Mr. Nunez said emphatically –

“No. No. No. Their concern was about the destruction; the taking away of the land.”

3.205. He said he felt that “they would lay down their lives for the protection of their property” –

“The assessment I got was that if there was any attack on the Mosque by the Protective Forces, they were prepared to lay down their lives in defending it. That was clear to us.”

3.206. He said it was his view that “what precipitated the events of 1990 was fundamentally rooted in the land issue down at Mucurapo Road”. He said that -

“more and more there were demands to get the JAM off the land and my thing is that that small piece of land should not cause big trouble in this land. I saw violence as a consequence if the State attacked. I said this to Carson Charles.”

Mr. Nunez said that the main focus of the JAM “was the regularisation of that land”.

3.207. Mr. Nunez was of the view that one of the reasons for the invitation to the JAM headquarters was that he had had previous experience of destruction of property by officialdom. He had promoted a calypso tent “the Mecca” in

Mucurapo on lands belonging to the Port Authority. He constructed a box office on the leased land. However, despite obtaining "outline approval, the Port Authority demolished the box office within 48 hours in mid-1990". There was no involvement of the Army in the demolition. Mr. Nunez said -

"I think that what happened to us inspired fear in the JAM."

A Witness in Camera

3.208. A witness who gave evidence in camera, expressed the opinion that "what triggered the JAM on 27 July was the encampment of the Police and the Army on the lands at Mucurapo."

View of Chamber of Industry and Commerce

3.209. Mr. Andrew Johnson gave evidence on behalf of the Chamber of Industry and Commerce. He said –

"The land issue was an irritant.....According to the JAM this irritated them and propelled them into action. The Government has to make up its mind whether it is giving the JAM the land or not. The Government must deal with the issue decisively and fairly – without politics."

A witness in camera

3.210. The witness told us that Dr. Samaroo, as Minister of Local Government and Decentralisation in 1987, on the instructions of the Prime Minister, tried to negotiate a settlement of the land dispute with the JAM. In his evidence to the Commission, this witness gave his opinion that –

“the land issue was always at the forefront of the JAM’s issues, even though undeclared.....Their major grievance, their major gripe, was the land.”

3.211. Later in his evidence, he expanded his opinion based on his interaction with the JAM. He said –

“In my conversations with the JAM, many of whom I knew intimately, the land was, for them, the major issue – the unwillingness of the State to grant them any land.”

The Issues inherent in the Dispute

3.212. There are a number of issues which are germane to the dispute.

As we conceive them, they relate to:

- (1) the history of occupation of the lands;
- (2) the quantum of land, its ownership and right to possession;
- (2) use and occupation of the lands;

- (4) out-of-court challenges to the JAM's occupation;
- (5) efforts to settle the dispute;
- (6) occupation of lands by Army and Police;
- (7) litigation concerning the use and occupation of the land;
- (8) the State's treatment of the Jamaat's schools.

THE ISSUES AND THE EVIDENCE

3.213. We propose to discuss each of these issues *seriatim* with reference to the evidence adduced. We turn first to an examination of the historical occupation of the land at #1 Mucurapo Road.

Issue #1 – The History of the Occupation of the Lands

The Islamic Missionaries Guild

3.214. The evidence shows that the first occupier of the land at #1 Mucurapo Road was the Islamic Missionaries Guild (IMG). Mr. Mohammed K. Hosein has, for decades, been the Secretary of the IMG. He explained to the Commission that in 1965 IMG began negotiations with the

Government for the purpose of obtaining a suitable site for the construction of an Islamic Cultural Centre (ICC). The IMG was formed in 1965 and its main object was “to promote the Islamic way of life based on the scriptures including the Qur’an”. According to Mr. Hosein, the IMG saw its role as teaching converts to Islam, financing them, providing loans and funds and “bringing up the converts in society in the correct way”.

3.215. In 1965 a delegation from the IMG, including the Director of the Islamic Centre in Washington, Dr. Abdul Kader, had an audience with the then Prime Minister, Dr. Eric Williams. They put a case for the establishment of an ICC in Trinidad and Tobago. Dr. Williams agreed to provide the IMG with land.

3.216. Over the next 3 years, various parcels of land were identified at the Butler Highway, the Beetham Highway and Long Circular Road but, for various reasons, the IMG was unable to take possession of any lands at those sites.

#1 Mucurapo Road – Letter of 23 January, 1969

3.217. Eventually, land was identified at #1 Mucurapo Road. Most of the land was swamp and mangroves. On 23 January, 1969, the Permanent Secretary, Ministry of Planning and Development, wrote to Mr. Hosein in these terms:

"I refer to your request for a parcel of land for the establishment of the Islamic Cultural Centre.

The Government is willing to offer you a site at Mucurapo lands as indicated in the plan which has been forwarded by the Sub-Intendant to Mr. Kamaluddin Mohammed, Minister of West Indian Affairs.

This letter serves as the authority for you to enter the land to carry out any works necessary for the construction of the Centre."

3.218. On 30 January, 1969 the City Council agreed these proposals and made a record in its Minutes. On 5 February, 1969 it notified the Permanent Secretary accordingly. The Sub-Intendant was authorised to survey the site by Survey Order No.10/1969.

The IMG takes Possession

3.219. In reliance upon the letter of 23 January, 1969, the City Council gave the IMG permission to begin work at #1 Mucurapo Road. The IMG took possession and commenced extensive work in preparation for construction of the Centre. For example, they cleared the mangrove and began filling in the swamp. In addition, they erected a site office and storeroom, installed steel gates and fenced in the land.

3.220. But the IMG had no lease or other document evidencing the status of their tenure except that the letter of 23 January, 1969 was capable of construction as a *licence*.

Surveyor's Plan

3.221. Mr. G.A. Farrell, Director of Surveys, had prepared a plan of the land dated 17 January, 1969. It referred to "a parcel of land coloured pink in the City of Port of Spain, containing EIGHT ACRES, TWO ROODS AND FIVE PERCHES.....*to be leased* for a site for an Islamic Cultural Centre".

Other Preparatory Acts by the IMG

3.222. When the IMG were ready to lay the foundation stone for the ICC on the site, they invited the Prime Minister to do so. He was unable to accept the invitation and, in his stead, Hon. A.A. Thompson, Minister of Local Government and Social Welfare, deputised for the Prime Minister. The foundation stone was laid on 3 August 1969 in the presence of some politicians and the IMG proceeded to have architectural plans drawn and to prepare the site.

3.223. Thereafter the IMG appealed for funds nationally and internationally. A brochure soliciting support for the ICC stated -

"The Government of Trinidad and Tobago has kindly donated a parcel of land in the City of Port of Spain to the IMG of the Caribbean and South America comprising eight and a half acres of land (8½) for the purpose of establishing an Islamic Cultural Centre." (Our emphasis).

Controversy

3.224. The IMG's possession of the land at #1 Mucurapo Road was not without controversy. Another Muslim organisation, the Anjuman Sunnat-ul-Jamaat Association (ASJA) sent a letter to the Minister of Agriculture, Lands and Fisheries, Hon. Lionel Robinson, on 23 October, 1969. ASJA appealed to the Government to revoke the decision to grant the IMG a lease of the land at #1 Mucurapo Road for an ICC. The IMG, through Mr. Hosein, wrote to the Prime Minister on 18 December 1969 imploring the Government not to reverse its earlier decision. The controversy apparently disappeared. The IMG continued in possession of the land.

Government's Plans for West Port of Spain

3.225. In a Note for Cabinet (PD 68 No.306) dated 9 November 1968, the Minister of Planning and Development acknowledged that cultural and voluntary organisations had been submitting applications to use parcels of land in Port of

Spain. The Minister suggested that Government should respond by establishing a regional park in Port of Spain which would serve as a prototype for similar parks in the country.

3.226. By Minute No.2596 PD (68) 306, of 5 December 1968, Cabinet agreed in principle to the following:

- (a) development of a regional community park in West Port of Spain;
- (b) allocation of sites within the said park to the Islamic Cultural Centre; junior and secondary schools; floodlit athletic field; headquarters for Boy Scouts and Girls Guides; St. John's Ambulance Brigade; a community theatre and Labour College; community organisations;
- (c) lands belonging to the Crown and the Port Authority (approximately 10 acres of the land identified for development of the regional community park) should be *deeded* to the Port of Spain Corporation;

- (d) lands comprising approximately 10.7 acres should be accepted by the Crown from the Port of Spain Corporation in exchange for the lands at (c) above;
- (e) the Director of Surveys should undertake an immediate survey of the entire area earmarked for the proposed community park and demarcate the lands referred to at (c) and (d) to be exchanged between the Crown and the Corporation;
- (f) all other lands belonging to the Crown in the proposed community park should be handed over to the Port of Spain Corporation;
- (g) the Corporation should be entrusted with the administration of the proposed West Port of Spain regional community park.

The IMG's Continued Possession and Cesser

3.227. It is undoubted that the IMG began occupation of the lands at #1 Mucurapo Road in 1969. But it is unclear when the JAM first occupied the

lands. In legal proceedings commenced by the JAM on 15 September 1993 (*Jamaat-al-Muslimeen v. Jules Bernard, Commissioner of Police, Col. Ralph Brown, Acting Chief of Defence Staff and the Attorney General, No.3982 of 1990*), Brooks J said at p.81:

“The evidence further reveals that from 1972 onwards the [Islamic] Guild was replaced on the Corporation’s land at Mucurapo by the unincorporated Jamaat – although it is by no means clear by what means it did so. The fact remains, however, that *from 1972 onwards the unincorporated Jamaat went into occupation and possession of the Corporation’s lands at Mucurapo, and this evidence is uncontroverted.* The history of events further indicates that the unincorporated Jamaat, on becoming incorporated on 28 November 1989, remained in occupation and possession of the Corporation’s lands at Mucurapo. Furthermore, the Board of Management of the Applicant Company is comprised of persons who made up the old unincorporated Jamaat, and its membership is more or less the same.” (Our emphasis).

3.228. It must be pointed out that, when the JAM first occupied the lands at #1 Mucurapo Road, it was an unincorporated association. As Brooks J mentioned, it was only in 1989 that the association became an incorporated body. Indeed, incorporation was a key requirement of the NAR Government when Dr. Brinsley Samaroo began his negotiations with the JAM, as we set out below. Secondly, at the time of first occupation of the lands, Imam Abu Bakr was not residing in Trinidad and Tobago and the JAM were under different leadership between 1972 and 25 November 1978.

3.229. The evidence given to this Commission of Enquiry appears to be at variance with that before Brooks J. Mr. M.K. Hosein's evidence to the Commission, supported by documentation, is that from 1969 to 1977 the IMG continued in possession. On 24 October, 1977 the IMG wrote to the Sub-Intendant of State Lands requesting permission "to continue filling the site at Mucurapo up to 5 November 1977." Next day the Sub-Intendant replied:

"I am to inform you that permission is granted for this filling only to be continued up to 5 November 1977, in order to complete the present agreement. However, no other construction work is to be undertaken on the site."

3.230. On 1 November 1977, the Ministry of Local Government requested the IMG to identify lands other than at Mucurapo Road for the ICC and, on 3 November 1977, the Ministry of Education and Culture made a similar request. These letters followed a decision of Cabinet on 5 May 1977 – (Cabinet Minute No.1164) – accepting a recommendation of an Inter-Ministerial Committee, that consideration be given to alternative accommodation for the IMG and the Greek Orthodox Church.

3.231. The IMG continued in effective possession of the land at #1 Mucurapo Road but without any documentation evidencing their tenure, either from the State or the City Council. However, the IMG always paid the requisite rates and taxes to the City Council. They did not construct any

permanent structures on the land. But after receipt of the letter of 5 November 1977, the IMG began to seek an alternative site.

3.232. The apparent discrepancy referred to in para. 42 is explained if it is understood that Brooks J was referring to that group of JAM who first occupied a part of the land separate and distinct from the IMG before Imam Abu Bakr's return to Trinidad and Tobago.

Appearance of Imam Yasin Abu Bakr – Origins of the Dispute

3.233. Imam Yasin Abu Bakr returned to Trinidad from Canada on 25 November, 1978. Members of the Jamaat-al-Muslimeen at that time, still an unincorporated association and, then led by Halim Sabur, became affiliated to the IMG. Mr. Hosein said -

"It was when we got notice to vacate, that Imam Abu Bakr came on the scene. He took possession of the site and the converts. He told us to give him permission and he would handle it."

3.234. The IMG sought and found an alternative site in Kelly Village, Caroni. On 6 acres of land they constructed facilities consisting of a library, workshop, bookstore, school and sporting facilities. It was opened on 14 August, 1984. According to Mr. Hosein, they still have not built an ICC.

3.235. The departure of the IMG from #1 Mucurapo Road left the JAM in effective occupation and control of the land. Between 1978 and 1990 the dispute as to the status of the JAM on the land developed.

3.236. Although he was unable to put a date on the JAM's occupation of the land at #1 Mucurapo Road, Mr. Hosein said -

"Before they (the JAM) came into being, we had accumulated all the converts to Islam, even Imam Abu Bakr (who was then a member of the IMG).....Everything went well until we were booted out and they took over and took over the converts too.....He took possession of the site."

In giving further evidence about the JAM coming into possession of the lands at #1 Mucurapo Road, Mr. Hosein, in answer to Mr. Sinanan SC, shed further light on the circumstances of the occupation when he said:

"When Government gave us the ultimatum to quit, we had no choice but to go on our way. But then he (Imam Abu Bakr) came on the scene and said, give him permission and he will handle it. We went to Caroni. At that point the Mucurapo lands were totally under the control of the Jamaat-al-Muslimeen."

3.237. Mr. Hosein said that "after the JAM took over they went ahead and built the Mosque and then the school and other buildings at first and then it went on and on". He contrasted the actions of the JAM with those of the IMG. He said -

"When we occupied there, we were monitored all the time. We couldn't put a nail nowhere. People came inspecting us all the time and we had to conform to the law. But when he

(Imam Abu Bakr) occupied, he built the Mosque and the school and went ahead. But then it reached a later stage when all this was done, the Government enforced all kinds of restrictions and there is where a big problem came about."

He admitted that after the JAM took over, the IMG were "marginalised".

3.238. Mr. Hosein said that a former General Secretary of ASJA, Kamal Hosein, who took over from Mr. Mohammed Hosein, gave Imam Abu Bakr permission in writing to occupy the lands. He, Mohammed Hosein, was "at that time, not on the team!"

3.239. A witness *in camera* described Imam Abu Bakr's entry upon the lands in luminous words:

"What I found out was that Imam Abu Bakr had shouldered his way into the property and was carrying on Islamic activities."

3.240. We now turn to an examination of other issues which we have referred to at para. 21.

Issue #2 – The Quantum of Land, its Ownership and Right to Possession –

Evidence of Mr. Andrew Bowles

3.241. The issue which has arisen is the extent of the land referred to in the letter of 23 January, 1969. The JAM believe that they are entitled to occupy the entire 8 acres of land at Mucurapo Road. The State and the City Council insist that the JAM are not entitled and have never been entitled to occupy more than 3 acres, 4 roods and 17 perches of land. The present Director of Surveys, Mr. Andrew Bowles, gave evidence on 8 June 2012 and produced for our consideration a series of surveyor's plans which he carefully explained during his evidence.

The Survey Plans

3.242. The earliest plan of relevance is that of Mr. Malcolm Robertson done on 17 January, 1969. The cadastral sheet for that survey states the area of land "to be leased as a site for an Islamic Cultural Centre" as "8 acres, 2 roods, 5 perches" (hereafter 8.8 acres). Mr. Bowles' testimony is that the plan shows lands of the Crown as well as lands of the City Council but it omits reference to a Sewer Trunk Reserve.

3.243. On the other hand, the survey of Lawrence Clarke done on 29 November, 1969 shows a Sewer Trunk Reserve approximately 80 feet wide

and refers to land of the City Council. The Lawrence Clarke survey was carried out in connection with the Government's Senior Secondary School (now Mucurapo West Secondary School) and a similar one by Mr. Clarke was done on 10 January, 1970 in respect of the Government's Junior Secondary School. Mr. Clarke's surveys (see folio 45) have a broken line representing a demarcation between lands owned by the Crown and lands owned by the City Council.

3.244. Mr. Bowles said -

"From these plans, part of the land was the Crown's and part was the City Council's."

3.245. In respect of the Robertson plan, Mr. Bowles said -

"It shows a sewerage reserve traversing the land. The total amount of land is 8 acres, 2 roods, 5 perches and the plan indicates that within that area, the City Council owned 3 acres, 3 roods on the North side of the Sewerage reserve and the Crown owned the balance on the South side."

3.246. Mr. Bowles was asked to comment on a survey plan by Leslie Akum Leung (folio 117). His evidence is that -

"North of the Sewerage Reserve (portion B) there appears to be a subdivided piece of City Council land showing a building on the land. The portion to the South (A) is shown as State land. It is the larger portion. In 1983 there was a clear survey plan showing that lands South of the Sewerage Reserve belonged to the State."

3.247. Mr. Bowles pointed out that the Akum Leung survey was not carried out pursuant to a Survey Order and was probably done at the request of

the City Council. The 1983 survey to which Mr. Bowles referred was that of G. Ramcharitar pursuant to Survey Order of 7 October, 1983 for "redefinition of the Southern boundary line" of the parcel surveyed for the ICC. Mr. Bowles explained that the Survey Order "was about re-establishing the southern boundary".

3.248. The key feature of the Ramcharitar survey was that it showed that the JAM had encroached on the southern side of lands owned by the State. It also showed that the JAM were occupying "8 acres, 2 roods, 5 perches plus an encroachment on lands of the State".

3.249. In 1990 Mr. Bowles was instructed by the then Director of Surveys, Francis Charles, to carry out a survey "redefining the boundary between the lands of the City Council and the lands of the State". The relevant survey plan was dated 29 May, 1990 (see folio 78). Mr. Bowles' evidence is -

"I used Akum Leung's plan. I located his marks on his survey and I re-traced his boundaries established in 1983. My purpose was to re-define the boundary line between the 2 parcels. All lands South of the Sewerage Trunk Reserve belonged to the State. Lands to the North belonged to the City Council. I found a concrete foundation on the State's lands."

3.250. Mr. Bowles made the pertinent observation that when the lands of the City Council and the lands of the State are added together, they total 8 acres, 2 roods, 5 perches but the State owned the larger portion. His plan

clearly showed "Lands of Port of Spain City Council occupied by Jamaat-al-Muslimeen" north of the Sewerage Trunk Reserve and a foundation and site of an Army camp on State lands to the south.

3.251. The quantum of land owned by the City Council is 3 acres, 4 roods, 17 perches or 1.5203 hectares. That owned by the State measures 1.9324 hectares. In the opinion of Mr. Deoraj Ramtahal, a Building Inspector, "in 1984 the issue as to the size of the land occupied by the JAM was settled". But "the JAM never got a legal title to the land by any document'.

The JAM's Claims

3.252. Mr. Kala Akii-Bua gave a second witness statement on 30 April, 2012, following the evidence of Mr. Kenneth Subran. Mr. Akii-Bua appended a number of survey plans to his statement. He summed up the position of the JAM succinctly at paras.12 and 16 of the witness statement:

"12. The Jamaat's position is that this parcel was designated for the Islamic Cultural Centre and lands had never been divided until the later surveys by Mr. Bowles in 1990.

16. Despite this lease it is still the contention of the Jamaat that the 8 acre parcel of land was designated for an Islamic Centre and it had been occupied by the Jamaat and that we are entitled to it."

3.253. Mr. Akii-Bua's belief and contention are not supported by decisions of the Supreme Court of Trinidad and Tobago. In *Civil Appeal No.37 of 1992, Jules Bernard, Commissioner of Police, Col. Ralph Brown, Acting Chief of Defence Staff and the Attorney General v. Jamaat-al-Muslimeen*, Hon. Clinton Bernard CJ said at p.4:

"It is common ground, as found by the trial judge in his judgment which is of record, that the lands at #1 Mucurapo Road are comprised of two separate and distinct parcels. One was owned wholly and exclusively by the Port of Spain Corporation which is an entity distinct and separate and apart from the Central Government. All the buildings in the controversy were on the Corporation's lands. Apart from the fact that both sides were in accord about this, the trial judge was fortified in making this positive finding in the light of the evidence of Andrew Bowles – a Government Land Surveyor – who was a representative for the State and who had deposed to this effect. This parcel measured according to Bowles, 1.5203 hectares. The other parcel belonging to the State measured 1.9324 hectares."

Issue #3 – Use and Occupation of the Land

3.254. Whereas the IMG did not construct any concrete structures on the lands of the State or the City Council and built only a temporary wooden structure, the JAM ignored that example and proceeded, over time, to erect a series of permanent, concrete buildings in defiance of the instructions of the Sub-Intendant on 5 November, 1977. None of these structures was approved by the City Council or the Chief Town Planner.

3.255. Beginning about 1984 with the construction of a Mosque, the JAM added a primary school later. By 1990 the following were the buildings which the JAM had built on the City Council's lands:

- (i) a two-storey building housing a mini-mart, boutique, medical clinic, a primary school, garment factory and living quarters;
- (ii) a building housing temporary administration offices and printery;
- (iii) a secondary school and living quarters;
- (iv) a building containing 4 living quarters;
- (v) a medical clinic;
- (vi) an unfinished dormitory;
- (vii) a primary school;
- (viii) two unfinished buildings with living quarters.

3.256. The buildings referred to in the preceding paragraph were in addition to the Mosque, and in High Court action No.3982/1990, the JAM valued the buildings listed above (excluding the Mosque) at \$3,815,000.00 in its Originating Motion.

3.257. As indicated above, the JAM first occupied the City Council's lands as an unincorporated body. It was incorporated on 28 November, 1989 as a limited liability company without addition of the word "Limited". When the JAM were attempting to fill the land, they placed a number of containers on the lands of the State. The Director of Surveys requested that the containers be removed and the JAM complied. Nevertheless, a concrete foundation for a proposed school remained on lands belonging to the State.

Trespass on Sewerage Trunk Reserve – Evidence of David Benny

3.258. Even more significantly, the JAM built a school over a part of the Sewerage Trunk Reserve which effectively demarcated the two parcels of land. An engineer of the Water and Sewerage Authority (WASA), Mr. David Benny, testified as follows:

"There is a sewer line, 48 inch main, constructed as part of the 1962-1966 Lockjoint scheme which conveys sewage from north-western Trinidad. Waste is sent to the Water Treatment Plant at Sea Lots and we have a duty to service the line. But WASA does not have unhindered access to the sewer line at Mucurapo. We do not have access to manhole #478 which is under the JAMAAT school. We can't get to the manhole. A building is built over it. This poses a significant risk."

3.259. Mr. Benny gave details of the sewer main line located at #1 Mucurapo Road. He explained -

"It is at the western end of the Port of Spain collection sewer trunk system. It is a 48-inch main concrete sewer line. It transports sewage from the north-western portion of Trinidad and it encompasses the Diego Martin valley, Bayshore, Westmoorings and St. James. The waste is transmitted from the western portion and conveyed to the Beetham Wastewater Treatment Plant at Sea Lots."

3.260. He said that WASA was under a statutory obligation, in order to maintain and service these lines, to make sure that they are free and have no problems in terms of breakages. If these lines are not serviced on a routine basis, there is a potentiality for clogging or fracture "and that can pose a threat to the environment and the population which they serve".

Lack of Access

3.261. In his evidence Mr. Benny said that WASA does not have "clear and unhindered access to the entire main line located at #1 Mucurapo Road". The line encompasses three manholes in the collection system, viz. manholes 477, 478 and 479. Mr. Benny said -

"Manhole 478 cannot be located physically. Manhole 477 is in the compound of the Jamaat's playground. Manhole 479 is located on the compound of the Mucurapo Junior Secondary School and Manhole 478 lies directly below the building constructed, so we do not have access to that manhole, the one under the school – the Jamaat's school ('the Mucurapo Islamic College')."

3.262. Mr. Benny conceded that there are –

“other sewer encroachments in Trinidad but we can always locate them to gain access if need be. People have encroached on the sewer reserves but, in this particular instance involving a main trunk, we cannot locate the manhole.”

The Response of the Authorities to the Encroachment

3.263. The encroachment still exists. Mr. Benny produced a bundle of correspondence, which although covering a period strictly outside our Terms of Reference, is nevertheless important, in our view, for reasons which appear in our conclusions and recommendations. We summarise hereunder the correspondence produced.

- *Letter of 7 August, 2001*

3.264. This was sent by the Town and Country Planning Division to the Chief State Solicitor. It confirmed that a two-storey structure was being constructed on the land. And it pointed out that “no application for planning permission was submitted for the development and, consequently, the building is being constructed in contravention of section 8(i) of the Town and Country Planning Act.” The letter further stated that the Division had advised the occupier of the land of the breach of planning control and had requested that “the unauthorised building be discontinued and required the submission of an application for planning permission within 14 days”.

- *Letter of 7 August, 2001*

3.265. This letter was from the Town and Country Planning Division to the JAM to the effect that planning permission had not been obtained for the building on the land and, in the absence of permission, enforcement action may follow. The JAM were given 14 days to remedy the breach.

- *Letter of 9 August, 2001*

3.266. On that date the Director of Surveys wrote to the JAM indicating that a cadastral survey had been carried out and it was discovered that, through inadvertence, a fence erected by the State was approximately 21 metres south of the common boundary between the State's land known as the Sewer Trunk Main Reserve and those of the City Council. The Director's letter called upon the JAM to desist from further construction and remove the structures. We understand that letter to be an indication that the State had fenced in WASA's sewer line on the JAM's compound.

- *Memo of 10 August, 2001*

3.267. This was an internal WASA document indicating that a site visit to the land revealed that construction of a building was at an advanced stage over a part of the western trunk sewer.

- *Memo of 25 August, 2003*

3.268. In this memo the Director of Surveys informed the Permanent Secretary, Ministry of Education, that the JAM had constructed a new school on the sewer reserve. Enclosed with the memo were other documents, viz. a survey plan of 3 July 2001 showing the boundary line between the sewer trunk main reserve and the lands of the City Council occupied by the JAM as well as a building on the sewer line.

- *Letter of 4 January, 2007*

3.269. By this letter the Division of Town and Country Planning informed the JAM that an application for planning permission was returned "undetermined" because the building was erected on the sewer reserve and it was necessary for WASA to provide evidence that the matter was no longer in issue.

- *Letter of 9 January, 2007*

3.270. By this letter the JAM (the Mucurapo Road Islamic College) informed WASA that they were willing to agree:

- “(i) to pay for any and all expenses associated with the diversion of the sewage line located under the school on the land;
- (ii) to release and discharge WASA from any and/or all rights in such claims, actions, proceedings and liabilities which the College or any person or persons claiming under them can have against (WASA) and its successors;
- (iii) indemnification of WASA against claims or legal actions as a result of the location and passage of the line under the land.

- *Letter of 9 March, 2007*

3.271. In this letter, the Director of Surveys advised that as long ago as 29 August 2001, a meeting was held with representatives of the Town and Country Planning Division, the Chief State Solicitor, the JAM and WASA, concerning the occupation of the State’s sewer reserve. The letter stated further that, at the meeting, Imam Abu Bakr said that he was prepared to remove the school to the north-western portion of the land.

- *Letter of 3 May, 2007*

3.272. WASA indicated to the College that more than 50 metres of the sewer main lay beneath the College's building and the building covered at least one manhole. It was pointed out that the continued location of the building over the manhole impeded WASA in discharging its statutory duty to maintain the line and was a significant threat to human life.

- *Two Memos of 27 and 30 August, 2007*

3.273. These memos from the Regional Manager of Waste Water and the General Manager, Operations at WASA reported that the trunk main had been inspected and it was found:

- (i) that the pipeline appeared to be in reasonable condition and had a 'useful life expectancy' of 5 to 10 years;
- (ii) that, however, the pipeline was over 40 years old and the normal life span of such a pipeline was 30 years.

It was recommended that the building over the line should not be allowed to exist for more than a further 2 years.

- *Letters of 13 September, 2007*

3.274. WASA advised the Ministry of Education that the College should not be permitted to continue at its location for more than 2 years. This would allow enough time for relocation.

- *Notice of 4 October, 2007*

3.275. On 4 October, 2007 the Ministry of Planning and Development issued a notice permitting development of the land subject to conditions, one of which was removal of the building within 2 years of the date of the notice.

- *Letter of 11 August, 2011*

3.276. The Minister of Education wrote to the City Council and the Mayor of Port of Spain to the effect that the JAM had requested assistance from the Ministry and he sought advice as to the status of the building on the sewer main.

- *Letter of 24 October, 2011*

3.277. WASA provided a report to the Ministry of Education in which it was indicated that there was no imminent threat of the collapse of the main. Inter alia, WASA recommended that the College building be relocated within 12 months. This report was written by Mr. Benny and it was brought to the JAM's attention by letter of 6 February, 2012.

Issue #4 - Out-of-court challenges to JAM's occupation

The Evidence of Deoraj Ramtahal – Site Visits

3.278. Mr. Ramtahal is Building Inspector II at the City Council. He began working with the Council in 1987 and visited the land at #1 Mucurapo Road in October 1987. He said that -

"I observed that there was an unauthorised structure situated in the north-western corner of the premises. After this site visit I compiled a report to the then Building Inspector II dated 12 October, 1987. I recommended that those responsible for the illegal structures should submit plans for approval of all unauthorised structures to the Town and Country Planning Division and then to the City Engineer's department of the (Council)."

3.279. In April 1989, Mr. Ramtahal again visited the lands at #1 Mucurapo Road. On this occasion he observed that -

"there was unauthorised construction work in progress on two single-storey structures by the Jamaat-al-Muslimeen. This work was unauthorised because no approval for such work had been given by the Town and Country Planning Division or the City Engineer's department of the Corporation.....I recommended in my report of 14 April 1989 that a notice be served on the occupants of the premises."

Notices Served

3.280. Following Mr. Ramtahal's report, a Notice was served under s.192 of the Port of Spain Corporation Ordinance, Chapter 39, on "the owner" of #1 Mucurapo Road. This Notice required cessation of all unauthorised work and that necessary approvals be sought from either the Town and Country Planning Division or the City Engineer's department.

3.281. Another Notice was also served pursuant to s.186(1) of the Ordinance requiring "the owner" to show cause within 7 days of the date of service, why "the unauthorised building south of the unauthorised Mosque and the unauthorised buildings constructed on the eastern, western and southern sides of the Mosque, should not be demolished." The word "owner" appearing in the Notices was, according to Mr. Ramtahal, used in a generic and non-technical sense.

3.282. Mr. Ramtahal produced a bundle of documents including copies of Notices served under s.186(1) and s.192 of the Ordinance. These Notices were in standard form as follows:

(a) s.192 NOTICE

TO:

You have executed the following work atwithout an approved plan or notice and therefore contrary to the Building Regulations; that is to say (nature of construction).

In accordance with the provisions of section 192 of the Port of Spain Corporation Ordinance, Chapter 39 No.1, this is to require you within 14 days from the date of service of this Notice on you to (cease all works etc.).....

If you fail to carry out the above stated instructions, you will be prosecuted.

Dated

City Engineer

(b) s.186(1) NOTICE

TO:

NOTICE

You are hereby required under the provisions of section 186(1) of the Port of Spain Corporation Ordinance, Chapter 39 No.1, to show cause within seven (7) days from the date of service of this Notice, why the unauthorised building you have constructed atshould not be removed, altered or pulled down.

City Engineer

3.283. Our collection of the several Notices served between April 1983 and May 1990 shows that six Notices under s.192 were served in that period as follows: 21 April, 1983; 16 January, 1984; 14 December, 1984; 29 July, 1986; 30 June, 1987; 18 April, 1990. Five Notices were served under s.186(1) on 14 September, 1983; 24 January, 1984; 28 December, 1984; 30 July, 1987 and 8 May, 1990. These Notices related to the unauthorised structures which the JAM were constructing from time to time.

3.284. There is no evidence that the City Council commenced any prosecutions or took any positive steps to pull down or demolish any of the unauthorised structures which had been erected by the JAM between 1983 and 1990.

Issue #5 - Efforts to Settle the Dispute

3.285. On 19 November, 1987 a meeting was held under the chairmanship of Dr. Brinsley Samaroo, with members of the IMG. Mr. M.K. Hosein took notes of the meeting and produced them for the Commission's consideration. We reproduce the Notes hereunder.

"1. The meeting which opened with a prayer was held in the office of the Community Education Workshop, St. Ann's on November 19, 1987 at 10.00 a.m.

*2. Present were: Dr. Samaroo (Chairman)
Ayoub Mohamed, President
Shaikh Majeed, Education
Musabood Aziz, Treasurer
M.K. Hosein, General Secretary
and Kamar Ali, Publications*

3. Dr. Samaroo, Chairman, reported that he spoke to the Prime Minister regarding the Mucurapo Lands and he is anxious to have the matter resolved without further delay. He said he was concerned about the unauthorized structures which are going up on the lands and emphasised that the law must be maintained rather than establish an undesirable precedent. He mentioned of certain problems being experienced and stated that Government is of the view that the only group which has valid claims for the land was the IMG and not Jamaat-al-Muslimeen. He then proposed to the IMG that Government lease the lands to them.

4. Shaikh Majeed explained that Jamaat-al-Muslimeen is a separate entity and not part of the IMG and as such

Jamaat-al-Muslimeen should be given part of the land and the IMG an alternate site.

5. *The Minister pointed out that Jamaat-al-Muslimeen is not a legal entity and as such is not qualified to receive the land.*

6. *Shaikh Majeed expressed concern that if the land is leased to the IMG it will inherit the unmanageable situation which the IMG cannot deal with.*

7. *The Minister expressed dismay that the IMG is not assisting in solving a situation that will have National and International repercussions. He explained that it is not his desire to demolish the unauthorised buildings on the lands, but this may have to be done if a solution is not found and it will entail the killing of innocent people. The Minister then appealed to the IMG to find a solution.*

8. *Shaikh Majeed proposed that the Jamaat-al-Muslimeen be declared as squatters and as such they can be accommodated for leasing purposes under the Squatters Act.*

9. *The Minister reported that he will shortly meet Imam Abu-Bakr through Maulana Waffie Mohamed and if a solution is not found the Police will solve the problem by demolishing the buildings.*

He reported that Imam Abu Bakr had agreed to share the lands with the IMG which he is in agreement with. He said this would not deprive the IMG from getting other parcels of lands elsewhere for other projects like schools, etc.

10. *Brother Kamar expressed agreement to the proposal of the Minister to divide the land half and half between the IMG and the Jamaat and the Minister confirmed that two leases will be made for each body.*

11. *Shaikh Majeed expressed the desire by the IMG in assisting in averting a crisis by agreeing to the proposal of the Minister to assign two leases for the lands.*

12. *The Minister was elated by this gesture and indicated that he will tell the Prime Minister how the IMG went backwards to solve the issue of agreeing to his proposal. He promised to do his utmost to give other lands to the IMG in Central Trinidad especially for the erection of a School. He asked Br. M.K. Hosein to intercede with Imam Abu Bakr to resolve the matter by appealing to him. He said that he was receiving pressure from a certain source to move in on him which he wanted to avoid.*

13. *Shaikh Majeed then authorised the Minister to negotiate with Imam Abu Bakr for preparation of separate leases.*

14. *The Minister promised to make a statement in Parliament on the matter putting on record the commendable role the IMG played in resolving the problem. He asked for two representatives to liaise with and Brothers M.K. Hosein and Shaikh Majeed were named. He asked for a report to him at home later in the night.*

15. *The meeting closed with handshakes.*

*M.K. Hosein
Recording Secretary."*

3.286. Subsequently, on 24 November, 1987, another meeting chaired by Dr. Samaroo was convened. The short Minutes of that meeting (reproduced below) suggest that Imam Abu Bakr was invited to the meeting but did not attend. The Minutes are as follows:

"Present were:

*Mr. Samaroo (Chairman)
Shaikh Majeed Ali
Kamar Ali*

*M.K. Hosein
Mesahood Aziz*

The Meeting opened with a prayer.

The Minister expressed disappointment in Imam Abu Bakr's refusal of invitation to attend the meeting also his rejection of the offer to share the Mucurapo lands with the IMG and his insistence that he be given all the lands.

Members of the IMG denied allegations that an agreement was made with the Imam agreeing to the assignment of the lands to him and for the IMG to get alternate lands.

Members of the IMG then made a proposal that would make everybody happy, that is, to give the (8½) acres to Jamaat-al-Muslimeen, an additional (4¼) acres to the IMG with a buffer zone, and the balance to be earmarked for a National Park which the IMG will seek funding from an Islamic Government.

The Minister disclosed that he will discuss with the Prime Minister and follow up."

Evidence has been given before the Commission which raises a dispute as to the accuracy of the above Minutes.

3.287. Evidence before the Commission that the City Council fell under the purview of the Ministry of Local Government in 1986/1987. Early in 1987 there was an impasse between the Mayor of Port of Spain, Mr. Augustus Williams, and Imam Abu Bakr. The Mayor is reported to have said that he "could not deal with Imam Abu Bakr." He found him to be very "shifty".

"He could not be held to any promise and the Mayor did not wish to have any further relations with the Imam."

3.288. The Mayor wished the Minister with responsibility for Local Government to take over any settlement negotiations.

3.289. The witness told us that it was to his knowledge that an offer of a 20-year lease of five acres of land on the compound was made to Imam Abu Bakr. He refused it.

3.290. The witness also testified that discussions took place between the parties regarding the possibility of "some kind of compromise, some kind of arrangement whereby they could possibly share the property with the Imam and his group."

3.291. We were also told that Imam Abu Bakr was offered as many as 10 acres of the City Council's land during the negotiations. Again he rejected the offer. The end of negotiations was at hand.

3.292. Mr. Hosein said that, following the meeting of 24 November, 1987, the Government offered the IMG a site in the Chaguanas area in close proximity to where the Divali Nagar is now located. The result of the meetings presided over by Dr. Samaroo was a stalemate. No firm decision was taken by the Government. The JAM continued in occupation.

Need for Incorporation

Dr. Brinsley Samaroo's Affidavit

3.293. Dr. Samaroo swore an affidavit on *24 May, 1990 in Suit No.3982 of 1990 (infra)*. He said that he met with the JAM on 21 November, 1987, 7 October, 1988 and in November 1988 and had several meetings with the IMG. In August 1987 he tried to ascertain whether the JAM was a genuine branch or offshoot of the IMG and whether the IMG would agree with the Government's treating with the JAM "with a view to considering a lease to it of part of the lands." He asserted that "at the end of these discussions it was clear to me that the Guild did not want to be closely associated with the JAM".

3.294. He therefore held the three meetings referred to above with the JAM even though they were in illegal occupation of the land in order to discuss whether the illegal occupation could be regularised. At the first meeting he made it clear that the policy of the Government was not to lease lands to an individual. He deposed that –

"as a prerequisite of any negotiations, [Government] would treat with the JAM only if it were a registered and incorporated body."

3.295. Dr. Samaroo said that he gave no instructions to the Solicitor-General to prepare a lease and, at the meetings, he expressed concern "about

reports of continued construction of unauthorised buildings at premises at Mucurapo and I stated that continued unauthorised construction would seriously prejudice future discussions between my Ministry and representatives of the [JAM]."

Affidavit of Dr. Carson Charles

3.296. Minister Carson Charles swore an affidavit on 25 May, 1990 in which he said that, on 11 September, 1989, he met with representatives of both the IMG and the JAM as a follow up to the meetings with Dr. Samaroo. He said that he wished to ascertain whether the JAM had been incorporated, to have the JAM say whether they wished to be dealt with as a separate entity or as a member of the IMG and to communicate Government's concern about reports of encroachments by the JAM on State lands.

3.297. Dr. Charles said that he reiterated the policy of Government to consider applications for lease of State lands only from incorporated bodies. He said that he pointed out that Cabinet would have to approve any application for a lease. He continued –

"In view of the assurances of the representatives of the applicant (the JAM) that they were not engaged in further unauthorised construction activity, I proceeded, in good faith, to instruct the officers of my Ministry to obtain all relevant information, and to consult my Cabinet colleagues with a view to making appropriate recommendations to

Cabinet in respect of the situation created by the illegal occupation by the applicant of Government lands.....I was subsequently informed sometime in April 1990, that members of the applicant have in fact been involved in further unauthorised construction on lands at Mucurapo."

Meeting between City Council and the Jamaat

3.298. On 18 June, 1990 there was a meeting between the Mayor of Port of Spain and representatives of the City Council and representatives of the JAM led by Imam Abu Bakr. Following the meeting, Imam Abu Bakr sent two letters (dated 20 and 21 June, 1990 respectively) to the City Engineer and the City Clerk respectively.

(i) Letter of 20 June

3.299. The letter of 20 June read:

"Dear Sirs

With reference to your Notice addressed to Jamaat-al-Muslimeen dated 28th day of May, 1990 and to our legal advisor's letter to you dated 13th June, 1990 and further to the meeting between The Mayor and representatives of the City Council and representatives of the Jamaat-al-Muslimeen on the 18th day of June, 1990 we wish to express our thanks for the reassurance given by His Worship the Mayor and representatives of the said City Council at the meeting that there was no need to be alarmed and that the City Council has not made any move and does not intend to make any move to demolish the buildings on the site occupied by us.

We were heartened to hear from His Worship the Mayor that the Notice served constituted the continued agreement of our meeting in April when the City Council asked for all information relating to the land and buildings for the City Council to resolve the matter once and for all. We were also heartened to hear from His Worship the Mayor that the City Council does not intend to take any steps to enforce the injunction or get any new injunction against the Jamaat.

We are happy that the Lands and Surveys Department has been able to resolve the issue between the Central Government and the City Council by ascertaining that 3.4 acres of the lands which we have been occupying are owned by the City Council and the remaining portion is owned by the State. This information was supplied to us by the City Council at this meeting.

We wish to refer to the City Clerk's letter dated 22nd June, 1984 in which The Port of Spain City Corporation offered to regularise our position by offering us a lease of the premises. In the circumstances we intend to take steps to regularise our interest in the said lands with respect to the buildings which were constructed on the lands without the necessary Town and Country Planning Approval and without the City Council's approval. The City Council and the Town and Country Planning are aware that the non-regularisation of our interest by the State and its agencies including the City Council prevented the Town and Country Planning Division and the City Council from giving us formal approval of these buildings.

We and our predecessors in possession have been in possession and occupation of 8 acres, 2 roods, 5 perches of the said lands since 1969. We were given possession by the State with authority to construct an Islamic Cultural Centre. The buildings which have been constructed since then are and form part of the Islamic Cultural Centre. The Central Government and its State agencies including the Port of Spain City Council with full knowledge of the matters acquiesced in the action taken by us in constructing these buildings. It would be unconscionable in the circumstances for the State or its State agencies to consider demolishing any of these buildings especially in the light of the detriment which we have been exposed to by the silence,

encouragement and/or inducement by the State and its State agencies to the Jamaat building these buildings.

The City Council as part of the State structure has collected House Rates and Land Taxes in relation to these buildings to date; the Water and Sewerage Authority and the Trinidad and Tobago Electricity Commission both State agencies have collected rates and dues in respect of the said buildings on the said lands. The Ministry of Education and Culture approved the registration of a Private Primary and Secondary School at the said site and which schools are operated from buildings on the said site.

It would not only be inequitable and immoral but illegal and unconstitutional for the City Council to even consider demolishing these buildings in the light of their action, inaction, assurances and acquiescence. Your Council and the State are estopped from saying that these structures or buildings are unlawful, and/or unauthorised.

Based on the meeting we had on 18th day of June, 1990 His Worship The Mayor did not request us to submit any specific matter and your Council's representatives appeared to be satisfied to the extent that it again assured us that there will be no demolition of the buildings. Although The Mayor considered the meeting with us a pure formality and a matter of procedure and although we are heartened by the undertakings given we again offer ourselves available for a meeting at anytime if you or the City Council is ever considering a demolition of the buildings. We shall be prepared to submit any information you request of us. We shall be glad if you can confirm to us within three (3) days of the date of this letter that you are not considering demolishing any of the buildings on the said premises.

*Yours faithfully
JAMAAT-AL-MUSLIMEEN*

Imam Yasin Abu Bakr"

(ii) Letter of 21 June

3.300. The letter of 21 June read:

"Dear Sir

Re: Lands at 1 Mucurapo Road, St. James

Further to the meeting of Monday June 18th, 1990 between His Worship the Mayor and representatives of the City Corporation and representatives of the Jamaat-al-Muslimeen wherein we were advised by the Mayor that the issue has been resolved by the Lands and Surveys as it relates to the ownership of the lands at 1 Mucurapo Road, St. James.

We would like to formally request that the Port of Spain City Corporation take steps to regularise our interest in the said lands by granting us a Deed of Lease for Twenty-five (25) years of the portion of the said lands which belong to the City Corporation with an option to renew.

Enclosed, please find letter from the Director of Town and Country Planning Division received on Tuesday, June 12th, 1990. Kindly note its contents.

Your earliest reply is anticipated.

*Yours faithfully
JAMAAT-AL-MUSLIMEEN*

Imam Yasin Abu Bakr"

City Council's Response

3.301. Ms. Noreen Holder, then Acting City Clerk, wrote to the Council's attorney-at-law, Mr. Mervyn Campbell, on 25 June, 1990 with instructions to

prepare a suitable reply to Imam Abu Bakr's letter of 20 June. The text of Ms. Holder's letter is as follows:

"Sir

Letter dated June 20th, 1990 from the Jamaat-al-Muslimeen

I am to forward for your immediate attention the enclosed copy of letter dated June 20th, 1990, from Imam Abu Bakr on behalf of the Jamaat-al-Muslimeen to the City Engineer in which he requests confirmation on matters purportedly agreed upon during discussion with him at a meeting with His Worship the Mayor and other officials of the Corporation on Monday 18th June, 1990.

The letter insinuates that it was agreed that no demolition will be undertaken by the Corporation of buildings occupied by the Jamaat on lands owned by the Corporation at No.1a Mucurapo Road, St. James. What was agreed, however, was that no further action would be taken by the Corporation with respect to its notice served on June 13th in the light of the submission of building plans by the Jamaat to the Town and Country Planning Division. The Mayor also indicated that should further action become necessary the matter will first be discussed at Council level and again with the Jamaat before proceeding with such action.

The Imam also adverts at paragraph 8 to a pronouncement by His Worship that the Corporation "does not intend to take any steps to enforce the injunction or get any new injunction...."

In this regard, the Mayor had explained that whilst the Corporation was involved it was not enjoined in the matter and therefore it was not for the Corporation to enforce it. Although the Corporation does not intend to seek any injunction in the present circumstances it must remain free so to do should events warrant such action in the future.

The quantum of the division of the subject parcel of land is not in dispute. The Corporation in fact, owns the front portion of the division parcels comprising 3A:4R:17P assessed as 1a Mucurapo Road. The remaining adjoining

portion is vested in the state and does not fall under the control of this Authority. The Corporation is therefore concerned only with compliance with its own regulations governing the use of these lands.

The Imam also refers at paragraph 4 to an alleged offer in 1984 of a lease of the portion of land owned by the Corporation. This matter was not discussed at the meeting of 18th June 1990 and should be treated as a separate issue which cannot be confirmed until this claim could be investigated. Of course the Corporation cannot presume to explain decisions of other agencies in this matter. For its part no application for "formal approval" of these buildings has ever come before the Council.

At paragraph 5, in my view, the Jamaat puts forward a legal argument that you would be better able to deal with. The Corporation has never sanctioned the construction of any building on these lands. In any event, assuming the Jamaat had permission to construct these buildings they would still be required to conform with the Building Regulations. The Corporation must again reserve the rights to take whatever action it considers appropriate from time to time.

With respect to paragraph 6, indeed the Corporation has collected House Rates and land taxes but only in respect of its lands known as 1a Mucurapo Road. Rates collected by other agencies do not fall under the purview of the Corporation.

The Imam yet again at paragraph 7 is making a legal submission and I repeat that the Corporation has never given approval for the construction of any building on these lands. For that matter, it is only quite recently that the Jamaat has submitted building plans, for the consideration of the Town and Country Planning Division and copied to the Corporation. These plans are currently engaging the attention of the 1st mentioned agency.

Finally at paragraph 8 the Imam states that he was not requested to make any specific submission and the Council representatives appeared satisfied. The Corporation is in fact satisfied that building plans have now been submitted to the relevant Authority and agreed not to take any further

action at this time pending processing of these plans by the Town and Country Planning Division and in due course by the Corporation. It is only when these plans are referred to this office by the Planning Division can we determine what, if any, specific submission may be required.

In the light of the above, please prepare a suitable reply to the Jamaat's letter.

Yours faithfully

*Noreen Holder
Ag. City Clerk"*

We received no evidence of a letter written by Mr. Campbell.

3.302. On 2 July, 1990 the City Engineer, Mr. Hotim Hassan, sent the following letter to Imam Abu Bakr:

"Dear Imam

Occupation of Lands by Jamaat-Al-Muslimeen situate at #1A Mucurapo Road, Port of Spain

Your letter of the 20th June, 1990 is acknowledged. The Corporation is unable to give any undertaking or approval to or enter into any agreement with the Jamaat with respect to the occupation and/or possession of any portion of the 8.4 acres in excess of the 3.4 acres the property of the Corporation.

We are aware that active steps have been taken by the Jamaat to submit plans of the existing unauthorised structures for approval by the relevant authorities.

In this regard, the Corporation will withhold further enforcement action consequent on the notice of 8th May, 1990 pending the deliberations relative to the submitted

plans and communications to the Jamaat of the findings of the relevant authorities.

Yours faithfully

City Engineer"

Comments of Mr. Ramtahal

3.303. In his witness statement, Mr. Ramtahal said that, from information which he believed to be true, the multiple assertions of Imam Abu Bakr in his letter of 20 June "were untrue". He said at para.8 that Imam Abu Bakr's assertions were -

"inconsistent with the way in which the Corporation dealt with the matter of unauthorised construction work in general or in the specific case of the ongoing construction at #1 Mucurapo Road, St. James."

3.304. Mr. Ramtahal gave the reasons for his belief in paras. 9, 10, 11 and 12 of his witness statement, reproduced below.

"9. The Jamaat-al-Muslimeen was not unlike any other persons or corporate entity falling within the area administered by the Corporation in the sense that other persons or corporate entities who are or were in breach the Building Regulations are or were routinely served notices and called upon to do take the required steps to ensure compliance with the said Building Regulations. To give an example, in 1989, one hundred and forty two (142) notices of various kinds were served by the Corporation for building violations and in 1990, the Corporation served one hundred

and fifty six (156) notices for similar violations on various persons or corporate entities.

10. Further, I say that the assertions made by the Imam were not true because I have seen amongst the Corporation's records, a letter dated 25 June 1990 by Noreen Holder, the then City Clerk (Ag.) written in response to the assertions made by Imam Yasin Abu Bakr in his letter of June 20th, 1990 to the Corporation requesting confirmation of matters purportedly agreed to by His Worship the Mayor and the Council. The said letter was written to the Attorney-at-Law for the Corporation and made it clear that His Worship the Mayor and the Council had a completely different and oppositional view to those expressed by Imam Yasin Abu Bakr on the commitments made by His Worship the Mayor and the Council at the meeting on Monday 18th June 1990. The Corporation wrote to its attorney requesting him to prepare a suitable reply to the Imam Abu Bakr in the light of the fraudulent statements contained in his letter. A true copy of this letter dated 25 June 1990 is hereto attached and marked "D.R.4".

11. By letter dated July 2nd, 1990 the City Engineer of the Corporation wrote to the Jamaat-al-Muslimeen on the advice of its attorney in terms indicating that the Corporation was unable to give any undertaking or for that matter, approval of any request for possession of the 8.4 acres at the premises beyond the 3.4 acre portion which falls under the authority of the Corporation. The letter also made it clear that the Corporation's decision to withhold further enforcement action pursuant to the notice of the 8th May, 1990 was merely pending the outcome of the deliberations in respect of the plans submitted by the Jamaat-al-Muslimeen to the relevant authorities, including the Town and Country Planning Division which has an authority similar to that of the Corporation to grant or to refuse building permission for structures which are proposed to be constructed. A true copy of this letter dated 2nd July, 1990 is hereto attached and marked "D.R.5".

12. Yet again by letter dated August 15th, 1990 the Port of Spain City Council communicated to the Trinidad and Tobago Electricity Commission, the City Council's decision to keep the application by the Jamaat-al-Muslimeen for an

electricity supply from the Trinidad and Tobago Electricity Commission in abeyance until the situation involving the land at the premises was regularised. A true copy of this letter dated 2nd July, 1990 is hereto attached and marked "D.R.6".

Issue #6 – Occupation of Lands by Army and Police

3.305. On 21 April, 1990, on instructions from the Minister of National Security, the Army and Police set up outposts near to the compound of the JAM at #1 Mucurapo Road. The Army were encamped on the outside of the compound of the JAM and, according to the evidence, had no view inside the compound whereas the Police did have a view inside. These forces were instructed to prevent the JAM from expanding their occupation at #1 Mucurapo Road.

3.306. Lorris Ballack said -

"We had no privacy at the compound. The Police and Army were peeping at our women when they were bathing. The Police had a clear view of the compound and some of the houses on the compound."

3.307. Both Ballack and Jamaal Shabazz said that the JAM were fearful that the Army and Police would invade the compound and assassinate the JAM.

As a result of this fear, the JAM staged the insurrection. Ballack said -

"We did not know when they were going to come but we did not wait. Every Friday the Police used to invade us."

3.308. Shabazz said -

'Three months before July we had information from the Ministry of National Security that an attempt would be made to wipe out the Jamaat leadership. There was even a dress rehearsal. One night there was a scuffle between a soldier and a member of the JAM. Salim Muwakil was actually shot in his leg. The information we had put us in a state of mind to take preventive action and fast-track it. Our source was very credible. We concluded that some kind of confrontation would take place.'

Issue #7 – Litigation concerning the Use and Occupation of the Lands

(i) *High Court Suit No.5927 of 1984 – Ex Parte Injunctions*

3.309. Prior to 1990 the City Council challenged the JAM's use and occupation of the land at #1 Mucurapo Road in 1984. In the above-mentioned action, the City Council sought and obtained, *ex parte*, an injunction against Imam Abu Bakr and the unincorporated Jamaat-al-Muslimeen. On 29 December, 1984 Kester McMillan J restrained the Defendants from trespassing on the City Council's lands and from erecting or continuing to erect any building on the City Council's lands. In addition, the Defendants were ordered forthwith to demolish and/or remove "the columns and shell beams and construction carried out on the north-western side of the existing illegally completed structure painted green and white."

(ii) *High Court Suit No.540 of 1990 – Application for Leave to Apply for Judicial Review*

3.310. In these proceedings the now incorporated Jamaat-al-Muslimeen applied to Ivor Blackman J for leave to judicially review decisions and/or actions of the Commissioner of Police (Mr. Jules Bernard) and the Chief of Defence Staff (Col. Ralph Brown) on 21 April, 1990. The JAM alleged that, on that date, the Defendants instructed officers under their command to enter and occupy lands and a building at #1 Mucurapo Road.

3.311. The JAM sought, *inter alia*, a Declaration that the instructions of the Defendants on 21 April, 1990 were illegal and void; an order of *certiorari* to quash the decisions of the Defendants; an order of *prohibition* prohibiting the Defendants from taking further steps to implement the decisions; an *injunction* restraining the Defendants from entering upon or occupying the lands.

3.312. So far as material, the brief facts were these: On 16 April, 1990 the Minister of National Security, Hon. Selwyn Richardson, instructed the Commissioner of Police to take control of a portion of land on which the JAM were erecting a structure. According to the affidavit of the Commissioner, "the instruction to occupy the said land was given to me for reasons touching national security". Mr. Bernard continued in para.3:

"Since the latter part of 1988 and continuing the Police have been in receipt of information about certain criminal and

other activities affecting national security taking place on the compound of the JAM at Mucurapo. As a result the premises were searched by the Police on a number of occasions, and a number of illegal firearms, ammunition and stolen property were found. A number of persons for whom warrants had been issued were arrested, one of them being Cuthbert Charles, who was being sought by the Police on suspicion of murder and who has since been charged for murder."

3.313. In para. 4 Mr. Bernard explained that the JAM were constructing the structure on State lands (the front lands) and the Army and Police Officers occupied those lands and not lands of the City Council. He said that, in addition to security considerations, "the purpose of the occupation of the lands was also to ensure no further trespassing on State lands by members of the applicant (the JAM) and to stop further construction of unauthorised structures on State lands by members of the applicant."

3.314. On 24 July, 1990 (three days before the attempted coup) Blackman J refused the application holding that the application more properly "related to a matter in private law rather than public law". In the course of his reasoning, Blackman J found that "the Police and the Army in going upon the lands were purporting to exercise the common law right of self-help". Moreover, he held that –

"The proper test of whether a body is subject to judicial review is not that it is a public authority or that it is endowed with coercive powers: the proper test as to whether a public body as decision-maker is amenable to judicial review is that it must purport to act under a statute, under subsidiary legislation or under prerogative....On the affidavits of the

applicant on the application for leave no such power source was identified as the one purported to be exercised by the Police and the Army.”

3.315. Contrary to the belief and assertions of Mr. Kala Akii-Bua in evidence to the Commission of Enquiry, the JAM did not “win the case”. They lost.

Destruction of Properties after the Attempted Coup

High Court Suit No.3982 of 1990 – Constitutional Motion by the JAM against Jules Bernard, Ralph Brown and the Attorney General

3.316. After the attempted coup and while the State of Emergency was still in effect, the Army and Police destroyed the buildings on the JAM's compound except the Mosque (which was damaged) and an adjoining shed. Although these events took place at a time outside of our Terms of Reference, the litigation which ensued is important because the trial judge, Clebert Brooks J, made findings directly relevant to the contentious issues surrounding the lands at #1 Mucurapo Road.

The Relief Sought

3.317. On 6 December, 1990 the JAM filed an Originating Motion for redress under s.14 of the Constitution. Specifically, they sought a Declaration that the entry and occupation by the State between 21 April, 1990 to 27 July,

1990; 10 December, 1990 to 2 April, 1991 and from 9 April and continuing of a parcel of land consisting of approximately 8 acres, 2 roods, 5 perches at #1 Mucurapo Road.....was unconstitutional and illegal in that the State's actions were in contravention of s.4(a), 4(b), 4 (11) of the Constitution. A second Declaration was sought in respect of the entry and occupation by the State of land (measuring 1.5203 hectares and 1.9324 hectares from 10 December, 1990 to 6 February 1991. Declarations were also sought in respect of "the demolition and destruction on or about 18 September, 1990 or at any time during the State of Emergency between 28 July, 1990 to 9 September, 1990" of buildings owned or used by the JAM on 1.5203 hectares, being lands of the City Council. The JAM also sought a Declaration that damage to the Mosque at #1 Mucurapo Road was unconstitutional. In addition, the JAM claimed damages.

3.318. This case was commenced when 113 JAM insurgents were in prison on remand following the events of 27 July, 1990 and was heard by Clebert Brooks J. The trial judge had before him 15 affidavits filed in support of the JAM's application and 14 affidavits filed on behalf of the Respondents. The JAM's contentions were that they were in lawful occupation of lands belonging to the City Council. The State was not entitled to possession of those lands. When the Army and Police moved in and destroyed or damaged properties, those were acts which interfered with their rights to worship and religious observance.

Furthermore, the fact of entry and the manner of entry and occupation by the State contravened the JAM's rights.

3.319. In a comprehensive judgment of 117 pages, Brooks J made these Declarations as follows on 13 February, 1992:

- (a) That the State's entry upon and occupation of the portion of the land owned by the City Council (1.5203 hectares) were unconstitutional and illegal since they contravened the JAM's rights guaranteed by s.4(a) and s.4(b) of the Constitution.
- (b) That the demolition and destruction of buildings occupied by and in the possession of the JAM between 28 July, 1990 and 9 September, 1990 by the State were unconstitutional and illegal since they contravened the said subsections of s.4 of the Constitution.
- (c) That damage caused to the JAM's Mosque between 28 July, 1990 and 6 February, 1991 was in contravention of the said subsections of s.4 of the Constitution.

- (d) That, as against the State, the JAM, its servants, agents, licensees or visitors were entitled to enter upon and remain upon the City Council's lands.

In addition, the trial judge ordered that damages for breach of the JAM's constitutional rights be assessed by a Judge in Chambers.

Findings of Brooks J

3.320. This Commission of Enquiry is not a Superior Court of Record. The High Court of Trinidad and Tobago is such a court. Accordingly, it is not open to the Commission to dispute the findings of the trial judge who, unlike the Commission, had the benefit of a mass of affidavit evidence, the wisdom, expertise and scholarship of experienced Counsel for the parties, and the citation of a wealth of legal authority to assist him in arriving at a just decision. In the circumstances, we are content to defer to the judgment of Brooks J.

3.321. We think it extremely important to record here a crucial finding of Brooks J since, in our view, it has settled once and for all a fundamental issue concerning the land at #1 Mucurapo Road. The trial judge found that there were two parcels of land at #1 Mucurapo Road in separate and distinct ownership. What we call "the front portion" consists of 1.5 hectares and abuts Mucurapo Road. This parcel belongs to the City Council. "The back portion",

measuring 1.9 hectares, is owned by the State. The two parcels are separated by the Sewerage Trunk Reserve.

Assessment of Damages

3.322. Carlton Best J assessed damages for the destruction of the JAM's buildings in the sum of \$2,125,000 (including a previous interim award of \$1,500,000 made on 20 July 2000). He also awarded interest on the total sum at 6% from 06 December, 1990 – the date of filing the proceedings. On the sum of \$625,000, being the difference between the final and interim awards, Best J also awarded interest at 6% from 21 July, 2000 until the date of entering the judgment and, thereafter, at 12% until payment.

3.323. An appeal filed by the State against the decision of Best J was dismissed for lack of prosecution because the State had not pursued the appeal in a timely manner.

Regularisation of JAM's Use and Occupation

3.324. Several witnesses, including members of the JAM, urged us to make recommendations for regularising the status of the JAM in relation to the

lands at #1 Mucurapo Road. We make our recommendations at Part C of this chapter. However, it is worth reporting that on 18 October, 1993, the then President of the Republic, His Excellency Noor Mohammed Hassanali, approved the grant of a lease between the City Council and the JAM in respect of that part of the land owned by the City Council at an annual rent of \$6,000.

3.325. It is disturbing to record that, although the lease was executed on 18 October, 1993 by the President, the JAM were not informed that a formal lease had been granted until 25 March, 1998 – nearly 5 years later.

THE SCHOOLS AT #1 MUCURAPO ROAD

3.326. The Commission discussed the evidence in respect of the occupation of the lands at #1 Mucurapo Road in Part I of this section of its Report. However, the approach of successive Governments to the two schools of the JAM at #1 Mucurapo Road requires some discussion by this Commission, as is set out hereunder.

The Issue

3.327. During the public hearings of the Commission of Enquiry, witnesses Kala Akii-Bua, Lorris Ballack and Jamaal Shabazz alleged that successive

Governments of Trinidad and Tobago, including the present Government, have discriminated against two schools built by the JAM on the lands at #1 Mucurapo Road. In a nutshell, these schools have not been the beneficiaries of "State assistance" whereas other denominational schools have received assistance from the State. The issue is, therefore, whether the JAM schools should be entitled to State assistance and, if they ought to be so entitled, why haven't they been treated equally with other denominational schools?

3.328. Although the issue predated the attempted coup, it has continued after 1990 and, up to the date of this Report, it remains unresolved. We think that the issue is best dealt with historically. On 9 November, 2011, the Secretary to the Commission, on our behalf, requested information from the Ministry of Education regarding any application made before 1990 for assisted status for JAM's school. On 9 January, 2012, the Ministry sent to the Commission, a bundle of correspondence between the Ministry and the JAM/their schools from 1981 to 2011. The following is a summary of the correspondence.

Construction of the Primary School

3.329. In or about 1979, the JAM built a primary school for their children and others on the lands. It was named "Madressa al Muslimeen". On

27 October, 1981, the proprietors of the school applied to the Ministry of Education to have it registered as a PRIVATE SCHOOL. By Notice dated 12 November, 1981, the Ministry approved the registration of the school and gave it "Number 806".

3.330. On 23 November, 1982, Mrs. Annisa Abu Bakr, Secretary of the school, wrote to Mr. Victor Bruce, Chairman of the "Child of the Year Fund" stating the number of pupils (98) and teachers (8). She mentioned that six of the teachers were full time but received no fixed salary, only a small stipend of "\$100 towards transport cost".

3.331. Mrs. Abu Bakr's letter sought financial assistance from the Fund towards the building of 4 toilets and 2 water tanks. Since labour was free, Mrs. Abu Bakr estimated the quantum of assistance sought at \$28,000. The correspondence was forwarded to the Permanent Secretary, Ministry of Education for its advice and comments.

3.332. U.D. Hunte, on behalf of the Permanent Secretary, replied on 13 June, 1983 stating, *inter alia*:

"[We].....with to inform you that after careful consideration, the Ministry regrets that it cannot accede to your request for financial aid for the school in the sum of \$28,000."

The Secondary School

3.333. On 15 November, 1984 and 12 September, 1985, the JAM applied to the Ministry of Education for registration of a secondary school “Madressa Al Muslimeen Private Secondary School”. On 3 April, 1986 approval for registration was granted with registration number 920.

3.334. By letter dated 21 September, 1986, the Principal of this school, Kibwe Atiba, wrote to the Ministry requesting –

“all the necessary information available for private secondary schools, so as to enable us to fulfil the relevant requirements of your Ministry, and to take advantage of whatever opportunities and facilities are available to us.”

3.335. Mr. Atiba also indicated that the school was desirous of participating in CXC and GCE examinations in 1987 “in the following subjects – Maths, English Language, Spanish, Geography, Chemistry, Physics and Biology”.

3.336. The Ministry wrote to the Director of Surveys on 1 September, 1987 for his advice with regard to registration. The author of the letter mentioned that “the question of the legality of the occupation of the site at Mucurapo Road by the Muslimeen group has been raised...” He sought the advice of the Director on whether –

“(a) occupation of the Mucurapo site by the Muslimeen is legal; and

(b) *there is any likelihood of a challenge to the occupation of the site.*"

3.337. Dr. Aldwyn Philip, the Director, replied on 7 September, 1987. He answered thus:

"(a) Lands and Surveys records do not indicate that any grant, lease or rental of lands was, at any time, made to the Al Muslimeen Group.

(b) The lands at Mucurapo Road occupied by the Group belong to the Port of Spain City Council and are not administered by the Director of Surveys.

(c) Lands and Surveys plans no challenge to the occupation of the site by the Group."

3.338. On 10 September, 1987, the Permanent Secretary in the Ministry of Education sent the Clerk of the City Council a letter in identical terms to that sent to the Director of Surveys.

Destruction of School Buildings – 1990

3.339. Immediately after the events of 27 July, 1990, and before surrender of the JAM insurgents, buildings on the JAM compound, including the schools, were burnt to the ground. When the JAM were eventually freed, they set about rebuilding the schools.

Request for Assisted School Status

3.340. On 15 September, 1994, Imam Abu Bakr himself wrote to the Ministry of Education “requesting Assisted School Status for the Madressa Al Muslimeen”. He also stated that it was proposed to re-construct the secondary school and he wished that school to be assisted also.

3.341. It is the understanding of the Commission that ‘Assisted School Status’ implies that the State assists in the payment of teachers’ salaries and other amenities. This kind of assistance is rendered to other religious-based schools. So that, essentially, the JAM were seeking to be dealt with on the same terms as other similar denominational schools.

3.342. We saw no evidence of a response from the Ministry to Imam Abu Bakr’s request.

Change of Name and Payment of Exam Fees

3.343. In October 2004 the Secondary school notified the Ministry that its name was changed from “Madressa al Muslimeen Secondary School” to “Mucurapo Islamic College”.

3.344. On 2 August, 2005, the Chief Education Officer, Ms. Paula Daniel, wrote to Mrs. Abu Bakr as Principal of the Islamic College, and indicated that the Government would “pay the examination fees for the May/June sitting” of the CSEC, GCE Ordinary and Advanced Level examinations in respect of *bona fide* students of registered Private Secondary Schools who meet” certain criteria which were enumerated.

3.345. On 21 November, 2005, the Primary School also sought from the Ministry inclusion of its students in the School Nutrition Programme. There was a total of 135 students.

News Release – 10 October, 2006

3.346. There seems to have been no Ministry response to the matter of school meals. But on 10 October, 2006, the Ministry issued a News Release. The salient aspects of the News Release are summarised hereunder.

- A delegation from the Madressa Al Muslimeen met with Ministry officials on 6 October, 2006 “in pursuit of the requests for Government assistance and Government assisted status for two of their private schools, the Mucurapo

Islamic College and the Madressa Al Muslimeen Primary School”.

- The preconditions “for considering either the status or the assistance being sought”, and the obligations resting on an applicant seeking registration of a private school. Of especial note was the obligation “to present either evidence of ownership of the property (land and building) or the lease or rental arrangement for its use.”
- The delegation appealed for the provision of meals to the children attending the school and a continuation of the provision of books under the Textbook Rental Programme.
- It was agreed that a team from the Ministry would visit the schools that week to make a preliminary assessment of the number of pupils in need of meals.
- The Textbook Rental Programme would continue.
- *Inter alia*, the delegation agreed to submit certain documents from WASA, the Electricity Inspectorate and the

Fire and Health Authorities "as well as proof of ownership of the schools' property."

3.347. On 11 October, 2006, the Ministry reminded the Principal of the Islamic College to submit evidence of ownership of the property or a lease/rental agreement.

Ministry's Reasons for Refusing Assistance

3.348. Whereas WASA approved continued use of the school for 2 years and the Fire Service Department found that fire/life safety measures were adequate in 2006 and 2007, the Ministry of Education turned down the request for assisted status on 5 November, 2008. The reasons ascribed for denial of the status were:

- insufficient land space;
- the location of the College within the sewerage reserve;
- notice by the City Council to demolish the existing school structures by 3 October, 2009;
- evidence of ownership of the land for more than 50 years;

- the failure of the physical facilities and equipment to meet the requirements of the Ministry.

Letter to Minister of Education – 21 June, 2011

3.349. Following the change of Government in 2010, the Board of “the Mucurapo Islamic Educational Complex” wrote to the new Minister of Education, Dr. the Hon. Tim Gopeesingh seeking assistance in paying “teachers’ salaries and other amenities”.

3.350. The Board pointed out that “the financial burden of providing quality education to a school population of over 200 children cannot be met by the private donations that previously sustained it”. The schools were said to be “on the brink of closure”.

3.351. The Board made a pointed reference to the events of July 1990 and suggested that the children were being disadvantaged by reason of the JAM’s activities in 1990. The actual paragraph of the letter reads:

“We are positive that the Minister is aware of our existence since 1982. We have no choice but to believe that the political games that have been played with the Jamaat-al-Muslimeen, the parent organisation, have been extended to these children thus jeopardizing their future. The future of our children and their educational development will only ensure our nation’s prosperity.”

Continuing Dissatisfaction of the Jamaat

3.352. When he appeared before the Commission on 31 January, 2012, Lorris Ballack applied for deferral of his testimony because he was “very distressed”. He claimed that the teachers at the schools had to be paid on that day but he was “short of \$100,000” to pay them. He alleged that there was a “Concordat” under which “there should be some payment but the persecution continues”. The Commission excused Mr. Ballack from giving evidence on that day. Again, on 27 March, 2012, when Mr. Ballack was scheduled to resume his testimony, he declined to testify because he had to find money to pay the teachers and was “in no frame of mind” to give evidence. The Commission excused Mr. Ballack and he never appeared again.

3.353. Mr. Kala Akii-Bua is also dissatisfied that the schools are the apparent victims of discrimination and accused the Government of taking a “hands-off position on the schools and the land” at #1 Mucurapo Road.

A Witness in camera

3.354. The witness gave his views on the issue of the schools. He told the Commission –

“Because the school is on land illegally occupied, the State does not want to recognise the secondary school and doesn’t want to pay the teachers. Akii-Bua complains all the time that he has to get zakat to pay.....I feel that the State must be prepared to make a concession.”

SECTION 5. SOME OTHER CONTRIBUTORY FACTORS

(a) Litigation involving the JAM (the Judicial System)

3.355. Prof. Ramesh Deosaran was of opinion that Imam Abu Bakr and the JAM were “outraged at the slow pace of the litigation” involving them and the State or its agencies. A brief summary of the litigation follows:

3.356. On 29 December, 1984, the City Council sought and obtained an *ex parte* prohibitory injunction restraining Imam Abu Bakr from trespassing on its land at #1 Mucurapo Road. Kester McMillan J. also granted a mandatory injunction enjoining the JAM to demolish and/or remove the columns and steel beams which had been created although it seems that this mandatory injunction was not originally sought.

3.357. Imam Abu Bakr did not comply with the orders. He continued building. On 17 January, 1985, Jean Permanand J. found that Imam Abu Bakr was in contempt of court and sentenced him to 21 days’ imprisonment. The Police, led by Supt. Elton Keith, sought to execute a Warrant of Arrest of

Imam Abu Bakr at #1 Mucurapo Road but the gates were locked and a sizeable crowd of women and children was arrayed near the gates. The Police were abused. Supt. Keith did not desire a confrontation which could turn violent so he withdrew the Police Officers from the scene.

3.358. On 22 January, 1985, the then Minister of National Security in the PNM Government, Mr. John Donaldson, wrote to the Commissioner of Police complimenting Supt. Keith for the "sensitive manner in which he handled a very delicate situation". According to Prof. Selwyn Ryan, at p.59 of his book "The Muslimeen Grab for Power", Donaldson stated in his letter that Supt. Keith had shown "tact, good judgment and acted civilly and humanely".

3.359. However, Donaldson's intervention was roundly condemned by editorials in the Trinidad Guardian and Trinidad Express newspapers, the Law Society of Trinidad and Tobago and others. The basic tenor of the criticisms was that the rule of law was being threatened and abrogated and lawlessness and irresponsibility were taking root in the society.

3.360. Extra-curially, a war of words developed between the City Council, Imam Abu Bakr, Bilaal Abdullah and Riza Khan, a member of the Islamic Missionaries Guild (IMG). Eventually, Bakr was taken to prison to serve his sentence for contempt.

3.361. With the change of Government in 1986, attempts were made by Ministers in the NAR Government to engage the JAM in dialogue with a view to regularising the land tenure at #1 Mucurapo Road, as we discuss elsewhere in this Chapter.

3.362. While all of this was happening, Special Branch was regularly collecting, documenting and reporting to the political directorate, information and Intelligence on the JAM's potentially subversive activities. Minister of National Security, Selwyn Richardson, was apparently in receipt of information/Intelligence of those activities. On 21 April 1990, he instructed the Police and the Army to establish a guard post near to the JAM's compound at #1 Mucurapo Road.

3.363. As we have indicated at para. 3.322, the judge, however, was not impressed by the State's "apparent show of military might" in entering upon the lands which the JAM believed they had a right to occupy. He looked askance at the State's resort to self-help, citing with approval a *dictum* of Lord Denning, and observed that the laws of Trinidad and Tobago provided a sufficient remedy for the State to seek to enforce its rights.

3.364. He said:

“The High Court of Trinidad and Tobago provides a summary remedy under the Rules of Court for the swift recovery of possession of lands occupied by trespassers. The use of military might by the State in such circumstances is in my view undesirable and should be eschewed as far as possible. I am here assuming of course that the reason said to be given by the Supt. of Police for going on the lands, that is, that the applicant is in unlawful possession of them, is true.”

(b) Destruction of Other Properties

3.365. Jamaal Shabazz gave evidence that, in April 1989, the State had demolished two of their Mosques in John John and at the Beetham Estate as well as a bakery at Laventille. And Mr. Clive Nunez’s belief was that the JAM feared that the demolition of the Mecca Entertainment Complex might be a forerunner to the demolition of their headquarters at #1 Mucurapo Road.

(c) Allegations of Ministers’ involvement in illegal drugs and the death of WPC Bernadette James

3.366. In the course of his evidence, Jamaal Shabazz alleged that Ministers Richardson and Atwell were involved in illegal drugs. He alleged that, on one occasion, these Ministers were in a room at Piarco Airport examining cocaine when, suddenly, WPC James entered the room and saw what the Ministers were doing. Shabazz said in evidence that WPC James had visited the

JAM and told them the story, which they believed. Subsequently she was killed during a training exercise. A rumour gained ground that her death was contrived as a result of what she saw. According to Shabazz, WPC James' death was never satisfactorily explained away and the JAM were incensed by the rumour and allegations. It was one of the matters that induced the JAM to take up arms against the Government. They felt that it was a planned execution and Minister Richardson was deliberately persecuting them because of their suspected knowledge.

3.367. The Commission received evidence *in camera* that there was no factual basis for the allegations which were described as "mischievous and malicious". We were told that two Police Officers were involved in the exercise at the point when WPC James was fatally shot. It was an accident. One officer was so devastated by the incident that he suffered "mental problems". The other officer developed such trauma that he "contemplated suicide".

3.368. Mr. Anthony Smart testified that Shabazz's allegations greatly upset Mr. Richardson's widow.

3.369. Mr. Smart was upset by the evidence of Jamaal Shabazz suggesting that Ministers Richardson and Atwell were involved in drugs. In respect of Mr. Richardson, Mr. Smart said -

"I knew him reasonably well. He liked publicity, was affable, not thorough but was not dishonest. He was no cocaine dealer. He was a humble man with a simple lifestyle. My firm did his estate when he died. He had \$23,000 in cash; his property was mortgaged."

3.370. Mr. Smart said that Mr. Richardson's widow was distraught at Shabazz's evidence. He believes that what prompted the unsavoury gossip was the fact that Mr. Richardson had done a favour for a neighbour and given the neighbour's son a reference. That reference "ended up in a court in Miami where the son was charged with drug offences".

3.371. In respect of Mr. Atwell, Mr. Smart described him as "a complicated person; not a people's person but a man of high ideals".

"He did not have the wherewithal of a persons involved in drugs. When he demitted office in 1991, he was in financial difficulties. A judgment was obtained against him for \$1.2 million."

Dr. Kirk Meighoo

3.372. Dr. Meighoo is a political scientist who has published articles and a book "Politics in a Half-Made Society: Trinidad and Tobago 1925-2001". He submitted memoranda and gave oral evidence to the Commission. Included in his memoranda, were alleged Minutes of meetings of SOPO (transcriptions of

original handwritten Minutes). The Commission did not see the handwritten version which Dr. Meighoo said he had “secured”.

3.373. However, our perusal of the transcribed Minutes did not reveal any significant new material which the Commission had not previously obtained from other sources except that it appears that Canon Knolly Clarke and Mr. John Humphrey reported to SOPO shortly after the attempted coup. For example, Dr. Meighoo noted that “SOPO’s founding Resolution explicitly committed it to peaceful protest” and “SOPO in general disassociated itself from the violence of the coup”, and that “SOPO was not informed of the Jamaat’s plans.”

Dr. Meighoo’s Observations on Factors Contributing to the Insurrection

3.374. In his desire “to assist the Commission in placing the coup in its social, economic and political context”, Dr. Meighoo made the following points:

- A severe economic recession began in 1983 and saw unrelenting economic contraction up to 1990.
- This recession seriously affected the standard of living in Trinidad and Tobago.

- During the term of office of the NAR Government, unemployment reached a high of 22.3% in 1989, followed by two years “of the highest unemployment rates in the history of Trinidad and Tobago”.
- Crime and murder rates rose alarmingly. Reported crime from 10, 697 in 1982 to 19, 385 in 1988. Murders increased from 23 in 1980 to 118 in 1987.
- There was evidence of family breakdown.
- The salary cuts, introduction of VAT and the IMF structural adjustment programme were “deeply resented by all sections of the population”.
- The unions became more militant and united, culminating in the General Strike.
- “After winning an unprecedented landslide victory in 1986....the NAR promised a near-utopia of racial and class unity, economic recovery and political progress”.

3.375. Dr. Meighoo synthesised those observations with this final comment:

“All these issues – and perhaps others, which may also be identified – provided the explosive social, economic and political background which led to the attempted coup on 27 July, 1990.”

Stage set for Insurrection – A Summer of Discontent

3.376. In the early summer of 1990, a cauldron of discontent, disenchantment, disillusionment, and despair was boiling against the NAR Government. Imam Abu Bakr was stoking the fires and preparing to empty the contents of the large pot against the representatives of the people in the most vicious and violent manner imaginable. On 27 July, 1990 the pot boiled over.

3.377. Plainly, public meetings, protests and demonstrations, all feeding off public discontent and disaffection, had weakened the moral authority of the Government and created an atmosphere of instability and disequilibrium in the Republic. This atmosphere afforded an opportunity for irresponsibility to take prominence.

3.378. It was against this background of public disaffection, societal disequilibrium and general instability that Imam Abu Bakr and his co-conspirators planned and launched the events of 27 July, 1990.

A Witness in camera

3.379. One person who foresaw upheaval in the Republic expressed himself in these words:

"It was my view at the time and continues to be my view that some kind of uprising would have taken place.....The Government inherited a very broken Treasury with all kinds of social discontent everywhere. I think that if it had not been the JAM, it would have been some other social group like SOPO."

The JAM's Target Group

3.380. Because of the economic and fiscal problems that the NAR Government had inherited upon its assumption of office, it was unable to implement the major programmes and policies outlined in the manifesto of 1986. In particular, it was unable to implement programmes to ameliorate the condition of the thousands of black youths who had been the focus of Theodore Guerra's letter of 5 February, 1988. These youths felt disappointment and anger with the Government. They became the target for recruitment by the Jamaat-al-Muslimeen.

3.381. As Raymond Pallackdharrysingh put it -

"Here was a gathering of youths from all parts of the country, who were dispossessed and had nothing to look

forward to, being absorbed by a group that seemed to offer at least some immediate satisfaction of their needs. Having offered some immediate satisfaction of their needs, it was quite easy to start the process of having them think as the leaders of the Jamaat wanted."

Involvement of the Jamaat-al-Muslimeen in the Politics of Trinidad and Tobago

3.382. All of the witnesses who were questioned about the reality or perception of the Jamaat-al-Muslimeen spoke of that group's propensity to violence. People were afraid of them. Mr. Lincoln Myers, Minister of Agriculture and National Service in the NAR Government said -

"They instilled fear. They gained respect as a result of fear."

3.383. Mr. M.K. Hosein of the Islamic Missionaries Guild (IMG) said that he wrote to Prime Minister Robinson on 7 December, 1988 to complain that Mr. Selwyn Richardson had described the JAM as "a haven for hoodlums". Dr. Emmanuel Hosein said that, before 27 July, 1990, the JAM were making it known "all over the country that they had enlisted a lot of ex-criminals and were not averse to using arms". Mr. Jones P. Madeira encapsulated the political role of the JAM and the public's perception of them in this succinct observation –

"They were feared as a fundamentalist group.....they were seen as people who brokered votes at elections. Imam Abu Bakr is feared and held in contempt but he is pursued by the Press."

3.384. Jamaal Shabazz admitted that the JAM were prone to using violence to achieve their ends. Lorris Ballack testified that in seeking to clean up drugs on the street, the JAM "sent the word that drugs must stop". He said that they threatened "to flog the drug pushers off the street".

"We promised to become violent with some pushers and we did. We used baseball bats....To my knowledge we did not retaliate with guns."

3.385. The JAM never formed themselves into a Political Party prior to July 1990. They were content to be a pressure group without any political ideology; and were prepared to offer support on the ground to whichever Political Party they chose to support in an election. They were committed to no particular Political Party. They shifted and turned their allegiance, like some weathercock, according to the prevailing political winds. However, a substantial proportion of their membership had links to the PNM. Kala Akii-Bua said -

"80% of the members of the Jamaat-al-Muslimeen came from the PNM."

3.386. Mr. Clive Nunez admitted in evidence that he was close to the JAM during the nineteen eighties and was aware of their involvement in politics. He said -

"From my own experience, I know that the JAM supported both the PNM and the UNC. They were easily identifiable by their clothing. They were foot soldiers and were prominent in public meetings. They offered security to whichever political Party they were supporting. In elections they went campaigning house to house encouraging people to vote. I

saw them in Maloney. They held public meetings in support of the Party they were campaigning for."

3.387. Mr. Nunez expressed disappointment that the JAM had joined SOPO. He said –

"I expected that they would have known the character of some of the leaders who would sell them out."

He identified two unions for whom he had no respect but were part of SOPO, namely, the National Union of Government and Federated Workers and the Seamen's Union.

3.388. The JAM did not support the PNM in the 1986 General Elections. Jamaal Shabazz said that "the PNM had been very oppressive to the Jamaat". He gave three illustrations of PNM oppression, viz.

"(i) They were the first to harass the JAM;

(ii) They had an opportunity to settle the land issue at #1 Mucurapo Road but did not;

(iii) They used the JAM for their own ends. In Laventille we got nothing from the PNM."

Akii-Bua also said the JAM "got no help from the PNM".

3.389. We found no evidence that the leadership of the NAR actively encouraged the JAM to rally to its cause in the election campaign of 1986. But this does not gainsay the fact that some individual candidates of the NAR allowed the JAM to campaign in support of them. And when the NAR took office, it created a special group known as "The 'A' team" which oversaw special infrastructural works and provided security for the political leader. A prominent member of the 'A' Team was Lance Small. He was an equally prominent member of the JAM and was a key figure in the events of 27 July, 1990. It was not clear from the evidence whether Small was a deliberate plant by the JAM into the bosom of the NAR to gather information and Intelligence for the JAM but we do not rule it out as a possible distinct ploy.

3.390. What is clear, however, is that the JAM did support the NAR in 1986 and, in the words of Kala Akii-Bua, "reached people that the candidates could not reach". That, indeed, was the essence of the *modus operandi* of the JAM in relation to its political involvement. It worked on the ground and in difficult or hostile areas where it was not reluctant to use force or the threat of force to garner support for a politician. Lorris Ballack said frankly in his evidence:

"I campaigned for Dr. Albert Richards in La Brea. People were fed up with the PNM. After years, they had done nothing in La Brea".

Ballack, who was at one time Secretary at the Palo Seco/Fyzabad branch of the OWTU, said that George Weekes, President-General of the OWTU, asked him to assist the NAR.

3.391. However, by 12 January, 1987, the JAM's support for the NAR began to wane. We accept the Intelligence contained in a Special Branch Report of 7 January, 1987 that the JAM decided to send members to the opening of the new Parliament "to monitor and report on activities." The Report went further and stated -

"It is reported that some candidates of the NAR made promises to a member of the Jamaat (a) that he will be appointed to the Senate; and (b) that the Jamaat would be accepted as a religious body and be supported financially by the Government."

3.392. The Report also said that JAM members were advised to apply for permission to operate canteens and other businesses at the Jean Pierre Complex and the Municipal Stadium in order to raise funds for their organisation.

3.393. Although not germane specifically to the events of 1990, we think that it is worthy of inclusion in this Report that we received ample evidence that the JAM played supporting roles to the PNM and UNC in elections subsequent to the ouster of the NAR from office. For example, Kala Akii-Bua testified to assistance rendered to the UNC in 1995 and the PNM in 2001. He said that senior members of the JAM met with the leaders of those two parties and were

promised that their problem concerning the land and school at #1 Mucurapo Road would be resolved. They were not. In graphic evidence, he said:

"We never had a political philosophy. We shifted about in search of a Party that would deliver the school and the land."

3.394. In 1990 the JAM rode on the bandwagon of SOPO. They attended meetings, spoke on platforms, participated in demonstrations and, generally, joined the chorus of anti-NAR activities which destabilised the country and weakened the Government. By 27 July, 1990, the JAM felt emboldened to make its own bid for political power. We leave the last word with Jamaal Shabazz:

"My understanding of the plot was that we would overthrow the Government and install a new Government."

3.395. Lorris Ballack had a similar understanding of the objective of the attacks on 27 July. His evidence was as follows:

"The plan was to overthrow the NAR, which was done successfully, and put Dookeran as Prime Minister so that an election could come in 90 days. The plan was to remove the Government and put something in place. The important thing was to get rid of Robinson and the NAR and put Dookeran as Prime Minister and a new Government in place."

SECTION 6. FINDINGS AND/OR CONCLUSIONS – CONTRIBUTORY FACTORS

(1) ECONOMIC FACTORS

3.396. Economic and fiscal policies pursued by the NAR Government contributed to widespread dissatisfaction, discontent and disaffection with the NAR Government prior to the attempted coup. These policies were a necessary response to the conditions which the NAR met upon assumption of office.

3.397. Under the previous PNM Government, Trinidad and Tobago had experienced severe economic recession between 1970 and 1973. The balance of payments was in deficit and the foreign reserves were in a very parlous state. After 1973, as a result of massive increases in petroleum prices and growth in domestic petroleum production, the deficits were transformed into surpluses. During the period 1974-1980, Government's revenues grew spectacularly, averaging 44% annually.

3.398. The PNM Government correctly 'locked away' surplus revenues in a number of special accounts, re-structured debt and started major capital projects to stimulate growth and employment. Spending was unrestrained and unsustainable. By 1982 the dark clouds of economic recession and depression were gathering on the horizon. The then Prime Minister, Hon. George Chambers, was moved to remind the population that "the fête is over".

3.399. The five years immediately preceding the NAR's term of office saw Trinidad and Tobago once more slide into recession. That period (1984-1986) saw the virtual depletion of the foreign reserves, sharp increases in unemployment, the dissipation of the funds 'locked away' in special accounts, constant industrial relations conflict and mass demonstrations.

3.400. It is our finding that when the NAR assumed office in December 1986, they were confronted with a Treasury that was, in a manner of speaking, almost empty. The foreign reserves and savings were depleted. There was a massive debt burden of \$7.4 billion. The economy required rescue and resuscitation. To achieve these ends, drastic corrective action was required. The Government's fiscal, monetary and economic options were limited. They would involve pain for the people.

3.401. The NAR took the necessary action courageously. But four initiatives upset and angered the people. These were (a) suspension of the Cost of Living Allowance (COLA) 1987; (b) entering into a programme with the International Monetary Fund (IMF) 1988; (c) reducing the salaries of public sector workers by 10% in January 1989; and (d) enacting the Value Added Tax Act (VAT) effective 1 January 1990.

3.402. By 1990 the Government was seeing a turnaround in the economy. The balance of payments had strengthened, the foreign reserves had doubled in one year, the petro-chemical sector had recorded strong growth in 1989 and the Government was satisfying the criteria of the IMF programme. The Commission accepts that the NAR Government was also implementing the series of measures enumerated at para. 3.81 to bring relief to the people.

3.403. But the Government did not communicate effectively with the people to convince them of the need for austerity. When the economy and the fortunes of the country began to turn around, the Government did not apprise the people of what it was doing in their interests. This communication deficit allowed discontent among the people to fester.

3.404. Moreover, the first six months of 1990 were characterised by industrial unrest. There was a General Strike and mass demonstrations around the Red House by public sector workers, including nurses, teachers and even the Police. The Government appeared to be disconnected from the people it represented and unmoved by the burgeoning discontent. The country was becoming ungovernable.

3.405. The Commission finds that some members of the NAR Government were aware of the societal discontent but the leadership was complacent in the

knowledge that the economy and the Government's programmes were beginning to "move into positive territory".

3.406. No one in the Government seemed to appreciate that the economic situation had engendered such antipathy to the Government that it could create a platform of instability and an environment that would encourage Imam Abu Bakr to believe that he could launch an armed offensive against the Government which would receive popular support.

(2) POLITICAL FACTORS

3.407. While the NAR Government was forced by fiscal and economic circumstances not of its own making to respond with austere measures, a combination of self-inflicted political wounds weakened the authority and popularity of the Government in the years preceding the attempted coup. The coalition experiment failed.

3.408. Plainly, the economic policies to which we referred at (1) above, were political decisions. But other factors of a purely political nature created instability in the Government and the country.

3.409. The Commission finds that the personality and style of the Prime Minister distanced him from his Ministers and Parliamentary colleagues. He was perceived by them as being arrogant and aloof and insensitive to the reality that, among the membership of the coalition, his Party (DAC) had only two seats in Parliament.

3.410. It was a mistake for the Prime Minister to interfere or appear to interfere in other Ministries and allow persons outside the Cabinet to seemingly be more influential than members of the Cabinet. This had adverse political consequences for the NAR Government.

3.411. Mr. Panday, as leader of the ULF, ought to have offered leadership to his colleagues when he was approached for guidance. Admittedly, Mr. Panday was inexperienced in the modalities of Cabinet Government but he was a vastly experienced politician, accustomed to conflict, which is a commonplace of trade union activity. We find that he was most magnanimous in recognising, as he stated in his evidence to the Commission, that the country was not ready for an Indian Prime Minister in 1986. Notwithstanding that he brought the largest number of seats to the coalition, he supported Mr. Robinson to be the leader of the NAR.

3.412. The Commission finds that race, which has always been an issue in the politics of Trinidad and Tobago, permeated the operations of the Cabinet and the mantra of the NAR, "One Love", was short-lived.

3.413. Some Ministers did not show fidelity to the principles of Cabinet Government based on 'the Westminster model' and pursued their own agendas and interests. The Commission understands and appreciates that there was a genuine and sincere concern to try to implement Manifesto commitments. Nevertheless, a way ought to have been found to deal with the difficulties of implementing Manifesto promises in harsh economic times while at the same time displaying fidelity to time-honoured principles of Cabinet Government.

3.414. Having regard to the inexperience of the Cabinet, it is a matter of regret that, prior to taking up their Cabinet assignments, members were not brought together in a Retreat to discuss the practicalities of Cabinet Government. Such a Retreat, informed by contributions from former Ministers, former senior public officials and the Secretary to the Cabinet, would have been a valuable exercise.

3.415. Open conflict between Mr. Robinson, Mr. Panday and Mr. Humphrey in respect of certain policy initiatives adversely affect the cohesion of the Cabinet. Mr. Panday had committed the NAR during the pre-election

campaign to the establishment of an Indian Cultural Centre (ICC). He negotiated with the High Commissioner for India to Trinidad and Tobago to have the project become a reality. We find that the rejection of the relevant Cabinet Note on Mr. Robinson's instigation, embarrassed Mr. Panday and upset the Indian community in the Republic. We accept the evidence of Dr. Emmanuel Hosein and Hon. Winston Dookeran that rejection of the project was "a denial of the aspirations" of the Indian community and delayed their "sense of belonging to Trinidad and Tobago". Surely, a compromise between two mature politicians may have averted the fracture that was the consequence of their seeming intransigence.

3.416. In the case of Mr. John Humphrey, his ideas of a tri-sector partnership comprising the State, the private sector and the leaders of labour, were committed to paper in the Manifesto. So too were the Sou Sou Land project and the Trinity dollar. As such, they should have been discussed in the Cabinet. Even though the idea of the Trinity dollar was rejected by the Cabinet, we are satisfied that the other initiatives were not accorded mature consideration. But it was a breach of the principles of Cabinet Government, especially the principle of collective responsibility, when Mr. Humphrey persisted in promoting the Trinity dollar idea in public in defiance of the Cabinet decision. We accept Mr. Selby Wilson's evidence that Mr. Humphrey openly criticised the Prime Minister in public. In the Westminster style of Government, a Prime

Minister could not be expected to condone public criticism of himself/herself by a Cabinet colleague. Dismissal from the Cabinet was a logical response.

3.417. We find that by the end of 1987 members of the NAR in the Cabinet were openly criticising each other and the Prime Minister. The ULF members of the NAR felt that they were being marginalised. Two articles in the Express newspaper, "The ULF Grab for Power" and "the Indianisation of the Government", helped to fuel the simmering flames of race politics in the Government. All these phenomena chipped away at the unity and cohesiveness of the NAR and the Government.

3.418. When the original Cabinet was required to resign on 26 November, 1987 but was re-appointed two days later minus Mr. Humphrey and with the portfolios of the ULF members reduced, the very survival of the Cabinet was threatened. It did not survive much longer. Dismissal of Messrs. Panday, Sudama and Ramnath in February 1988 would have shaken the foundations of the Cabinet. The ostensible unity of the society which was promised by the mantra of "One Love" was severely undermined. The situation was exacerbated by the perception that the NAR was the political vehicle which permitted Indo-Trinidadians, and particularly rural Indo-Trinidadians, to participate in the political process. The response of the ULF members in Parliament and the dismissed Cabinet members was to organise themselves as CLUB 88 on 16

March, 1988. They then established a new political Party, the United National Congress (UNC) on 16 March, 1989 under Mr. Panday's leadership. We find, on the evidence, that no real attempt was made to repair the split in the NAR. It is true, however, that the Nanga Committee was established to identify the problems in the Party and determine their causes. We find that this was a worthwhile initiative but the report and recommendations of that Committee seem not to have been effective in healing the political wounds.

3.419. With the formation of the UNC, the NAR was confronted by two opposition Parties with mass support. The PNM relied on its traditional support and the UNC had control of the former ULF constituencies. The country was once again divided along lines of race, viz. Afro-Trinidadians and Indo-Trinidadians.

3.420. The Commission finds that, in the words of Mr. Mervyn Assam, "the combined forces of the Opposition launched an *ad hominem* attack on Mr. Robinson". This strategy of weakening the head, combined with the reality of the split in the NAR and the austerity programme being pursued by the Government, made it very unpopular. And even though by 1990 there was discernible improvement in the economy and the Government was making positive interventions in several areas, it became disconnected from the people and its communication with them was poor.

3.421. The Commission finds that the concerns identified by Mr. Theodore Guerra in his letter of 5 February, 1988 remained unaddressed. He had warned of "destitution, despair and desperation of the average man in the street, especially the unemployed". – see para. 3.128.

3.422. The Commission finds that the Government was properly pre-occupied with the problems of governance and tried to move the country forward. However, it failed to ensure that the reasons for austerity and its positive achievements were effectively communicated to the people.

3.423. The Commission recognises that Ministers and Parliamentary Secretaries are consumed by the weight of administration of their various departments – almost on a 24/7 basis. There is a real possibility of such persons becoming desk-bound. Nevertheless, time must be so organised and managed as to allow for regular interaction with the people.

3.424. The problems of the Government were exacerbated by the hostile industrial relations climate that pervaded the country during the first six months of 1990. SOPO played no small part in fomenting discontent and the Trade Union Movement was unrelenting in its application of pressure against the Government. The Government was under attack on several fronts.

3.425. We find that the leadership of the fractured NAR paid too little attention to its opponents and their messages. Even when he gave evidence to the Commission, Mr. Robinson seemed to be dismissive of SOPO and Canon Clarke. Mr. Robinson seemed to think that Canon Clarke and SOPO represented “a strong communist movement which had influence in Trinidad and Tobago”. All the more reason why he should have been monitoring what they were preaching and its effects on the masses.

3.426. The Commission does not believe that the Tesoro scandal and the debate in the Parliament during July 1990 precipitated the attempted coup. Indeed we are of the opinion that the public had pronounced on alleged corruption under the PNM Government by its massive vote against that Government in December 1986. Between 1986 and 1990 the problems of the Republic were fiscal, economic and social. The electorate desired the NAR Government to deal with those problems. Any concentration on corruption in 1990 was likely to be misplaced and, probably, a waste of political powder and shot in the context of the real problems affecting the society as a whole.

(3) SOCIAL FACTORS

3.427. The Commission reiterates its finding that, by 1990, the core problems and concerns identified by Mr. Theodore Guerra in early 1988 had not

been successfully addressed. But we hasten to add that those problems did not originate with the NAR Government. By 1986, the economy had returned to recession under the PNM. Unemployment was unacceptably high, workers were being retrenched, companies were closing and bankruptcies were becoming commonplace. The youth and the poor were the greatest sufferers. Their condition remained static.

3.428. With the introduction of a period of austerity under the NAR, social conditions continued to deteriorate as a consequence of the economic state of the country. Foreclosures, bankrupt businesses, redundancies, unemployment took a severe toll on the human spirit and reduced the disposable income of the people. The poor and marginalised were put under extreme strain. Health services were unable to cope because of a lack of funding and the social welfare agencies could not respond adequately to the demands made upon them. Homelessness increased.

3.429. The impact of the austerity measures bore heavily upon the family structure and its stability. People who had moved away from parents were obliged to return for parental security and solace. Domestic conflict was inevitable. Many young children engaged in truancy.

3.430. The Commission accepts that the JAM at #1 Mucurapo Road offered sanctuary to disenchanted youth and persons in distress. That organisation filled some of the void in the health services, for example, by the provision of spectacles. And the JAM provided food, shelter and a welcoming environment. The youth were attracted to the JAM.

3.431. We accept the evidence of Mrs. Verna St.Rose-Greaves that young men –

“were excited by the religion, its practices, doctrine and rituals and looked forward to participating.....Many spoke of first going to the Muslim community for help, receiving help and staying.”

For the JAM, this was a captive cohort.

(4) THE DISPUTE CONCERNING THE LANDS AT #1 MUCURAPO ROAD

3.432. Historically, the tenure of the lands at #1 Mucurapo Road has posed problems for the Government of Trinidad and Tobago. For over thirty years, there has been an unresolved dispute among the JAM, as occupiers of the land for most of that time, the Government and the Port of Spain City Council.

3.433. The Commission identified seven issues which are germane to this long standing dispute. These are: (a) the history of occupation of the lands; (b) the ownership of the land and the amount of land in dispute; (c) the use and

occupation of the lands; (d) efforts to settle the dispute; (e) the occupation of part of the lands by the Army and the Police in April 1990; (f) litigation concerning the land; (g) the JAM's schools; (h) the State's attitude to schools run by the JAM. On all these issues, the Commission makes findings and we also discuss and make findings relating to attempts to resolve the dispute out-of-court and in court.

Issue #1 – History of Occupation of the Lands

3.434. The first occupier of the lands was the Islamic Missionaries Guild (IMG). The IMG approached the then Government in 1965 with a view to establishing an Islamic Cultural Centre (ICC) in Trinidad and Tobago. The Prime Minister, Dr. Eric Williams, promised to provide the IMG with land. On 23 January 1969, the Permanent Secretary, Ministry of Planning and Development, wrote to the IMG offering them the site at #1 Mucurapo Road and “[authorising them] to enter the land to carry out any works necessary for the construction of the Centre” (ICC). – see para. 3.213. The City Council did not object to the proposal of the central Government and signified its approval in correspondence addressed to the Permanent Secretary dated 5 February 1969.

3.435. The Commission finds that, at that time, the lands were mostly swamp and mangroves. The City Council permitted the IMG to begin

construction works for the ICC. The land was fenced and a site office and storeroom erected. A plan of the land was drawn by the Director of Surveys, Mr. G.A. Farrell. The land was said to measure 8 acres, 2 roods and 5 perches and the notation on the survey plan was that the land was "to be leased for a site for an Islamic Cultural Centre". The IMG never received a lease.

3.436. On 3 August 1969 the foundation stone for the ICC was laid. Subsequently architectural plans were drawn.

3.437. Despite a controversy with another Muslim organisation, the Anjuman Sunnat-al-Jamaat Association (ASJA), the IMG continued in possession of the lands. Some persons belonging to the then unincorporated JAM were on part of the lands around 1972. Imam Abu Bakr was not in Trinidad and Tobago at that time. But the unincorporated JAM remained on the lands for at least six years after 1972.

3.438. The Commission accepts the findings of Brooks J. in the High Court Action No.3982/1990 that "from 1972 onwards the unincorporated Jamaat went into occupation and possession of the Corporation's [City Council's] lands at Mucurapo".

3.439. However, the Commission also finds that, by letter dated 24 October 1977, the IMG sought permission from the Sub-Intendant of State Lands to continue filling the site up to 5 November, 1977. Permission was granted but the IMG were instructed to undertake no other construction work on the site. Indeed, the IMG were advised in early November 1977 by the central Government to look for an alternative site for the ICC and they did so. The IMG paid the requisite rates and taxes to the City Council and, at no time, were they asked to sign a lease either by the State or the City Council.

3.440. The Commission finds that, after Imam Abu Bakr returned to Trinidad and Tobago in November 1978, he took possession of the lands. He sought the IMG's permission and they acceded to his request. In this regard, we believe Mr. M.K. Hosein's evidence that Imam Abu Bakr "booted out" the IMG, took over and took possession of the site.

3.441. The Commission also accepts Mr. Hosein's evidence that the IMG were always compliant with the instructions of the central Government and/or the City Council. They built no permanent structures. When the IMG removed themselves, the way was clear for Imam Abu Bakr and the JAM to begin consolidating themselves on the lands. The IMG who had authority to be on the lands were gone. The JAM who had no authority began to squat or to continue squatting.

Issue #2 – The Amount of Land and its Ownership

3.442. The Commission has no hesitation in accepting the testimony of Mr. Andrew Bowles, Director of Surveys. A key feature of the survey plans since 1969 is that they identify a Sewerage Trunk Reserve (STR), 80 feet wide, which traverses the entirety of the 8 acres, 2 roods, 5 perches originally under the possession of the IMG.

3.443. The STR in effect demarcates two separate parcels of land in different ownership but comprising, in total, 8 acres, 2 roods, 5 perches. The Commission finds that that parcel or portion of land north of the STR and comprising 1.5203 hectares is owned by the City Council. That parcel or portion of land, south of the STR and comprising 1.9324 hectares is owned by the State.

3.444. The Commission finds that the letter from the Permanent Secretary, Ministry of Planning and Development, dated 23 January, 1969 is the source of the confusion that has since attended the issue of the lands at #1 Mucurapo Road. In that letter, the State purported to deal with land which it did not own, namely, the 1.5203 hectares owned by the City Council. Since the IMG genuinely believed that they were entitled to go into possession of all the lands (8 acres, 2 roods, 5 perches) and, indeed, took possession thereof, the

JAM, as successor-occupants to the IMG, believed that they were entitled to occupy all of the lands.

3.445. The Commission finds that all of the parties laboured under an original mistake both of fact and law. The State purported to transfer land which it did not own. The IMG, being aware of the true facts, purported to take possession of the entire lands and deal with them as they were permitted. Subsequently, the JAM, believing that the entire lands were to be used for construction of an ICC, took possession of and laid claim to all of the land.

Issue #3 – Use and Occupation of the Lands

3.446. The Commission finds that, without approval of the City Council and the Chief Town Planner, from 1984 the JAM constructed a series of buildings on that portion of the lands belonging to the City Council – see para. 3.251. However, the JAM trespassed on lands owned by the State by placing containers on the lands and erecting a school building on it.

3.447. The Commission also finds that the school is constructed over a part of the STR. This construction has effectively denied the Water and Sewerage Authority (WASA) access to manhole #478 and this is a matter of significant concern to WASA and the Government.

3.448. The Commission finds that, for over ten years, the Government or its agencies have written to the JAM protesting the encroachment of the school on the STR but no firm action has followed. Similarly, the City Council has, since 1987, been aware of unauthorised construction work being carried on by the JAM. The JAM have been served, time and again, with notices of intended prosecution but the threats of prosecution have never been carried out.

3.449. The Commission finds that the empty threats made by the authorities and their failure to take decisive action are clear evidence of a breakdown in the rule of law.

3.450. Except for the *ex parte* Injunction obtained by the City Council against the JAM in 1984, no other legal proceedings were commenced by the City Council or the State against the JAM's illegal occupation of the lands and construction of properties thereon.

Issue #4 – Efforts to Settle the Dispute

3.451. The Commission finds that the Prime Minister, Mr. Robinson, authorised Dr. Brinsley Samaroo as Minister who had responsibility for Local Government, to try to find a formula for resolving the JAM's illegal occupation of the lands.

3.452. The Commission finds that Imam Abu Bakr was offered 5 acres of the land on a twenty-year lease. We find that Imam Abu Bakr initially agreed but subsequently reneged on his agreement when instructions were to be given for preparation of the formal documentation. In like manner, Imam Abu Bakr rejected an improved offer of 10 acres and effectively scuttled the negotiations. The Commission is satisfied, on the evidence, that the NAR Government made *bona fide* attempts to resolve the land issue with the JAM. The situation became intractable because of the propensity of Imam Abu Bakr to “shift the goalposts” in respect of the amount of land which should reasonably have been made available to the JAM. We entirely endorse the comment of one witness to the effect that Imam Abu Bakr would not have been satisfied “unless he got the whole of western Port of Spain”.

3.453. We find that, at all times, Imam Abu Bakr was unreasonable, untrustworthy and negotiated in bad faith. He deliberately caused negotiations to fail.

3.454. We find that it was always made a condition of any arrangement or agreement that the JAM would be required to incorporate. In this regard, the Commission notes that the JAM were registered and incorporated in November 1989.

3.455. The Commission finds that the JAM knew and accepted on 18 June 1990 that 3.4 acres of land which they had been occupying were and are owned by the City Council and the remaining portion was and is owned by the State. See letter of 20 June 1990 at para. 3.299.

3.456. The Commission is satisfied that attempts were made by the City Council in June 1990 to discuss and resolve with the JAM the unauthorised construction of buildings on the City Council's lands. The JAM, for their part, submitted plans of the unauthorised structures for approval by the relevant authorities. No enforcement proceedings, which may have included demolition of the unauthorised structures, were undertaken apparently because the City Council was awaiting the decisions of the relevant authorities.

Issue #5 – Occupation by the Protective Services

3.457. The Commission finds that on 21 April, 1990, on instructions from the Minister of National Security, the Army and the Police set up outposts near the JAM's compound at #1 Mucurapo Road.

3.458. The Army's specific instructions were to prevent further intrusion on State lands.

3.459. The Commission finds that, notwithstanding its specific and express task, the Army ought to have paid greater attention to what was happening at the compound. The Army did not perform any Intelligence-gathering function in respect of the JAM because Special Branch had not shared its Intelligence with the Army.

3.460. The Commission finds that the establishment of the outpost annoyed the JAM and its presence induced the leadership of the JAM to believe that it could be used as a staging post for an offensive against the JAM. The Commission had no reliable evidence to corroborate the evidence of the JAM's witnesses that the Police and Army were peeping at their women while they were bathing.

3.461. The JAM sought judicial review of the decisions to establish the outpost but the application was dismissed for the reasons adverted to at para. 3.322.

Issue #6 – The Schools

3.462. Although the treatment by the State of the schools built at #1 Mucurapo Road by the JAM was not suggested to the Commission as a factor

contributing to the attempted coup, the Commission is of the view that it is inextricably linked to the whole matter of the use and occupation of the lands.

3.463. The Commission is satisfied that the City Council and the State have been aware that a primary and a secondary school have been constructed without planning permission at #1 Mucurapo Road since the early 1980s. Notwithstanding the unauthorised construction, the Ministry of Education has registered the schools but has also consistently refused to accord the schools 'Assisted School Status', and to have the Primary School included in the School Nutrition Programme.

3.464. The Commission finds that there are two overarching concerns of the Ministry of Education, namely, the location of the Islamic College within the STR and evidence of ownership of the land for more than 50 years. Both of these matters raise serious challenges for the JAM.

3.465. With regard to the question of ownership, the Commission notes that, on 18 October 1993, the City Council formally leased its portion of the lands to the JAM at an annual rent of \$6,000. No plausible reason was given to the Commission for the failure to inform the JAM before 25 March, 1988 that the President of the Republic had approved a lease five years earlier. We think that the delay could not be attributable to 'bureaucratic bungling'.

3.466. In respect of the location of the STR, the Commission recommends that, in the public interest, the portion of land occupied by the school be compulsorily acquired with payment of appropriate compensation. However, prior to such State action, the Commission recommends that the parties enter into negotiations to discuss and settle the issues consequent upon compulsory acquisition, for example, relocation of the school elsewhere.

(5) OTHER SUGGESTED CONTRIBUTORY FACTORS

3.467. The Commission finds that the allegations of Jamaal Shabazz that WPC Bernadette James saw Ministers Richardson and Atwell examining cocaine in a room at Piarco Airport were and are baseless. Furthermore, there is no credible evidence that WPC James was killed in order to silence her from disclosing what she allegedly saw.

3.468. The Commission finds that the manner in which Bernadette James died was the subject of malicious gossip which, in a small society, can easily be elevated to rumour and given the currency of fact. We accept that the allegations have caused Mr. Richardson's widow and Mr. Atwell great hurt and distress.

3.469. The Commission finds that, even if the Bernadette James affair resonated with the leadership of the JAM, it played no real part in their decision to attempt the coup.

3.470. Similarly, the Commission finds that the dismissal of the judicial review application a few days before the attempted coup was not a factor which contributed to the insurrection.

CHAPTER 4

The Underlying Purpose and Extent of and the Intention behind the
Plot that led to the Attempted Coup TOR 1 (ii)

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CHAPTER 4

THE UNDERLYING PURPOSE AND EXTENT OF AND THE INTENTION BEHIND THE PLOT THAT LED TO THE ATTEMPTED COUP - ToR 1(ii)

A. *INTRODUCTION*

4.1. This Term of Reference seeks to ascertain the objectives of the JAM in carrying out the insurrection on 27 July, 1990. In the years following the attempted coup, sundry persons have speculated or proffered opinions as to the purpose of the JAM and their intention on 27 July, 1990.

4.2. In contradistinction to those speculations or opinions, the Commission received direct evidence from participants in the attempted coup, hostages who interacted with insurgents at the Red House, TTT and Radio Trinidad and other witnesses who were in a position to offer informed assessments of the purpose and intention of the JAM. Accordingly, we reproduce at Part B the relevant evidence on record before the Commission and make our findings at Part C.

B. THE EVIDENCE

4.3. The evidence given to the Commission suggests that there were five broad reasons why the JAM took up arms against the duly elected Government of Trinidad and Tobago. These were —

- (i) that, against the background of their unresolved tenure of the land at #1 Mucurapo Road, the JAM feared an attack by the security forces on their headquarters and took pre-emptive action to defend the property and their lives;
- (ii) that the JAM intended to overthrow the NAR Government and install a new Government of which they would be a part;
- (iii) that they intended to cause Trinidad and Tobago to become an Islamic State;
- (iv) that the insurrection was a response to the harsh social and economic conditions in Trinidad and Tobago in 1990 and the JAM expected widespread support;

- (v) that the insurrection was a personal reprisal against Prime Minister Robinson, Ministers Selwyn Richardson and Selby Wilson for whom the JAM had intense personal hatred. The JAM wished to have these persons removed from the governance of Trinidad and Tobago.

4.4. We examine the evidence in relation to each of these suggested reasons below *seriatim*:

- (1) PRE-EMPTIVE STRIKE TO PROTECT LIVES AND PROPERTY AT #1 MUCURAPO ROAD

Mr. Jamaal Shabazz

4.5. Shabazz, who led the group of insurgents which invaded Radio Trinidad, said –

“Three months before July, we received information from the Ministry of National Security that an attempt would be made to wipe out the leadership of the JAM.....The information we got put us in a state of mind to take preventive action and fast-track it. We concluded that some kind of military confrontation would take place. Our source was very credible.”

He said that the land issue was “one of a series of factors motivating the coup”.

On 21 June, 2011, Shabazz testified as follows:

"We had information from the Ministry of National Security that the Army and Police would come to the compound and, accidentally, we would be killed. So, we had to preserve ourselves by taking in front. It was our perception that we were now at war with the Government. It was an act of war."

Mr. Lorris Ballack

4.6. Ballack was among the insurgents who captured TTT. He said –

"The politicians wanted to kill us, particularly the Imam (Abu Bakr). We did not know when they were going to come and we did not wait. We heard that Friday evening we would have been invaded by the Police around the time of Juma."

Imam Abu Bakr

4.7. In a deposition sworn by Imam Abu Bakr on 1 May, 1991 for use in the trial of Louis Haneef in Florida, Imam Abu Bakr was asked why the JAM took the actions they did on 27 July, 1990. He replied:

"I can't say exactly. There are so many things. I would say a number of things. I know the tension has always been there since the occupation. We had a lot of trouble with the Army and Police. We kept reporting to them all the time the aggravation and things like that. Three days before, and this you can confirm with the Police and the Army and the newspapers, about 4.30 in the morning, we had a dormitory with some young men staying there and the Police came in and dragged the young men out of the dormitory and wanted to shoot them in the street. We reported this matter to the Army, Col. Vidal, and to the head of the Police at the

time, Acting Commissioner Headley, and we also informed the President about this matter.....I myself spoke to Col. Vidal personally at the camp with some other people."

4.8. He was then asked: "What were your goals on the 27th? What were you trying to accomplish?" He replied:

"We were attacked. We felt that the best thing to do was to go there at the moment. It was a spontaneous reaction. We went there and we felt we could stop the matter. Of course, you would know an organisation like ours had, like anybody else, some major security. We were informed that the Police and the Army had plans. We were living there and there are a lot of people there, 70, 80, as many as 100 children. You are there 24 hours with these guns over you every day. They don't have ice cream cones and pizza. They have machine guns every day. You go to Court and you find some measure of recourse and the Court orders there is too much force and the people should not be there. They don't move and the aggravation continues day after day. At some time these people are going to kill somebody.

I think self-defence is human nature. I am making no apologies for that.....This matter reached that level of proportion. I felt my life was threatened. I think everybody there felt their life was threatened. Something happened that day that convinced us that we could all be killed. We took the action based on what happened that day."

Mr. Bilaal Abdullah

4.9. In the deposition which he gave in the US proceedings against Haneef, Bilaal testified as to what caused the JAM to stage the insurrection –

"We had information that we were about to be attacked. We had suspected that something like that would occur, based on the behaviour of the Army and Police on 21 April and the day after, during the occupation of our premises.

Our information is that an attack would have resulted in the deaths of members of the JAM and myself and so on. The buildings in our compound would be demolished and likely – State of Emergency declared in the country. That was our information coming from sources at the Ministry of Justice and National Security, that had been reliable in the past, including with respect to 21 April's occupation.....We were going to be attacked by the security forces. We decided that we had to prevent that."

4.10. He continued:

"Basically we took precautions and decided that, based on the situation prevailing and the long history of harassment and the overall situation in the country, it would be best if we made a move against the Government and forced them and tried to get them to come to an agreement for the then Prime Minister to step down and for an interim Government of national unity to be formed and to have elections in ninety days. That was the goal."

Mr. Clive Nunez

4.11. Two days before the attempted coup, Mr. Nunez met with Imam Abu Bakr at #1 Mucurapo Road. In his evidence Mr. Nunez said that the JAM's concern was about the possible loss of the land at #1 Mucurapo Road and the destruction of the Mosque. He said that he got the impression that –

"if there was an attack on their premises, they were prepared to lay down their lives to protect it."

4.12. Mr. Nunez testified that he pleaded with Dr. Carson Charles that –

"an issue about a small piece of land should not cause big trouble."

Mr. Kala Akii-Bua

4.13. Akii-Bua, like his co-insurgents Shabazz and Ballack, said that Imam Abu Bakr had information that the Police and Army intended to attack the JAM's headquarters at #1 Mucurapo Road. They therefore took offensive action against the Government in defence of their property.

Mr. Winston Dookeran

4.14. Mr. Dookeran was also of the view that the purpose of the insurrection was to protect the land at #1 Mucurapo Road. He said in categorical terms:

"The attempted coup arose from the land issue. I read it that the Mucurapo land issue precipitated the coup."

However, he also said, less categorically –

"I think they came expressly to change the Government."

Mr. Jones P. Madeira

4.15. Mr. Madeira stated:

"Abu Bakr spoke to me about poverty and a lack of medicines. I felt that the attempted coup had nothing to do with those things. It was grounded in their dispute over the land."

Mr. Selby Wilson

Mr. Wilson's terse comment was as follows:

"I associate the JAM's behaviour as having to do with their claims to the land."

Prof. Ramesh Deosaran

4.16. Retired University Professor, Dr. Ramesh Deosaran, published a book *"A Society under Siege – A Study of Political Confusion and Legal Mysticism"* in 1993. He examined the insurrection, its possible causes, consequences and implications from the perspective of a social scientist. In oral evidence to the Commission, Prof. Deosaran said –

"The genesis of the entire episode leading to the insurrection grew out of the squatting issue. If it were settled early, the 1990 insurrection might not necessarily have arisen. If the issue of squatting on State land had been dealt with at the beginning by the authorities as it ought to have been, his (Abu Bakr's) grievances might not have arisen.....it may not have led to harassment, Police presence and so on.....A decision one way or the other, either to evict him or regularise the squatting as they had done in other areas with other persons should have been made."

Dr. Emmanuel Hosein

4.17. Dr. Hosein said there was talk that Imam Abu Bakr had threatened the previous PNM Government “because they did not give him the Mucurapo land”:

“When NAR came in, his attitude was “if all you don’t give me the land, I will attack you”.”

Evidence from Transcripts of Conversation

Mr. Bilaal Abdullah and Imam Abu Bakr

4.18. The Commission was presented with transcripts of conversations between Imam Abu Bakr and Bilaal during the insurrection. Imam Abu Bakr and Bilaal were not aware that they were being taped. They spoke to each other every night. A witness who read the transcripts, described them as “very chilling”. There was liberal use of the word “jihad” and Bilaal and Imam Abu Bakr both emphasised that anyone who sought to deprive the JAM of the land at #1 Mucurapo Road would face a jihad.

The witness was in no doubt, having read the transcripts, that –

“the issue of the land was the prime cause of the attempted coup and also, the fact that they felt that they were targeted by Selwyn Richardson with regard to the Bernadette James affair.....Those were the two main reasons.”

They resented the thought that after they had converted the land "from mosquito-infested swamp, the Syrians in the community should now get it". What was distilled from the transcripts is that the JAM were prepared to die. It was a holy war.

(2) OVERTHROW OF GOVERNMENT AND INSTALLATION OF A NEW GOVERNMENT

Prime Minister Robinson

4.19. Mr. Robinson said –

"The young man who was over me with a gun gave me the impression that they wanted to replace the Government with themselves. But I did not see how that was possible."

He also said that he thought the objectives of the insurrectionists were: "(i) to disrupt Parliament; and (ii) to imprison the NAR Members of Parliament as a matter of revenge".

4.20. Mr. Robinson's view was the JAM were anxious to remove his Government and obtain power –

"because of the programmes that the NAR Government was pursuing and which, if successful, would have led to a lengthy stay of that Government in power."

Mr. Jamaal Shabazz

4.21. Shabazz spoke of his understanding of the plot. He said –

“My understanding of the plot was that we would overthrow the Government and install a new Government. I assumed that we would be part of the new Government. I told the other eleven men with me that we were overthrowing the Government. It was only when I discussed with them that they had an understanding. The brothers in the Red House had a better view of the intention to overthrow the Government.”

Mr. Lorris Ballack

4.22. Ballack claims to have found out “the enormity of the plan” about

5.00 p.m. on 27 July when Imam Abu Bakr spoke to him and told him –

“We are going to overthrow the present Government this afternoon.”

And he said that, after Imam Abu Bakr’s first broadcast, he “knew the plan”.

“It was to overthrow the Government and then to put Dookeran as Prime Minister so that elections could come in 90 days. The important thing was to get rid of Robinson and the NAR and put a new Government in place.”

4.23. He told the Commission that at no time was it the intention of the JAM to become *the* Government but “we wanted to be part of a new Government”.

Mr. Raoul Pantin

4.24. Mr. Pantin said that Mr. Fyard Hosein had told him that Imam Abu Bakr had always wanted to overthrow the Government.

Mr. Mervyn Assam

4.25. After the tension in the Red House had eased, Mr. Assam engaged some of the insurgents in conversation. He said that they told him –

“they invaded to overthrow the Government.”

Mr. John Humphrey

4.26. Mr. Humphrey said that the number one objective of the insurrection “was to have Mr. Robinson step down as Prime Minister”.

Mr. Winston Dookeran

4.27. Mr. Dookeran heard the JAM in the Red House describing the Government as “wicked” and saying that the people should be freed from the Government. Specifically, he said –

“They said they wanted a new Government and they were trying to free the people. I did not get the impression that

they wanted to form the Government but they wanted to be part of one."

Imam Abu Bakr's Desire for Ministerial Appointment – Canon Knolly Clarke and Mr. Jones P. Madeira

4.28. At TTT on Sunday, 29 August, Imam Abu Bakr told Canon Clarke that he wished to be made the Minister of National Security in a new Government. When Canon Clarke explained the difficulties involved in satisfying Imam Abu Bakr's desires, the Imam said –

"They can bring me in through the Senate."

4.29. Mr. Jones Madeira said that he overheard the conversation between Imam Abu Bakr and Canon Clarke.

Canon Knolly Clarke

4.30. To be more specific, Canon Clarke said that Imam Abu Bakr told him –

"the JAM needed to participate in a national Government and he told me and the head of TTT that one of us or he should be Minister of National Security. We could come through the Senate. The JAM wanted to be part of a Government."

(3) ESTABLISHMENT OF AN ISLAMIC STATE

Mr. Mervyn Guiseppi

4.31. In his testimony, Mr. Guiseppi said that –

“From 1982 the JAM had intended to Islamise Trinidad and Tobago.....Abu Bakr and his people said that they intended to transform Trinidad and Tobago into an Islamic State.”

Mr. Reginald Dumas

4.32. Mr. Dumas put the intentions of the JAM this way –

“They wanted to get political power by way of political change. Down the road, they wanted to establish an Islamic State.”

A Witness in camera

4.33. A witness who gave evidence *in camera* supported Mr. Dumas’ theory. The witness described the JAM as “a religious, terrorist group whose ultimate goal was to have an Islamic State.”

Mr. Lincoln Myers

4.34. Mr. Myers also thought that the establishment of an Islamic State was one of the objectives of the JAM. His relevant evidence is as follows:

"Having attended a large function sponsored by the JAM at which John Humphrey was present, it was clear to me that they intended to establish an Islamic State in Trinidad and Tobago. I did not think in 1985/86 that the JAM could have achieved that objective and I did not foresee violence being used. But I thought that they needed to be watched."

Another witness in camera

4.35. A witness who was described as an expert in the religion and teachings of Islam, gave evidence on condition of anonymity, as follows:

"The JAM had indoctrinated, committed leadership who knew that what they wanted to do was to establish an Islamic State here under Sharia law."

4.36. He agreed that:

"Their short-term project was to overthrow the Government and get hold of power. The longer view was an Islamic State. That is my studied opinion."

Mr. Raoul Pantin

4.37. During his captivity at TTT, Mr. Pantin spoke with some of his captors. He said that some of the gunmen said to him –

"We are going to create an Islamic State".

Special Branch Reports

4.38. We report in Chapter 6 that we were provided with copies of certain documents generated by the Special Branch. Although we let these documents speak for themselves, we are nevertheless constrained to point out, having regard to this aspect of our terms of reference, that as early as 23 June, 1987, Special Branch had information out of the bowels of the JAM that they had “a dream of making Trinidad and Tobago an Islamic State”. See also, the report of Imam Abu Bakr’s address to 550 JAM on 8 September, 1989 (para. 6.136).

4.39. Special Branch reports also identify Bilaal Abdullah as a promoter of the objective of creating an Islamic State in Trinidad and Tobago – See the report of 13 October, 1989 (para. 6.139). The transcripts of the Bilaal/Abu Bakr conversations do not shed any light on the belief of some witnesses that the JAM intended to establish an Islamic State in Trinidad and Tobago.

(4) RESPONSE TO THE GOVERNMENT’S AUSTERITY MEASURES

Imam Abu Bakr’s Broadcasts

4.40. In his broadcasts to the nation which we have published at paras. 2.4., 2.7, 2.91 and 2.92, Imam Abu Bakr purported to provide explanations for

the attempted coup. Since we have reproduced those broadcasts verbatim, we merely summarise the essence of Imam Abu Bakr's complaints against the Government. He alleged that the JAM took action because the country had reached "the abyss of no return";

- there was widespread poverty and destitution;
- there were no jobs and unemployment was high;
- children resorted to crime in order to live;
- there was a lack of medicines in hospitals;
- the country was torn apart by hate, bigotry and racism;
- rape, robbery, incest and illegal drug abuse were rampant;
- notwithstanding the foregoing, the Government proposed to spend \$1/2M to build a monument to Gene Miles' memory;
- the JAM were aware of the suffering of the people and provided food, accommodation and social services on a daily basis for the poor and oppressed.

Statements by Insurgents as reported by Hostages in the Red House

Mrs. Jennifer Johnson

4.41. Both Mrs. Jennifer Johnson and Mr. Mervyn Assam gave evidence that, in their conversations with insurgents at the Red House, it was the

complaint of the insurgents that the Government “was oppressing the people, especially the poor” and was “wicked”. Mrs. Johnson stated that David Bethelmy said to her that he got involved in the insurrection because he was oppressed “and Allah says that, if you are oppressed, you must take action”.

Mr. Mervyn Assam

4.42. Mr. Assam said that some of the JAM with whom he conversed said that the policies of the NAR Government were not in the interests of the people.

Mr. Jones P. Madeira

4.43. During the time he was held hostage, Mr. Madeira spoke several times with the JAM. He said –

“Their message to me was that the Government was uncaring, not serving the interests of the people and they had to get involved.”

Mr. Selby Wilson

4.44. Mr. Wilson said –

“It is erroneous to link the attempted coup to any overall discontent in the society.”

The Trinidad and Tobago Chamber of Industry and Commerce

4.45. The view of the Chamber of Commerce is that –

“Apart from some measure of dissatisfaction with the governance of the country, and a desire to convert the country into a ‘Muslim State’, the leadership of the attempted coup never really publicly indicated any other purposes and intentions behind the plot. Of course, the Government of the day and the rest of society at the time, were well aware of the beliefs of the Jamaat and accepted them as part of a democracy and pluralistic society, not realizing that, in the process, they would be misled and one day in 1990, the Jamaat would seek to overthrow the Government and foist their beliefs on society in pursuit of their selfish objectives.”

(5) PERSONAL HATRED OF PRIME MINISTER AND MINISTERS RICHARDSON AND WILSON

4.46. More than one witness said that the JAM insurgents in the Red House seemed to have personal hatred towards the Prime Minister and Ministers Richardson and Wilson. Mrs. Verna St. Rose-Greaves said:

“There were vile expressions of hate against Mr. Robinson which I have never before observed against a leader. It was everywhere – the unions, the NGO’s, the Church. Even after the coup, people were saying they should have killed Robinson.”

Mr. Mervyn Assam

4.47. Mr. Assam said that the JAM described these persons as “wicked”. Many of the MPs were of opinion that the animosity against the two Ministers and the Prime Minister was exemplified in two ways. First, when the JAM invaded the Parliamentary Chamber, they repeatedly asked –

“Where Robbie; where Sello; where Wilson, the IMF man?”

Secondly, these three MPs were specifically targeted and subjected to very severe physical assault and battery. Messrs. Robinson and Richardson were actually shot by Bilaal.

Mr. Jones P. Madeira

4.48. Mr. Madeira said that, from his conversation with the JAM -

“It was clear that they planned to arrest Robinson and Richardson. The coup was to take place before 4.00 p.m. and they would strike when Robinson and Richardson were sitting together. But they were not together and the JAM became more and more anxious. They postponed the strike until after tea. At that time, Robinson and Richardson were in the House.”

4.49. The transcripts of the Bilaal/Abu Bakr conversations do lend some credence to the view that these men seemed to have had animosity towards Mr. Richardson especially. They believed that he was behind their “persecution” and the constant raids on their compound. As the witness observed –

"When you read the transcripts, two selfish motives were up front; the land and their feeling of persecution."

An Expectation of Widespread Support

4.50. In no way are we suggesting here that an expectation of widespread support was a causal factor of the insurrection. But several witnesses testified that Imam Abu Bakr clearly anticipated that his actions would have encouraged large numbers of disgruntled persons to rise up in support of the JAM and in opposition to the Government. As the witness put it –

"They were hoping that the ordinary black people, the impoverished Civil Servants and so on who felt that they were the targets of 15% VAT and other austerity measures, would have joined them in a sort of popular uprising.....In the alliance with SOPO, they were building that sort of foundation."

Mr. Jones P. Madeira

4.51. Mr. Madeira said that in the early hours of Saturday morning when transmissions were cut, Imam Abu Bakr blurted out:

"By now I should be on people's shoulders being paraded out of TTT. My message is not getting across."

In Mr. Madeira's words –

"He thought that the population would rise up and be with him but that never happened."

Mrs. Gloria Henry

4.52. Mrs. Henry said to the Commission that she will never accept that the JAM acted alone. She said –

“I am sure that they were expecting support from SOPO and others. They could not believe that Abu Bakr could run a country. I don’t see how it could have got into their heads that they could take over a Government and run it.”

Mr. Selby Wilson

4.53. Mr. Wilson said that the JAM did not have widespread support from the masses. He described the attempted coup as –

“just the actions of thugs invading the Parliament. During the coup there was no groundswell of support for the JAM. Only looting and an opportunity for crime.”

Mr. Jamaal Shabazz

4.54. Shabazz said that two weeks before the attempted coup –

“The plan was to overthrow the Government. There would be a popular response and then there would be an Interim Government and then elections in 90 days....The land would be regularised and we would play a part in the development of young people and deal with the cocaine problem. Hearing this, I was personally motivated. I did not contemplate failure. Some members felt that, after our action and popular action, and given the Army’s stance, the NAR would bow.....I thought we understood the society of

Trinidad and Tobago. I thought the people would have accepted us."

He said that he did not know how long it would take to overthrow the Government or how long they would have been at Radio Trinidad. He took no medicines or food when he invaded.

THE EXTENT OF THE PLOT

A. INTRODUCTION

4.55. Owing to the refusal of Imam Abu Bakr to testify before the Commission and the absence of Mr. Bilaal Abdullah (reportedly living in China), there was a dearth of evidence to assist the Commission in its task of unravelling the details of the extent of the plot to overthrow the Government. However, there is incontrovertible evidence that the plot to overthrow the Government was long in its planning and was to be executed with a considerable amount of weaponry.

B. THE EVIDENCE

Special Branch

4.56. The Special Branch reports more particularly set out *in extenso* at Chapter 6, and the oral evidence of Col. Brown and Capt. George Clarke, do provide relevant evidence. In so far as the Special Branch reports are detailed in Chapter 6, we shall merely indicate in this Part, the basic tenor of the relevant report to provide a flavour of the information contained therein.

Special Branch Report – 3 August, 1988 (para. 6.129)

4.57. As early as 30 July, 1988, Lorris Ballack and Bernard Blache were discussing with a well-known drug dealer the acquisition of arms and ammunition for use by the JAM. Next day, they reported to Imam Abu Bakr.

Special Branch Report – 3 August, 1988 (para. 6.133)

4.58. This report stated, *inter alia*, that after Juma on 29 July, 1988, about 50 members of the JAM discussed the security arrangements for Prime Minister Robinson.

Special Branch Report – 29 August, 1989 (para. 6.136)

4.59. This is a report of a meeting on 23 August, 1990 at which there was discussion of possible attacks on the lives of the Prime Minister, senior Government officials and security officers. It was planned that the JAM would take action during the Independence period but, if that were not possible, it would happen in the future.

Special Branch Report – 11 September, 1989 (para. 6.136)

4.60. In an address to 550 members of the JAM on his return from Libya, Imam Abu Bakr said that the NAR Government had done nothing in 3 years to change the system in Trinidad and Tobago and -

“it was decreed by Allah that Muslims have to change the system. There is no other time to change but now.”

Special Branch Report – 28 September, 1989 (para. 6.138)

4.61. Special Branch was aware of rumours of a plot by members of the JAM to assassinate the Prime Minister. Only a very select few of the JAM were aware of this plot but included Imam Abu Bakr, Bilaal Abdullah and Salim Muwakil.

Special Branch Report – 13 October, 1989 (para. 6.139)

4.62. Again, Special Branch was aware of a meeting on 7 October, 1989 attended by eight members of the JAM at the Mosque and chaired by Bilaal. It was at this meeting that Bilaal disclosed that the JAM had been collaborating with members of the Monroe Road Mosque, Cunupia, to join the JAM in an Islamic revolution. Members of this Mosque had agreed "to pick up arms to remove the unjust system". Moreover, members of a Mosque on the Old Southern Main Road had pledged support for "the Islamic Revolutionary Justice Organisation to take a serious stand in removing the Government." Members of the Mosque at Monroe Road were in possession of arms and ammunition to be used at an appropriate time. Imam Abu Bakr was negotiating with Libyan authorities for assistance with finance, arms, ammunition and more mercenaries than originally planned. At that time he was considering the best method of bringing a large shipment of arms and ammunition into Trinidad.

Special Branch Report – 16 February, 1990 (para. 6.141)

4.63. In this Report it is clear that Special Branch was aware that eighteen members of the JAM had recently visited Libya.

ORAL EVIDENCE

Col. Ralph Brown

4.64. Col. Brown's evidence was that the arms and ammunition used in the attempted coup were financed "through Saudi Arabia and the money to pay for them was transferred to a bank in Florida. Louis Haneef purchased the arms and ammunition." Col. Brown further said that –

"the arms and ammunition came through the port at Point Lisas. A Customs Officer with links to the JAM left Port of Spain and went to Point Lisas to clear them. They were eventually stored in a warehouse in Trincity. All the guns recovered from the Red House and TTT were catalogued and secured by the Regiment; the information was recorded and they were handed over to the Police. The US authorities helped to trace the weapons by their serial numbers."

Capt. George Clarke

4.65. Capt. Clarke supervised the collection of the weapons and created an inventory. He described the weaponry of the JAM thus:

"The JAM basically had shotguns, single shot rifles and a few automatics....Among their weapons, I recall about 5 different manufacturers including Kruger, Heckler, Winchester and Remington."

4.66. Comparing the weaponry of the JAM with that of the Army, Capt. Clarke observed –

"I do not think they were well equipped to engage us in a serious fire-fight....The weapons we used were Galil, SLRs, General Purpose Machine Guns (GPMG) and M16s. They could not match the firepower of the GPMGs. They did not have an ability to bring heavy sustained fire on us. Their range of fire was limited whereas ours was virtually unlimited. They had approximately 4000 rounds.....I recorded the serial numbers on the weapons and their manufacture."

4.67. The list of weapons secured by Capt. Clarke is at Appendix 6.

EXPECTATION OF SUPPORT FROM THE SECURITY FORCES AND SOPO

4.68. Mr. Shabazz said that he knew two weeks before the attempted coup and following information from the Ministry of National Security of a planned attack on the JAM's compound, that "there would be different action. I was assigned to Radio Trinidad to take charge there." He said –

"The main aim was to overthrow the NAR. I felt that there would be some coalition to run the country. I was told by people senior to me that the Army would not take part in the activities. I believed that the Army would support us. We had a lot of meetings with SOPO not to discuss the overthrow but that SOPO would be part of the aftermath. I could feel that."

4.69. He continued –

"It was my information that this would be the scenario. The Jamaat were to be the ones to start the thing. There was to

be no looting. In fact, (i) SOPO did not rally; (ii) there was massive looting; (iii) the Army did not support us."

4.70. As to the Police, Shabazz said –

"It was the view that there would be some resistance from the Police. There was a lot of dissension in the ranks of the Police. We did not foresee a long, drawn out battle with the armed forces. I was aware of a contingent going to the Red House and another to TTT."

Canon Clarke – SOPO

4.71. So far as SOPO was concerned, both Mr. David Abdulah and Canon Clarke made it clear that, although the JAM was a member of SOPO, the latter did not know of or sanction the attempted coup. Canon Clarke described SOPO as "an organisation of concern for some of the negative issues being encountered by the people. Its membership was largely from the labour unions, NGOs and faith-based organisations. He said –

"The JAM were a member. They were faith-based. SOPO had no formal structure. We met at the OWTU in San Fernando. We conducted marches, protests and demonstrations to highlight the major issues of the time."

4.72. He said that he was not aware that "an insurrection of this kind was on the cards". The events of 27 July came as a complete surprise.

Clarke's Public Statements

4.73. In the course of his evidence, certain statements made by Canon Clarke on 19 June, 1990 at a massive rally were put to him. They appeared at pp. 20-21 of Prof. Selwyn Ryan's book "The Muslimeen Grab for Power".

"The basic services of our nation are gradually grinding to a halt. The health services of our nation cannot deliver quality health care. The nation's health centres and hospitals have little or no equipment, little medicine, and an acute shortage of health care personnel. Our nation's education system is in no better shape. In spite of the school building programme, the real issue in the school system is the shortage of staff, equipment and the whole infrastructure that makes a building become a school. Our nation's social and welfare services, because of the lack of funds, are unable to respond to the social and welfare needs of people. There seems to be much talk about housing and resettlement, but there is no real evidence of housing for the working people. Our public transport system will soon grind to a halt. The roads are in an appalling condition. Pot holes abound in many districts, so one finds it very difficult to avoid them."

"We have the future in our own hands. What we have done is to hand over our God-given power and future to the elite. And so we allow ourselves to be fooled every five years with the illusion that it is people's power to vote for what we call "our party" in power. But if we are to be honest with ourselves, we have become voiceless. To put it bluntly, changing Governments democratically or otherwise does not help a people make decisions that affect their lives. People must have a say in what affects them and their communities. The clarion call therefore is the solidarity of all the people's organisations. We must become aware that we need to understand our problems in a holistic way; that is to say, we must make linkages."

4.74. Canon Clarke accepted that he made the statements attributed to him but said –

“I did not advocate violence in the nation. Democracy requires participation in the governance of the country.”

4.75. He said that, after the insurrection, SOPO held a Press Conference “deploring what had happened. I understood why they did what they did but not their methodology.”

PLANNING THE ATTEMPTED COUP

Mr. Jamaal Shabazz

4.76. Shabazz said that “the coup was planned in a three-months’ period”.

“The JAM spoke repeatedly of oppressive acts towards us. The politicians never felt that the people would get up and do what we did. Daily we talked about ‘rushing these people’. They were invading a religious compound with weapons. No other Islamic group was targeted. I knew that some brothers had personal weapons. The arms for use in the coup came in the three months’ period before the coup.”

4.77. He spoke readily about the plot.

“That the Muslimeen were feeling oppressed was part of a general feeling that the society was being oppressed. And in

the light of prior information that they would come and wipe us out, it prompted the action. Removal of the NAR Government would lay the foundation for a Government and society more tolerant and concerned about the poor."

Mr. Kala Akii-Bua

4.78. Mr. Akii-Bua explained that among the membership of the JAM were –

"a number of former policemen and soldiers. Donald (sic) Bethelmy was from Special Services. I assumed that they checked the guns and ammunition. I had no problem with overthrowing the Government by any means necessary – even arms. I was disappointed with the NAR.....The Government was preventing us from assisting in the relief of oppressive conditions. One of the reasons that they brought me down to #1 Mucurapo Road was that there was to be an occupation of the compound by the Army and Police."

4.79. Akii-Bua said that he was at #1 Mucurapo Road one day and was introduced to Louis Haneef. "He was the man to set up communications".

Akii-Bua said –

"I took him to Las Cuevas. We never spoke about guns. I was surprised when I heard that he had organised for the guns to come into Trinidad and Tobago. But he was close to Bethelmy. I don't know where they were stored or cleared."

C. FINDINGS AND/OR CONCLUSIONS

4.80. As indicated in Chapter 3, there is a nexus between the matters raised in this Chapter and the first of our Terms of Reference. Since we have made our findings in respect of the causes (in the sense of the reasons for the insurrection) at Chapter 3, we have sought to eschew repetition in this Chapter but some repetition is unavoidable if only for consistency.

4.81. Thus, the Commission repeats its finding that the purpose of the attempted coup was to overthrow the Government and install a new Government of which members of the JAM would be a part. Planning and preparation for such an event were long and extensive. The JAM's overriding intention was the removal of Mr. Robinson and Mr. Richardson from office in the hope that the Government would fall consequentially. As Lorris Ballack said, "the important thing was to get rid of Robinson and the NAR and put a new Government in place". The evidence of Mr. Dookeran and other hostages of their conversations with insurrectionists in the Red House, supports the Commission's conclusions that the main objective of the attempted coup was the overthrow of the Government.

4.82. If the JAM could have achieved their objective, they intended that Mr. Dookeran should act as the Prime Minister pending the supposed 'election in

90 days'. We make this finding, having regard to the evidence of Jamaal Shabazz, Ballack and the document headed "Major Points of Agreement".

4.83. The Commission finds that, prior to 27 July, 1990, Mr. Dookeran had no knowledge of the JAM's intention to seek to have him appointed as Prime Minister.

4.84. The Commission finds that, after the JAM had received all of the weapons from Louis Haneef in April 1990, they accelerated plans for the overthrow of the Government. In April 1990, the precise date for the insurrection was not decided. That date was chosen at a time closer to 27 July, 1990 when –

- (i) the JAM became aware that SOPO was planning a "referendum" for 27 July;
- (ii) they calculated that the holding of a "referendum" would require the deployment of substantial numbers of Police Officers throughout the country; and
- (iii) they knew that the football finals between Trinidad and Tobago and Jamaica were scheduled for that date and Police Officers would have been performing duties at the stadium

some distance away from Police Headquarters, the Red House and TTT. Accordingly, they hoped to take advantage of what they perceived would have been a reduction in the number of available Police Officers to respond adequately to attacks at Police Headquarters, TTT and Radio Trinidad.

4.85. The Commission does not doubt that the JAM had sources within the Ministry of National Security and the Protective Services who may have informed them that there was a likelihood of a raid at their headquarters. Such raids had taken place before. Indeed, on 24 July, 1990, the Police had raided a dormitory. This angered Imam Abu Bakr who promptly complained to Lt. Col. Vidal and Acting Police Commissioner Headley. But, for the reasons expressed in the preceding paragraph, and because of the raid on the dormitory just three days before the attempted coup, the Commission is not convinced that the events of 27 July were spontaneous.

4.86. The Commission finds that the excuse of an apprehended attack at #1 Mucurapo Road to wipe out the leadership of the JAM was made to camouflage the JAM's real reasons for the attempted coup and to proffer a defence for their offensive. The Commission finds it more than passing strange that, at no time in his broadcasts, did Imam Abu Bakr inform the population that he staged the attempted coup in defence of their properties and their lives. In

point of fact, the Commission found no evidence that he mentioned the issues at #1 Mucurapo Road as even one of the reasons for the attempted coup.

4.87. Further, the Commission finds that, in his first few broadcasts, Imam Abu Bakr purported to explain that the reasons for the attempted coup were rooted in discontent and dissatisfaction with the social and economic conditions in Trinidad and Tobago under the NAR. – see para. 4.40 supra. As Mr. Jones Madeira reinforced,

“Their message to me was that the Government was uncaring, not serving the interests of the people, and they had to get involved.”

4.88. The Commission thinks that attribution of their criminality to a desire to alleviate the consequences of the austerity measures was an attempt to trade upon the widespread discontent in the society, promoted and fomented by SOPO and the trade unions.

4.89. Thus, the Commission finds that the JAM were seeking popular acceptance for their conduct by the invocation of reasons for which the JAM assumed that they would have had public support and approbation.

4.90. As events turned out, the JAM had little or no popular support. They misjudged the mood, temper and commonsense of the people of Trinidad

and Tobago. Obviously, the people were not prepared to be led by Imam Abu Bakr and his co-conspirators.

4.91. The Commission accepts the evidence of Jamaal Shabazz that “the main aim was to overthrow the NAR....we had a lot of meetings with SOPO not to discuss the overthrow but that SOPO would be part of the aftermath.” The Commission carefully noted Mr. Shabazz’s evidence that “the JAM were to be the ones to start the thing.” We have construed “the thing” as meaning the overthrow of the Government. Implicit in Mr. Shabazz’s evidence are notions of planning and strategizing.

4.92. The Commission finds that the public platforms and anti-Government campaigns mounted by SOPO and attended by large numbers of disaffected persons, encouraged the JAM to believe that the time was propitious to attempt an overthrow of the Government.

4.93. The Commission finds that the JAM were irritated and angered by the following which led them to believe that they were being persecuted:

- (a) the constant raids on their headquarters;
- (b) the encampment of the Protective Services at #1 Mucurapo Road;

- (c) the stopping and searching of members when leaving the headquarters;
- (d) the non-regularisation of their tenure of the lands.

4.94. However, the Commission is of the view that issues concerning the lands at #1 Mucurapo Road were subsidiary to the primary objective of the JAM, i.e. to remove the NAR Government from office by violent means and install a new Government.

4.95. The Commission accepts that the JAM felt passionately about the lands at #1 Mucurapo Road. They had developed them over time. The Commission accepts that they would have defended any attempt forcibly to divest them of the lands with their lives and were prepared to wage a JIHAD in defence of the lands. The transcripts of conversations between Bilaal and Imam Abu Bakr convince us of the intensity of their attachment to the lands. However, those conversations do not derogate from the main objective of the attempted coup, as we have found.

4.96. As to the *extent* of the plot, the evidence reveals and the Commission finds:

- (i) that the attempt to overthrow the Government had a long gestation period, during which time the JAM illegally acquired a relatively large amount of weapons;
- (ii) that weaponry consisted mainly of shotguns, single shot rifles and a few automatics, according to Capt. George Clarke;
- (iii) That the fire power of the JAM was no match for that of the Army;
- (iv) The plot extended beyond the shores of Trinidad and Tobago. Financing was obtained principally from Libya and Saudi Arabia. Key members of the JAM were sent to Libya for military training and others trained locally in remote parts of Trinidad. Arms were acquired in the USA by Louis Haneef and exported to Trinidad concealed in plywood. Their illegal entry into Trinidad appears to have been facilitated by a Customs Officer.
- (v) Imam Abu Bakr rented a warehouse in Trincity from Nello Suite for storage of what was ostensibly plywood but which, in fact, concealed the weapons.

4.97. The Commission finds that, in April 1990, the leaders of the JAM, having acquired what they considered to be an ample supply of weapons, accelerated their strategy for the eventual insurrection on a date to be decided later.

4.98. The date, 27 July, was finally decided about three weeks before 27 July.

4.99. Personal hatred of Messrs. Robinson and Richardson were significant factors in the JAM's decision to attempt an overthrow of the Government. As we said in Chapter 3, the JAM believed that if they could have removed Mr. Robinson as 'head', the body of the Government would fall. It is noteworthy that in negotiations for an amnesty, Mr. Robinson's resignation was the first order of business.

4.100. The Commission finds that the JAM did dream of and harbour a desire for Trinidad and Tobago to become an Islamic State. It was 'a long term project' as some witnesses characterised it. Certainly, Imam Abu Bakr and Bilaal advocated the desire in meetings, as is evidenced by the Special Branch reports. And some of the insurgents alluded to it in discussions with some of the

hostages. However, the Commission finds that it was an unrealistic objective, incapable of achievement in 1990.

CHAPTER 5

Any criminal acts and omissions including looting which was Committed in connection with the attempted coup and the Motives and objectives of the perpetrators of such acts or Omissions and the prosecution of persons for criminal acts or Omissions in connection with the attempted coup.
TOR 1 (iii) and TOR2 (vii).

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CHAPTER 5

ENQUIRY INTO:
ANY CRIMINAL ACTS AND OMISSIONS, INCLUDING
LOOTING, WHICH WERE COMMITTED IN CONNECTION
WITH THE ATTEMPTED COUP AND THE MOTICES AND OBJECTIVES
OF THE PERPETRATORS OF SUCH ACTS OR OMISSIONS – ToR 1(iii)
AND
THE PROSECUTION OF PERSONS FOR CRIMINAL ACTS OR OMISSIONS
IN CONNECTION WITH THE ATTEMPTED COUP – ToR 2(vii)

A. INTRODUCTION

5.1. In this Chapter, the Commission combines two of the Terms of Reference because of their clear inter-relationship notwithstanding that they are located in different sections of the Terms of Reference.

5.2 Evidence given to the Commission has revealed that a large number of infractions of the criminal laws of Trinidad and Tobago took place during the period of the attempted coup, i.e. between approximately 5.30 p.m. on 27 July, 1990 and 1 August 1990, the period covered by the amnesty document.

5.3. However, it is equally clear from the evidence, that a large number of criminal offences were committed, by way of preparatory *acts prior to the period mentioned in paragraph 5.2 above*. These offences were not covered by

the amnesty which was held to be invalid by the Judicial Committee of the Privy Council. Since the Terms of Reference mandate us to enquire into offences committed "*in connection with the attempted coup*" (and not 'during' the attempted coup), we have examined the evidence of offences committed prior to and during the attempted coup.

It is instructive to record that, in the Privy Council when *Attorney General and Another v Lennox Philip (1994) 45 WIR 456* was decided, Lord Woolf observed at p.475 that the possibility of abuse of process might arise on the facts of the case. He observed –

"In common law jurisdictions there exists a separate ground of protection for those who surrender in reliance on a conditional offer or promise of a pardon. The common law has now developed a formidable safeguard to protect persons from being prosecuted in circumstances where it would be seriously unjust to do so. It could well be an abuse of process to seek to prosecute those who have relied on an offer or promise of a pardon and complied with the conditions subject to which that offer or promise of a pardon was made."

And at p.476, His Lordship concluded -

"However, the order of habeas corpus having been made, the Board is able to assist the Attorney General and the Director of Public Prosecutions, as they requested, by saying that after the order of habeas corpus was made, it would be an abuse of process to seek once more to prosecute the Muslimen for the serious offences committed in the course of the insurrection." (Our emphasis).

5.4. Some of the offences identified by the Commission, in connection with the attempted coup were statutory; others were common law offences.

SECTION I – OFFENCES OTHER THAN LOOTING

B. THE EVIDENCE

5.5. The Trinidad and Tobago Chamber of Industry and Commerce stated in its memorandum to the Commission dated 6 February, 2012:

“As far as the Chamber is aware, apart from looting, some of the criminal acts and omissions also committed in connection with the attempted coup were arson, murder, manslaughter, shooting, unlawful arms and ammunition offences, trespass and impersonation of law enforcement. The motives and objectives of the perpetrators were purportedly in support of the objectives of the Jamaat, or, capitalizing on the reality of general public disorder, to further crime in general.”

5.6. In delivering the advice of the Judicial Committee of the Privy Council on 9 October 1994 in the appeal *Attorney General and Another v Lennox Phillip and Others (1994) 45 WIR 456*, Lord Woolf said at p.460:

“On or about 13th August, 1990 they (the insurrectionists) were charged with offences including treason, murder, unlawful and malicious setting fire, possession of ammunition, wounding with intent to do grievous bodily harm, assault and possession of firearms.”

5.7. A joint affidavit was deposed to by Abu Bakr, Andy Thomas (Abdullah Omowale), Anthony Faultin (Ahmed Ali) and Lance Small (Olive Enyahooma-EI) on 9 October, 1990 in *High Court Suit No.1311 of 1990, In the matter of the Constitution of Trinidad and Tobago and an Application by [the several insurgents] and The Director of Public*

Prosecutions and the Attorney General. The deponents swore that they were indeed charged with the offences mentioned by Lord Woolf.

5.8. The Commission does not propose to embark upon an excursus into what offences were committed by which of the insurgents. That was the function of the prosecuting authorities in Trinidad and Tobago in 1990 and the charges which seemed appropriate at the time were laid, having regard to the evidence available.

5.9. On the other hand, having heard evidence in our Enquiry, the Commission is of opinion that the offences set out hereunder were committed prior to and during the insurrection – see (1) to (14) *infra*. We have indicated those statutes which, in our opinion, were breached. We have also set out which types of offence appear to have been committed prior to 5.30 p.m. on 27 July, 1990.

(1) *Treason Act, Cap. 11:03*

5.10. Section 2 of this Act enacts as follows:

"2. Any person owing allegiance to the State who, whether in Trinidad or elsewhere –

(a) forms an intention to levy war against the State or to overthrow the Government or the

Constitution of Trinidad and Tobago by force and manifests such intention by an overt act;

- (b) adheres to the enemies of the State by giving them aid or comfort,*

is guilty of treason and liable to suffer death by hanging.

Section 3 is to this effect:

"3. (1) Any person who forms an intention to effect any of the following purposes, that is to say:

- (a) to levy war within Trinidad and Tobago in order by force to depose from his office the President or any member of the Cabinet or in order by force or constraint to compel the Government of Trinidad and Tobago to change its measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe, Parliament;*
- (b) to induce any alien with force to invade Trinidad and Tobago,*

and manifests such intention by an overt act is liable to imprisonment for life."

Section 4 states:

"4. Any person who knows of any treason, and does not forthwith reveal the same to some Judge or Justice, is guilty of misprision of treason, and being convicted thereof shall suffer such punishment by way of imprisonment and fine as the Court shall award."

(2) Firearms Act, Cap. 16:01

5.11. The Commission is satisfied that a number of offences were committed under this Act.

(a) Trafficking of Firearms and Ammunition

Section 9 of the Firearms Act provides:

"9.(1) Any person who sells or transfers a firearm or ammunition to any other person who does not hold or who is not exempted from holding a Firearm User's Licence is liable –

(a) on summary conviction to a fine of seventy-five thousand dollars or imprisonment for eight years; or

(b) on conviction on indictment to imprisonment for fifteen years.

(2) Any person is liable on summary conviction to a fine of forty thousand dollars or to imprisonment for ten years who purchases or acquires from, sells or transfers a firearm or ammunition to, or repairs, tests or proves any firearm or ammunition for, any other person whom he knows, or has reasonable cause to believe, to be –

(a) a restricted person;

(b) drunk or under the influence of drugs or of unsound mind;

(c) *at the time of such sale or transfer otherwise unfit to be entrusted with such a firearm or ammunition; or*

(d) *under the age of twenty-five years.*

(3) *The provisions of this section shall apply whether or not the person selling or transferring a firearm or ammunition is the holder of a Firearm Dealer's Licence or, in the case of a person who repairs, tests or proves a firearm or ammunition, a Gunsmith's Licence.*

(4) *Notwithstanding subsections (1) and (2), a person specified in section 6(2)(a) to (f) who commits an offence under subsection (1) or (2), is liable on conviction on indictment to imprisonment for twenty years."*

Section 10 provides:

"10.(1) Without prejudice to any liability for the commission of an offence under any other law, a person who has in his possession or under his control in Trinidad and Tobago or elsewhere any firearm or ammunition with intent to sell or transfer such firearm or ammunition to any other person in Trinidad and Tobago for the purpose of the commission of any crime (including an offence under this Act) is liable –

(a) *on summary conviction to a fine of fifteen thousand dollars and imprisonment for five years;*

(b) *on conviction on indictment to imprisonment for fifteen years."*

Discharging a Firearm in a Public Place

Section 11 provides –

“11.(1) A person who discharges a firearm or ammunition on or within forty metres of any public road or in any public place is liable on summary conviction to a fine of fifteen thousand dollars, except where he does so –

- (a) in the lawful protection of his person or property or of the person or property of some other person”.*

Possession and Use of Firearms or Ammunition with Intent to Injure

Section 12 of the Act states –

“12.(1) A person who has in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person to endanger life or cause serious injury to property is, whether any injury to person or property has been caused or not, liable on conviction on indictment to imprisonment for life.”

Possession of Imitation of Firearm in Pursuance of a Criminal Offence

Section 13 of the Act enacts –

“13.(1) A person who makes or attempts to make any use whatever of a firearm or imitation firearm in furtherance of the commission of any offence or with intent to resist or prevent the lawful apprehension or detention of himself or some other person, is liable on conviction on indictment to imprisonment for fifteen years.

(2) Where a person commits an offence against subsection (1) in respect of the commission of a felony or the lawful apprehension or detention of himself for any other arrestable offence committed by him, he is liable to the penalty provided by that subsection in addition to any penalty to which he may be sentenced for that felony or other arrestable offence.”

(3) Explosives Act, Chapter 16:02

Possession of Explosives

5.12. Section 7 of the Explosives Act provides:

“7.(1) No person other than a wholesale dealer shall import gunpowder into Trinidad and Tobago.

(2) Any person contravening the provisions of this section is liable to a fine of two thousand dollars.”

(4) Offences against the Person Act, Chapter 11:08

Shooting or Wounding with Intent to do Grievous Bodily Harm

5.13. Section 12 of this Act provides –

“12. Any person who unlawfully and maliciously by any means whatsoever wounds or causes any grievous bodily harm to any person, or shoots at any person with intent to do some grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, is liable to imprisonment for fifteen years.”

Causing Bodily Harm by using Explosive Substance

Section 22 of the Act states –

“22. Any person who unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burns, maims, disfigures, disables or does any grievous bodily harm to any person, is liable to imprisonment for life or for any term of years.”

Attempt to Blow up Buildings

By Section 24 it is provided –

"24. Any person who unlawfully and maliciously places or throws in, into, upon, against or near any building, ship or vessel any gunpowder or other explosive substance, with intent to do any bodily injury to any person, whether or not any explosion takes place, and whether or not any bodily injury is effected, is liable to imprisonment for life or for any term of years."

(5) Accessories and Abettors Act, Chapter 10:02

Aiding, Abetting, Counselling or Procuring the Commission of Indictable and/or Summary Offences

5.14. Sections 2 and 3(1) of this Act state as follows –

"2. Any person who aids, abets, counsels or procures the commission of any indictable offence may be indicted, tried and punished as a principal offender.

3.(1) Any person who aids, abets, counsels, or procures the commission of any offence punishable on summary conviction is liable to the same punishment as the principal offender, and may be proceeded against either with the principal offender or before or after his conviction, and either in the district in which the principal offender may be convicted or that in which the offence of aiding, abetting, counselling or procuring may have been committed."

(6) *Malicious Damage Act, Chapter 11:06*

Arson

5.15. Section 5, 6, 7, 8 and 9 of this Act make provision for the offence of arson as follows:

“5. Any person who unlawfully and maliciously sets fire to any house, stable, coach house, outhouse, warehouse, office, store, shop, mill, boiling house, airing house, still-house, storehouse, megass-house, cocoa-house, barn, granary, shed, hovel, or fold, or to any building or erection used in the cultivation, collection, or manufacture of sugar, cocoa, coffee, or other produce, or in carrying on any trade or manufacture, or branch thereof, with intent thereby to injure or defraud any person, is liable to imprisonment for life.

6. Any person who unlawfully and maliciously sets fire to any building, other than those specified in sections 3 to 5, belonging to the State, or to any city, borough, town, ward, parish or place, or to any Court of Justice, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, is liable to imprisonment for life.

7. Any person who unlawfully and maliciously sets fire to any building other than those specified in sections 3 to 6, is liable to imprisonment for ten years.

8. Any person who maliciously sets fire to any matter or thing, being in, against or under any building under such circumstances that, if the building were thereby set fire to, the offence would amount to an arrestable offence, is liable to imprisonment for ten years.

9. Any person who places in, against or under any building any petroleum or any mineral, vegetable, or other oil, or any hay, straw, cotton waste, or other combustible or inflammable material, with intent to set fire to such building, under such circumstances that, if fire were set to the building, the offender would be guilty of an arrestable offence, or to render such building liable to take fire under such circumstances as mentioned above, is liable to imprisonment for ten years."

Section 10 provides for conspiracy to set fire –

"10. All persons who conspire, confederate, or agree to set fire to any building under such circumstances that the actual setting of fire would be an arrestable offence, and whosoever solicits, encourages, persuades or endeavours to persuade, or proposes to any person to set fire to any building, under such circumstances as mentioned above, is liable to imprisonment for ten years."

Causing Injury by Explosive Substance to Building and Goods Therein

Sections 11 and 12 provide:

"11. Any person who unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroys, throws down, or damages the whole or any part of any dwelling house, any person being therein, or of any building whereby the life of any person is endangered, is liable to imprisonment for life.

12. Any person who unlawfully and maliciously places or throws in, into, upon, under, against, or near any building

any gunpowder or other explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods or chattels (whether or not any explosion takes place, and whether or not any damage is caused) is liable to imprisonment for ten years."

Injury to Buildings by Rioters

Section 13 of the Malicious Damage Act is in these terms –

"13. Any persons, riotously or tumultuously assembled together, who unlawfully and with force, demolish, or pull down, or destroy, or begin to demolish, pull down, or destroy, any church, chapel, meeting house or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, boiling-house, curing house, still-house, storehouse, megass-house, cocoa-house, barn, granary, shed, hovel, or fold, or any building or erection used in the collection or manufacture of sugar, cocoa, coffee, or other produce, or in carrying on any trade or manufacture, or any branch thereof, or any building, other than such as are in this section mentioned above, belonging to the State or to any city, borough, town, ward, parish, or place, or to any Court of Justice, or devoted or dedicated to public use or ornament, or erected is maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, or upon or for the purposes of any railway, or any steam engine or other engine, is liable to imprisonment for ten years."

(7) *Sedition Act, Chapter 11:04*

5.16. This Act creates the offence of sedition. The relevant provisions follow:

“3(1) A seditious intention is an intention –

- (a) to bring into hatred or contempt, or to excite disaffection against the Government or the Constitution as by law established or the House of Representatives or the Senate or the administration of justice;*
- (b) to excite any person to attempt, otherwise than by lawful means, to procure the alteration of any matter in the state by law established;*
- (c) to raise discontent or disaffection amongst inhabitants of Trinidad and Tobago;*
- (d) to engender or promote -*
 - (i) feelings of ill-will or hostility between one or more sections of the community on the one hand and any other section or sections of the community on the other hand; or*
 - (ii) feelings of ill-will towards, hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment; or*
- (e) to advocate or promote, with intent to destroy in whole or in part any identifiable group, the commission of any of the following acts, namely:*

- (i) *killing members of the group; or*
- (ii) *deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.*

(2) But an act, speech, statement or publication is not seditious by reason only that it intends to show that the Government has been misled or mistaken in its measures, or to point out errors or defects in the Government or Constitution as by law established, with a view to their reformation, or to excite persons to attempt by lawful means the alteration of any matter in the State by law established, or to point out, with a view to their removal by lawful means, matters which are producing or have a tendency to produce –

- (a) feelings of ill-will, hostility or contempt between different sections of the community; or*
- (b) feelings of ill-will, hostility or contempt between different classes of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment.*

(3) In determining whether the intention with which any act was done, any words were spoken or communicated, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally flow from his conduct at the time and under the circumstances in which he so conducted himself.

4.(1) A person is guilty of an offence who –

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;*
- (b) communicates any statement having a seditious intention;*

- (c) *publishes, sells, offers for sale or distributes a seditious publication;*
- (d) *with a view to its being published, prints, writes, composes, makes, reproduces, imports or has in his possession, custody, power or control any seditious publication."*

(8) Riot Act, Chapter 11:05

5.17. This Act provides for the offence of rioting as follows:

"3. Any person who takes part in an affray is liable to a fine of two thousand dollars and to imprisonment for two years.

4. Any person who takes part in an unlawful assembly or in a rout is liable to a fine of two thousand dollars and to imprisonment for one year.

5. Any person who takes part in a riot is liable to a fine of four thousand dollars and to imprisonment for two years.

6. Any person who takes part in an unlawful assembly, rout or riot, knowing that anyone taking part therein is or is intended to be armed with any weapon of offence, is liable to a fine of eight thousand dollars and to imprisonment for three years.

7. Any person who, being armed with any weapon of offence, takes part in any unlawful assembly, rout or riot is liable to imprisonment for five years."

Offences Committed prior to 5.30 p.m., 27 July, 1990

(9) Conspiracy at Common Law

5.18. At common law, the crime of conspiracy consists of an agreement between two or more persons to commit a criminal offence. Admittedly, conspiracy is not the easiest of crimes to prove but, nevertheless, it remains a criminal offence.

5.19. The evidence before the Commission revealed that, as early as 23 August, 1989, Special Branch was in possession of information and Intelligence that Abu Bakr and others were actively planning the assassination of Prime Minister Robinson and other high-ranking officials. Special Branch was also aware that, on 7 October, 1989, Bilaal was conspiring with members of two Mosques to overthrow the Government.

5.20. Apart from those matters, other evidence was adduced during the Enquiry that Abu Bakr, Bilaal and others conspired to commit the following offences, before 5.30 p.m. on 27 July, 1990:

- Conspiracy to import illegal firearms;

- Conspiracy to traffic in illegal firearms;
- Conspiracy to carry illegal firearms in a public place;
- Conspiracy to discharge illegal firearms in a public place;
- Conspiracy to commit damage to real property;
- Conspiracy to blow up Police Headquarters;
- Conspiracy to commit treason.

(10) *Importation of Firearms or Ammunition without Licence or any Relevant Authorisation*

5.21. Section 31 of the Firearms Act provides:

“31.(1) Notwithstanding any other law but subject to section 32, no person may import into Trinidad and Tobago any firearm or ammunition, except –

- (a) *under and in accordance with the terms of a Firearm Import Permit (including a permit under section 33); or*
- (b) *firearms or ammunition that is cargo properly manifested to consignees elsewhere than in Trinidad and Tobago or that are the bona fide stores of any ship, vessel or aircraft in the custody of the proper officer authorised for the purpose.”*

(11) Summary Offences Act, Chapter 11:02

Assault and Battery

5.22. Section 4 of this Act is as follows:

"4. Every person who unlawfully assaults or beats any other person, upon complaint by or on behalf of the person aggrieved, is liable to a fine of four hundred dollars or to imprisonment for three months."

Aggravated Assault causing Wound or Harm

Section 5(2) of the Summary Offences Act states:

"5.(2) Any person who unlawfully assaults or beats any other person thereby occasioning any wound or actual bodily harm is liable to imprisonment for six months."

(12) Destroying or Damaging Property

Section 25 of the Summary Offences Act enacts:

"25.(1) Any person who wilfully or maliciously commits any damage to any real or personal property whatsoever, either of a public or private nature, for which no punishment is otherwise provided, is liable –

- (a) *if the amount of the damage is fifty dollars or less, to a fine of two hundred dollars, or to imprisonment for one month;*
- (b) *if the amount of the damage exceeds fifty dollars and does not exceed two hundred dollars, to a fine of one thousand dollars or to imprisonment for three months;*
- (c) *if the amount of the damage exceeds two hundred dollars and does not exceed one thousand dollars, to a fine of two thousand dollars or to imprisonment for four months, and in any such case to the payment of such further amount as appears to the Magistrate to be reasonable compensation for the damages so committed.*

(2) This provision shall not apply where the alleged offender acted under a fair and reasonable supposition that he had the right to do the act complained of."

Offences relating to Looting

(13) The Larceny Act, Chapter 11:12

Theft

5.23. By section 4 of the Larceny Act, it is provided –

"4. Stealing for which no special punishment is provided under this or any other Act for the time being in force shall

be simple larceny and punishable with imprisonment for five years."

(14) *Larceny*

5.24. Section 9 of the Summary Offences Act provides –

"9. Any person who is guilty of the larceny or the attempt to commit the larceny of any chattel, money, or valuable security, such larceny not being accomplished by burglary or housebreaking, menace or threat, nor amounting to robbery with violence, or who embezzles, or by any false pretence obtains or attempts to obtain from any other person with intent to defraud any chattel, money, or valuable security, where such chattel, money or valuable security does not in any case exceed the value of two thousand dollars, is liable to a fine of three thousand dollars or to imprisonment for six months."

Pre-Insurrection Offences apart from Conspiracy

(15) *Military Training [Prohibition] Act, Cap.15:05*

Prohibition of Military Training

5.25. Section 3(1) of this Act provides:

"3.(1) Except with the written authorisation of the President, no person shall –

- (a) organise, manage, control, train, drill, equip or take part in the organising, control, training or drilling of another person in the use of firearms, ammunition, artillery or explosives or in the practice of military exercises;*
- (b) solicit or provide financial or other support for the management, control, training, drilling or equipping of another person in the use of firearms, ammunition, artillery or explosives or in the practice of military exercises.*

(2) A person who contravenes this section commits an offence and is liable –

- (a) on summary conviction, to a fine of fifty thousand dollars and to imprisonment for five years;*
- (b) on conviction on indictment, to a fine of two hundred thousand dollars and to imprisonment for a period not exceeding twenty years."*

Assembling People without the Authorisation of the President for the Purpose of Military Training

Section 4(1) of the Act states –

"4.(1) No person shall meet or assemble at any place or premises for the purpose of training, drilling or equipping another person or of being organised, managed, controlled, trained, drilled or equipped in the use of firearms, ammunition, artillery or explosives or in the practice of military exercises unless he is a member of an organisation or association authorised in writing so to do by the President.

(2) A person who contravenes this section commits an offence and is liable –

- (a) on summary conviction to a fine of fifty thousand dollars and to imprisonment for five years;*
- (b) on conviction on indictment, to a fine of two hundred thousand dollars and to imprisonment for a period not exceeding twenty years.”*

Subversive Activities

Section 5(1) of the Military Training (Prohibition) Act provides –

“5.(1) A person commits an offence who, for the purpose of engaging in subversive activities, takes part in –

- (a) organising, controlling, managing, training, drilling or equipping other persons;*
- (b) soliciting or providing financial or other support for the organisation, management, control, training, drilling or equipping of other persons;
or*
- (c) any meeting or assembly at any place or premises for the training, drilling or equipping of persons in the use of firearms, ammunition, artillery or explosives.*

(2) A person commits an offence who, for the purpose of engaging in subversive activities, takes part in any military exercise.

(3) A person who commits an offence is liable –

- (a) *on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for seven years;*
- (b) *on conviction on indictment, to a fine of three hundred thousand dollars and to imprisonment for a period not exceeding thirty years."*

SECTION 2 – LOOTING

5.26. In his very first telecast at 7.15 p.m., Abu Bakr said *inter alia*:

"We're asking people not to involve (sic) in looting or any form of unlawful actions or else they will have to pay the consequences thereof."

5.27. Several witnesses construed this admonition against looting as, in fact, a signal to the criminally-minded to engage in looting. Whatever may have been the intention of Abu Bakr, the evidence is overwhelming that looting and arson began in Port of Spain soon after the telecast and looting spread to other districts over the course of the next 20 hours.

B. THE EVIDENCE

Mr. Marlon Miller

5.28. Among the first persons to witness looting in Port of Spain were members of the media. Mr. Marlon Miller was a journalist at the Express Newspaper, whose offices were situated on Independence Square. One of his colleagues, Wesley Gibbings, had been in Parliament when it was invaded by the JAM. He managed to escape and return to his office. He was hysterical but was able to inform his co-workers of the invasion.

5.29. Mr. Miller left his office at 6.20 p.m. with Mrs. Ucill Cambridge. Shortly after 7.00 p.m. Mr. Miller saw persons trying to steal motor cars. His own car was parked in a public car park near to the offices of the Express. But on St. Vincent Street, "right under the nose of some Police", Mr. Miller saw persons openly attempting to steal cars. The Police were showing no signs of organising themselves to prevent looting.

5.30. Sometime after 8.30 p.m. Mr. Miller and Ms. Cambridge made their way back to the Express. They intended writing a story for the next day's publication of the newspaper – which they did. – see DAILY EXPRESS, "TRINIDAD UNDER SIEGE", pp. 39-40. On his way back to the Express, Mr.

Miller saw looting. On Charlotte Street, stores had been broken and entered.

People were removing goods from stores. According to Mr. Miller:

"Looters were streaming out of Male Box. The store was already stripped clean and, on Queen Street, the metal grating in front of the Superstar store was bent up from the pavement and a guy walked past with an exercise cycle over his head as a burglar alarm rang out to no avail. "Go up there if you want shoes", a fellow said to a couple as they took off up Charlotte Street."

5.31. Mr. Miller got a shock near to the public car park where he had left his car. Persons were trying to break into it. He observed that the lock on the steering had been broken and there was damage to the body. He stayed at his workplace throughout Friday night. About 4.30 a.m. on 28 July, he looked out from his office and saw "people moving myriad items". A vehicle owned by the Ministry of Works was "laden with purple furniture".

5.32. Mr. Miller and Ms. Cambridge wrote stories for their newspaper to which we were referred by Mr. Miller during his testimony. *Inter alia*, those stories tell a graphic tale of the nature and extent of looting, especially in Port of Spain. Ms. Cambridge wrote -

"Stoves, stereos, refrigerators, television sets, washing machines were all carried out of the stores.....with the aid of vehicles pulled up alongside the stores....Huggins on South Quay and Standards, Henry Street were two furniture and appliances stores that have been left completely bare....Super Star Sports Supplies, the supermarkets and groceries were most hit hard. Both Allum's Supermarkets, on South Quay and Champs Fleurs, were emptied. Hi-Lo, Glencoe, West Mall, West Moorings, Cascade, Roundabout

Plaza, St. Augustine, proved to be a free-for-all as people could be seen pushing trolleys of groceries through the streets. All of Charlotte Street, Independence Square and Frederick Street have been touched."

5.33. Mr. Miller wrote -

"Every imaginable object has been taken. Expensive, imported sneakers are a prime target – so are jeans.....Radios and amplifiers were dime a dozen."

He saw vehicles transporting looted goods. "A Laurel with two fridges in the trunk; a 280C Datsun with a stove sticking out from the trunk, and other cars and vans full to overflowing with a myriad supply of goods."

Mr. Andy Johnson

5.34. The News Editor of the Express on 27 July, 1990 was Mr. 'Andy' Johnson. He was also President of the Media Association of Trinidad and Tobago. Soon after 6.00 p.m. and ignoring the advice of Wesley Gibbings not to leave his office, Mr. Johnson left for the Red House. He witnessed looting about 8.00 p.m. He saw persons breaking into stores and heaping looted goods on the pavement. On Saturday morning, 28 July, he and Ali Rolston visited the bar popularly known as "Vietnam". Mr. Johnson's evidence is that the bar "had become a warehouse for people's loot".

Mr. Kirk Perreira

5.35. On 27 July, 1990, Mr. Kirk Perreira was a journalist with the Express. He was at home when Abu Bakr made his first telecast. After viewing the telecast, Mr. Perreira drove to his office. On his way to the Express, he stopped at West End Police Station. He saw no Police officers there. He lived at Diego Martin and, as he headed into Port of Spain, he drove along Wrightson Road and turned into the Huggins building down Broadway and then into Charlotte Street. His evidence is that about 9.00 p.m. -

"There were hordes of men running alongside my car, trying to open it."

5.36. When he reached the offices of the Express, the security gate was opened and the men ran off. He saw, from inside the offices, people carrying looted goods and he heard them boasting of their loot.

5.37. Sometime after midnight, Mr. Perreira left the Express with fellow journalists, Melissa Richards and Kathleen Maharaj. While driving in the Cocorite area, Mr. Perreira saw men "with an enormous fridge trying to get it from one side of the Western Main Road to the other. They froze when we drove by".

5.38. After dropping off the two ladies at their homes, Mr. Perreira drove to the Four Roads Police Station. He saw several Police Officers "huddled in the

dark; some in uniform, others in plain clothes". When he asked for the officer in charge, "an officer came from the back". There were 5 or 6 police vehicles parked on the compound. Mr. Perreira offered to take some officers in his car since the officer in charge said that there were no vehicles available. Four officers accompanied him to West Mall. The Police officers began shooting while looters ran into a Hi-Lo supermarket. The area became quiet and Mr. Perreira left.

5.39. About 20 minutes later, he passed the Mall again and saw two men run from bushes. They were two of the original four Police Officers who were looking for transport from the Mall.

Mr. Fyard Hosein, SC

5.40. Mr. Hosein gave sad but graphic evidence of the destruction of Port of Spain and looting. He said –

"I watched Port of Spain burn from the Hilton. I watched the TV station being stormed. I saw looting from a helicopter during that period. One of the assignments I was given was to work with Col. Theodore and we went along the East/West corridor by helicopter over the Red House. And while the hostages were there, we saw a level of indiscipline and misbehaviour that I thought could never happen in this country. Looting, burning, lack of respect for property and life and limb.....I had the opportunity to go into the Red House after the attempted coup and the Red House was in a terrible state."

5.41. Later in his evidence, he said –

“I don’t think it is readily appreciated, some 22 years later, the utter state of destruction of Port of Spain and the wanton looting and burning, lack of respect for authority that flowed from 1990, and the utter decimation of major parts of the city including one of the first buildings – the Police Headquarters.....The country was at war with itself because there were people who had stormed the Parliament and other people who had betrayed the city.”

Mrs. Sybil Sant-Samaroo

5.42. In Chapter 2, we reported at length the evidence of Mrs. Sant-Samaroo. Here, we limit our discussion of her eyewitness account of looting. Mrs. Sant-Samaroo visited her property at No.2 Broadway on 28 July at the invitation of the Police who asked her and her husband (now deceased) to come and close the huge, metal, expanding gates. The gates had been breached by looters, ripped apart and were badly twisted. “Everything was looted out of the bar and hardware store.” When her husband drove to Samaroo’s Appliances Ltd. near Charlotte Street and Independence Square, he and his wife saw -

“persons with fridges on their backs and with small appliances in their arms running out of the building and scampering away.”

5.43. Sant’s Hardware, Baratavia, 246 Eastern Main Road, was also looted. On Sawmill Avenue the wall was broken through, looters went through the hole they had burst and looted the stock of hardware and paints and lumber.

The Police were called. They moved the looters from the building and took them to Lady Young Road. Mrs. Sant-Samaroo said -

“When the Police left, the looters returned bringing additional people with them and they continued to loot the building.”

Mr. Lennox Smith

5.44. Mr. Lennox Smith of the Morvant/Laventille Improvement Organisation (MLIO) told us that looting was widespread. He spoke to many persons who were looting. Mr. Smith, a criminologist, was of the opinion that Abu Bakr’s warning against looting planted the idea to burgle and steal in people’s minds and they looted indiscriminately with a view to profiteering. Mr. Smith’s opinion was based upon interaction with persons to whom he spoke and his observation of the actions of persons who were considered “morally upright” but who indulged themselves because –

“as the word spread that “don’t loot” means “to loot”, it became a widespread activity. Every third person in my community was going out there, taking other people’s property and bringing it home.”

Mr. Smith said that business places in Laventille, such as Grell-Taurel, Citrus Growers and Coconut Growers were looted. After the insurrection ended, Grell-Taurel moved from Laventille. The Morvant/Laventille Improvement

Organisation rendered voluntary assistance to all the companies which had suffered looting.

Mr. Clive Nunez

5.45. On 27 July, 1990 Mr. Nunez was at a restaurant of which he was part-owner called "Eating Choices". It was located at 90 Frederick Street and, in his words, it was "posh". Soon after 7.00 p.m. he saw Abu Bakr appear on television and heard his claim that the Government had been overthrown. He was neither shocked nor amazed by Abu Bakr's claims because he had previously heard Bakr say, more than once, "One of these days we will surprise them".

5.46. Mr. Nunez remained at Eating Choices for the entire night. From his vantage point he could see "up to Park Street to almost by the City Hall". He saw no Police officers until sometime between 11.00 p.m. and midnight. He saw looting. "A man had a refrigerator on his back, running up Park Street, and other people had all kinds of things."

5.47. Mr. Nunez said -

"Something is important. Very early that evening after the 7.00 p.m. news, there were persons - I can't say they were the JAM but the garb they had on, one or two of them were pointing at buildings, hitting them with sticks and then people would go in. It was like there was no control within the city. They seemed to be in charge.....I saw people

following the men hitting buildings with sticks and then go in and loot the buildings, higher up Frederick Street and our restaurant. And when they came to our building, the person who was leading say, 'not that one'."

The Army

5.48. We received no credible evidence that members of the Regiment engaged in any large-scale looting. There seemed to have been anecdotal evidence that the Regiment, on the evening of 27 July, invaded the Tru Valu supermarket at Long Circular Road, raided goods on the shelves and loaded up trucks. Lt. Col. Carlton Alfonso said -

"I understand that elements of the First Battalion went and helped themselves to everything. The Army got a bad name for it."

5.49. Col. Ralph Brown's testimony explained the truth of the Army's acquisition of supplies on the evening of 27 July. We accept Col. Brown's evidence without hesitation. He explained -

"The Army did not loot Tru Valu. When we realised that the crisis was likely to be protracted, it was clear that we could run out of rations. We spoke to Minister Clive Pantin and Mr. Hernandez. They got the manager, Mr. Poon Tip, to come and open up; and he allowed us to take what we wanted. An inventory was made and we signed for the goods. After 1 August he sent an invoice and it was paid through the Ministry of Finance."

5.50. There was, however, at least one clear case of looting by officers of the Army. One Capt. King led a party of junior soldiers into Port of Spain. They went to the business place of Standard Distributors and stole appliances including refrigerators, washing machines and television sets. Lt. Col. Alfonso described Capt. King's house in Jasper Avenue as "a virtual warehouse", when the Army investigated. Eight soldiers were involved and "a lot of merchandise" was found at their homes.

5.51. Capt. King and Pte. Wallace were court-martialled. Because of legal technicalities relating to proof of ownership and a conflict of interest on the part of a lawyer in the Volunteer Defence Force who participated in the court-martial, they were acquitted. Subsequently, however, they were dismissed from the Army.

Mr. Dennis McComie

5.52. From his vantage point on the balcony of NBS, Mr. McComie saw a man start a fire at the Customs building on Abercromby Street. By 8.00 p.m. "people were burning and looting". Mr. McComie received telephone calls from persons in the Republic informing him of what was taking place in their communities. He refrained from broadcasting this information but he summarised its content thus -

"The East/West Corridor was a total mess. Every Hi-Lo supermarket was looted. My sister, a nun, saw looting from the corner of St. Ann's Road, 200 yards from a Hi-Lo. People used shopping carts to transport loot."

Senior Magistrate George Hislop

5.53. Mr. Hislop was living at Diego Martin in July 1990. He had attended the football match at the National Stadium on 27 July. He left the stadium for home about 8.45 p.m. and passed through Cocorite where there were several business places located on the sea-front. At Cocorite he observed persons running across the highway with looted items. He saw doors of shops thrown open and persons inside the shops "rummaging". He saw no Police Officers.

5.54. When the magisterial courts in Port of Spain resumed business, they dealt with cases involving looters. It seems that the Police offered options to suspected looters. Mr. Hislop told the Commission that, after 1 August 1990, the Police went to various districts and told residents that if they were found with stolen property on their premises, they would be prosecuted. On the other hand, "if they put the goods by the roadside, the Police would retrieve them and there would be no prosecutions." These options notwithstanding, a large number of persons were arrested when searches were executed and looted

property was found on their premises. The courts disposed of looted property exhibited in court by sending foodstuff to hospitals and orphanages.

The Role and Response of the Police to Widespread Looting

5.55. Unfortunately the Commission was unable to receive live evidence from Mr. Leonard Taylor, the Acting Commissioner of Police on 27 July, 1990. During the currency of our Enquiry, Mr. Taylor died overseas. Fortunately, however, we were provided with a transcript of his evidence (including cross-examination and re-examination) given in the High Court in April 1998 before *Kangaloo J* (as he then was) in *Suit No.4219 of 1990 Grell-Taurel v. Caribbean Home General Insurance Co. Ltd.* The transcript was tendered in this Enquiry and admitted in the evidence of our proceedings. It has proven to be most helpful.

5.56. In the succeeding paragraphs (5.57 to 5.64) we summarise those aspects of Mr. Taylor's evidence in the High Court as they relate to the matter of looting.

Summary of Acting Commissioner of Police Leonard Taylor's Evidence

5.57. After the fire-bombing of Police Headquarters on 27 July, a Command Centre was temporarily established at the Traffic Branch on South Quay about 7.45 p.m. Mr. Taylor sent members of the Guard and Emergency Unit (GEU) to make patrols in Port of Spain "to see what was happening" and the hierarchy of the Police Service including Deputy Commissioner, Kenny Mohammed, learnt that it was "virtually impossible" to contain any sort of lawlessness in Port of Spain for two reasons.

5.58. First, most of the Police stations had limited personnel available and those who were on duty at the stations were preoccupied with the defence of those stations. Some stations reported that they were being fired upon. Secondly, the hierarchy of the Police received reports of persons driving around in white cars shooting at Police stations. According to Mr. Taylor, these two circumstances "made it virtually impossible for the limited personnel to go out and do anything in terms of dealing with the widespread looting that was taking place."

5.59. Mr. Taylor left the Command Centre about 8.00 p.m. and went to Camp Ogden. It was Mr. Mohammed's responsibility to deal with the looting. Mr. Taylor commandeered a channel on the wireless equipment available but, for

the most part, that equipment was jammed. In his opinion, the Police on duty in Port of Spain “were outnumbered by the Jamaat-al-Muslimeen and the looters”. Such Police officers as were on duty in Port of Spain were those at the Central, Besson Street, St. Clair and Belmont Stations.

Curious Aspects of Taylor's Evidence

5.60. Mr. Taylor's evidence to the High Court contains a number of statements which are perplexing, if not of doubtful veracity. *Inter alia*, he said that -

- (i) he did not know that the Army went to the Red House on the night of 27 July;
- (ii) it was in “the wee hours of Saturday, 28 July, that the Army was sent out”;
- (iii) he did not see any Ministers of Government on 27 July;
- (iv) as far as he was aware, no Police Officers were engaged at the Red House on 27 July;

- (v) no plan was devised by the Police to respond to the firing on police stations;
- (vi) no attempt was made to muster off-duty officers on July 27;
- (vii) his initial concern was less with the looting than with the fact that the JAM were holding a majority of the Government hostage. However, he explained that he considered it important to establish how many Ministers were free and able to carry on a Government during the crisis. He said that when he got to Camp Ogden, he enquired "from the other MPs who were there, who was in and who was out";
- (viii) contradicting earlier evidence, he later agreed with the suggestion that, when he got to Camp Ogden, Ministers were in fact there.

5.61. What is incontrovertible is Mr. Taylor's testimony that the Police did not respond to the situation of looting until after 3.00 p.m. on Saturday, 28 July – approximately 19 or 20 hours after it started in Port of Spain. By the time of that response, looting was all over the East/West Corridor stretching from Carenage in the West to Arima in the East. Spread throughout this corridor were

police stations at Besson Street, Morvant, San Juan, St. Joseph, Tunapuna, Arouca and Arima. And, according to him, reports were being relayed of "unrest developing along the East/West Corridor".

5.62. Mr. Taylor said that, in response to these reports he instructed the Assistant Commissioners of Police to try and contain the looting. He gave no instructions to go out and arrest the looters before 3.00 p.m. on Saturday because "I knew it would be unsafe for the men to go out". In fact, Mr. Taylor said that he ordered them "to arrest the situation without shooting anybody". He said that the looters were dispersed by shooting in the air and ordering them "to leave the premises, put down what they had and go home". But while looting was in progress on 27 July and prior to 3.00 p.m. on 28 July, "the Police took no action". The firing on police stations ceased on the morning of 28 July. In his evidence, Mr. Taylor said that the first thing he did was to send wireless messages to police stations that the Police should go to the homes of MPs and ensure their safety. He said that he felt it was appropriate that some protection be offered to the families of MPs "not knowing what was happening".

5.63. In his experience, Mr. Taylor had never seen a situation so traumatic as that on 27 July that prevented the Police from responding. Although an insufficiency of manpower was endemic in the Police Service for years before 1990, there was never before a situation where a shortage of

manpower adversely affected the Service's capacity to respond to looting. He was well aware that looting had previously occurred following fires at business places.

5.64. Mr. Taylor summed up the plight of the Police Service on 27 July in re-examination. He said that the fire-bombing of Police Headquarters "impacted on the capacity of the Police to control crime. The suddenness and an inability to muster resources created difficulty in the proper management of the situation". And he accepted that Police Officers were too nervous to go on the streets and that was a reason why they stayed indoors.

C. FINDINGS AND CONCLUSIONS

5.65. Having regard to the totality of evidence adduced to the Commission, we make the following findings.

1. COMMISSION OF CRIMINAL OFFENCES

5.66. We have indicated elsewhere the relevant sections of various statutes which, in our opinion, were contravened prior to and during the period covered by the amnesty, viz. 5.30 p.m. on Friday, 27 July, 1990 to 1 August,

1990. For the purposes of this Part of the Chapter, we list only the titles of the statutes:

- Treason Act, Chapter 11:03
- Firearms Act, Chapter 16:01
- Explosives Act, Chapter 16:02
- Offences Against the Person Act, Chapter 11:08
- Accessories and Abettors Act, Chapter 10:02
- Malicious Damage Act, Chapter 11:06
- Sedition Act, Chapter 11:04
- Riot Act, Chapter 11:05
- Summary Offences Act, Chapter 11:02
- Larceny Act, Chapter 11:12
- Military Training (Prohibition) Act, Chapter 15:05

5.67. However, in relation to offences committed prior to the period covered in the amnesty document, the offenders may, technically, be still liable to prosecution for those of an indictable nature including the several conspiracies identified at para. 5.20. These appear to be:

- Conspiracy to import illegal firearms
- Conspiracy to traffic in illegal firearms
- Conspiracy to carry firearms in a public place
- Conspiracy to discharge illegal firearms in a public place

- Conspiracy to commit damage to real property
- Conspiracy to blow up Police Headquarters
- Conspiracy to commit treason

5.68. However, in the light of the advice of the Privy Council that prosecution four years after the insurrection may well have resulted in a plea of abuse of process, the Commission strongly recommends that no prosecution should be commenced against the perpetrators of those offences, twenty-four years after the event. To do so would be an abuse of process.

5.69. Moreover, to initiate prosecutions after such a long time, would be contrary to one of the objectives of this Commission of Enquiry, namely, to bring closure to the events of 1990 and seek to promote healing and reconciliation in the society.

OBJECTIVES AND MOTIVES OF THE PERPETRATORS

5.70. The Commission finds that the objectives of those who committed criminal acts (apart from looting) in connection with the attempted coup were:-

- (i) To acquire sufficient arms and ammunition to carry out an insurrection;
- (ii) To prepare themselves for such an adventure by engaging in physical exercise and simulated military training;

- (iii) To throw the Police into a state of panic and confusion so that they could not properly respond to the invasions of the Red House and TTT;
- (iv) To inspire fear in members of the public by shooting indiscriminately in the streets and at Police Headquarters as a band of insurgents invaded the Red House;
- (v) To arm themselves in order to create fear among the persons they intended to take as hostages at the Red House and at TTT;
- (vi) To enable them to respond to gun fire from the Protective Services if it became necessary;
- (vii) To precipitate a breakdown of law and order for the furtherance of their political ambitions; and
- (viii) Generally, to facilitate execution of the attempted coup.

5.71. The primary motive of the perpetrators was to overthrow the Government. They hoped to achieve this by causing the resignation of Prime Minister Robinson. They wanted a new Government to be formed of which certain members of the JAM, including Abu Bakr, would be members. The Commission is satisfied, however, that the JAM did not intend to kill Mr. Robinson during their adventure. But they certainly intended to torture him and the other Parliamentarians.

2. LOOTING

5.72. We find that Abu Bakr deliberately mentioned "looting" as a signal to the population to engage in that type of criminality. It is passing strange that he did not warn the population against going into the streets in what was a tense and dangerous situation. On the contrary, he earnestly wished people to throng the streets in a mistaken belief that they would support his actions and create bedlam in the country.

5.73. We found Mr. Clive Nunez to be a credible witness. We accept that he saw persons dressed in Muslim attire pointing out buildings to be looted and, as a result, crowds of persons engaged in indiscriminate looting of business places. In the light of Mr. Nunez's evidence, we have concluded that Abu Bakr's purported admonition not to loot was in fact a coded message to his brethren in the JAM to encourage looting of business places. The looting which began in downtown Port of Spain was not spontaneous. But, once it had started, it had a domino effect in other parts of Trinidad and was accompanied by wanton acts of arson.

5.74. This widespread looting was facilitated by the failure of the Police Service to respond to it for some 19/20 hours. The Police took no action to

control looting between 8.00 p.m. on Friday, 27 July and 3.00 p.m. on Saturday 28 July.

5.75. The inability of the Police Service to respond was due to a series of factors:

- (i) The Police Service had no plan in place to deal with an emergency of the magnitude which befell Trinidad on the evening and night of 27 July, 1990 or at all.
- (ii) The Acting Commissioner of Police never directed his mind properly to the matter of looting until long after it was underway, and not before the coming into force of the State of Emergency on Saturday, 28 July. By this time, a quite substantial amount of theft had been perpetrated throughout the East/West corridor.
- (iii) No attempt was made to muster off-duty Police Officers during the first day of the crisis.
- (iv) There was an insufficiency of manpower available to the leadership of the Police Service.

- (v) Police Stations were under fire from members of the JAM driving and shooting with impunity on the streets of Port of Spain.
- (vi) Police Officers at the stations were afraid to come out of the stations and go on the streets to engage looters. They barricaded themselves inside the station.
- (vii) Even when the Police took steps to control looting after 3.00 p.m. on 28 July, the instructions given to Assistant Commissioners of Police were indecisive, "arrest the situation and try not to shoot anybody". Not arrest the perpetrators.
- (viii) The lack of responses from police stations in the East/West corridor provided a vacuum in law and order in that corridor and ensured that looters had free rein to burgle and steal.
- (ix) The fire-bombing of Police Headquarters, suddenly and without warning, and the unavailability of adequate supervisory manpower, militated against proper management of the crisis of looting.

- (x) The shortage of manpower which affected the Police on 27 July was not a new phenomenon. For many years before 1990, the Police Service suffered from an acute shortage of manpower.

5.76. The Attorney General of the day, Mr. Anthony Smart, said that when he was at Camp Ogden, he saw both Mr. Taylor and Head of Special Branch, Mr. Dalton Harvey, and both men were at a loss for words and "they didn't seem to know what was happening. They were shocked at the situation." We find that the Acting Commissioner seemed disoriented by the events and was not in control. He contradicted himself in the High Court by saying that he saw no Ministers at Camp Ogden and then corrected himself by agreeing that he did see some Ministers of Government on the night of 27 July at Camp Ogden.

5.77. Contrary to the facts, Mr. Taylor said that the Army did not go to the Red House until "the wee hours of Saturday morning". In fact, the Army was positioned near to the Red House from as early as 8.00 p.m. on the Friday evening. At that time Major Peter Joseph was reporting to Col. Brown that he and his men had worked their way to within 50 metres of the Red House. The Operations Log (Ops Log) shows that Major Joseph set out for the Red House at 6.15 p.m. It is entirely probable that he and his forces were in the vicinity of the Red House by 8.00 p.m.

5.78. There is no evidence that the JAM engaged in looting. However, the acts of terrorism carried out by them in driving around the streets of Port of Spain and shooting at police stations, were designed and calculated to inspire fear in the Police and to create a safe haven for looters.

5.79. Those who looted did so first to satisfy their own needs and, thereafter, to engage in profiteering by offering for sale surplus looted items of which they had no need. Greed and short-run hedonism were at the heart of the looting.

5.80. Food, clothes, footwear, household appliances, such as refrigerators, washing machines, dryers, television sets, furniture were the stolen goods of preference. Supermarkets in the East/West corridor suffered heavy losses.

5.81. Proprietors of small business places, such as the "Vietnam" Bar, allowed their premises to be used unlawfully for the storage of stolen goods. We also have no doubt that some households throughout the East/West corridor were used for similar purposes.

5.82. We find that the Defence Force did not engage in, encourage or condone looting. The incident involving Capt. King was atypical of the general

conduct of Army personnel during the crisis. It was an aberration. The leadership of the Army took appropriate action to court martial Capt. King and his acquittal was due to legal technicalities.

5.83. Mr. Gregory Aboud's theory that the underlying causes of looting reside in a "cultural deficit" among sections of the population is an extreme theory. In other parts of the world, people have been known to take advantage of riotous situations and mass confusion to loot. For example, looting was a widespread consequence of the blackout in New York in 1978. In 1992, during the infamous "Rodney King Affair", hundreds of persons in Los Angeles looted indiscriminately when there was an absence of Police Officers. In 2011, rioting in many parts of England was accompanied by arson and looting. We are of opinion that the looting in Trinidad in 1990 was not a unique phenomenon to the Republic and was not correlated to any inherent cultural shortcoming in its people. It bore the characteristics of spontaneity and anonymity - the hallmarks of mob behaviour.

5.84. The evidence suggests that to the extent that looting in situations of disaster in Trinidad and Tobago is not an uncommon phenomenon, it is probable that the looting which occurred during the insurrection was not so much a "cultural deficit" but was more in the nature of a class conflict. The insurrection provided an occasion for the underclass and the less well off in the

society to vent their hostility towards or disapprobation of the capitalist class who were perceived as exploiters. This analysis and probable explanation calls for further sociological or criminological study and research.

CHAPTER 6

1. Identification of persons or entities who planned, masterminded, incited, participated in or aided and abetted commission of crimes in connection with the Insurrection. TOR 1 (iv)

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CHAPTER 6

THE IDENTITY OF ANY PERSON OR ANY LOCAL, REGIONAL OR INTERNATIONAL AUTHORITY, INSTITUTION, ORGANISATION OR ENTITY WHO INCITED, MASTERMINDED, PLANNED, DIRECTED, CONSPIRED TOWARDS, CONSENTED TO, CONNIVED AT, ACQUIESCED IN, PARTICIPATED IN, AIDED OR ABETTED THE CARRYING OUT OF, OR HAD PRIOR KNOWLEDGE OF, OR WAS IMPLICATED OR OTHERWISE INVOLVED IN CRIMINAL ACTS OR OMISSIONS, INCLUDING LOOTING, WHICH WERE COMMITTED IN CONNECTION WITH THE ATTEMPTED COUP AND THE EXTENT TO WHICH ANY SUCH PERSON, AUTHORITY, INSTITUTION, ORGANISATION OR ENTITY DID ANY SUCH THING OR HAD PRIOR KNOWLEDGE OF OR WAS IMPLICATED OR OTHERWISE INVOLVED IN, ANY SUCH ACTS OR OMISSIONS

ToR 1(vi)

A. *INTRODUCTION*

6.1. It is clearly evident from an analysis of the language of this aspect of our Terms of Reference that it is extremely wide in its focus and reach. In addressing this Term of Reference, the Commission has disaggregated the various issues implicit in it in order to give separate and more easily intelligible treatment to the issues. A satisfactory answer to the several questions raised in this Term of Reference would have been greatly assisted by direct evidence from Imam Abu Bakr who has never denied, elsewhere, his leadership role in the attempted coup. Regrettably, Imam Abu Bakr refused to give evidence to the Commission of Enquiry. However, both Imam Abu Bakr and Bilaal swore depositions in proceedings brought by the U.S. Government against Louis Haneef

in connection with his exportation to Trinidad and Tobago of the weapons which were used in the attempted coup. These depositions were of great help to the Commission. On the other hand, it was also a matter of regret that none of the insurgents in the Red House came forward to offer direct evidence about the events in the Red House.

6.2. Nevertheless, three of the participants in the attempted coup, Messrs. Jamaal Shabazz, Kala Akii-Bua and Lorris Ballack voluntarily appeared before the Commission and their evidence has been of tremendous assistance to the Commission in making the findings which appear at Part C of this Chapter and in other Chapters.

6.3. In addition, the Commission has been assisted by the testimony of other witnesses such as Mr. Rawle Raphael and Mr. Clive Nunez; the evidence of certain Police Officers, documents of the Special Branch of the Trinidad and Tobago Police Service and the accounts of hostages at the Red House and at TTT. We wish to make it abundantly clear, however, that whereas in Part (B) we relate the evidence of some persons who were obviously not in any way implicated in criminal conduct, the purpose of such reporting is simply to demonstrate that these persons may have had prior information about the possibility of an insurrection, even if they did not believe it or act upon it.

6.4. As we conceive them, there are three broad issues raised by this particular Term of Reference.

6.5. The three broad issues are:

- (i) The identification of any persons or entities, local, regional or international, who planned, incited or participated in the attempted coup and its execution;
- (ii) The identification of any persons or entities, local, regional or international, who had prior knowledge of or were involved in criminal acts which were committed in connection with the attempted coup; and
- (iii) The extent of the involvement of any such persons or entities in committing criminal acts in connection with the attempted coup.

6.6. Accordingly, we propose to review the evidence of witnesses in the following Part (B) under those three broad heads.

B. THE EVIDENCE

6.7. As we have reported in Chapter 2, the evidence before us is unchallenged that Imam Abu Bakr led a group of insurgents to invade and occupy TTT illegally. Mr. Bilaal Abdullah performed a similar role in respect of the assault on the Red House. Mr. Jamaal Shabazz led the group which took charge of Radio Trinidad. All of the insurgents were armed with illegal guns of varying types and calibre.

Evidence of Insurgents

Mr. Lorris Ballack

6.8. Mr. Lorris Ballack became involved with the JAM between 1985/1986. He was a trade unionist and Secretary of the Palo Seco branch of the Oilfield Workers' Trade Union (OWTU). He met Imam Abu Bakr one day in Woodford Square soon after Bakr had served a term of imprisonment for contempt of court imposed by Madam Justice Jean Permanand. As at 27 July, 1990, Ballack was the JAM's representative in San Fernando.

6.9. Ballack's evidence to the Commission was that he first became aware of a plan to overthrow the Government "about 2.00 p.m. on 27 July,

1990, after Juma prayers" at the Mosque at #1 Mucurapo Road. But he also said that, before he left home on the morning of 27 July, he "made peace" with his family. He said that he knew that something was going to happen but he "did not know what!"

6.10. He testified that "one of the responsible brothers, Hassan Anyabwile, told me I should fast for three days; we would take protest action against the Government". He continued –

"The politicians wanted to kill us, particularly the Imam (Imam Abu Bakr). We did not know when they were going to come. And we did not wait. We heard that that Friday evening we would have been invaded by the police around the time of Juma."

6.11. When Ballack left San Fernando on the morning of 27 July, he brought along with him Mr. Randolph Mills and Mr. Bernard Blache. Both were members of the JAM. According to Ballack, Mills worked with him "on the streets and liaising with Mr. Patrick Manning, the M.P. for San Fernando East". Blache, an ex-Police Officer, was working at Telecommunications Services of Trinidad and Tobago (TSTT) and was Ballack's cousin.

6.12. Ballack said that about 5.00 p.m. on 27 July, he found out "the enormity of the plan" when Imam Abu Bakr spoke to him and said –

"We are going to overthrow the present Government this afternoon. He actually said 'We are going to arrest the politicians'. He told me that I was to stay on the premises

and should not leave without his instructions. His next instruction was to join him at Television House after he left the JAM compound. I did not question the information that I received from the Imam."

6.13. On hearing Imam Abu Bakr's instructions, Ballack instructed Mills and Blache not to leave and he "conscripted them to assist in the course of the insurrection". When he left #1 Mucurapo Road for TTT, Ballack was armed. On arrival at TTT, he met Hassan Anyabwile who told him that the area was secure. Imam Abu Bakr was already inside the TTT building and TTT "was captured". Ballack was one of the insurgents who kept the hostages at TTT under surveillance and subjugation during the period of the insurrection.

6.14. Ballack said that Mills and Blache went to TTT in different vehicles. He said –

"I told them to stay with me and that something was going to happen and they could leave if they wished. They stayed."

6.15. He said that, after Imam Abu Bakr's first broadcast on television, he knew the plan.

"It was to overthrow the Government and then to put Dookeran as Prime Minister so that elections could come in 90 days. The important thing was to get rid of Robinson and the NAR and put a new Government in place."

6.16. According to this witness, at no time was it the intention of the JAM to become the Government. "We wanted to be part of a new Government."

Mr. Kala Akii-Bua

6.17. Akii-Bua is a long-standing friend of Imam Abu Bakr. He has been a Muslim since 1971 and joined the JAM in 1980. At the time of the attempted coup, he was the JAM's electrician. His participation in the insurrection may have had its genesis "in early July 1990". One day, he was tending his garden at Las Cuevas when Akmed Ali and Imam Abu Bakr drove up in a car. While Imam Abu Bakr remained in the car, Ali got out and spoke with Akii-Bua about the land at #1 Mucurapo Road "and other things". Ali said that Imam Abu Bakr wanted Akii-Bua to come to Mucurapo Road immediately.

6.18. Akii-Bua told us that Ali said that Imam Abu Bakr had information that the Police and the Army intended to attack the premises at #1 Mucurapo Road. Akii-Bua said that he did not go to #1 Mucurapo Road immediately but he went a few days later. When he got there, he sensed that "something was going on but could not get information from any of the senior brothers". However, he said that he went to Mosque on a daily basis thereafter until 27 July.

6.19. After Juma prayers on 27 July, Olive Enyahooma-EI (Lance Small) mentioned to him that a Prince was coming to the Mosque but the food being

prepared was not fit for a Prince. Olive sent a female member of the Jamaat, Sister Foluke, to El Socorro Road "to buy some good Halal food".

6.20. About 5.00 p.m. Imam Abu Bakr called Akii-Bua to his office and asked him to ensure that everyone left the Mosque. Akii-Bua says that Imam Abu Bakr then said to him –

"Today, the Government of Trinidad and Tobago will be overthrown."

6.21. At para. 12 of his witness statement, Akii-Bua said –

"He said this to me, as well as to Brother Olive and about 4 or 5 others including: Kibwe Atiba (deceased), Omowale Abdullah (deceased) and Lorris Ballack. That is the moment Brother Olive and I first learnt what was happening."

6.22. Akii-Bua says that he called his wife at the Port of Port of Spain and told her to go home. He left Imam Abu Bakr's office and heard the sounds of gunshots on a two-way radio. He returned to the office and told Imam Abu Bakr what he was hearing. Imam Abu Bakr said –

"It is time to move. That is from the Red House."

6.23. Akii-Bua was instructed by Imam Abu Bakr to go to TTT. He went to a Galant motor car which was parked in the car park at #1 Mucurapo Road. Omowale opened the trunk and gave Akii-Bua a rifle. The trunk was full of weapons. Akii-Bua is of the view that the Galant came to #1 Mucurapo Road

either on Thursday night or on Friday morning. Omowale drove the Galant and Kalib Khan drove another car to TTT. When they arrived, their fellow insurgents were already inside the building “and had secured a room as a command post”. Akii-Bua claims that it was at TTT that he “really knew that I was considered to be a senior commander”.

Takeover of TTT

6.24. Akii-Bua said that when they arrived at TTT, the road was blocked with members of the JAM. There was an advance party that included Hassan, Keshwar and Ayoub. They ushered him and his group into the building. Hassan had arranged “a war room” and, on arrival, Imam Abu Bakr congratulated everybody. Akii-Bua said –

“My function was to take charge of the hostages. I selected three brothers who were level-headed to assist me.”

6.25. He sent home all the women at the station and was told that he would be appearing on television with Imam Abu Bakr. He identified Hassan Anyabwile as another senior commander at TTT. Both of them had a number of insurgents under their control.

6.26. At one stage on the Friday evening, Akii-Bua went across to Radio Trinidad with Jamaal Shabazz, after Shabazz reported that one of the employees

had been shot. He said, at para. 19 of his witness statement that he was instructed to broadcast the following messages:

- “(i) let the brothers on the outside know that they should wait for Plan B;
- (ii) to inform the population to stay in their homes;
- (iii) that elections would be held in 90 days.”

6.27. Akii-Bua told the Commission that it appeared to him “that there was a bigger plan that they were to implement” and that plan was thwarted when Imam Abu Bakr ordered him to leave Radio Trinidad and return to TTT”. That larger plan seemed to include “the takeover of other places and securing the complex at #1 Mucurapo Road”.

6.28. It was Hassan who took the decision on 28 July to abandon Radio Trinidad. When Akii-Bua returned to TTT, he took charge of the hostages. Akii-Bua gave evidence about some of the insurgents at TTT. For example, he said that some of them reacted badly to the Army's bombardment of TTT. He got them out of the building and into Tragarete Road.

6.29. Akii-Bua said that Imam Abu Bakr had told them that “this thing will be over sooner than you think” but, as it became prolonged, some of the young insurgents became restless. “The young people among us wanted to shoot and it became increasingly difficult to control them. Some young Muslims were not up to the task. They asked to leave and they were let out.” They were never charged.

Insurgents who escaped

6.30. Two who remained, Darrell Jeans and another, were injured by Army bullets. They were sent to the General Hospital. Eight others, he claims, were sent home on Sunday, 29 July and not captured by the security forces. However, on Sunday night, three insurgents tried to obtain food from an adjacent building. The Army set fire to the building and one of the insurgents from Old Southern Main Road, Chaguanas, perished. The other two escaped.

6.31. Among the 72 insurgents in the TTT building were three young boys: Nigel Braxton (13), D’angelo Garcia (14), both from Princes Town, and Garvin Guillard (15) from Laventille. Guillard is now deceased.

6.32. Akii-Bua says these boys were never recruited. "They came to the Mosque for the first time that Friday and heard that the Imam was going to TTT and they found themselves there. They fell in after TTT was taken."

6.33. Akii-Bua admitted that Louis Haneef sold guns that were used in the attempted coup to the JAM and both Omowale and Haneef were involved in the importation of the guns into Trinidad. He said, too, that the guns were concealed in plywood at Abbas Ali Hardware Ltd. at Caroni Savannah Road, Charlieville, Chaguanas.

6.34. In respect of participants in the attempted coup, Akii-Bua said that some of the persons originally selected did not turn up on 27 July, and others who in fact participated, were not originally selected.

6.35. Akii-Bua said that the JAM did not engage in looting or burning in Port of Spain.

Role of Imam Abu Bakr

6.36. Although he refused to give evidence to the Commission notwithstanding that he has given interviews to various persons since 1990, the

Commission received credible evidence from witnesses that Imam Abu Bakr played a pivotal role in the preparations for and execution of the attempted coup. Messrs. Ballack, Akii-Bua and Jamaal Shabazz left us in no doubt that Imam Abu Bakr was the principal player in the attempted coup. He was head (Imam) of the JAM and issued instructions on the afternoon of 27 July, 1990 to Ballack and Akii-Bua. He told them what was intended in the overthrow of the Government of Trinidad and Tobago. After the invasions of Parliament, TTT and Radio Trinidad had been accomplished, he spoke to the nation on television and did not deny his participation in the insurrection. He and Bilaal negotiated with Col. Theodore the release of the hostages and the surrender of the insurrectionists.

6.37. This Report is so replete with evidence of Imam Abu Bakr's involvement in the attempted coup that we think it would be otiose to repeat here much of what has already been reported. We make appropriate findings in respect of Imam Abu Bakr in Part C. We emphasise that he was summoned to give evidence and refused to attend the Enquiry. He was served with a "Salmon Letter" on 9 September, 2013, setting out many allegations against him and offering him the opportunity to give evidence in response to the allegations. He still refused to appear and give evidence.

A Witness' Assessment of Imam Abu Bakr

6.38. A witness who gave evidence *in camera* described Imam Abu Bakr as "a psychopath, an irrational Muslim fanatic who was trained in Libya". He said:

"I still believe he is a diehard Jihadist, i.e. someone who is hell-bent on the promotion of Islam. If ever Islam is attacked, the Jihadist would devote his whole person towards defence of Islam even if it meant becoming a Shahid. A Shahid is one who dies in the name of Islam."

Imam Abu Bakr's Evidence in U.S. Proceedings Against Mr. Louis Haneef

6.39. The Government of the USA brought criminal proceedings in Florida against Louis Haneef in connection with his role in the exportation of the weapons which were used in the attempted coup. On 5 September, 1991, during the proceedings before judge and jury, a deposition of Imam Abu Bakr was admitted into evidence. The deposition had been sworn at Golden Grove Prison, Trinidad, on 1 May, 1991.

6.40. Although Imam Abu Bakr refused to answer many questions, claiming the privilege against self-incrimination owing to the pending charges against him in Trinidad and Tobago arising out of the attempted coup, he nevertheless gave some evidence relevant to this Term of Reference. Indeed, in

the U.S. proceedings, Imam Abu Bakr was an indicted co-conspirator with Haneef, as was Bilaal.

6.41. In his evidence, Imam Abu Bakr deposed that he did not know Haneef, had never spoken to him, never provided money to him “or anybody for the purchase of weapons” and “never conspired with him to buy the weapons used in the attempted coup”. It was put to Imam Abu Bakr that Haneef purchased over 100 weapons that ended up in the Red House and TTT. Imam Abu Bakr’s reply was –

“I read that in the newspapers. I don’t know how they got to Trinidad.”

6.42. It was the case for the prosecution against Haneef that Haneef purchased the weapons, exported them to Trinidad in hollowed-out spaces in plywood and they were stored in a warehouse rented by the JAM (Trincomtel Warehouse Inc.) at Trincity. Imam Abu Bakr said:

“I read that. I don’t know about the hollowed-out plywood and its purchase.”

Knowledge of Purchase of Construction Materials

6.43. Imam Abu Bakr said that he knew that the JAM were purchasing construction materials in the USA in the spring of 1990 “to build the school” and

he had access to U.S. dollars. He said that he gave Bilaal several Travellers' Cheques to purchase materials "for the education project" and some computers.

He said –

"I gave Bilaal lots of cheques.....these were donations for construction of the school."

6.44. He denied knowledge of the place where the weapons were stored between April and July 1990. But he knew that the insurgents "had guns, shotguns and rifles".

The Plywood

6.45. In respect of the purchase of the plywood, Imam Abu Bakr said –

"Bilaal was supposed to purchase plywood in the U.S. to be exported back to Trinidad and Tobago. I provided him with the money to purchase the plywood. The money came from a budget to build the school....It was donated by the World Islamic Call Society."

Planning the Insurrection

6.46. Imam Abu Bakr said that the actions of the JAM on 27 July were not planned. He said –

"I said it was a spontaneous action based on something that happened that day and before. There were several things that happened before that. On this day it was a

spontaneous action based on something that happened that very day.

From time to time Bilaal would want to buy something and he didn't have the money, the U.S. money. He would give me the local currency in exchange.....There was difficulty in transacting foreign exchange."

Visa Travellers' Cheques drawn on Arab Bank

6.47. Imam Abu Bakr agreed that the money which he gave Bilaal "to purchase building supplies was in the form of Visa Travellers' Cheques issued from the Arab Financial Services or Arab Bank". He agreed that his signature appeared on two receipts he obtained "upon receipt of Visa Travellers' Cheques from the Arab Financial Services". He said that he did not use money to purchase those Travellers' Cheques. "They were donations." The total value of the Travellers' Cheques was US\$614,000.

The Warehouse

6.48. When shown a photograph of a warehouse where it was alleged the weapons were stored, Imam Abu Bakr said that he did not recognise the warehouse "as any Trincomtel warehouse". The next question put to him was: "Do you know who owns the warehouse?" Imam Abu Bakr replied "Trincomtel?"

Counsel said "Yes" and Imam Abu Bakr then said "No, I don't know who owns it." He said that he was "almost sure" that the JAM did not receive the plywood. "We never got any plywood." He denied telling Nello Suite that the plywood was a gift from American Muslims. He refused to state the nationality of Fuad Algawashi and Fazal Mohammed although he admitted personally meeting with the World Islamic Call Society of which he was a member for about six years prior to 1991.

Mr. Bilaal Abdullah

6.49. Bilaal was a co-defendant with Louis Haneef in the US proceedings. He gave a sworn deposition at Golden Grove Prison on 1 May, 1991. Bilaal described himself as "a computer systems consultant specialising in management systems, running the networks and management-type applications, insurance and a few other things".

6.50. He was engaged in computer-related work since 1978 having graduated from the University of the West Indies (UWI) in engineering in 1977. In 1990, he was aged 34 with two wives and fourteen children. He resided at #1 Mucurapo Road since 1983.

Beginning of JAM's Disputes with Government

6.51. In his deposition, Bilaal claimed that, in 1984, while the PNM formed the Government, the JAM became involved in a dispute with the Government over construction of a Mosque and the ownership of the lands at #1 Mucurapo Road. He said that, at that time, members of the NAR assisted them in their dispute with the Government, in particular, "Mr. Karl Hudson-Phillips, John Humphrey, Lincoln Myers and Basdeo Panday. They all helped in various ways."

6.52. However, the JAM went on a campaign throughout the country against the PNM. He thought that "this contributed towards the defeat [of the PNM] in the 1986 Elections".

"We opposed the PNM strenuously in the '86 elections."

6.53. He said that between 1986 and 1990 he expected the relationship with the Government in respect of the land to improve. It did not. He said –

"Based on some of the policies adopted in the country, we took part in some public demonstrations and other forms of protest against those measures."

6.54. He claimed that in late 1988 "for three months every night, anyone leaving the compound was stopped and searched as well as people in vehicles.....We were subjected to a number of charges that basically were false, harassment charges."

Army Occupation

6.55. Bilaal said that on 21 April, 1990 "the Police and the Army occupied our premises....they moved in that morning with a force of over a hundred with heavily armed automatic weapons". He said that the JAM were informed "a couple of days before" of the occupation.

"We had an informant in the Ministry of National Security who told us."

He said that proceedings were filed in the High Court challenging the occupation.

Friendship with Louis Haneef

6.56. Bilaal said that he developed a friendship with Haneef during the period 1988-90 when he went to the US to purchase computer equipment. Between October 1989 and April 1990, he spent approximately US\$96,000 purchasing computer equipment and US\$20,000 "on my upkeep".

6.57. He said that he knew that Haneef "purchased a whole bunch of weapons in the USA" but he never saw them. He did not give Haneef any

money to buy the weapons. He had bank accounts at "The Bank Atlantic and NCNB".

Source and Acquisition of Funds

6.58. Bilaal gave evidence about the sources and his acquisition of US dollars. The transactions were quite convoluted. But broadly, he said that he purchased some US dollars in Trinidad for his buying trips and received other funds through clients in the USA. He said it was difficult to take large amounts of foreign exchange out of Trinidad. On several occasions he gave Haneef Travellers' Cheques in exchange for which Haneef gave him cash for his computer purchases and living expenses. He added, however, that he could not say on how many occasions he gave him Travellers' Cheques and asked Haneef for cash in return.

Warehouse Rental

6.59. Bilaal rented a warehouse in Lauderdale Lakes Industrial Park and, at one time, "one in Ives North". He said that the reason for the rental of warehouses in Florida was that –

"At the time we were building a primary and a secondary school at Mucurapo Road.....Our intention was to purchase construction materials in the USA directly instead of having to purchase through local agents.....The stuff we wanted

was like gyp rock, various types of lumber, gypsum board and plywood."

Transactions with Louis Haneef

6.60. Bilaal deposed to a conversation with Haneef in 1989.

"Sometime in '89 he told me that he had been approached by someone "Ahmed" and there was a business deal and he was hoping to make some money from it....I asked him if it was something that could get him in trouble because he had a reputation for getting himself in tight spots, based on a trip he made to Israel. He said there was nothing illegal about it; there was an impending ban on assault weapons and, if he made purchases then, he would be able to make a large profit."

6.61. Bilaal admitted to two or three meetings with Haneef in Trinidad but denied that he had anything to do with the weapons that Haneef purchased in the USA and ended up in Trinidad.

6.62. He did authorise Riad Ali to ship construction materials (gypsum wallboard) to Trinidad and he paid for the shipment. These materials were stored at the Lauderdale Lakes warehouse and Riad Ali arranged for their shipment to Trinidad to the JAM. Bilaal testified that –

"We received notification from the Trinidad agency that it had arrived in the country but it was never cleared, to my knowledge."

Bilal's Involvement in the Insurrection

6.63. Bilal stated that, on 27 July, he left #1 Mucurapo and went to the Red House with approximately forty persons. He said he "was told that Imam Abu Bakr and others" went to TTT. He said that when he went into the Red House he carried a Magnum. "I had a rifle but somebody carried my rifle". He said that he did not know if those weapons were shipped by Haneef.

Strategy

6.64. Bilal gave the reason why he was in charge of the insurgents at the Red House –

"I was in charge of the people at the Red House because of my own experience in negotiations and protocol and stuff, and our main mission was basically to get an agreement with the people inside there."

6.65. Bilal was asked what he expected the Army and Police to do in response to the invasions of the Red House and TTT. His answer was:

"Well, first of all, the attack was on the Police Headquarters and was supposed to create enough confusion among the Police and also give us enough time that an agreement could be reached. Actually, we got an agreement in about twelve hours and so that did work."

The Major Heads of Agreement

6.66. Bilaal explained the agreement that he said was concluded "with the people at the Red House". It was that –

"the Prime Minister, Mr. Robinson, would resign, give his resignation, and the other Parliamentarians could support the appointment of Mr. Winston Dookeran, the then Deputy Prime Minister. He would be appointed. They would support him as the new Prime Minister and he would lead a Government of national unity which would call elections in ninety days and those basically involved in the insurrection would obtain an amnesty."

Invoice re Purchase of Plywood

6.67. Bilaal was shown a document issued by 84 Lumber Company in his name for the purchase of plywood. He agreed that the purchase was for plywood to be used in the construction projects at #1 Mucurapo Road but he denied that he had anything to do with hollowing out the plywood or shipping it.

Planning the Insurrection

6.68. Bilaal was cross-examined by Mr. Roger Stefin who put this question to him –

"You certainly had planned this operation before you seized the Red House; is that correct?"

Bilal replied –

“We made some plans”.

6.69. He said that he did not know that Imam Abu Bakr was going to be in charge of the group that seized TTT and he sought to make a fine distinction as to the precise nature of his role at the Red House. He asserted –

“I didn't say that I led a group of approximately forty individuals in the attack on the Red House. I said that once the attack was over, I was in charge. As I explained before, the purpose was to make a negotiation.”

6.70. To the question, ‘Who was in charge of the assault on the Red House?’, Bilal’s answer was –

“There were a number of different groups. There was a total of forty people who occupied the Red House. As far as I know, the assault didn't take place as one group. A number of people entered. There must have been other people from other directions.”

6.71. Bilal refused to agree that he kept persons in the Red House as “hostages”, but he stated that “the people who were detained there included the Prime Minister and a number of other Parliamentarians”.

Who Shot the Prime Minister?

6.72. He was asked "Who shot the Prime Minister?" Bilaal said "I don't know". When asked, "Were you there when he was shot?" Bilaal replied, "I was in the Chamber.....I was present. I did not see who shot him."

Homemade Bombs

6.73. The only evidence which the Commission of Enquiry received about homemade bombs came from Bilaal. He agreed with Mr. Stefin that, in addition to the weapons used in the assault on the Red House, were some homemade bombs. He described them as "improvised explosives" but he said that he did not know who brought them to the Red House but he knew that "they were there. I did see them there."

The Intention when the JAM entered the Red House

6.74. Bilaal agreed that his intention was to force the Prime Minister to resign and "his own Deputy would become Prime Minister. We would have a Government of national unity and have elections in ninety days. That was what was asked in terms of the agreement. It was not adhered to.

Relationship with Haneef and Guns

6.75. According to Bilaal, he had known Haneef for about three years and they had "several common interests", namely, computers, Islamic law and guns. They had been to shooting ranges about five times and he used Haneef's weapons. They went to "gun shops to look at weapons in South Florida". He and Haneef met a number of times between October 1989 and April 1990. Bilaal made approximately eight trips to Miami. He said "I spent approximately 100 days abroad between October and April." In that period he gave Haneef money and claimed to have loaned him \$10,000. On one occasion, one Miyhtabash Mohammed wrote a cheque for \$5,000 to Bilaal and he thereafter gave Haneef a cheque for the same amount. "This was the kind of thing we could do."

6.76. It was Bilaal's evidence that apart from the loan of \$10,000, other money given to Haneef was to facilitate the purchase of computer equipment. Bilaal never wrote down any of the transactions. He made "mental notes".

The Plywood

6.77. Bilaal bought plywood for \$3,678 but he deposed that he made no arrangements for its shipment to Trinidad. He was not present when some of the plywood was warehoused in Florida. As to when he next saw the plywood, Bilaal answered:

"I haven't seen the plywood. I prefer not to answer that question on the grounds that there may be something I say

that may commit me in respect of proceedings taking place in Trinidad."

6.78. There was the following exchange between Bilaal and Mr. Stefin:

"Q: Are you aware of the fact that the plywood you purchased in South Florida apparently was used to transport the weapons to Trinidad?"

A: You are telling me that. I don't know that....I have heard the speculation.....

Q: Are you saying that you have no knowledge then that the plywood was hollowed out before it was transported to Trinidad?"

A: Definitely not....I don't know anything about that."

Trincomtel Warehouse at Trincity

6.79. Bilaal said that he knew where the Trincomtel warehouse was located at Trincity.

"Trincomtel was a company and it was somebody who used to go to University with me who owned the company."

6.80. He was evasive in responding to the question whether he knew that the shipment of plywood which he bought in Florida was stored in the Trincomtel warehouse. He said that he declined to answer "under these conditions."

Purchase of Detonating Devices

6.81. Bilaal was shown an invoice for the purchase of toy rockets, a Screaming Eagle kit, a Magnum kit and some C6-S engines which, it was said, was "equipment for the purchase of manufacturing detonating devices". Bilaal denied purchasing the equipment for the purpose suggested. His explanation was –

"This is not the first time I purchased model rockets. I am a physics teacher at a secondary school and we launched a number of model rockets as physics projects.....I am not aware that there were homemade detonating devices that had little rocket engines attached as detonating devices. No, not the ones I saw in the Red House at that time."

Radio Shack Equipment

6.82. Bilaal denied knowledge of any Radio Shack equipment being shipped to Trinidad on behalf of the JAM and stated that he did not discuss with Haneef purchasing two-way radios, base stations and radio accessories from Radio Shack.

Riad Ali

6.83. Bilaal said that he used Riad Ali who was an unemployed Trinidadian living in South Florida but he was not aware that he was a carpenter.

Bilal also deposed that he did not know where the weapons were concealed before the coup attempt. He was not "on the security team" and the JAM's policy was "called need-to-know. I don't need to know these things."

Conspiracy

6.84. Mr. Stefin put the following question to Bilal:

"Q: It is true that you did make plans with others with respect to the attack, sometime before the attack took place, is that correct?"

A: Yes. We did plan before it."

Nello Suite

6.85. In 1990 Mr. Nello Suite was a public health engineer. He also gave evidence on deposition in the case of Louis Haneef. He was, at that time, Manager of the Property Management Division of the National Housing Authority. He admitted that he was the owner of a warehouse in Trincity measuring 40 feet by 60 feet.

The Warehouse

6.86. Mr. Suite said that, in April 1990, he rented the warehouse to Imam Abu Bakr whom he had known for about ten years. He said that he was “working at the time for Yasin Imam Abu Bakr on a project where I was supposed to be constructing a school. He knew that I had this warehouse that I was not using.”

He said –

“To the best of my recollection, he informed me that he was looking for some place to store some materials which he expected to receive as a gift from a group of American Muslims.....he was hoping to get some plyboard, i.e. plywood.”

6.87. Mr. Suite said that, as a result of that conversation, Imam Abu Bakr agreed to pay him rent of \$1,000 per month. He saw plywood stored at the warehouse. The warehouse was very near to Suite's home but it was not a place that he visited regularly.

6.88. One day he went into the warehouse and saw two or three men “working with carpenter's tools and I did see two stacks of plyboard near the entrance of the building”.

6.89. After the attempted coup, he again went into the warehouse. On this occasion he went with soldiers from the Army. He said he saw about eight bales of plyboard.

"The tops of the bales had been removed and there appeared to be hollowed out sections in the bales.....there must have been sixty, eighty sheets of this plyboard in the bale or stack."

6.90. Under cross-examination, Suite said that in a statement given to the Police he explained how he came to be working at the Jamaat compound. He said –

"Imam Abu Bakr owed me some money for several years. I was on the compound building a school. I was the Project Manager for the construction of the school. I agreed to do the construction at the end of 1989."

6.91. The work was not completed. Suite's team of workers had finished casting 50% of the foundation "and had just started preparing the second half. The Army and Police moved into the compound and stopped the work after Easter".

Who Discovered the Plywood?

6.92. Suite had given the Police a statement in his handwriting in which he said that his gardener, one Bastien, was the first person to discover that the plywood was hollow. Bastien seems to have told Mr. Peter Beckles who was

looking after a garden outside the warehouse. Beckles told Suite that he found the hollowed out plywood on Sunday, 2 September, 1990 and he called the Army.

6.93. As to the men who were working "with carpenter tools", Suite said that he could not identify them but he saw them at the time when he was still working at the JAM's compound "before the Police occupation of the compound".

6.94. Suite said that it was on 3 September, 1990 that the Army took him to the warehouse and he then saw "the hollowed portions in the plywood". He wrote this in his statement to the Police on the said date.

Salim Muwakil

6.95. Having said in his deposition that Salim Muwakil was the JAM's security person he knew, Bilaal later denied that Muwakil "was the one that knew about the weapons". His clear evidence was, "I don't know anybody that knows about weapons". He said during cross-examination:

"I have not made any decision for any weapons. I don't know anybody who made that decision."

Mr. Jamaal Shabazz

6.96. Shabazz gave an insight into the composition of the JAM in July 1990. He pointed out that some of them had what he described as “a strong intellectual base”, and he mentioned Bilaal Abdullah and Hassan Anyabwile. He said there were University graduates among the membership. Some of the members had close connections with the trade union movement, for example, Ballack. He said that Ballack was closer to the leadership of the JAM than he was. There were also ex-Army personnel and ex-Police Officers. He said that Imam Abu Bakr’s experiences and orientation did not only include Police service, but were influenced by the period of global student uprisings in the late nineteen sixties and early nineteen seventies.

6.97. Shabazz’s preparations for the attempted coup included going to Radio Trinidad and investigating the layout of the building. As a result of this reconnoitre, he felt that invasion “would be easy”. He said that, “three months before July, the overthrow of the Government was planned”. He said –

“Three months before July, there was information from the Ministry of National Security that an attempt would be made to wipe out the JAM leadership. There was even a dress rehearsal. One night there was a scuffle between a soldier and a JAM. Salim Muwakil was shot in his leg. The information we got put us in a state of mind to take preventive action and fast track it. We concluded that some kind of military confrontation would take place. Our source was very credible.”

6.98. He said that the younger members of the JAM were encouraging the elders to attack the Government. As he put it, "rush these people".

6.99. Prior to 27 July, Shabazz saw the weapons to be used by his group.

6.100. On 27 July he heard the announcement that a Prince would be visiting #1 Mucurapo Road. He thought this was "a whole lot of nonsense". It was a code. He instructed his wives to go home and await further instructions. His group of insurgents left the Mosque in three vehicles to go to the Queen's Park Savannah. He did not speak with Imam Abu Bakr. He took his instructions from Hassan Anyabwile. The Prince was slated to arrive at 6.00 p.m. and Shabazz said that he interpreted this "as a signal". But when some of his group seemed confused and asked about the Prince, he candidly confessed to them that "it ent have no Prince coming!"

Takeover of Radio Trinidad

6.101. Shabazz and his group went to the Queen's Park Savannah and "exercised", playing football. He said, "I knew what was to happen". He told his men that he was awaiting a signal. Someone was to bring information to them.

"When that happens, we are going to take Radio Trinidad with guns."

6.102. The signal did come sometime after 5.00 p.m. although Hassan had told him it would come at 5.00 p.m. Hassan drove around the Savannah and spoke to Ayoub Yasim who told Shabazz that it was time for action.

6.103. Shabazz says that he called his men together and told them that they were going to Radio Trinidad and others would take care of TTT. His instructions to his men were to jog down to Radio Trinidad where a vehicle would be parked in front of Radio Trinidad and they would get weapons. He instructed them to "operate in an orderly manner". When they reached the car, he distributed guns and told them of three entry points to the building. He went into the building through "a side entrance" where there was no security guard and told the men to round up everyone inside and bring them to the hallway. Then they should place them in a room.

6.104. Shabazz told us that his clear instructions were that they should not hit or shoot any of the occupants in the building. He estimated that they were inside Radio Trinidad in less than 5 minutes and he said that "I had been told beforehand that there would be support on the outside taking care of the whole area".

6.105. About 6.30 p.m. one Zaki came to Radio Trinidad and said that everything was under control at TTT.

6.106. The plan of the leadership of the JAM was to overthrow the Government and install an interim body in office. Shabazz said that Hassan assured him that there would be popular response to the actions of the JAM.

Evidence of Members of Parliament

6.107. We turn now to the evidence of other witnesses including that of Members of Parliament who were held hostage in Parliament. In particular, these witnesses were well-placed to speak about the leadership of the JAM in the Red House and the role of Bilaal Abdullah. Not much evidence was forthcoming about the Red House from the JAM insurgents who participated in the assaults on TTT and Radio Trinidad.

Trevor Sudama

6.108. The Commission received oral evidence from Mr. Trevor Sudama and we also admitted in evidence a series of articles written by Mr. Sudama in the NEWSDAY newspaper in the summer of 2010. In the Newsday publication for 10 August, 2010, Mr. Sudama wrote the following of his experience of 27 July after some calm returned to the Parliamentary Chamber on that evening.

“After a couple hours in a more becalmed atmosphere, I ventured to make a request for the cord around my wrists to be untied because of the excruciating pain I felt in my shoulders. By this time it was clear that one man among the

Muslimeen was in charge of the assault and subsequent operations in the Chamber. His name was Bilaal Abdullah. He was a relatively young man of medium physical stature and slim build. There was a command in his voice indicating authority. And somehow I began to feel that our fate in the Chamber to a large extent rested in the hands of this man. And it is to him that I made the request. After reflecting a bit, he obliged with the superfluous caution that we should not try anything."

Other MPs

Mr. Raymond Pallackdharrysingh

6.109. Mr. Pallackdharrysingh said that –

"For several weeks and perhaps months, on the grapevine in Trinidad, there was information being passed on that guns were coming into the country and that the JAM were having training sessions in various remote parts of the country."

All of the other MPs who were questioned about the leadership of the JAM in the Red House were in no doubt that Bilaal was the leader of the group of insurgents in Parliament. They spoke of his control of the men in the situation and his calm but firm demeanour. To them it appeared as though the invasion was well planned.

Mrs. Jennifer Johnson

6.110. Mrs. Johnson was of opinion that "the operation seemed well planned". She said "there was a methodology" to it.

"They seemed to know exactly what they were going to do from stage to stage."

6.111. On the Friday evening, she saw Bilaal in command. She said –

"I heard Bilaal say that, from what he understood was happening outside, an attempt would be made to invade Parliament. 'If there is, the signal will be to turn off the lights. Therefore, as soon as the lights go off, mark your target and shoot'."

Dr. Emmanuel Hosein

6.112. Dr. Hosein knew Bilaal from school days when they both attended St. Mary's College. He saw him with a gun and he heard him order the Prime Minister to speak into a walkie-talkie and instruct the forces outside of Parliament to call off the attack or "I will shoot the Ministers one by one and throw them over the balcony." When Mr. Robinson refused to comply and, instead, told the Army to attack with full force, Dr. Hosein saw Bilaal deliberately shoot Mr. Robinson and Mr. Richardson.

6.113. Late on Friday evening during the discussions on a possible amnesty, Bilaal interfaced directly with Messrs. Dookeran, Toney and Humphrey who were representing the hostages. Dr. Hosein also heard Bilaal conversing from time to time with Col. Theodore during the negotiations for release of the hostages and surrender of the insurrectionists.

Mr. Rawle Raphael and Mr. Selby Wilson

6.114. Mr. Raphael told the Commission that he also saw Bilaal shoot Mr. Robinson and he heard Bilaal talking from time to time to someone whom he believed was Imam Abu Bakr. Mr. Wilson recalled the night of 28 July after Mr. Dookeran did not return to Parliament. He said that Bilaal was angry and gave his men instructions to assassinate the NAR MPs if the lights went out and flares were shot into the Chamber.

Mr. Winston Dookeran

6.115. Mr. Dookeran suffered violence and the threat of violence at the hands of Bilaal. He said –

“Bilaal put a gun to my neck and threatened that, if I did not do as he said, he would blow off my head.”

A Witness in camera

6.116. This witness saw some members of the JAM in Parliament “one or two months” before the attempted coup. He recognised these persons whom he knew. He said –

“I saw them very clearly looking up and around. I didn’t know they were planning anything.....Most of us were very naïve and did not think that such a thing would occur.”

Mr. Mervyn Assam

6.117. Mr. Assam, who engaged the JAM in discussion when the tension in the Red House eased, was in no doubt that Bilaal was in charge of the JAM’s operations in the Red House. He was able to assess the conduct and discipline of the JAM during his period of captivity. He said –

“Bilaal was the commander. He gave the orders. At first the JAM were well-disciplined but, as time went on and there was no food or drink, they became disillusioned. By the third day they became indisciplined.”

6.118. Mr. Assam gave another example of Bilaal’s control of the situation in Parliament on 28 July. Mr. Eden Shand, the Acting Foreign Minister, asked Bilaal to give him a two-way radio to announce to the world that the Government would not be seeking the assistance of foreign forces. Bilaal retorted, while denying the request –

“Mr. Shand, you seem to be oblivious to what took place yesterday afternoon. The Government was overthrown yesterday. You were the Foreign Minister.”

Involvement of Local, Regional and/or International Entities

6.119. The Commission did not receive much evidence of the involvement of any local, regional or international entities or organisations in the planning of the attempted coup. But, as we report later, some Special Branch documents presented to the Commission gave some indication of the involvement of at least one local entity and the JAM's connection with Libya. We received evidence that members of the JAM had received military training in Libya. Kala Akii-Bua and Lorris Ballack both confirmed this evidence. However, neither of them went to Libya. In addition, Mr. Assam testified that he was told by a gunman who had a gun pointed at him and Mr. Selby Wilson that he (the gunman) had been to Libya and Cuba for training.

A Witness in camera

6.120. The witness said that there were certain indications that something untoward might happen. He identified the JAM's training at home and in Libya and he observed the JAM marching with SOPO when the austerity measures began to impact. He described his feelings:

"One felt a kind of uneasiness. These things were raised at personal and Cabinet level. The Minister of National Security always assured us, "I am aware. I know what is happening. We have it under control"."

Mervyn Guiseppi

6.121. Mr. Guiseppi said that the Special Branch knew that Imam Abu Bakr was a frequent visitor to Libya. His evidence is that –

"By 1986/87 it was known that Libya was sponsoring worldwide terrorism and they had 20 training camps and used diplomatic cover to transport arms.....Special Branch also knew that Imam Abu Bakr was receiving large sums of money from Libya, from affluent Muslim sympathisers and from businessmen."

6.122. Special Branch also received Intelligence prior to the attempted coup that the JAM "were following the Prime Minister and Minister of National Security. They were making preliminary moves to assassinate Mr. Robinson". Special Branch wished to increase the Prime Minister's security detail because they genuinely believed that Mr. Robinson's life was in danger but he was averse to "beefing up his security".

6.123. Mr. Guiseppi said that Special Branch knew that "eight former soldiers and four or five policemen were involved with the JAM". The department also knew that "there were camps at the Mosque and at Rio Claro, Toco, Cumuto and Blanchisseuse".

PC Kenrick Thong

6.124. PC Thong was part of the escort party of the Prime Minister. He said that, prior to the attempted coup, Special Branch officers were training on the Lady Young and Lady Chancellor roads. He saw the JAM training as well and he found it "strange". He said –

"They were in Army camouflage and we saw them training every day. We talked about it. I had the impression that they were training for something. I did not share my concerns with senior officers."

PC Thong spoke of "tension in the air that something was going to happen" and he said –

"Other Special Branch officers felt that something was going to happen. I did not share my feelings. It was plain to see that everybody knew. There was no need to report."

SUMMARY OF SPECIAL BRANCH DOCUMENTS PROVIDED TO THE COMMISSION

6.125. A number of Special Branch reports were tendered in support of allegations that Special Branch knew that the JAM were planning a serious offensive against the Government. We were also informed that such information and Intelligence as Special Branch was seised of, were passed on to the political directorate. These reports are summarised hereunder:

(i) 7 January, 1987

6.126. Re: the JAM's decision to send members to monitor and report on activities at the opening of Parliament on 12 January, 1987. The document stated that "it is reported that some candidates of the NAR made promises to a member of the JAM (a) that he will be appointed to the Senate, (b) that the JAM would be accepted as a religious body and be supported financially by Government". JAM members disclosed that they were advised to apply for permission to operate canteens and other businesses at the Jean Pierre Complex and the Municipal Stadium in order to raise funds for their organisation.

(ii) 23 June, 1987

6.127. This document reported that the JAM "claimed that the present economic and political climate presents them with an opportunity to fulfil their long-awaited dream of making T&T a Muslim State". They saw the appointments of President Hassanali and Speaker Mohammed as "signals from Allah and stepping stones to their goals". Further, the members expressed every confidence and preparedness to overcome any confrontation they may encounter "with assistance from within and outside the country at a moment's notice".

(iii) 2 July, 1987

6.128. This report stated that on 29 May, 1987, at Juma, Imam Abu Bakr said that he had warned the people of Trinidad and Tobago about the NAR. He said that some members of the new Government asked him if the JAM had arms and ammunition and he replied that he had "tanks, guns etc. and so does Libya and Iran". *Inter alia*, Imam Abu Bakr said that he had applied to the Governor of the Central Bank for approval to import certain foodstuff for retail purposes but it was refused. He complained of the deplorable state of the country since the NAR took up office and he said that he did not know "how long they would remain in that place".

(iv) 3 August, 1988

6.129. Special Branch reported that on 30 July, 1988, Lorris Ballack and Bernard Blache visited Montoor Ramadhani, a well-known drug dealer, at his home in Cedros and they discussed the acquisition of arms and ammunition for use by the JAM. Blache asked for high-powered rifles before the end of August to be used against drug dealers. Ramadhani promised shot guns at a unit cost of \$1,500. Ramadhani referred Blache to Olis Mohammed, a fisherman from Cedros. Blache later contacted Mohammed who recommended a Venezuelan who would bring in rifles from Venezuela through Tucupita. The Venezuelan was

to come to Trinidad on 7 August, 1988. Blache and Ballack were expected to overnight in Cedros on 6 August, 1988 at the Mosque there. At 12.45 p.m. on 31 July, 1988, Blache and Ballack reported to Imam Abu Bakr. They went to him in a Datsun van TAE 4438.

(v) 3 August, 1988

6.130. This report was sent to Minister Atwell. It stated that, after Juma on 29 July, about 50 members of the JAM discussed the security arrangements for Prime Minister Robinson at the Eric Williams Financial Complex and the large number of Police Officers in the Complex. One of the JAM said that he worked at the Complex and observed Police patrols every hour. He said the number of Police Officers was suggestive of fear by the Prime Minister. But he said the Police were vulnerable to attacks and the Complex could be attacked by rocket launchers from the sea. This member alleged that Panday, Ramnath, Humphrey and Pallackdharrysingh were gaining a lot of support from the East Indian community and aimed to take "some form of action against the Prime Minister to regain their positions in Government". He said that a verbal clash between Panday and Lincoln Myers at Caroni County Council on 25 July was carefully orchestrated by Panday. Also it was alleged that Club 88 was trying to influence Karl Hudson-Phillips to replace Robinson.

(vi) 21 April, 1989

6.131. Report noted that Imam Abu Bakr, Ballack and Abdullah Omowale (Andy Thomas) discussed mounting attacks against:

1. Anthony Sabga;
2. Hon. Selby Wilson;
3. Sen. Ken Gordon;
4. Justice Aeneas Wills.

This man observed that Mr. Robinson had few security personnel and little vehicular cover while in traffic jams near to Textel.

(vii) 16 June, 1989

6.132. On 16 June, 1989, Imam Abu Bakr introduced Faud el Gahwagi, a Libyan national, to a congregation of 400 members of the JAM. This man spoke and urged his audience to strive for Islamic unity.

(viii) 29 August, 1989

6.133. This document was a report from Special Branch to the Commissioner of Police. It was a report of a meeting held at the Mucurapo

Mosque on 23 August between 8.30 p.m. and 9.30 p.m. in the presence of 230 Muslimeen.

The meeting was held to discuss possible attacks on the lives of the Prime Minister, senior Government officials, senior Police Officers and Defence Force Officers. Bakr asked if any "fielders" had information about the movements of the Prime Minister, his bodyguards and the number of vehicles assigned to him. He asked if anyone was sent to the Queen's Park Savannah to monitor the dress rehearsals for the Independence parade. One Ramsas Tamba replied that he had sent someone to monitor. Tamba said that sub-machine guns or assault rifles would not be effective. He recommended using a high-powered rifle. He thought of putting men by the camera positions used by officials of the Racing Authority. He was searching for a tall building on the eastern side of Queen's Park Savannah to be used by a gunman.

6.134. Imam Abu Bakr attempted to get information on the function to be attended by the President, Prime Minister and other Governmental Ministers on Independence Day as well the leadership of the Defence Force and Police Services.

6.135. Bakr said that if the plans being formulated did not go into effect during that Independence period, they would be used in the future. He charged the audience to be secretive about the discussions and ordered Salim Muwakil to

institute measures to monitor those who had attended. Kibwe Atiba, Wayne Hoyte a.k.a. 'Chunks', Gabriel Velasquez a.k.a. 'Chinee', Abdul Wahid and Sadiq Alrazi were among those present.

(ix) 11 September, 1989

6.136. On 8 September, 1989 Imam Abu Bakr addressed 550 members of the JAM. He returned from Libya on 7 September and said he was impressed with the Islamic system. He wondered why no person or political party in Trinidad and Tobago was prepared to bring about change in Trinidad and Tobago. He said he was "convinced that the Libyan system should be introduced in Trinidad and Tobago". He said NAR was in power for 3 years and had done nothing to change the system. He ended by saying "*it was decreed by Allah that Muslims have to change the system. There is no other time for change but now*".

(x) 21 September, 1989

6.137. Report that 24 members of the JAM were expected to leave for Libya on 27 September. Route: Trinidad – Caracas – Amsterdam – Tripoli.

(xi) 28 September, 1989

6.138. Special Branch noted that rumours were circulating of a plot by members of the JAM to assassinate the Prime Minister. Only a select few in the hierarchy of the JAM are aware of the plot. These include Imam Abu Bakr, Bilaal Abdullah and Salim Muwakil. Imam Abu Bakr asked Muwakil what was observed by their surveillance team on 31 August at the military parade. Muwakil said that their team comprised females and noted that the President came and returned to his house in a jeep followed only by Police horses. However, there were two Police Officers in a black car. He was given the route taken by the Prime Minister to attend the parade ending at Long Circular Road. Muwakil said that security was poor. Bakr then requested to be kept abreast of the movements of the Prime Minister and routes taken by him.

(xii) 13 October, 1989

6.139. On 7 October Bilaal Abdullah spoke to eight members at an indoor meeting at the Mucurapo Mosque. He said that while the Government was using the economic and industrial situation as an excuse for its failure to address critical issues, the JAM were the main threat to them. He said the JAM had been working with members of the Monroe Road Mosque, Cunupia, to engage in an Islamic revolution with the Jamaat. He said that members of that Mosque had

agreed to “pick up arms to remove the unjust system”. Senior members of the JAM's defence and internal security pay regular visits to the Monroe Road Mosque to discuss military strategies. He also stated that members of a Mosque on the Old Southern Main Road pledged support for “the Islamic Revolutionary Justice Organisation” to take a serious stand in removing the Government. Members of Monroe Road Mosque were in possession of arms and ammunition to be used at an appropriate time. He said that Imam Abu Bakr told him in a recent telephone conversation that he was negotiating with Libyan authorities for assistance with finance, arms, ammunition and more mercenaries than originally planned. He said the Government was intent upon assuming power early in 1990 but at that time, consideration was being given to the best method of bringing a large quantity of arms and ammunition into Trinidad. However, that issue would soon be dealt with.

In the Commission's opinion the statements of Bilaal at that meeting constitute a powerful contradiction of the thesis of the attempted coup being a spontaneous event.

(xiii) 1 January, 1990

6.140. Report that David Bethelmy, former soldier who was dishonourably discharged for conspiracy in the theft of two automatic pistols, returned from Libya on 27 December, 1989 via Curacao on a ship.

(xiv) 16 February, 1990

6.141. This was a report of 18 named members of the JAM who had recently visited Libya. Their activities were monitored.

(xv) 14 May, 1990

6.142. A "secret" report was sent to the Prime Minister that Lance Small, an executive member of the JAM, was said to have invested large sums of money in a Florida-based company, Triple M Seafood Equipment Supplies Inc., and to have acquired shares in two fishing vessels viz. 'Triple Hooker' and 'Triple Slammer'. The report detailed information on the other ownership of the company and the local agents of the two vessels. It was stated that the US owner of the company, Mike Montella, was a close friend of Winston Fifi, the Managing Director of a Trinidad company, Caratin Agro Ltd. It was reported that the vessels were used for drug trafficking and a vessel, in which Fifi was part-owner, was intercepted by the US Coast Guard near St. Maarten with 120 kilos of cocaine on board. The crew were convicted and sentenced to imprisonment in Martinique.

(xvi) Information Concerning Ex-Soldiers

6.143. Special Branch had information in February 1987 that Glen Simon, former soldier, joined the JAM and was seen driving a car belonging to Annisa Imam Abu Bakr, one of the Imam's wives. He had training in counter-revolutionary operations. Special Branch also had information on Anthony Philip, former soldier.

Local and International Entities

SOPO

6.144. It was believed that SOPO may have had prior knowledge of the attempted coup. However, Mr. Guiseppi explained the approach of Special Branch to SOPO. He said:

"SOPO was an organisation of interest because of its activities in the society, fomenting discontent – especially Canon Knolly Clarke and Morris Marshall. However, it was not monitored to the same extent as the JAM."

6.145. So far as international connections were concerned, Bilaal said that Imam Abu Bakr had told him in a recent conversation on the telephone that he

was negotiating with Libyan authorities for assistance with finance, arms, ammunition and more mercenaries than originally planned.

6.146. As late as 16 February 1990, Special Branch was seised of a report of eighteen named persons who had recently returned from Libya.

THE CUSTOMS DEPARTMENT

6.147. The Commission received evidence from a representative of the Customs department. Since the evidence was given in camera, we shall not identify the witness but we shall provide below a summary of the evidence relevant to this part of our Terms of Reference.

6.148. The witness said –

'I am aware that there was information to suggest that the firearms were smuggled into Trinidad and a Customs Officer was alleged to have been involved. I recall that the arms were smuggled into Trinidad in hollowed-out plywood. They were smuggled in through Point Lisas, a recognised port of entry.....A Customs Officer was detained at the time and was charged with the insurgents. He was Feroze Shah. At a separate date he was severed by the Public Service Commission.'

6.149. The witness said that in 1990 the Preventive Branch of Customs and Excise was the law enforcement arm of the Customs and Excise department. This Branch was responsible for investigations and prosecutions. The witness was

unable to recall whether the Branch had been asked to investigate the illegal importation of firearms.

6.150. His recall of events was that an investigation was carried out by the Police and there was no joint investigation by the Police and the Customs department. But he was satisfied that offences had been committed contrary to sections 212, 213 and 214 of the *Customs Act*. He said –

“I do not know why Customs and Excise did not investigate clear breaches of the Customs Act.....The Feroze Shah issue caused us great concern. I was aware that the Head of Department made attempts to ascertain how many other Customs Officers were involved.”

(2) IDENTIFICATION OF PERSONS OR ENTITIES WHO HAD PRIOR KNOWLEDGE OF OR WERE IMPLICATED OR OTHERWISE INVOLVED IN CRIMINAL ACTS COMMITTED IN CONNECTION WITH THE ATTEMPTED COUP

6.151. Whereas Shabazz said that the overthrow of the Government was planned three months before July 1990, Ballack and Akii-Bua claimed to have knowledge of the insurrection only on the very day of its execution. We analyse the evidence of these witnesses and make certain findings at Part C.

Mr. Lorris Ballack

6.152. Despite the claim that he knew of the insurrection only on 27 July, Ballack said that he fasted for three days “before the action on 27 July took place”. He also said that he knew before 27 July that “something was going to happen because a lot was happening at the Jamaat at that time”. He identified these happenings as attempts to stop the JAM from painting the fence of the General Hospital; the refusal of the Government to allow the JAM to distribute medicaments imported by them and the death of WPC Bernadette James.

6.153. At para. 8 of his witness statement, he said:

“When the court made the order that the Police and the Army should remove from the JAM’s premises at Mucurapo Road, and they refused to move, I felt that the JAM would be forced to respond.”

6.154. According to Ballack, immediately before 27 July,

“a few brothers were bandying around little hints saying we were preparing to get the Army and Police out of the property since they had invaded the privacy of the community. One or two people said that something was going to happen. I did not know exactly what the action was or the exact time or how it was going to be done.”

6.155. In the week leading to the insurrection, Ballack said that he spent “a few nights at the Jamaat”. During this time he never saw arms being

stockpiled and he insisted that he had no knowledge of the insurrection prior to 27 July.

6.156. In 1989 Ballack was appointed a Waziri, i.e. a person holding responsibility for a particular aspect of the JAM's affairs and operations. It was explained to us by Jamaal Shabazz that Waziris are broadly comparable to Cabinet Ministers in a Government. Thus there is a Waziri for health, one for education and so on.

Mr. Kala Akii-Bua

6.157. Akii-Bua was not a member of the Wazirate. We have reported above at para. 6.18 how Akii-Bua went to #1 Mucurapo Road on a daily basis after the invitation of Imam Abu Bakr and Akmed Ali "in early July 1990". During this period of daily visits, Akii-Bua asserted that he had no prior knowledge of the planned insurrection. His conversations with "Brother Olive" did not yield any information about the insurrection. It was only about 5.00 p.m. that Imam Abu Bakr told him that the Government would be overthrown. It was then that he understood why he had been brought to Mucurapo Road.

Mr. Jamaal Shabazz

6.158. Shabazz was not a Waziri but he knew, three months before 27 July that some kind of military confrontation would take place between the JAM and the security forces. He said that the information received from a credible source in the Ministry of National Security suggested an attack on the JAM's compound and the JAM therefore determined to make a pre-emptive strike.

6.159. Sometime prior to 27 July, Shabazz had done "a Recce" at Radio Trinidad to familiarize himself with the layout of the building. Moreover, he was aware that members of the JAM had undertaken military training in Libya and had trained locally in various forested areas.

6.160. He said that he and other members of the JAM discussed the situation in Trinidad and Tobago under the NAR Government and decided that they "had to do something". They were not detailed discussions because the secrecy of their plans would have been compromised. But he said –

"Two weeks before the coup, I knew that there was going to be an action aimed at overthrowing the Government. I deduced that from things I was told. The feeling was that we would hold the Government at the Red House, take Radio Trinidad and frighten the Police with a car bomb. From the information I had, the Police were alerted and, if they had followed the information given to them, there would have been ample time for them to evacuate."

6.161. He said he was told by Hassan that the Army was in support of their actions and would not engage them. Shabazz said –

“I mean the Army would not act against us in terms of coming out and fighting us because they sympathised with us. We had a lot of meetings with SOPO and I was told that they would be part of the aftermath. I attended two meetings and I was told that SOPO would ensure that the people took to the streets in support and I could feel that from the demonstrations.”

We make findings on this rather startling evidence in Part C.

6.162. Shabazz further said –

“These things did not happen and I was disappointed. But the people did not simply loot. They burned. That said something about the depth of feeling in Trinidad. We never subscribed to the looting.”

6.163. He testified that he knew he would have to take Radio Trinidad two weeks before the resurrection. Although he knew that the guns which were used in the attempted coup came from the USA, “every brother needs to have a weapon to defend himself in the JAM”. He said that, in some cases, weapons were seized when the JAM closed down a drug block.

6.164. Shabazz asserted that he did not know how the guns actually entered Trinidad or where they were landed.

6.165. Two days before the attempted coup, he asked about weapons “and was told what was the perspective”.

“My group and the other group would take Radio Trinidad and TTT and another would take the Red House. They would capture the politicians and take them to an undisclosed location but I wasn't aware of the exact arrangement. I knew that part of the plan would involve some kind of combat interaction against the Army and the Police.”

6.166. He confirmed that he was in charge of twelve persons at Radio Trinidad and he chose “the brothers who I interacted with best – who exercised with me”.

Prior Knowledge of other Persons

Dr. Emmanuel Hosein/Niranjan Tiwarie

6.167. Dr. Hosein, in his evidence, mentioned an incident which occurred sometime prior to the insurrection. He said that, on the day in question, he was scheduled to make a statement in Parliament which would have been of interest to nurses. Many nurses came to Parliament.

6.168. After the session, Dr. Hosein's personal assistant, Niranjan Tiwarie, spoke to him. Dr. Hosein said:

"He asked me if I did not notice that among the flood of nurses were one or two people he recognised as Muslimeen and at least one had a bulge under his garb which Tiwarie thought was a gun. I asked him if the Police did not search. I thought about the security of Parliament at the time and realised that visitors were not searched. Tiwarie said to me that he suspected that 'the Muslimeen might be up to something.' He said he just had a feeling."

Prime Minister Robinson

6.169. In the face of evidence from former Special Branch officers that reports were regularly sent to Messrs. Robinson and Richardson, there was an inference that Mr. Robinson may have had prior knowledge that an intervention was being planned. But Mr. Robinson's evidence is that –

"It was never brought to my attention that there was either knowledge of or a fear that an insurrection would take place. It was never brought to my attention by the 'A' Team that the JAM were planning an insurrection. It was never brought to my attention that they were training in camps in the country."

6.170. In addition, Mr. Robinson said –

"I must have had reports from the Special Branch but I do not remember particular reports. It would be surprising if reports were not sent to the Prime Minister. Certain matters of high security would be brought by the Minister of National Security to the Prime Minister and discussed between them. The Minister of National Security was in constant communication with me."

Mr. Rawle Raphael

6.171. Mr. Raphael was the MP for Arouca North and Parliamentary Secretary in the Ministry of Industry, Enterprise and Tourism headed by Senator Ken Gordon on 27 July. Prior to 1988 he had been Chairman of the 'A' Team which, in addition to providing security for the Prime Minister, also engaged in executing community projects such as repairing homes, building bridges and walls.

6.172. Mr. Raphael's evidence to the Commission was most illuminating. He said –

"Several weeks before the attempted coup, a member of the 'A' Team revealed to us in a security meeting that there was going to be an insurrection by the Jamaat. He said it would be at Parliament. A coup had been rumoured for several weeks. None of us took the information seriously. His name is Lance Small."

6.173. Mr. Raphael said that he had "advised certain members to report it to the Minister of National Security. They said that they did. One mentioned that he even reported it to the Prime Minister".

6.174. That member was Dennis Cornwall. Mr. Raphael said that a few days before giving evidence, he spoke to Cornwall and Cornwall told him that he did in fact report it to the Prime Minister.

6.175. Mr. Raphael took no action after receiving the reports. He said –

"I did not act on the report personally. I thought it was a big rumour, a big joke. I never imagined anything like that could happen."

6.176. Mr. Raphael later received another warning. He said –

"Shortly before 27 July, the same person who gave us information came to my Ministry at Riverside Plaza. I spoke to him on the phone and in my office. He again told me that there was going to be an armed insurrection by the Muslimeen. I did not take him seriously. I was aware that he was a Muslimeen. I told him to report it to the Minister of National Security. I did not act on it myself. I did not think it would have happened."

6.177. Mr. Raphael told of a third warning. He said that on July 27:

"the same gentleman came to collect a licence to import salt meat. He told me not to go to Parliament that day. He said there was going to be trouble down there. I never took the advice seriously. Again, I thought it could never happen. I did not tell any MP."

6.178. Mr. Raphael said that his conscience does not bother him that he may have been neglectful of his responsibilities. He said –

"In the twenty years since the coup, I have not reflected and asked myself whether I did all that was necessary. I don't like going back in the past. I certainly do not hold myself culpable for what happened. I plead guilty to the allegation that I may have been thoughtless, irresponsible or careless in hearing about trouble three times from a member of the JAM and I did nothing about it."

Mr. Lincoln Myers

6.179. Commenting on Mr. Raphael's evidence during his own testimony,

Mr. Lincoln Myers said –

"I was flabbergasted by Raphael's admissions. You don't send that type of information by a messenger. You go and see the Prime Minister urgently and privately. Raphael had enough stature in the Party to approach the Prime Minister."

6.180. Myers also spoke of rumours circulating in Trinidad about the JAM's mobilisation. He said –

"In 1985/86 there were very strong rumours that the JAM were engaged in all kinds of banditry and, to my mind, the Mosque and religion offered a cover. At this time there was talk of the JAM having links with Libya. I heard of training in the forests and hills. This was before and after 1986."

Clive Nunez

6.181. Mr. Nunez attended a march on 25 July 1990. He said he saw Senator Robin Montano and Mr. Patrick Manning being lifted in the air by the crowd. "The atmosphere was volatile and uneasy." When the march was over, Imam Abu Bakr invited him to #1 Mucurapo Road. There he met "the Inner Executive of the JAM". He said that Imam Abu Bakr told him that he wished to have his assessment of the situation in Trinidad and Tobago.

6.182. One of the Faultin brothers told him:

"This is not like 1970. The people fed up and they're ready."

He said that the JAM's concern was about the possible loss of the land at Mucurapo Road and the destruction of the Mosque. He said he got the impression that –

"if there was an attack on their premises they were prepared to lay down their lives to protect it."

6.183. After meeting with Imam Abu Bakr and feeling uneasy, Mr. Nunez said –

"I went to see Carson Charles. Agents of the State were making threats that they were going for Mucurapo. I went to Carson Charles' home. I told him that I had just come from the JAM and I asked him why Government would not regularise the land. He said – 'Don't take them on. The JAM believe that they are a State within a State. We are ready for them.'"

6.184. Mr. Nunez said that he walked away – a few steps – and turned back. He continued –

"I told him to settle the issue. An issue about a small piece of land should not cause big trouble. If the State attacked the JAM, I saw violence as a consequence."

He said that Dr. Charles told him not to bother.

The Police – Insp. Kenneth Thompson

6.185. We have reported elsewhere that Insp. Kenneth Thompson, Messrs. Dalton Harvey and Mervyn Guiseppi had information prior to the attempted coup from which Intelligence could be deduced that an armed insurrection by the JAM was imminent. And we have also referred to information given to Acting Commissioner of Police, Leslie Marcelle.

6.186. Insp. Thompson said that he was aware that “on numerous occasions the Surveillance Unit monitored the activities of the JAM and its leadership”. He told the Commission:

“Reports would have come to the section to which I was attached. Some reports revealed that the JAM intended to participate in activities inimical to the interests of the State; that they were getting arms, recruiting young men at risk for criminal activities; that training was being conducted; that the JAM had links to foreign powers whose ideology Trinidad and Tobago did not share. These reports showed that the JAM sent members to Libya for terrorist training.”

6.187. Insp. Thompson also insisted that, prior to the attempted coup, not only did Special Branch submit reports highlighting the likelihood of violent action by the JAM, but he was certain that the Minister of National Security, Mr. Richardson, was aware from reports sent to him that the JAM posed a real and persistent threat to national security. He said that he was fortified in that view because:

- (i) after the attempted coup, some Special Branch officers stated that they had submitted reports to the department; and
- (ii) to the best of his knowledge, "reports were sent to the Prime Minister and Minister of National Security".

He said –

"I know for a fact that reports were sent to Mr. Richardson because, after the event and during a discussion, it emerged that Mr. Richardson had them. He said that the Government knew that something was to happen but they did not know it would have reached that far."

6.188. Insp. Thompson was dogmatic that, about May or June 1990, a report under his hand went to the Minister of National Security informing him that the JAM were about "to retaliate against the Government. The reasons were stated." Insp. Thompson continued –

"I prepared the report and submitted it. I expected that Mr. Harvey would have forwarded it to Mr. Robinson..... Insp. Padget ProvotEAU is supposed to have submitted reports that there was a likelihood of a coup. I think he was attached to the Couva section."

6.189. Moreover, he found it strange that a report which he prepared following a conversation with Imam Abu Bakr in May 1990 and forwarded to his superiors was not discussed with him.

Did Minister Richardson have other information?

Mr. Andrew Johnson

6.190. Mr. Andrew Johnson gave evidence on behalf of the Trinidad Chamber of Industry and Commerce. In 1990 he was an Executive Member of the Chamber. He told of a meeting with Mr. Richardson "a week or ten days before the attempted coup". He said –

"A delegation from the Chamber of Commerce went to see the Minister of National Security and told him that the JAM were training with guns at Fort George. We had gone to complain about the crime situation. The President and I went. Mr. Richardson took a note and we used the incident at Fort George to draw to his attention the seriousness of the crime situation as we did not feel that the Police had any answer. We never had in our minds that something on the scale of the insurrection would take place. We just thought that crime was snowballing to the detriment of the country and the Minister needed to do something."

Dr. Emmanuel Hosein

6.191. Dr. Hosein said –

"Prior to 27 July the JAM were displaying in the country that they had enlisted a lot of ex-criminals and were not averse to using arms. Imam Abu Bakr came to my Ministry and said that the JAM were willing to donate medicines to my Ministry through an international organisation. I took the matter to Cabinet in a specific Cabinet Note. The Prime Minister asked me if I was crazy and said 'Don't you know these fellows have people training in Libya?' I told him I did

not know. He said he was aware that the JAM had links to radical groups overseas. I backed off."

Major David Nagessar

6.192. Maj. Nagessar retired from the Defence Force in March 2004. While in service in 1989 he received information about the JAM. He himself was aware that the JAM were recruiting youths to the organisation in 1989. He said that he heard rumours about weapons entering the country. He described the basis of these rumours:

"A Police Officer met me and told me that the Police were looking for weapons in the East. He asked for my assistance to carry out a search. I explained to him that I could not just take men and send them to look for weapons. His boss needed to talk to mine. He told me that the weapons were brought in by the JAM. He was not getting any assistance within the Police. I mentioned the information to a couple of colleagues. I had a conversation with Col. Vidal about a picture which was emerging."

6.193. Maj. Nagessar said that there were rumours that the JAM were training; running early in the morning in combat boots. "There were rumours of a coup and military-style training both physical and militaristic."

6.194. He said that he learnt that the JAM were training in Rio Claro.

"I asked someone to check it out and he found out that there was evidence of a camp but they had left two or three days before."

6.195. About two or three months before the attempted coup, Maj. Nagessar said that he spoke to Col. Vidal and told him that he was "concerned about the JAM and their activities". He said:

"I told him I thought they were up to something and we ought to pay attention and deal with it."

Lt. Col. Hugh Vidal

6.196. Unsavoury rumours circulated that Lt. Col. Vidal may have had prior knowledge of the insurrection. They seemed to have started as a result of a meeting Lt. Col. Vidal had with Imam Abu Bakr at Camp Ogden shortly before the attempted coup. Lt. Col. Vidal explained –

"Imam Abu Bakr visited Camp Ogden before the attempted coup. He asked for a meeting with me. I did not have authority to meet with him. I spoke to my Commanding Officer, who spoke to the Chief of Staff. Permission for me to meet with Bakr was ultimately granted by the Minister of National Security. I had the meeting and reported to Col. Brown, Brig. Theodore and Minister Richardson. I met Imam Abu Bakr with a witness and he had people with him."

6.197. In proceedings brought by the USA against Louis Haneef in Florida in 1991 for his involvement in the exportation of the guns used in the attempted coup from Florida to Trinidad and Tobago, Imam Abu Bakr gave evidence on sworn deposition. *Inter alia*, he said that three days before the attempted coup,

Police Officers invaded a dormitory at #1 Mucurapo Road, dragged out some young men "and wanted to shoot them". He said –

"We reported this matter to the Army Col. Vidal and to Acting Police Commissioner Headley and we also informed the President.....I myself spoke to Col. Vidal personally at the camp and with some other people."

6.198. Lt. Col. Vidal believes that the rumours may have affected his promotion prospects for a while. After the attempted coup, Lt. Col. Vidal was assigned to Washington as Defence Attaché. He said –

"My chance (of promotion) may have been affected by going to Washington."

6.199. An investigation was carried out into Lt. Col. Vidal and Mr. Joseph Toney informed the Commission that Lt. Col. Vidal was cleared of any suggestion of impropriety. That he was promoted eventually, speaks for itself.

Speculation Concerning Messrs. Basdeo Panday and Patrick Manning's Absence from Parliament

6.200. The Commission was told that, after the attempted coup, there was widespread speculation that, owing to the absence of Messrs. Panday and Manning from the Parliamentary Chamber at the time of the event, they had prior knowledge that it would occur. In the case of Mr. Panday, speculation

morphed into belief by some persons because it was alleged that he had told his wife when she informed him of the attempted coup –

“Wake me up when it’s over!”

6.201. Mr. Rawle Raphael said that he knew that Mr. Trevor Sudama had telephoned Mr. Panday from the Red House. He said –

“I asked him what his boss said and he said Panday told him ‘Wake me up when it is finished’.”

6.202. Mr. Sudama’s evidence contradicting Mr. Raphael, is as follows:

“I thought of getting Panday to intervene. He had a reputation as a fighter for workers and the poor. I persuaded Bilaal during Sunday night to allow me to phone Panday. A member of the JAM escorted me to a room adjacent to the Chamber and I dialled Panday twice. There was no response. I had no conversation with Panday during my captivity. I didn’t converse with his wife. Rawle Raphael and I were colleague MPs but not friends. I never told him about Panday saying ‘Wake me up when it’s over’.”

6.203. Mr. Raphael returned to the Enquiry on 23 September, 2013 and was cross-examined by Mr. Panday. His previous evidence to the effect that Mr. Sudama had told him that he had spoken to Mr. Panday and he said ‘Wake me up when it is finished’ was put to him. Mr. Raphael’s response was –

“I would never forget that. That is very true.”

He said that Mr. Sudama lied to the Commission because –

“When he made a phone call to you (Mr. Panday) and was passing back, I asked him what you said. He said ‘wake him

up when it's finished'. That is what he said that you (Panday) said to him. And I can't forget that at all."

6.204. Mr. Raphael insisted that the hostages in the Red House were allowed a telephone call and Mr. Sudama made the call on Saturday, 28 July. Mr. Panday countered that he was not sleeping at home on Saturday. Eventually, Mr. Raphael said –

"It could have been the Friday. I probably get a little tie up. It could have been the Friday.....around 8.00 p.m."

6.205. As to his belief that Mr. Panday had prior knowledge, Mr. Raphael said:

"I said so because when I looked around the Parliament, you were not there. Patrick Manning was not there as well. So in my opinion, I think both of you all had prior knowledge, but having heard your evidence and you said you normally go home around 4 o'clock, I say you are probably telling the truth."

6.206. Mr. Raphael also said that the Speaker, Mr. Nizam Mohammed and Mr. Manning had prior knowledge of the insurrection because they were absent from Parliament at the time of the attempted coup.

6.207. Messrs. Selby Wilson and Raymond Pallackdharrysingh also made statements suggesting that Mr. Panday knew what was to happen on 27 July, 1990. And Mr. Raphael said that he believed that Mr. Panday had some connection with the insurrection.

6.208. Imam Abu Bakr has also made public statements, reported in the press, suggesting that Mr. Panday had prior knowledge of the attempted coup and deliberately stayed away from Parliament after the tea break on 27 July, 1990.

Mr. Panday's Evidence to the Commission

6.209. On 19 September, 2013 and 23 September, 2013 Mr. Panday gave evidence. He began by explaining that he had had open heart surgery in London on 24 December, 1989 and was unable to attend Parliament until March 1990 because he was recuperating from the surgery.

6.210. When he returned to Parliament, he usually left at 4.30 p.m. "and go home, where I would have my medication and rest". After he had surgery, that was his *modus vivendi* every time he went to Parliament. He said –

"On 27 July I did just that. At 4.30 p.m. I left the Parliament building and, on reaching the pavement on Knox Street, I paused there.....to consider whether I should attend the lawyers' wine and cheese celebration at the Hall of Justice and to which I was invited. My driver was waiting. I was not feeling well so I decided to go home instead."

6.211. He said that he reached home about 6.30 p.m.; had something to eat, took his medication and went to bed. Then he said -

"Sometime during my sleep, my wife kept shaking me and telling me to get up....I ignored her but she persisted. When

I refused, she said: 'Wake up. Imam Abu Bakr is taking over the country', to which I casually replied in disbelief 'When he's finished, wake me up.' I thought she was joking and only saying that to get me to wake up....That remark became known to the public because I told it as a joke.....I told that joke in public."

6.212. He explained –

"I am making the point that this statement became known because I made it public.....If I were guilty, would I make it public? It is I who made that public and I made it several months later, after the coup....I didn't believe that there was anyone so duncy, so thick, so stupid as to believe that this statement made in those circumstances could, by the widest stretch of the imagination, constitute evidence of my knowledge and/or my implication in any attempted coup."

6.213. Mr. Panday's explanation found support from Mr. John Humphrey who testified that, after Mr. Panday's open heart surgery, he made it his habit to leave Parliament "at tea time". Mr. Humphrey said that Mrs. Panday told him that Mr. Panday was asleep when she got word of the attempted coup. She went to wake Mr. Panday and, in his drowsy state, he said, "Wake me up when it is all over". Mr. Panday said that when he became Prime Minister he did not establish a Commission of Enquiry to investigate the events surrounding the attempted coup because "it was not on my agenda".

"I preferred to use what money we had for water and electricity and fixing the roads, building airports and that sort of thing."

Evidence re Mr. Manning

6.214. Mr. Selby Wilson believes that both Messrs. Panday and Manning knew what was going to happen on 27 July, 1990. He said –

“I would not go so far as to say that they planned it, but I think they knew what was going to happen.”

6.215. Whereas Mr. Wilson gave no factual basis for his belief, Mrs. Gloria Henry sought to do so. She said –

“Mr. Manning was in Parliament before the tea break at 4.30 p.m. When I was returning to Parliament about 5.00 p.m., I saw a group of young men standing between the entrance to Parliament and the outer gallery. I saw a young boy in a pink jump-suit in a group of people talking. As I approached the group, they acted strangely. They were apparently hostile.....It was as if they didn't want me to come too near to them. They were talking with Manning. There were about 10-15 in the group. I saw him chatting to another group in the corridor from the tea room to the Chamber. After he had spoken to them, he went into the Chamber, picked up a briefcase and left. The group that I did not chat with and the group that Manning chatted with were all participants in the coup later. One of the young men I recall was a light-skinned Indian in a pink jump-suit. I saw him in Parliament among the invaders.”

6.216. On 20 January, 2011 Mr. Manning indicated in a letter to the Secretary to the Commission that he accepted the Commission's invitation to participate in the Enquiry. However, during the proceedings of the Commission, Mr. Manning became seriously ill. He was obliged to seek formal leave of absence from the House of Representatives during his protracted illness. When

public hearings ended on 23 September, 2013, Mr. Manning was still on sick leave. The Commission therefore decided that, having regard to all the circumstances, it would be unreasonable to summon Mr. Manning to give evidence.

(3) THE EXTENT OF INVOLVEMENT OF PERSONS OR ENTITIES IN THE COMMISSION OF CRIMINAL ACTS CONNECTED TO THE ATTEMPTED COUP

6.217. Having regard to the evidence reported under heads (1) and (2) above and the overlap between this aspect of the Terms of Reference and Chapters 4 and 5, it is unnecessary to reproduce evidence relevant to this heading. Thus, with a view to the avoidance of duplication, the Commission prefers to make such findings as may be warranted from a consideration of the evidence, at Part C below.

The Trinidad and Tobago Chamber of Industry and Commerce

6.218. The Trinidad and Tobago Chamber of Industry and Commerce (the Chamber of Commerce) written memorandum states:

".....rumours had been in public circulation long before 27 July, 1990 that the Jamaat had been preparing to make a strike! Robbery, car stealing, theft, burglary, extortion of money and property from business persons in various parts of the country, were on the increase, and for which the

Jamaat was wrongly or rightly blamed. The latter was reported to have its own competent 'law enforcement' department. This became lucrative and attractive to even the business community as recovery of debts through the courts and the detection, arrest and conviction rates of the Police were in decline even then. For all of this to be allowed to thrive, it is logical to believe that conspiracy with Police Officers, customs officers and the wider society was an ingredient. In addition, gossip made its way into the public domain of connections between several unsolved criminal incidents, such as the murder of Abdul Kareem while he was in Police custody, the shooting of Bernadette James in the course of an Army training exercise at Chaguaramas and the botched drug bust at La Tinta Bay, all of which need to find closure in the eyes of the public. Overseas trips by Jamaat members to Libya, in particular, and other countries which are sympathetic to terrorism and the overthrow of lawful authority, were undertaken regularly by the leadership and followers of the Jamaat. Their training in illicit activities in these countries was well known and the country's 'Intelligence' capabilities and network certainly failed to deliver."

C. FINDINGS AND CONCLUSIONS

1. IDENTIFICATION OF PERSONS WHO PLANNED, MASTERMINDED, INCITED, CONSPIRED TOWARDS, CONNIVED AT OR AIDED AND ABETTED THE COMMISSION OF CRIMES IN CONNECTION WITH THE ATTEMPTED COUP

6.219. On the basis of the evidence adduced during the hearings, the Commission finds that the persons identified at (i) to (iv) below, masterminded, planned and were involved in crimes associated with the attempted coup.

(i) Imam Abu Bakr and Mr. Bilaal Abdullah

Imam Abu Bakr was the leader of the JAM. He was an Imam. According to Special Branch reports – (which the Commission accepts) – as early as April 1989 and, certainly by 23 August, 1989, Imam Abu Bakr was planning with others, including Ramsas Tamba, Kibwe Atiba and Wayne Hoyte, the assassination of Prime Minister Robinson and other senior officials. About 28 September, 1989, Imam Abu Bakr, Bilaal and Salim Muwakil were continuing to plot the assassination because Imam Abu Bakr had said at a meeting on 23 August, 1989 that if their plans were not implemented during the Independence period 1989, they would be used in the future. In fact, no assassination happened in 1989.

6.220. From October 1989, Imam Abu Bakr and Bilaal actively prepared for an attack on the Government. This conclusion is evidenced by the following:

- (a) Bilaal began negotiating and arranging with Louis Haneef for the acquisition and supply of arms.
- (b) Imam Abu Bakr provided Bilaal with funds in the form of Travellers' Cheques and some cash, ostensibly to purchase construction materials and computers, but in reality to pay

for weapons and plywood in which to conceal the weapons. The Commission saw documentary evidence that substantial funds originating from Arab Financial Services (the Arab Bank) ended up in the hands of Bilaal.

- (c) Bilaal spent about 100 days out of Trinidad, and mainly in the USA, between October 1989 and April 1990 finalising the purchase of weapons and their export to Trinidad. During this time Bilaal also purchased detonating devices.

- (d) At or about the same time, Imam Abu Bakr rented a warehouse in Trincity from Nello Suite at \$1,000 per month to store the weapons concealed in plywood. We find that Bilaal was aware of the manner in which the weapons were to be shipped to Trinidad. The Commission rejects the evidence of Kala Akii-Bua that the guns were concealed in plywood at Abbas Ali Hardware Ltd. at Caroni Savannah Road, Charlieville, Chaguanas. That evidence is inconsistent and at variance with the evidence of Mr. Nello Suite, who admitted that the hollowed-out plywood was found at the warehouse of his company, Trincomtel, at Trincity. It is also inconsistent with evidence of the Army, who found the

plywood on or about 2 September at Trincity and not in Chaguanas. The Commission is drawn to the irresistible inference that the allegation that the plywood was stored at Abbas Ali Hardware is without merit.

- (e) On 7 October, 1989, Bilaal disclosed to eight members of the JAM that he had been collaborating with members of the Munroe Road Mosque and another Mosque on the Old Southern Main Road with a view to enlisting their support for a revolution.
- (f) On the same day, he revealed that Imam Abu Bakr was seeking assistance from Libya for money, arms, ammunition and potential mercenaries.

6.221. Based on the evidence given in the US proceedings against Haneef, the Commission finds that Imam Abu Bakr lied when he denied knowledge of the warehouse and its landlord. The Commission appreciates that, owing to pending proceedings in the US and in Trinidad and Tobago at the time when Imam Abu Bakr and Bilaal gave sworn evidence, both men relied on the privilege against self-incrimination and were at times cautious and evasive in answering questions.

6.222. Nevertheless, the Commission finds that Bilaal lied when he said that he did not know who shot Mr. Robinson. We find that he deliberately shot both Mr. Robinson and Mr. Richardson. Dr. Hosein witnessed the shootings.

6.223. The Commission finds that Imam Abu Bakr lied when he said that the attempted coup was "spontaneous action based on something that happened that very day". Bilaal contradicted Imam Abu Bakr in his admission that the attempted coup had been planned before "that very day", i.e. 27 July. Moreover, Jamaal Shabazz testified that he knew that the JAM would attempt to overthrow the Government two weeks before 27 July. Interestingly, it was two weeks before 27 July that the Commissioner of Police and Insp. Thompson saw Imam Abu Bakr and one of the Faultin brothers in the Parliament. It would place an unusual and incredible strain on the collective common sense of the Commissioners to believe that the attempted coup could have been operationalized in less than a day.

6.224. The Commission finds that Bilaal was leader of the insurgents who invaded the Red House. Various hostages at the Red House testified that he was the leader. It was he who gave orders; it was he who negotiated with Mr. Dookeran and Mr. Humphrey; it was he who negotiated with Col. Theodore. Bilaal was being economical with the truth when he said, in the US proceedings, that he did not know who led the insurgents at the Red House.

6.225. Both Imam Abu Bakr and Bilaal also participated in criminal acts connected to the attempted coup and incited the other persons mentioned hereunder to commit crimes.

(ii) Messrs. Lorris Ballack and Kala Akii-Bua

6.226. The Commission finds that Ballack and Akii-Bua were involved in the planning and execution of the attempted coup. We accept the evidence of Jamaal Shabazz that 'Ballack was closer to Imam Abu Bakr' than Shabazz. Shabazz said that the attempted coup was planned three months before it took place. If Shabazz knew three months in advance, it is hard for the Commission to believe Ballack when he said that his first knowledge was about 2.00 p.m. on 27 July.

6.227. The same applies to Akii-Bua. In early July, Imam Abu Bakr summoned him to the Mosque. He went a few days later and returned every day until 27 July. Why did he make those daily trips, if, as he said, he first knew of the attempted coup at 5.00 p.m. on the very day of its occurrence? The Commission also finds that Ballack and Akii-Bua participated in holding the staff at TTT hostage.

(iii) Mr. Jamaal Shabazz

6.228. For the most part, Shabazz was a very open and forthcoming witness. He admitted his prior knowledge of the attempted coup and his sight of the weapons two weeks before the actual event. He led the group of insurgents who stormed Radio Trinidad which he had “checked out” on previous occasions to familiarise himself with its layout and security arrangements. On the day of the attempted coup, he received and distributed weapons to members of his group and he told them what was the mission.

6.229. In the circumstances, the Commission finds that Jamaal Shabazz incited the insurgents in his group and participated in criminal acts. We do not find, on the evidence, that he masterminded the attempted coup. To the extent that he knew that it was planned three months in advance, we believe that he was involved in the planning, especially having regard to his leadership role on the day of the attempted coup.

(iv) Messrs. Hassan Anyabwile and Salim Muwakil

6.230. These men not only participated in criminal acts but were also responsible for organising the use of explosives to blow up Police Headquarters. Hassan also set up a vehicle with explosives outside TTT and gave the signal to Shabazz to mobilise his group of persons to invade Radio Trinidad. Muwakil was

the security expert in the JAM. In September 1989 he was involved in surveillance of the Prime Minister's movements and was plotting Mr. Robinson's assassination.

(v) Messrs. Randolph Mills and Bernard Blache

6.231. The Commission accepts that these men were recruited by Lorris Ballack on the day of the attempted coup. They accompanied Ballack in his car when he left San Fernando. Accordingly, we do not accept Ballack's evidence that about 5.00 p.m. he instructed Mills and Blache not to leave #1 Mucurapo Road and he conscripted them to assist in the insurrection and gave them the choice of staying or leaving. A Special Branch report of 3 August, 1988 did mention that on 30 July, 1988, Ballack and Blache went to Cedros seeking a supplier of weapons and reported the result of their visit to Imam Abu Bakr at 12.45 p.m. on 31 July, 1988. When this information was put to Ballack during his testimony, he denied it.

6.232. The Commission finds that, when Mills and Blache left San Fernando, they were well aware of what they were to be involved in and they participated willingly in the criminal acts.

(vi) Messrs. Louis Haneef and Feroze Shah

6.233. The Commission finds that Haneef conspired with Bilaal and Imam Abu Bakr to acquire weapons for use in the insurrection. He arranged the export of the weapons in hollowed-out plywood to Trinidad and Tobago. Feroze Shah, as we have reported elsewhere, abused his position as a Customs Officer and facilitated the illegal entry into Trinidad of the weapons through Pt. Lisas. The Commission received evidence, which it accepts, that Shah participated in the insurgency into the Red House and was subsequently charged.

(vii) Messrs. Olive Enyahooma-EI (Lance Small) and Omowale Abdullah

6.234. Kala Akii-Bua's evidence links Omowale to the importation of weapons. Accordingly, the Commission finds that Omowale conspired towards and was implicated in the criminal acts associated with the attempted coup. So far as Lance Small is concerned, the evidence of Akii-Bua is to the effect that Small mentioned to him on 27 July that a Prince was visiting the Mosque and he sent for food appropriate for a Prince. Inferences from that primary evidence would be equivocal and the Commission makes no adverse findings thereon.

6.235. However, upon a consideration of the evidence of Mr. Rawle Raphael, the Commission finds that Small had prior knowledge of the attempted coup "several weeks before" it happened and warned Mr. Raphael of the likelihood of the attempted coup on three separate occasions. We have no evidence of the part played by Small prior to and during the attempted coup. The Special Branch's evidence of Small's investment in fishing vessels and a Florida-based company about May 1990 is also equivocal and we make no finding thereon.

6.236. The Commission finds that Omowale conspired towards and connived at the carrying out of the attempted coup. On the evening of 27 July, he handed Akii-Bua a rifle from the trunk of a car and subsequently drove that car to TTT.

(viii) Messrs. Ramsas Tamba, Kalib Khan and Kibwe Atiba

6.237. The Commission finds that Ramsas Tamba and Kibwe Atiba conspired with others about 23 August 1989 to monitor the movements of the Prime Minister and his security detail. Tamba advised Imam Abu Bakr and 230 members of the JAM that a high-powered rifle should be used to assassinate Mr. Robinson. The Commission therefore finds that Tamba conspired towards the attempted coup. We find that Kalib Khan drove a car with weapons and

insurgents from the Mosque to TTT. He actively participated in the attempted coup.

(ix) Messrs. Nigel Braxton, D'Angelo Garcia, Garvin Guillard

6.238. The Commission accepts the evidence of Kala Akii-Bua that these three persons were young boys aged between 13 and 15. They participated in the activities at TTT after the invasion began. The Commission is satisfied that they were armed and strongly deplores the fact that Imam Abu Bakr used boys of such tender years to participate in criminal conduct as innocent pawns in his criminal adventure.

2. ENTITIES OR ORGANISATIONS

6.239. The Commission finds that Imam Abu Bakr sought and obtained money from the Arab Bank in Saudi Arabia to fund the purchase of weapons. We also find that he organised training in Libya for members of the JAM with a view to their participation in the attempt to overthrow the Government. Whereas we find that persons in Libya were aware of Imam Abu Bakr's intentions, there is no evidence to find that the Arab Bank knew the true purpose to which the funds supplied through them would have been put and thereby were part of a conspiracy.

3. IDENTIFICATION OF PERSONS OR ENTITIES WHO HAD PRIOR KNOWLEDGE OR WERE OTHERWISE IMPLICATED IN THE CRIMINAL ACTS CONNECTED TO THE ATTEMPTED COUP

Members of the Jamaat-al-Muslimeen

6.240. The Commission finds that the following members of the JAM had prior knowledge of the attempted coup and were implicated in its execution:

- Imam Yasin Abu Bakr
- Mr. Bilaal Abdullah
- Mr. Jamaal Shabazz
- Mr. Kala Akii-Bua
- Mr. Lorris Ballack
- Mr. Hassan Anyabwile
- Mr. Omowale Abdullah
- Mr. Kibwe Atiba
- Mr. Salim Muwakil
- Mr. Randolph Mills
- Mr. Bernard Blache
- Mr. Feroze Shah
- Mr. Ramsas Tamba
- Mr. Kalib Khan

- Mr. Olive Enyahooma-EI (Lance Small)
- Mr. David Bethelmy

Other Persons with Knowledge but not Implicated

6.241. The Commission finds that the persons whose names are highlighted in paras. 6.244 to 6.248 either had direct knowledge of the likelihood of an insurrection or believed that an insurrection was imminent. But the Commission finds that these persons were not implicated in any criminal acts connected to the insurrection.

6.242. The Commission finds that Mr. Rawle Raphael, MP, was warned three times by Lance Small that an armed insurrection by the JAM was to take place at Parliament. Both Mr. Raphael and Small were members of “the ‘A’ Team” which was comprised of members of the NAR and, *inter alia*, were responsible for the Prime Minister’s security. Moreover, Small was known to Mr. Raphael as a member of the JAM. After the first warning “weeks before the attempted coup”, Mr. Raphael sent a message of what he had been told by Dennis Cornwall to the Minister of National Security. Mr. Raphael took no action himself because he viewed the information as “a big rumour, a big joke”. When he received the second warning some days before 27 July, he “did not take it seriously”, and advised Small to tell Mr. Richardson. Again, Mr. Raphael took no

action himself. On the very day of the insurrection, Small warned Mr. Raphael that there would be "trouble at Parliament" that day and advised him not to go. Mr. Raphael ignored the warning and told no one.

6.243. The Commission finds that Mr. Raphael was careless and irresponsible in failing to approach Mr. Richardson and Mr. Robinson directly to advise them of his information. He disregarded the *raison d'être* of the 'A' Team. As a member of the 'A' Team, he showed an appalling ignorance of the basic essentials of a security unit.

6.244. Even if his first omission could be excused on the ground of the information being no more than a rumour, the Commission finds that Mr. Raphael's failure to act directly on the subsequent occasions was the height of incompetence, irresponsibility and negligence. Had he taken the time to acquaint Messrs. Robinson and Richardson personally of his information and its source, there is the possibility that counter measures may have been taken to foil the insurrection. The Commission puts it no higher than a possibility because the Commission finds that both Mr. Robinson and Mr. Richardson were too casual in their approach to security matters. Mr. Robinson had previously refused to strengthen his own security arrangements as recommended by the Police. And although Mr. Richardson had assured his Cabinet colleagues that he was aware of the threat to national security by the JAM and "things were under

control", it seems, on his own admission after 27 July, that he underestimated the extent of the JAM's threat.

Mr. Clive Nunez

6.245. The Commission finds that Mr. Nunez's visit to #1 Mucurapo Road two days before the attempted coup, convinced him that some action by the JAM in respect of their concerns about the land was imminent. He conveyed a sense of urgency to Dr. Carson Charles whose response was to the effect that the Government was prepared. In fact they were not. The Commission finds that Dr. Charles betrayed an attitude of complacency. He was invited to give evidence but declined.

Special Branch

6.246. The Commission refers to its findings in respect of Special Branch which are set out in Chapter 7.

Mr. Basdeo Panday

6.247. The Commission finds that rumours and belief in some sections of the public that Mr. Panday had prior knowledge of the insurrection are not

supported by evidence. Before we give our reasons for this finding, it seems appropriate to ask this question: if Mr. Panday knew in advance of the attempted coup, why did the JAM insurgents in the Red House ask for him and indicate that he should be given safe exit? Surely, the leadership would have known not to expect him to be in the Chamber.

6.248. The Commission finds that the rumour of Mr. Panday's prior knowledge was given currency by Mr. Panday himself. We accept that he said the words, "Wake me up when it's finished" as a joke to his wife who tried to rouse him from sleep when she saw Imam Abu Bakr on television. Mr. Panday himself publicly told people the joke and it has become part of the folklore of the insurrection. The Commission also accepts the evidence of Mr. John Humphrey, given as early as 24 March 2011, to the effect that Mrs. Panday told him the anecdote.

6.249. There was an issue on the evidence of Mr. Raphael. He said that Mr. Sudama had told him that he had telephoned Mr. Panday from the Red House and Mr. Panday said, "Wake me up when it's finished". Mr. Sudama denied ever having such a conversation with Mr. Raphael. When Mr. Raphael returned to give further evidence on 13 September, 2013, he told the Commission that Mr. Sudama made the call on Saturday, 28 July. Mr. Panday pointed out that he was not at home on the Saturday. Therefore, he could not

have spoken to Mr. Sudama. To this Mr. Raphael replied, "It could have been the Friday. I probably got a little tie-up".

6.250. The Commission finds that Mr. Sudama did not have the alleged conversation with Mr. Raphael. And Mr. Raphael's belief that Mr. Panday had prior knowledge was purely speculative and not grounded in fact because, as he admitted, he came to his conclusion because Mr. Panday was not in Parliament at the time of its invasion.

6.251. Many Parliamentarians speculated during their testimony that owing to Mr. Manning's absence from Parliament at the time of the attempted coup, he must have had prior knowledge of the likely event. Mrs. Gloria Henry testified that on 27 July when she was returning to the Chamber after the tea break, she saw a group of young men standing near to the entrance talking to Mr. Manning. After he had spoken to these men, Mr. Manning went into the Chamber, took up his briefcase and left. Mrs. Henry then saw the same group of men in the Chamber participating in the attempted coup. From these primary facts, Mrs. Henry concluded that Mr. Manning had prior knowledge.

6.252. The Commission finds that the inferences deducible from the primary facts were capable of more than one conclusion. It may be that the men were informing Mr. Manning of their plans. On the other hand, it may just

have been an exchange of pleasantries, a purely innocent conversation. Where inferences are equivocal, the fact-finder must, as a matter of law, draw that inference which is more favourable to the person who is accused. In the circumstances, the Commission was not satisfied that the primary facts stated by Mrs. Henry logically pointed to the inescapable single conclusion that Mr. Manning must have had prior information of the insurrection. Accordingly, we conclude that, on the evidence, Mr. Manning did not have prior knowledge of the attempted coup.

6.253. The Commission disregards insinuations by Imam Abu Bakr in other forums suggesting that Messrs. Panday and Manning were not in Parliament at the time of the insurrection because they had prior knowledge of it. Imam Abu Bakr was given ample opportunity to testify on oath and to be cross-examined at the Enquiry like Shabazz, Akii-Bua and Ballack. He refused to testify.

4. THE EXTENT OF INVOLVEMENT OF PERSONS OR ENTITIES IN THE COMMISSION OF CRIMINAL ACTS CONNECTED TO THE ATTEMPTED COUP

6.254. The Commission believes that its findings on the other aspects of this Term of Reference satisfactorily answer this issue and we make no specific finding in this regard.

CHAPTER 7

The National Security deficiencies and breaches of law that facilitated the attempted coup and the extent to which it was possible to prevent the occurrence of the attempted coup TOR 1 (iv)

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CHAPTER 7

THE NATIONAL SECURITY DEFICIENCIES WHICH FACILITATED THE ATTEMPTED COUP AND THE EXTENT TO WHICH IT WAS POSSIBLE TO PREVENT THE OCCURRENCE OF THE ATTEMPTED COUP ToR 1(v)

A. INTRODUCTION

7.1. It requires no inexorable logic to conclude that the very fact that an attempted coup d'état took place in Port of Spain on 27 July, 1990, was clear evidence *per se* that there must necessarily have been deficiencies in the national security arrangements in Trinidad and Tobago.

7.2. In order to understand the nature of the State's security arrangements and, in particular, those relating to the gathering and sharing of information and Intelligence, a short discussion of the security agencies is appropriate. There were at least four agencies which gathered information and Intelligence, each performing at different levels of efficiency and, apparently, independently. The National Security Council was that body to which the four agencies reported their processed information and any action that might have been taken. The agencies were:

- (1) The Special Branch of the Trinidad and Tobago Police Service;
- (2) The National Security Council (NSC) which was the supervisory body to which those agencies should have reported and obtained Police guidance and directions.
- (3) The Defence Force Intelligence Unit (DFIU);
- (4) The Coast Guard Intelligence Unit (CGIU);
- (5) The Customs and Immigration Departments;

7.3. The nature of each of these agencies will be discussed *seriatim* before we discuss their *modus operandi* and their efficiency and effectiveness during the attempted coup.

1. SPECIAL BRANCH

7.4. As was commonplace in many pre-Independence countries in 1990, the Special Branch of the Police Service was the department responsible for obtaining information and Intelligence concerning the security interests of the State. In Trinidad and Tobago, the Special Branch was established in 1954 (pre-Independence) pursuant to Regulations 19 and 28 of the *Police Ordinance 1954*. Its purpose was to provide information and Intelligence which would

ensure the safety and security of citizens and the national interests and, thereafter, disseminate it “to designated customers”.

7.5. In those pre-Independence days, there was no Army or Defence Force. Responsibility for security was vested exclusively in the Police Service. Special Branch functioned as *the* security arm of the colony. It was assisted by the British Security Service and was located at St. James Barracks.

7.6. The evidence of Mr. Dalton Harvey, Head of Special Branch in 1990, who joined the Police Service in 1954 and spent all of his working life in the Special Branch (i.e. until 1995), was to the effect that the original mandate of Special Branch was limited. It was concerned mainly with keeping surveillance of political and industrial situations and performing duties in relation to many aspects of immigration and naturalisation.

7.7. Following Independence in 1962, the then Prime Minister, Dr. the Rt. Hon. Eric Eustace Williams, by administrative directive, expanded the role and function of Special Branch to include, *inter alia*:

“(i) Advising the Prime Minister, the Minister of National Security and the Minister of Foreign Affairs on all matters relating to protective security and the use of security Intelligence;

- (ii) *Informing the Commissioner of Police on matters which may negatively impact national security;*
- (iii) *Developing information/Intelligence to assist the operational activities of all sections of the Police Service;*
- (iv) *Collating, analyzing and disseminating information/Intelligence of a criminal nature which may be correlated to political or subversive activities;*
- (v) *Maintaining close contact with Government departments and keeping in touch with public opinion on matters which are likely to cause general discontent among any section of the public, dissatisfaction with Government's policies and civil unrest in any form;*
- (vi) *Providing VIP protection for the President, Prime Minister, Chief Justice, and Government Ministers as directed by Cabinet, and visiting dignitaries;*

(vii) *Conducting enquiries and performing vetting functions in respect of new entrants into the Public Service, Police Service, Fire Service and Prison Service.*"

7.8. In addition, it was the duty and responsibility of Special Branch "to monitor all activities that would negatively affect national security, including, *inter alia*:

- political activities and public meetings;
- trade unions and their activities;
- ports of entry and coastal areas;
- protest action/demonstrations;
- drugs and firearms trafficking;
- social dissatisfaction....."

Over the years, as new threats to security emerged, e.g. terrorism, the mandate and functions of Special Branch were consequentially expanded.

2. NATIONAL SECURITY COUNCIL

7.9. The National Security Council (NSC) first met in 1964. On 30 October, 1978, it was re-constituted as part of a new security structure – see Cabinet Minute 3806 PM(78) 323. Cabinet approved the appointment of Mr. Louis

Rodriguez, Commissioner of Police designate, as Chief Executive Officer of the NSC. He was to be special advisor to the Cabinet on all the Protective Services with direct access and responsibility to the President, Prime Minister and Minister of National Security. The Cabinet Minute further stated that Mr. Rodriguez would be "directly in control of Intelligence services in this country including the Special Branch of the Trinidad and Tobago Police Service...." The members of Cabinet who sat on the NSC were: the Prime Minister, Minister of National Security, the Attorney General and one other Minister designated by the Prime Minister. The Heads of the Police, Army and Prisons were also members of the NSC.

3. DEFENCE FORCE INTELLIGENCE UNIT

7.10. The Defence Force was established in 1962 pursuant to s.5 of the Defence Act, Cap.14:01. According to Col. Ralph Brown, in 1990 the Defence Force had a security unit of one officer and two professional support staff. Its focus was internal, that is to say, keeping surveillance on the Defence Force's own personnel.

4. THE COAST GUARD INTELLIGENCE UNIT

7.11. The Coast Guard was responsible for naval and air defence. Its other functions included law enforcement of a marine nature, search and rescue

and drugs interdiction. It had no organised Intelligence unit that was focused mainly on its areas of functionality and such Intelligence as it gathered, was reported routinely to the Commander of the Defence Force.

5. THE CUSTOMS AND IMMIGRATION DEPARTMENTS

7.12. We received very little hard evidence about the Intelligence capabilities of the Customs and Immigration Departments. But two witnesses did say that, within these two departments, were officers who performed some Intelligence-gathering functions but treated these functions as matters only for the eyes of the Customs department.

THE OPERATIONS OF THE SECURITY AGENCIES

B. THE EVIDENCE

(1) SPECIAL BRANCH

7.13. The Special Branch was headquartered in Port of Spain but it was decentralised and organised on a regional basis. Thus, there were seven “field sections” deployed in various parts of Trinidad and Tobago as well as sections at

Piarco and Crown Point airports and the Port Authority. In 1990, Mr. Dalton Harvey was Head of Special Branch, Mervyn Guiseppi was Deputy Head and Inspector Kenneth Thompson usually reported to Mr. Guiseppi.

7.14. Inspector Thompson gave us evidence of the various Heads of Special Branch during his service (1974 to 2000). The first Head he was aware of was Mr. Ernest Pierre who was succeeded by Mr. Ivan Lewis. In December 1980 Mr. Lance Selman took over as Head. However, shortly after Carnival 1987 and, within months of the NAR's coming into office, Mr. Selman was transferred from Special Branch. According to Insp. Thompson, the NAR perceived that Mr. Selman was "too close to the PNM". Suffice it to say that Mr. Norton Registe succeeded Mr. Selman and, for a very short time, Mr. Ernest Taviere, who succeeded Norton Registe, was also Head of Special Branch. He left to take up an appointment at the Central Bank and was succeeded by Mr. Dalton Harvey in 1989.

7.15. Mr. Harvey testified that, upon his appointment, he was told by the then Commissioner of Police, Mr. Louis Rodriguez, that "the major problem with Special Branch is its lack of efficiency and effectiveness". This was 1989 and the Special Branch was *the* official agency providing information and Intelligence to the Executive and the Diplomatic Corps. The Army and Coast Guard collected their own information or Intelligence for their own purposes.

7.16. Special Branch did not share information and Intelligence with any other agency, including the Defence Force.

7.17. The Special Branch's reluctance to share information was rooted in its distrust of other agencies. Customs and Immigration were seen as departments riddled with internal corruption. The Defence Force was perceived by Special Branch as considering itself "superior" to the Police. Harvey said:

"Especially the officer class in the Defence Force thought they were superior and this created resentment so that the relationship that should have developed, did not."

7.18. Col. Brown said:

"There was always rivalry between the Police and the Defence Force. Harvey should have volunteered information about the Jamaat to us and not wait for us to ask for it but he never did. When I became Chief of Defence Staff, I never saw a security report."

Mr. Mervyn Guiseppi, said tersely:

"Our remit was not to share Intelligence with the Army."

7.19. It was accepted by witnesses that sharing Intelligence and working together, co-operatively, were essential to ensuring the protection of the State and the national interests. To the extent that these agencies operated as individual 'republics', there was an obvious deficiency in the security arrangements that

existed in 1990. Two factors militated against the efficiency and effectiveness of the Special Branch. These are identified at (i) and (ii) *infra*.

(i) Political Manipulation of Special Branch

7.20. There were frequent changes in the leadership of Special Branch and it was suggested to us that some of the changes in leadership may well have been inspired by political considerations. At least officers in Special Branch perceived that there was political interference or influence brought to bear upon the appointment of the Heads of Special Branch. This created a climate of instability in the Department.

7.21. Insp. Thompson said:

"The transfer of Lance Selman, the transfer of Norton Registe, the transfer of Edward Taviere leading to the appointment of Dalton Harvey as Head of Special Branch could not have been in the interest of national security. It impacted adversely on the morale of the men and the Intelligence-gathering capacity of Special Branch. The Branch was now led by a Superintendent instead of a Deputy Commissioner.....The office had been downgraded. It also sent a message to the underworld. It sent a message that the politicians did not give national security the priority it deserved."

7.22. Insp. Thompson thought that "it was a mistake to thrust Mr. Harvey in that role" (as Head of Special Branch). He castigated the decision, saying -

“There were seven men that were gotten rid of to get to him.....The effectiveness of the Special Branch was compromised as a result of this political tinkering.”

7.23. As Head of Special Branch, Mr. Selman’s substantive post was Deputy Commissioner of Police. He was the second most senior member of the Police Service when he was transferred from Special Branch to be Deputy Commissioner of Police (Administration). He was junior to Mr. Clive Sealy but Sealy went to St. Lucia as Commissioner of Police. When the post of Commissioner of Police became vacant, Mr. Selman and Mr. Jules Bernard were both interviewed but Mr. Bernard, who had acted as Commissioner when Sealy went to St. Lucia, was appointed as Commissioner.

(ii) Personal Animosity between Messrs. Harvey and Selman

7.24. The second factor that impinged upon the efficiency and effectiveness of Special Branch was the personal animosity between Messrs. Harvey and Selman. We were left in no doubt, after hearing Mr. Harvey, that he and Mr. Selman did not have a good relationship or, indeed, any relationship at all. Harvey said that when he took over from Selman the latter never briefed him on anything. He said:

“Moreover and more importantly, every document and every bit of information dealing with Bakr, the Jamaat and Dole Chadee, all were removed by Lance on his departure from office. I never had any document that updated me on the

gravity of the threat prior to the coup. There was never a handover."

7.25. Harvey referred to the Commission of Enquiry chaired by Justice Garvin Scott and to which Louis Rodriguez was Secretary. He said that one day Rodriguez telephoned him and asked him to find out from his officers whether any Ministers used drugs. If he got information, he was to send the officers to Mr. Rodriguez. Harvey said he found two officers who had information and he sent them to Rodriguez.

7.26. He continued:

"The next thing I knew was that Padmore (Minister) called me and said that Lance had reported that I was not working for him but the NSC and he asked that I send him a note on the lack of co-operation between the Head of Special Branch to the Commission. This was the underlying tension that existed between Lance and me. It was solely because Rodriguez had made it clear to everybody that Lance was not functioning as he should and that he would not recommend that he be promoted to Commissioner. Rodriguez had identified me as one of the persons that should be promoted. Lance, being unable to do anything to Rodriguez, then trained his guns on me."

7.27. Harvey, who admitted to being a very bitter and angry man, particularly so far as Selman was concerned, said to us that when Mr. Bernard was appointed Commissioner, he (Harvey) was in a posting at the Trinidad and Tobago Embassy in Washington. He claims that, during this time, he and his family were badly treated by Selman and he blames subsequent problems with his son on

Selman's behaviour. It is unnecessary to spell out in this Report the details of Selman's alleged conduct towards Harvey in respect of his posting in Washington.

7.28. Before parting from this matter, we are obliged to say that we find it to be untrue that Mr. Selman did not hand over to Mr. Harvey as the latter said in evidence. Harvey did not succeed Selman so the former could not reasonably have expected Selman to hand over to him. We should also let the record show that a 'Salmon Letter' was served on Mr. Selman setting out Harvey's criticisms and allegations against him. Mr. Selman declined the invitation in the Letter to respond to Harvey's adverse evidence.

MONITORING THE JAMAAT

Inspector Thompson's Evidence

7.29. Having regard to its mandate and duties, the Special Branch ought to have kept the JAM under constant surveillance. We examine in the succeeding paragraphs whether Special Branch satisfactorily discharged its mandate and responsibilities.

7.30. In relation to the JAM, Insp. Thompson testified that the JAM came to the attention of Special Branch before 1974. He said that he did not know

whether they existed under the name "Jamaat-al-Muslimeen" but Special Branch became interested when Imam Abu Bakr took possession of the lands at #1 Mucurapo Road "in a struggle with another Islamic organisation". He said explicitly:

"His organisation was on the Special Branch radar since that time.....After I got there, Special Branch had the Jamaat as an organisation of security interest."

7.31. He explained that, occasionally, the section devoted to surveillance was instructed to keep surveillance on the leaders of the JAM and, at times, on the JAM compound. Individual Intelligence officers made efforts to develop contacts and get information on the JAM and its membership. He said that he befriended Imam Abu Bakr who trusted him and "would have passed information to me".

7.32. Imam Abu Bakr and Insp. Thompson never had pre-arranged meetings but they would talk when they saw each other.

7.33. Thompson says that Bakr told him in May 1990 that "his organisation would be retaliating against the NAR Government". He said that Bakr outlined three reasons for retaliation as follows:

"(a) the fact that a member of the JAM had had a miscarriage and medical examination revealed that it arose as a result of stress over the occupation of the lands at Mucurapo by the security forces;

- (b) that he had brought into the country medical supplies from Libya 'and could not get them released'. He said that he went to Dr. Hosein, Minister of Health, who directed him to Dr. Quamina at the Food and Drugs Division. But Dr. Quamina told Imam Abu Bakr that under no circumstances should those items be released to him.

- (c) that Imam Abu Bakr had applied for foreign exchange to import milk from Libya 'to feed poor people in Laventille and other areas' and, although the application was approved, the actual foreign exchange was not released.

7.34. Insp. Thompson said that Imam Abu Bakr blurted out –
“Thompson, I am going to retaliate against them.”

7.35. Thompson said that he interpreted that exclamation as “an intended armed retaliation”. He immediately went to the Special Branch and prepared an Intelligence report on a prescribed form in his own handwriting. He handed a report to the Registry of the department. In accordance with usual procedure, the report would have been logged, filed and then sent to the Minister of National Security and the Prime Minister. This *modus operandi* was confirmed by other senior Special Branch officers of the day, viz. Messrs. Harvey and Guiseppi.

The JAM in Parliament before the Insurrection

7.36. Insp. Thompson was in Parliament on 13 July, 1990 together with Mr. Bernard and Mr. Harvey. He said it was a time when there was a need for heightened security of the State because SOPO had come to the attention of Special Branch "as they were threatening strike action and were a threat against the security of the State". Imam Abu Bakr and one of the Faultin brothers walked in. The Commissioner enquired of Harvey who the man with Imam Abu Bakr was. Harvey did not know. He asked Thompson who identified him as "Faultin from Belmont".

7.37. Thompson said that the presence of Bakr and Faultin did not ring any alarm bells with him. They said and did nothing to suggest that anything was about to happen and it was not the first time that he had seen Imam Abu Bakr in Parliament and he knew that one of the Faultins had gone to Libya.

Special Branch's Modus Operandi

7.38. Insp. Thompson detailed the method of the Special Branch's operations. Broadly, he explained that when Special Branch received information, it was submitted to the Registry where it was analysed and then disseminated to

relevant persons. The Head of Special Branch reported to the Prime Minister and Minister of National Security. The Head of Special Branch did not routinely report to the Commissioner of Police. He would only report to the Commissioner on matters "which he needed to know", e.g. drugs; but not on matters of a purely Intelligence nature.

7.39. When a report was sent to the Prime Minister or Minister of National Security, it was enclosed in two envelopes addressed to the addressee and marked "Secret" or "Confidential". Mr. Reginald Dumas told us that such envelopes were never opened by anyone other than the relevant addressee. The contents of such envelopes were for the eyes of the addressee only.

7.40. Insp. Thompson said that some of the reports which Special Branch received on the activities of the JAM revealed that they were importing arms, recruiting young men at risk for criminal activities and conducting training in the country. All of this suggested that the JAM intended to engage in activities inimical to the State. For example, in 1989, Special Branch was made aware that 15 members of the JAM had been sent to Libya for training. David Bethelmy, a participant in the attempted coup, was one of the men sent for training.

Did Special Branch alert anyone to a possible coup?

7.41. The question posed in the above heading is one of the critical issues in this Enquiry. Insp. Thompson said that, to the best of his knowledge, reports were in fact prepared and submitted by Special Branch and these indicated that the JAM were about to attempt some violent action like a coup. He said he was certain of this because, after the events of 27 July, he saw reports in which it was indicated that such an event was likely. Thompson was also fairly sure that they were sent to the Prime Minister and the Minister of National Security. So far as Minister Richardson was concerned, Insp. Thompson said -

"I know for a fact that reports were sent to Selwyn Richardson. After the coup, it emerged that the reports were sent to Richardson. He even said that the Government knew that something was about to happen but did not know that it had reached so far. This was in a public statement made by Richardson."

7.42. Insp. Thompson claimed that he was not convinced that Prime Minister Robinson did not have prior knowledge of the likelihood of an armed attack by the JAM. His conviction was based on the procedure of Special Branch which sent a monthly "Intelligence Summary" to the Prime Minister and the Minister of National Security. Moreover, he said that in May or June, a report which he wrote himself, was sent to Mr. Richardson and he reported that the JAM were about to retaliate against the Government. He did not think that Mr. Harvey would have withheld the report. He also had information that Insp. Provoteaux,

who was based at Couva, sent reports indicating that something was about to happen.

Mr. A.N.R. Robinson

7.43. Mr. Robinson's recollection of his receiving reports from Special Branch was vague. He said –

"I do not remember particular reports. It would be surprising if reports were not sent to the Prime Minister. Certain matters of high security would be brought by the Minister of National Security to the Prime Minister and discussed between them."

7.44. Insp. Thompson identified 5 *indicia* that caused officers in Special Branch to believe that something like the attempted coup was about to happen:

- (i) SOPO was agitating;
- (ii) Imam Abu Bakr was holding marches;
- (iii) The economy was in the doldrums;
- (iv) The middle class was dissatisfied; and
- (v) Other sections of the community were expressing dissatisfaction.

According to Insp. Thompson:

"One could have felt that something was in the air; something was about to take place."

7.45. Having regard to the above, Insp. Thompson said he was "appalled" that Harvey had told this Commission that he did not see a threat before 27 July.

Was the Commissioner of Police alerted?

7.46. Although one of the responsibilities of Special Branch was "to inform the Commissioner of Police on matters which may negatively impact national security", both Mr. Harvey and Insp. Thompson could not state affirmatively whether the Commissioner had been made aware of the likelihood of an armed attack by the JAM. Insp. Thompson's evidence is that whether the Commissioner was shown the Special Branch reports which were sent to the Prime Minister and Minister of National Security was a matter for the discretion of the Head of Special Branch. Thompson saw nothing wrong in by-passing the Commissioner and sending reports directly to the Executive. There was a lively debate between Mr. Thompson and some Commissioners as to the propriety of by-passing the Commissioner who, after all, was head of the entire Police Service. He insisted -

"I still think that Special Branch reports should not go to the Commissioner routinely. He should see matters relating to serious crime."

Mr. Dalton Harvey's Evidence

7.47. We turn now to examine the evidence of Mr. Harvey. He told us that he interacted with the Prime Minister, the Minister of National Security and the NSC. Significantly, he omitted to mention the Commissioner of Police. He never met with the Prime Minister prior to 27 July. But on two occasions after that date, he met with Mr. Robinson. He said that there was "no burning issue in 1989/90" which required him to see the Prime Minister. Reports from Special Branch were compiled monthly and forwarded to the Prime Minister and the Minister of National Security. He said that in 1989 he reported on the JAM but the politicians never called him to discuss these reports although he conceded that the JAM were an organisation of interest to the Special Branch.

7.48. In stark contrast to what Insp. Thompson told us, Mr. Harvey's evidence is that –

"By July 1990, we did not see the Jamaat as a threat sufficient to overthrow the Government. We were aware of their activities but nothing alerted us to that type of action."

7.49. There is a vast discrepancy between Insp. Thompson, Mr. Harvey and Mr. Guiseppi as to the depth of knowledge Special Branch possessed of a likely attack by the JAM.

7.50. Mr. Harvey's evidence is, in other respects, quite dubious. He said, for instance, that Selman had managed to infiltrate the JAM as early as 1986 but he seemingly contradicted himself when he said that "we tried to infiltrate the Jamaat but we were not successful. All we did was to monitor them."

Mr. Mervyn Guiseppi's Evidence

7.51. In July 1990 Mr. Mervyn Guiseppi was the Deputy Head of Special Branch. He said that, as early as January 1987, the Special Branch had information that the JAM resented both Prime Minister Robinson and the NAR Government. The information suggested that the resentment was triggered by a number of unfulfilled campaign promises. Special Branch knew that the JAM had assisted the NAR in the election campaign and the JAM were upset by at least four disappointed expectations:

- (i) the Mucurapo lands;
- (ii) an expectation that they would get contracts to operate canteens at the Jean Pierre Complex;
- (iii) an expectation that Imam Abu Bakr would be made a Senator;
- (iv) an expectation of funding for religious activities.

7.52. Mr. Guiseppi was certain that this information was transmitted to the Prime Minister and the Minister of National Security but they did not act upon it.

He corroborated Insp. Thompson's statement that the Head of Special Branch had direct access to the Prime Minister, when necessary. He expected that Mr. Harvey would have made this information known to the Prime Minister. He also supported Insp. Thompson's evidence that the Head of Special Branch exercised a discretion in respect of the persons to whom he sent reports.

Libyan Connection to the Jamaat

7.53. Mr. Guiseppi said that in 1987 Special Branch knew that Imam Abu Bakr was consorting with persons in Libya and that that country was sponsoring worldwide terrorism and using diplomatic immunity cover to transport arms. Certain Libyan nationals visited Trinidad and were put under surveillance on a "Watch List". Special Branch reports contain information of the travel of certain members of the JAM to Libya. They went via Caracas and Curacao, no doubt in order to disguise their true destination. As early as 1982 the Special Branch had Intelligence that Imam Abu Bakr was trying to obtain arms and ammunition. All of these matters were reported to the relevant political persons, according to Mr. Guiseppi.

The Police Commissioner's Knowledge of the JAM's Activities

7.54. On 24 May, 1990 – some three months before the attempted coup – the Commissioner of Police, Mr. Jules Bernard, swore an affidavit in *High Court Suit No. 540 of 1990*. This matter was an application by the JAM for leave to apply for judicial review of the decisions or actions of the Commissioner and the Chief of Defence Staff in sending Police and military personnel on lands occupied by the JAM.

7.55. In para. 3 of his affidavit, Mr. Bernard deposed as follows:

"3. Since the latter part of 1988 and continuing the Police have been in receipt of information about certain criminal and other activities affecting national security taking place on the compound of the Jamaat-al-Muslimeen at Mucurapo. As a result the premises were searched by the Police on a number of occasions, and a number of illegal firearms, ammunition and stolen property were found. A number of persons for whom warrants had been issued were arrested, one of them being Cuthbert Charles, who was being sought by the Police on suspicion of murder and who has since been charged with murder."

7.56. On 24 December, 1990, Mr. Bernard swore a supplemental affidavit in the same proceedings. At para. 2 of his supplemental affidavit, Mr. Bernard deposed that to his knowledge –

"2.[T]he Police are aware that Imam Yasin Abu Bakr, the self-proclaimed and reputed head of the Jamaat-al-Muslimeen and several members of his organisation have on several occasions visited Libya, a country notorious for the promotion of terrorist activities all over the world by means,

largely, of the supply of arms, ammunition and money. The Police have reason to suspect that these visits have not been entirely innocuous and that all of these persons have received military training in Libya. Among the illegal firearms found by the Police on the premises occupied by the Jamaat were three (3) Stern-Ruger semi-automatic rifles with 8 magazines, Army and Police type uniforms. The premises were searched on November 16, 1988, December 2nd, 1988 and January 5, 1990. Those persons charged for illegal possession of arms and ammunition include Sadiq al Razi and his wife, Samyah al Razi."

7.57. Mr. Bernard also stated that in addition to the several persons charged with illegal possession, were eleven others who were arrested on outstanding warrants of arrest. These included – Michael Puach, Kurt Walker, Mark Guerra and Dexter John.

Special Branch's Knowledge of Imam Abu Bakr's Mobilisation

7.58. The Commission saw evidence that in 1988/1989, Imam Abu Bakr used the occasion of Juma prayers on Fridays to recruit 400 young persons under a drive named "Each one bring one".

7.59. Special Branch had information on the establishment of camps in Rio Claro, Cumuto, Toco and Blanchisseuse. During the period 25 Muslimeen went to Libya for training and, locally, 8 former soldiers and 5 policemen were identified as trainers of the Muslimeen. All this information was passed on to the political directorate in reports.

7.60. Some fifteen Special Branch reports were tendered in evidence. These make it clear beyond peradventure that Special Branch had infiltrated the JAM and was in receipt of information and Intelligence of their activities of such a kind and degree between January 1987 and May 1990 as to have alerted the leadership of the Police Service and the political directorate to the very real likelihood of an armed attack against the Government. A summary of the Special Branch reports tendered in evidence appears at paras. 6.125 to 6.143 below.

7.61. In Chapter 6, we reported the oral evidence given by Special Branch officers and summarised the documentary evidence tendered to the Commission. That evidence suggested that Special Branch was aware, for a number of years, that certain members of the JAM were planning violent offensives against certain members of the NAR Government and a possible attack against the Government as a whole.

7.62. However that may be, the manner in which that information was dealt with by Special Branch may also be indicative of a lackadaisical approach to the serious business of national security and may have been a deficiency in the national security arrangements then existing in Trinidad and Tobago.

7.63. Accordingly, certain aspects of Chapter 6 should be read in conjunction with this Chapter. Part of Mr. Guiseppi's evidence is, however, directly relevant to the Term of Reference covered in this Chapter.

Mr. Mervyn Guiseppi

7.64. Mr. Guiseppi told us that Special Branch took the verbal effusions of Imam Abu Bakr very seriously. He said –

“During the period 1987-1990 the JAM's resentment against the Government increased to the point where Special Branch came to the view that national security was being threatened. I say categorically that this information was given to the political directorate and, in particular, to the Prime Minister and Minister of National Security. To the best of my knowledge, the persons concerned did not act on it. We collected the information, valued it, collated it, analysed it and then sent it (to the political directorate).”

7.65. On 25 July, 1990 – a mere two days before the attempted coup – Mr. Guiseppi held a staff meeting. He said that the reason for convening the meeting was –

“because I felt that the situation was becoming urgent. Mr. Harvey was not present but I apprised him that I had held the meeting.”

7.66. In a telling phrase, Mr. Guiseppi observed –

“Many of us were not surprised at the coup.”

He then said that "the most that could have been done was for the Head of Special Branch (Mr. Harvey) to go and see the Prime Minister and the Minister of National Security."

Lack of Information Sharing between Departments of the Police Service

7.67. One week before the attempted coup the Acting Deputy Commissioner of Police (Crime), Mr. Leslie Marcelle, received information from the Assistant Commissioner of Police, Mr. Carrington, that the JAM were bringing arms and ammunition into Trinidad and Tobago between 25 and 26 July, 1990. Mr. Marcelle told us that ACP Carrington said that the information was from a reliable informant and he suggested that Mr. Marcelle should meet him. Marcelle asked Carrington to arrange a meeting. The informant declined to go to Police Headquarters and suggested a club in Curepe. Mr. Marcelle declined.

7.68. Mr. Marcelle said he did not inform Special Branch. Instead, he called a meeting of Divisional Heads at his office. Since the information was that the weapons and ammunition had been landed at Cedros and were to be moved to #1 Mucurapo Road, a strategy was devised at the meeting to establish road blocks and to have the Police Officers stationed at Mucurapo Road search all vehicles entering and leaving the compound. Accordingly, road blocks and searches were

set up from Tuesday, 24 July, 1990 to 27 July, 1990 but they yielded nothing. None of this was brought to the attention of the Commissioner of Police.

7.69. Mr. Marcelle said –

"It was my decision to decide what to do about the information I had. I did not consult with the Acting Commissioner of Police. I had a file on the matter and I took the decision I thought fit."

7.70. Mr. Marcelle said that, before he sent officers to conduct a search at #1 Mucurapo Road, he –

"was not aware that there were Police and Army units stationed there. I was under the impression that the Flying Squad had officers by the cemetery observing movements."

7.71. The evidence before us is that Police and Army personnel were encamped in a static guard post at #1 Mucurapo Road from 21 April, 1990. Three months later, the Acting Deputy Commissioner of Police (Crime), did not know the nature and extent of the Police operation at #1 Mucurapo Road.

7.72. Similarly, Mr. Harvey said that he knew that the presence of the Police at #1 Mucurapo Road was for the purpose of preventing the JAM from encroaching upon State lands. He had an officer from Special Branch stationed there but got no information from him. Insp. Thompson said that he only drove by #1 Mucurapo Road on a few occasions.

7.73. Mr. Harvey also gave evidence that an informant had told Mr. Selman that arms and ammunition were coming into the country for the JAM. These arms and ammunition were to be distributed to various mosques and then taken to the bushes. However, Mr. Harvey said that he did not know if any counter operations were mounted. In the opinion of Mr. Guiseppi, the Police should have taken pre-emptive action against the JAM at least two years prior to 27 July, 1990. He said –

“We should have arrested the functionaries and interrogated them and charged them.”

Other Deficiencies – The Army and Police

7.74. We turn now to a discussion of the evidence of other deficiencies which became evident during the insurrection.

(i) Absence of Central Emergency Plan

7.75. Col. Brown said that there was not in place in 1990 any Memorandum of Understanding between the Police and the Army which covered a strategy for responding to an emergency situation. Another witness who gave evidence *in camera*, said that the Protective Services had no plan for the management of a crisis. There was no central plan and no plan for the

management of information which is an important aspect of crisis management. These were deficiencies.

(ii) Inadequacy of Command Centre

7.76. In the opinions of Commander Kelshall and Lt. Gary Griffith, the inadequate nature of the office which functioned as a Command Centre at Camp Ogden on 27 July, was a major deficiency in the logistical arrangements that were hastily put together. There ought to have been a National Security Centre. The Coast Guard, for its part, had an Operations Centre but the Army had none. The inadequacy of Camp Ogden as a Command Centre became evident by Sunday, 29 July, when the decision was taken to relocate the Centre to the Hilton Hotel.

(iii) Police Stations on Lockdown

7.77. An abundance of evidence was put before us that the police stations in and around Port of Spain seemed to be 'on lockdown' on Friday evening – the day of the attempted coup. According to the testimony of Emmett Hennessy and Kirk Perreira, the stations at Woodbrook and Diego Martin were closed. Officers barricaded themselves inside and were reluctant to respond to the entreaties of members of the public. Lt. Griffith spoke of absences of Police Officers from the stations at St. Clair and Maraval. Mr. Perreira testified that he drove to the West

End police station on Friday night and found the officers stationed there in virtual hiding.

(iv) *The Police Response*

7.78. Col. Brown described the response of the Police on 27 July rather euphemistically. He said –

“The Police did not do as well as they could have done. Usually the first response is to be expected from the Police but that response came from the Army. Perhaps it was because their Headquarters had been bombed.”

Attorney General Smart said he felt “let down by Special Branch”.

7.79. Lt. Col. Vidal said –

“There was no co-ordinated Police response. They did not co-ordinate with us because they were out for vengeance.”

We discuss the response of the Police Service during and after the insurrection more fully at Chapter 8.

(v) *Army's Lack of Resources*

7.80. Col. Brown and Col. Theodore were candid in their evidence that, during the attempted coup, the Army suffered from a lack of certain resources,

owing to the impact of the severe recession that affected Trinidad and Tobago in 1990. On 27 July, there was an insufficiency of transport. Private vehicles had to be commandeered to assist in the movement of troops and supplies.

Col. Theodore said –

“There were very few troop carriers, jeeps and a shortage of equipment and uniforms.”

7.81. We also received evidence that the Army was under-resourced in terms of arms, ammunition, heat sensors, wireless communication equipment and radio interception equipment. Although these deficiencies caused some delay in the Army’s response, they did not, in themselves, constrain the effectiveness of the Army when it was deployed to put down the insurrection.

(2) THE NATIONAL SECURITY COUNCIL

7.82. As we have indicated above, the NSC was, from 1964, an arm of the national security arrangements of Trinidad and Tobago. However, by 1990 it seems to have fallen into desuetude and was basically non-functional. Mr. Robinson said that, during his tenure as Prime Minister, there was no such agency called “National Security Council”. With regard to existing systems or mechanisms for the gathering of Intelligence, he went further. He said –

“So far as I was aware, there was no special system in place for gathering Intelligence. We expected that the Police and sections of the Army would consider it their duty to gather

information. Much of the information we received came from the Police and the Regiment."

Mervyn Guiseppi stated bluntly,

"There was no National Security Council that should have analysed what was happening."

7.83. Mr. Joseph Toney who became Minister of National Security after the attempted coup, said that he was "not aware of a National Security Council". Indeed, he saw no files from such an agency and no paper trail of meetings of such a Council.

7.84. Notwithstanding the dormant status of the NSC, there was always a Minister of National Security. On 27 July it was Mr. Selwyn Richardson and, before him, Mr. Herbert Atwell.

(3) DEFENCE FORCE INTELLIGENCE UNIT

7.85. According to Col. Brown, at the time of the attempted coup, the Defence Force had a rudimentary Intelligence unit (DFIU) of one officer, Capt. Albert Griffith, and two professional support staff. The evidence is that the DFIU was not in regular or co-ordinated communication with any other Intelligence agency in Trinidad and Tobago, and certainly not the Special Branch. On desultory occasions, Special Branch would pass information to the DFIU, as for

example, in 1988 when Special Branch informed the Commander of the Defence Force that a Corporal in the Defence Force was supplying ammunition to the JAM. Lt. Col. Carlton Alfonso told the Commission that the DFIU's Intelligence capability should have been greater in 1990. He saw its lowly status as a deficiency.

Relations between the Army and Police

7.86. On the evidence, the crux of the problem between the Defence Force and the Police Service was distrust and jealousy. Mr. Harvey said –

"There was no coordination between the Police and the Army on tactical matters or Intelligence. The Police/Army relationship was never one of camaraderie. There was always some sense of superiority/inferiority."

7.87. And Mr. Harvey claimed that the Army Officers felt themselves superior to Police Officers. With reference to the evening of 27 July at Camp Ogden, Mr. Harvey said –

"The Army Officers were not interested in discussing anything with us. We were more or less in protective custody and not part of anything....the Police were sidelined. We overnighted and then moved to St. James Barracks on Saturday."

7.88. Col. Brown did not share Mr. Harvey's view that the Police were marginalised. In a piece of evidence which bespoke the distance between the two Forces, Col. Brown said –

"I did not know who Harvey was before that night. Here it is, I was in charge of the Army and I did not know who the Head of Special Branch was. We developed a relationship after the attempted coup. At Camp Ogden, the Police had an office opposite to me and Col. Theodore. It was the RSM's office. If Harvey had Intelligence, he should have shared it. If he kept it to himself, it was an indictment of himself."

7.89. Col. Theodore corroborated Col. Brown. He said –

"It has always been the attitude of Special Branch to be very secretive. They were not interested in discussing with us."

7.90. Col. Theodore told us that the Intelligence Unit of the Defence Force "had no Intelligence on the JAM". He said that the only instruction which the Defence Force received was –

"to make sure that the JAM did not occupy State lands and start construction. We were prepared to be deployed at #1 Mucurapo Road in aid of the civil power."

He said, however, that the Defence Force did have information that –

"one serving officer and some former soldiers were in the JAM, but the serving officer was not involved in the attempted coup."

(4) THE COAST GUARD INTELLIGENCE UNIT

7.91. The evidence of the functioning of the Coast Guard during the attempted coup was given by Commander Richard Kelshall. He joined the Coast

Guard in 1963 and was the beneficiary of many training courses overseas. Interestingly, he participated in a course on Hostage and Barricaded Persons and Negotiations under instruction from Dr. Harvey Schlossberg. During the period of the attempted coup, he was not invited to make any contribution to the hostage negotiations being conducted by Col. Theodore.

7.92. Commander Kelshall explained that the Coast Guard were usually engaged in coastal surveillance and border patrol. Its main focus was on external threats such as trafficking in illegal persons, illegal drugs, search and rescue and some aerial surveillance by the Air Wing.

Intelligence-gathering Functions of Unit re the Jamaat

7.93. Commander Kelshall explained that the Intelligence-gathering functions of the Coast Guard Intelligence Unit were limited to its operational activities mentioned above. So far as the JAM were concerned, he saw them as a threat to national security. From time to time the Coast Guard monitored activities on the shoreline near to the Mucurapo Mosque but they never intercepted any illegal activity.

(5) THE CUSTOMS DEPARTMENT

7.94. The Commission received evidence from one witness as to the functioning of the Customs Department in 1990. Since that evidence was given *in camera*, we do not identify the witness.

7.95. There is a section within the Customs Department called the "Preventive Branch". It is the law enforcement arm of the Department, with responsibility for investigation and prosecution of offences under the Customs Act and any other applicable law. The Preventive Branch was not asked to investigate the circumstances under which the firearms used by the JAM were imported into Trinidad and Tobago. The Public Service led that investigation.

7.96. However, the witness testified that –

"There was information to suggest that firearms were smuggled into Trinidad and Tobago and a Customs Officer was involved in it."

7.97. He recalled hearing that the firearms entered Trinidad and Tobago in plywood which was "hollowed out".

7.98. The witness agreed that the importation of the firearms may have offended sections 212, 213 and 214 of the *Customs Act*. For example, if the firearms were imported, concealed in plywood, and not declared, there would have

been a breach of the Act which ought to have required parallel investigations by the Customs Department and the Police. The witness could give no reason why such investigations were not conducted by both agencies in 1990.

7.99. He was also not aware whether the Customs Department sent a report concerning the importation of the firearms to the relevant authorities; and it would now be "impossible to locate such a report" because of the manner in which documents were kept or discarded after 7 years". However, he was aware that reports were forwarded to the Public Service Commission (PSC) in respect of "a Customs Officer (Mr. Feroze Shah) who was detained at the time" and who was suspected of being directly involved in the attempted coup. In truth and in fact, Shah was one of the insurrectionists in the Red House.

Letter from Service Commissions Department

7.100. In response to a letter from the Commission of Enquiry on 23 May 2013 for information concerning Feroze Shah, the Service Commissions Department replied on 8 August 2013 and stated as follows:

"Please note that there are no records of an investigation to be submitted on Mr. Feroze Shah, former Customs and Excise Officer I, Customs and Excise Division in the then Ministry of Finance, Planning and Development.

Although allegations of misconduct were being considered against Mr. Shah, he was never investigated by the Public

Service Commission with respect to his involvement in the 1990 coup attempt.

Mr. Shah was retired from the Public Service in the public interest in accordance with Regulation 54 of the Public Service Commission Regulations, Cap.1:01....."

The Entry of the Firearms into Trinidad and Tobago

7.101. The witness recalled that the firearms were "smuggled in through the port at Pt. Lisas", a legitimate port of entry. The firearms which were used in the insurrection were imported into Trinidad and Tobago without the relevant licence and were the identical ones for which Louis Haneef was convicted in Florida.

The System for Importation of Goods in 1990

7.102. Assuming that plywood was being imported in 1990, the procedure for clearance of it was outlined to the Commission by the witness. He explained:

"On presentation of a goods declaration for plywood, one of the regulatory agencies involved would be the Plant Quarantine Division. Once they indicated to us that they had no objections to the plywood being landed, the Customs Officer is required to do an inspection to confirm that it is, in fact, plywood; that it is consistent with the goods declaration and the attached documents.

If there are any duties and taxes to be paid, that the correct amount has been paid; and if there are any other regulatory controls, that they have been complied with. If all is in order, the items would be released."

Procedure for dealing with Containers in 1990

7.103. Where a container was used to ship the plywood, the importer would present his Customs documents, duties and taxes would be paid and a Delivery Notice issued. The Customs Department then decided where physical inspection of the goods would take place. That decision would be made by a Supervisor.

7.104. In 1990 Customs did not have a special location for inspection of goods so that goods could have been inspected either at the port itself or at the importer's premises. When a container was released, it could have been released for inspection at the importer's premises.

7.105. The witness explained that "part of the documentation would have identified the exact site for examination of the container". Once the release and delivery notice were given, the container could leave the port and be taken to the importer's premises.

7.106. There was a practice in 1990 that a Customs Guard would be assigned to the container up to the time of examination by the Customs Officer and its release by him. The Guard would stay with the container until the arrival of the Customs Officer who was designated to examine the container.

7.107. Only the designated Customs Officer was empowered by law to break the seal of the container and open it. And he was the only person to examine the goods and determine that they “match the entries and the documentation”. There were two sets of documentation: the Customs Declaration relating to the container and its contents and a second set of documents for the Port Authority. This set would include the Bill of Lading identifying the consignee of the goods.

7.108. When the container left the port, a Customs Guard was either on the truck with the container or in a vehicle following close by. The consignee or his agent should be present when the container is opened and the Customs Officer is mandated by law to inspect the cargo that is in the container. There was no strict adherence to the requirement for inspection of all the cargo.

7.109. The witness said that physical examination of the goods may not necessarily reveal the whole truth about them as, for example, if contraband is embedded within the declared goods.

7.110. In 1990 the Supervisor in charge of Pt. Lisas would have appointed the Guard to accompany the container. The Supervisor would also have assigned the Customs Officer to inspect the container. He said:

"The officer would be the person to break the seal on the container and inspect its contents. At that stage, he would dismiss the Guard."

The Seal

7.111. In 1990 importers were able to change the seal on a container. Dishonest importers would sometimes open the container and change the seal. In that circumstance, the container would have appeared to be in its original state when the Customs Officer arrived. The witness said –

"That is something that occurred from time to time. Dishonest importers had the ability to acquire seals with the identical serial numbers to the original."

7.112. The witness said –

"It was a method of smuggling, so that duplicate seals would have been obtained by the exporter and one would have been placed on the container with the contraband in it. When the container was released by Customs in Trinidad to travel on land to its examination site, the container either en route or at the site, would have been opened, the contraband removed and the duplicate seal with the identical numbers would have been put back on the container. That was one of the main reasons for ensuring that a Customs Guard was assigned to accompany containers from the port to the site and remain there guarding it until the officer arrived for inspection."

7.113. Finally, the witness told us that a Customs Officer would have known of his assignment to a station in advance of the assignment and the assignment "would be for four months".

(6) SECURITY OF PARLIAMENT ON 27 July, 1990

7.114. The evidence disclosed that the Police Service had no fixed or settled unit which provided security for the Parliament. Sgt. Raymond Julien said that he was not rostered for duty at the Red House on 27 July, 1990. It was Insp. Ali who hurriedly detailed him for duty shortly before the sitting of the House of Representatives began.

7.115. WPC Olive Ward's evidence is to the effect that Police Officers were selected at random from the five stations in the Port of Spain Division. But she had previous experience working at Parliament and had worked there since 1988, both in the Senate on Tuesdays and the House of Representatives on Fridays. On 27 July, she was on duty at the Red House with officers Munroe and Augustine. There were usually six Police Officers on duty at the Red House – three in uniform and three in plain clothes (Special Branch). The Special Branch officers sat "upstairs".

7.116. On 27 July, ASP Roger George was in charge of the detail at the Red House. Sgt. Julien said that he was instructed by ASP George to search the bags of all persons seeking to enter the Public Gallery. It was the first time he was given that instruction. On a previous occasion, Sgt. Julien had used his own

initiative to conduct random searches but on 27 July, his instructions were different. His searches revealed nothing suspicious.

7.117. None of the Police Officers in attendance at Parliament on 27 July carried a firearm.

7.118. We were provided with a copy of the HANSARD report of the debate on 10 August, 1990 of a motion to extend the State of Emergency. In his contribution to the debate, Mr. Kelvin Ramnath raised the question of the security of Parliament at p.822 to 823. He said:

“Mr. Speaker, I want to raise a matter which has engaged your attention for a very long time, even while you were in the Opposition. It has to do with the provision of adequate security in the Parliament building. I think in many ways we are lucky that a mad man did not enter the Parliament Chamber on 27 July, 1990 with a machine gun and kill everybody because that has always been a possibility.....The level of security is appalling when you consider the kind of security that obtains in the British and Canadian Parliaments and other so-called well established democracies. You do not enter the Canadian Parliament without a pass, and you do not enter the Chamber without being properly searched.....I am not suggesting that these people who want to be violent and who want to impose their will on Parliamentarians and the population will not do so in spite of heavy security, but that is no excuse for the lack of proper security arrangements in the Parliament of Trinidad and Tobago.”

Evidence of MPs

7.119. Witnesses who appeared before the Commission castigated the lack of proper security arrangements at the Red House. Mrs. Jennifer Johnson said that she saw some uniformed Police Officers at the start of the sitting on 27 July but she didn't know "what became of them after the assault on Parliament". She said that Parliament's security was poor. Mr. John Humphrey said that there was always a Police presence but "no organised security". No searches of the public were carried out.

7.120. Dr. Emmanuel Hosein recalled an incident when he was in Opposition prior to 1986. He and Mr. Nizam Mohamed (the Speaker in July 1990) were walking to Parliament. There were two Police Officers on the steps of Parliament. A supporter of the PNM spat in the face of Mr. Mohammed. The Police took no action. Mr. Mohammed complained to the then Speaker but nothing was done. Dr. Hosein emphasised that the assault took place "in the precincts of Parliament".

EVIDENCE OF PRIME MINISTER'S SECURITY DETAIL

Sgt. Steve Maurice

7.121. Sgt. Maurice was one of the bodyguards of Mr. Robinson. He testified that the Police Service should have had three cordons in place for the Prime Minister "to deter assassins". He described the cordons:

- (i) AN OUTER CORDON comprising a Police car and Police Officers stationed on Knox, Abercromby, St. Vincent and Park Streets;
- (ii) AN INNER CORDON which provided coverage of the entrances to the Parliament;
- (iii) AN ESCORT to provide immediate protection to the Prime Minister.

7.122. Sgt. Maurice said –

“Before the attempted coup, I never saw any cordon in place but, after the coup, there were cordons. But it was not consistent. Special Branch was responsible for setting up cordons.”

7.123. He said he did not request a cordon. He said that when he received information about the movements of the Prime Minister, he sent that information to Special Branch. Sgt. Maurice complained that he was never briefed by Special Branch about any possible attack by the JAM.

PC Dave Pilgrim

7.124. PC Pilgrim who was one of the bodyguards assigned to Prime Minister Robinson, said that after hearing a loud explosion from the direction of Police Headquarters and gunfire from the direction of Knox Street about 6.00 p.m. on 27 July, he saw Insp. Kenneth Thompson pull a curtain and look out. Thompson exclaimed –

“Hey Pilgrim, boy, Muslim boy, Muslim!”

7.125. Pilgrim then pulled another curtain and saw “some men dressed in Army-type clothing heading towards the north-western side of the Chamber. They were armed and firing as they were coming.” Pilgrim tried to get to the Prime Minister but was intercepted by the invaders. Insp. Thompson ran away.

7.126. PC Pilgrim said that the Prime Minister’s security detail, notwithstanding that they were Special Branch officers, were never alerted to the possibility of an attack by the JAM on the Prime Minister or the Government.

The Chamber of Commerce

7.127. The Chamber observed in its memorandum:

“It is obvious to the naked eye that the lack of security in Parliament and at the country’s lone television station,

facilitated the invasion of both of these facilities and the taking of hostages therein. The bombing of Police Headquarters and murder of its sentry at its entrance on Sackville Street, is inexcusable and unacceptable, as this was the base of Police operations and an obvious prime target. No one was ever held responsible for these inept security arrangements, as far as the Chamber is aware. The Commission needs to inquire as to whether the participation of the Army in a football match near to the Jamaat on the afternoon of the coup had anything to do with its slow response to the mayhem initiated by these three separate incidents. Even today, the Chamber does not consider the security in Parliament or Police Headquarters to be any better than in 1990. The country now has more than one television station but, as far as we are aware, there are no extra Police-driven security measures in place for any national media houses."

C. FINDINGS AND CONCLUSIONS

7.128. Having considered all of the evidence adduced at the Enquiry, the Commission makes the following findings.

7.129. Egregious lapses and deficiencies in the security arrangements of the State, more than anything else, facilitated the occurrence of the attempted coup. Special Branch, the official Intelligence agency, utterly failed to discharge its duties and responsibilities effectively and efficiently at a time when the JAM were, and were perceived to be, the most dangerous threat to the security of the State. The State's principal Intelligence agency was grossly negligent.

7.130. In 1990, Special Branch was the principal agency gathering Intelligence. There were Units within the Defence Force, the Coast Guard, the Customs and Excise and Immigration departments, which purported to obtain Intelligence, but only in a perfunctory and rudimentary fashion, and only for themselves. There was no concept or appreciation of an Intelligence community, functioning collectively and sharing information *inter se*. These several agencies did not work as a team.

7.131. The mandate and duties of the Special Branch had been expanded after 1962 by administrative directive of the Prime Minister and, by 1990, its responsibilities included monitoring all activities which could negatively affect national security. These activities included, *inter alia*:

- political activities and public meetings;
- trade unions and their activities;
- ports of entry and coastal areas;
- protest action and/or demonstrations;
- drugs and firearms trafficking; and
- social dissatisfaction.

7.132. The Special Branch was, moreover, specifically mandated to "*inform the Commissioner of Police on matters which may negatively impact national security*". Most importantly, the Special Branch was charged with the duty of

"advising the Prime Minister, the Minister of National Security and the Minister of Foreign Affairs on all matters relating to protective security and the use of security Intelligence."

7.133. Special Branch rigidly pursued a culture of refusing to share information or Intelligence from the time of its creation in 1954 up to 1990. This selfish attitude was grounded in a distrust of the others and, so far as the Defence Force was concerned, an inferiority complex. The Head of Special Branch in 1990, Mr. Dalton Harvey, was fully aware of the above-mentioned duties and responsibilities of Special Branch, especially having regard to the fact that he had served continuously in that department from 1954 to 1995.

7.134. The National Security Council, which was formed in 1954, was re-constituted on 30 October, 1978, on which date the Cabinet approved its re-constitution as an integral part of new security arrangements for the Republic. The members of Cabinet who were authorised to sit on the NSC were the Prime Minister, the Minister of National Security and "one other Minister designated by the Prime Minister". The NSC was considered to be of such importance to the security of the State that, *inter alios*, the Heads of the Army and the Police were made members of it.

7.135. The Defence Force's Intelligence Unit in 1990 was a small, basic structure consisting of one officer and two support staff. Its focus was internal, that is to say, keeping surveillance of the Defence Force's own personnel. Similarly, the Coast Guard's Intelligence Unit targeted mainly its areas of functionality, namely, enforcing marine laws, search and rescue and drugs interdiction.

7.136. Both the Customs and Immigration Departments assigned officers to perform Intelligence-gathering functions with a view to using Intelligence for their departments only. Sharing Intelligence within an identified community and working co-operatively were essential to ensuring the protection of the national interests and the security of the State. However, to the extent that Special Branch did not share information and Intelligence with other agencies, there was an obvious deficiency in the security arrangements existing in 1990.

7.137. During the period 1986 to 1990, the National Security Council (NSC) did not function at all. It existed in name only notwithstanding that there was a Minister of National Security and its Chairman was the Prime Minister. The Deputy Head of Special Branch, Mr. Mervyn Guiseppi, Prime Minister Robinson himself and Mr. Joseph Toney who succeeded Mr. Selwyn Richardson as Minister of National Security, all testified that, during the regime of the NAR, the NSC was non-functional.

7.138. The absence of a functioning NSC seriously compromised the security of Trinidad and Tobago. It created a void in security since there was no authority superior to the other agencies that could have had, and should have had, the benefit of analysis to enable it to formulate strategies and policies. The consequence of the NSC's slide into desuetude was that the State lacked, at the highest policy-making level, a strategic management capability to confront the JAM in an agreed and co-ordinated manner. This deficiency was regrettable since Special Branch was the only Intelligence-reporting agency and it precluded collaboration with the other agencies. The fact that the NSC was not properly constituted and was non-functional during the period 1986-1990, left a huge gap in the security arrangements of the State. In our opinion, if the NSC had been functioning as originally intended, the plethora of Special Branch reports would have come to an agency on which were represented other Heads of the Protective Services and at which appropriate strategies, responses or decisions could have been taken. All of the critical leaders of the Protective Services would have been "in the loop" of information as it were. As it turned out, an unsatisfactory system had grown up in which the Head of Special Branch sent reports to the Prime Minister and National Security Minister, without any follow-up. There was no dialogue or feedback between Prime Minister and Head of Special Branch. We find that the Government did not have in place a central emergency plan for management of a crisis, nor did it have a plan for the management of information. These were major deficiencies.

7.139. At the time of the attempted coup, Special Branch was the official agency that provided information and Intelligence to the Executive branch of the Government. It did so by forwarding reports under secret or confidential cover to the Prime Minister and the Minister of National Security. Special Branch functioned inefficiently in 1990. The efficiency and effectiveness of Special Branch were weakened by political manipulation which brought about too many changes at the level of Head of Special Branch between 1986 and 1990. Some seven Heads were changed in that period. In that period, political interference in the leadership of that department conduced to feelings of insecurity and engendered low morale among officers. This interference created an unstable environment within the department to the detriment of its efficient and effective functioning. In addition, personal animosity between a former Head of Special Branch, Mr. Lance Selman, and Mr. Dalton Harvey, the Head in 1990, negatively impacted the administration and functioning of Special Branch.

7.140. Special Branch saw the JAM as an organisation of interest from the time when there appeared to be a struggle between the organisation and the IMG over the lands at #1 Mucurapo Road. The JAM were monitored consistently. Certainly from 1986 the Special Branch had infiltrated the JAM and were reporting regularly on their activities. We do not accept Mr. Dalton Harvey's evidence that the Special Branch had tried to infiltrate the JAM but were not successful because Mr. Harvey contradicted himself by saying that Mr. Lance Selman had "managed to

infiltrate" the JAM as early as 1986. If Mr. Harvey did not know that his own department had infiltrated the JAM, we can only conclude that he was not paying due care and attention to the reports generated within his own department. We received a plethora of Special Branch reports which clearly show that Special Branch must necessarily have had a "plant" or "plants" in the very bosom of the JAM.

7.141. In 1987, according to reports tendered to the Commission, Special Branch had information that the JAM were liaising with persons in Libya at a time when it was known, internationally, that that country was sponsoring terrorism worldwide. Special Branch kept the JAM under surveillance and clearly infiltrated that organisation. The reports to which we refer extensively in Chapters 4 and 6, show very clearly that Special Branch was in regular receipt of information about the activities of the JAM.

7.142. Sometime in May/June 1990, Imam Abu Bakr told Insp. Thompson that he intended to "retaliate" against the Government. Insp. Thompson said that he understood that threat to imply that an armed attack was likely. He prepared a report and assumed that, in accordance with usual procedure in the department, his report would have been forwarded to the Minister of National Security. Indeed, Insp. Thompson treated this information so seriously that he prepared an Intelligence report to be forwarded to the Prime Minister and the Minister of

National Security. Such reports were sent under "CONFIDENTIAL" or "SECRET" cover in two sealed envelopes for sight and attention of the addressee only. We have no evidence that either Mr. Robinson or Mr. Richardson actually saw the report. But we believe that the report was sent. It may not have been opened or read before 27 July, 1990. Applying the maxim *omnia praesumuntur rite esse acta* (everything is presumed to have been properly done), it is our considered finding, on a balance of probabilities, that the report was sent by Special Branch but was not read by the Prime Minister.

7.143. It is our finding that, in July 1990, Mr. Guiseppi and Insp. Thompson genuinely believed that an offensive by the JAM was imminent. Their belief was informed by their own analyses of information in their possession and their observations of the unstable state of the country. Two days before the attempted coup, Mr. Guiseppi was so convinced of an attack by the JAM that he convened a meeting of other officers in the agency. Mr. Harvey was not present but the Commission accepts Mr. Guiseppi's evidence that he subsequently informed Mr. Harvey of the nature of the discussion at the meeting.

In respect of Minister Richardson, the evidence of Insp. Thompson was that Minister Richardson said publicly after the attempted coup "that the Government knew that something was about to happen but did not know that it had reached so far". On the basis of that evidence, we find that Minister Richardson did see the report. He was alerted to the probability of an attack by

the JAM. We find that Insp. Thompson, having been warned by Imam Abu Bakr in May 1990 that he intended to retaliate against the Government, failed to use his skills in Intelligence-gathering two weeks before the attempted coup when he saw Imam Abu Bakr and one of the Faultin brothers in the visitors' gallery of the Parliament. His instincts as a Special Branch officer should have prompted him to the possibility, at least, of some sinister motive for their attendance at the Red House. We accept the evidence of Insp. Thompson that, according to his analysis, there were five factors which led Special Branch to believe that "something like the attempted coup was about to happen", viz. the persistent agitation of SOPO; the marches being held by Imam Abu Bakr; the bad state of the economy; dissatisfaction of the middle class with the policies of the Government; widespread dissatisfaction in other sections of the society.

7.144. Mr. Harvey's assertion that there was no burning issue in 1989/90 which required him to see the Prime Minister is incredible, especially in the light of the contents of Special Branch reports which we saw and the evidence of two senior officers in his department. Mr. Harvey's evidence speaks eloquently to the lack of communication between high-level officers in Special Branch and the dysfunctional nature of that department in 1990. His evidence is contradicted by documents emanating from within his own department and it is at variance with the oral evidence of Mr. Guiseppi and Insp. Thompson, which we accept.

7.145. We consider it to be absolutely astonishing that Mr. Harvey, as Head of Special Branch, never met with the Prime Minister prior to the attempted coup. As we have pointed out at para. 7.7, one of the responsibilities of Special Branch was "to advise the Prime Minister....on all matters relating to protective security and the use of security Intelligence". Mr. Harvey was under a duty to apprise and advise the Prime Minister about the activities of the JAM. It was not satisfactory merely to forward reports to the Prime Minister without more. As the chief expert in Intelligence matters in Trinidad and Tobago, Mr. Harvey was required to be proactive. He should have sought an audience with the Prime Minister and given him the benefit of his experience in an analysis of the nature and possible extent of actions on the part of the JAM. Special Branch was in possession of sufficient Intelligence immediately prior to 27 July, 1990 that warranted an urgent and direct approach to the Prime Minister and the Minister of National Security.

7.146. We find that Mr. Harvey and Special Branch were in grave dereliction of duty in not seeking an urgent meeting with the Prime Minister and Mr. Richardson to apprise them and discuss the seriousness of the threat posed by the JAM.

7.147. Neither Mr. Harvey nor Mr. Guiseppi informed the Commissioner of Police of their concerns at this time or at all, nor did they take any steps to share their Intelligence with other senior Police Officers with a view to devising an

appropriate strategy and counter-measures. This was a serious omission and was directly contrary to the express mandate of Special Branch “to inform the Commissioner of Police on matters which may negatively impact national security”. Indeed, the Commission strongly condemns the then practice of Special Branch to by-pass the Commissioner of Police in many matters.

7.148. The Commission is of opinion that, armed with compelling evidence of the mobilisation of the JAM and their threat of violent action against the Government, the proper course of conduct by the Police Service should have involved the following:

- (i) Special Branch should have urgently consulted with the Commissioner of Police;
- (ii) the Commissioner should have convened a meeting of other senior Police Officers;
- (iii) a plan of action should have been developed; and
- (iv) the Commissioner and Head of Special Branch should have sought an urgent meeting with the Prime Minister and Minister of National Security at which a strategy or menu of options

should have been presented to the Executive and decisions taken.

7.149. Both the Prime Minister and Minister of National Security were lay persons. They would have relied upon the expertise of Police Officers to guide them in decision-making. None of this suggested procedure was followed by Special Branch. In the result, at no time was a menu of options presented to the Executive to pre-empt action by the JAM.

7.150. The Commission is at a loss to understand how Mr. Guiseppi, Insp. Thompson and other Special Branch officers could have been convinced of the imminence of a violent assault by the JAM and yet, Mr. Harvey, the Head of Special Branch, confessed to the Commission that, "in 1989/1990 there was no burning issue which required me to see the Prime Minister". Mr. Guiseppi's disturbing evidence is that "many of us were not surprised at the coup". On the other hand, Mr. Harvey's evidence was that "by July 1990, we did not see the JAM as a threat sufficient to overthrow the Government. Nothing alerted us to that type of action." Mr. Harvey's inability to comprehend the purport and implications of the messages inherent in the reports of Mr. Guiseppi and Insp. Thompson reflects on his competence and eloquently speaks to the deeply dysfunctional nature of Special Branch in 1990.

7.151. We condemn the practice adopted by the Special Branch of not keeping the Commissioner of Police informed of many matters crucial to the overall security of the State. The three Special Branch officers testified that, invariably, Intelligence reports were sent directly to the political directorate without reference to or the knowledge of the Commissioner of Police. We strongly dissent from Insp. Thompson's evidence that "Special Branch reports should not go to the Commissioner routinely. He should see matters relating to serious crimes." Neither Mr. Harvey nor Mr. Thompson could say affirmatively that the Commissioner saw the reports in which the imminence of violent action by the JAM was reported.

7.152. The events of 27 July involved very serious crimes indeed. We can think of nothing more deserving of the Commissioner's attention than a possible violent attack against the duly elected Government. Having regard to the evidence of the Special Branch officers, we find, on a balance of probabilities, that the likelihood of an imminent, violent attack against the Government of Trinidad and Tobago by the JAM was not drawn to the attention of the Commissioner, Mr. Jules Bernard. The Commission was, however, heartened to learn that the Commissioner of Police, as a matter of best practice, is now fully briefed on operations of and information residing within the Special Branch.

7.153. The various departments within the Police Service were poorly coordinated. One week before the attempted coup, the Acting Deputy Commissioner of Police (Crime), Mr. Leslie Marcelle, received information from an Assistant Commissioner of Police that weapons and ammunition for the JAM had landed at Cedros and were destined for the JAM's headquarters. Mr. Marcelle did not inform Special Branch or the Commissioner of Police. He met with Divisional heads and they devised a strategy involving setting up roadblocks. Searches and roadblocks yielded nothing.

7.154. The Commission is satisfied that the information was misleading. The arms and ammunition had been in Trinidad since April. However, the approach to this matter bespoke a lack of a co-ordinated strategy to deal with the threat of the JAM. This is further exemplified by Mr. Marcelle's evidence that he was not aware that the Army and Police had encamped at #1 Mucurapo Road. He believed that "the Flying Squad had officers by the cemetery observing movements." Mr. Harvey had an officer stationed at the encampment but he got "no information from the officer". Mr. Harvey should have been seeking reports from that officer on a regular basis.

7.155. We find that Mr. Leslie Marcelle exercised poor judgment in failing to share information given to him by ACP Carrington on 20 July 1990 with Special Branch and the Commissioner of Police. We also find it astonishing that

Mr. Marcelle was not aware of the presence of Police and Army officers at #1 Mucurapo Road when he dispatched Police Officers to that location to conduct a search. After all, the Police and Army had established a post at #1 Mucurapo Road since April 1990. The attempted coup took place on 27 July, 1990. It is equally astonishing that Mr. Harvey stationed a Police Officer at #1 Mucurapo Road but received no reports from that officer.

7.156. We are satisfied that the Police Service, as a whole, took the threat posed by the JAM far too casually.

7.157. The Commission finds that, in the 18 hours immediately following the attempted coup, too many Police Officers absented themselves from police stations and too many stations went into lockdown mode, barricading themselves from the public. The failure of the Police to establish a *cordon sanitaire* around Tragarete Road, in breach of agreed strategy formulated at Camp Ogden between Col. Brown and Acting Commissioner of Police, Leonard Taylor, created a security vacuum on 27 July that enabled the JAM to roam freely. Indeed the Commission received evidence that about thirteen of the original insurgents at TTT used this loophole in the security network to effect their escape. They have never been identified or charged. This was a gross abdication of responsibility on the part of the civil power as the primary agency to protect the State. Of course the Commission appreciates that the Police Service was naturally destabilised by the

destruction of its Headquarters and the events generally. Although these deficiencies did not facilitate the insurrection, the security vacuum that resulted did facilitate the wanton looting and arson that occurred.

7.158. Relations between the Army and the Special Branch were poor in 1990. Special Branch shared no information/Intelligence with the Defence Force. Even on the evening of 27 July at Camp Ogden, officers of the Army and Police kept their distance from each other. Mr. Harvey felt that the Police were "marginalised". The Commission does not accept Mr. Harvey's opinion. Col Brown had not even met Mr. Harvey before that night. Once again, Mr. Harvey had not seen it as his duty to introduce himself to the leadership of the Defence Force after his appointment. In any event, on the evening of 27 July, Col. Brown interacted with the Acting Commissioner of Police, Mr. Leonard Taylor, at Camp Ogden.

7.159. The evidence raises the suspicion in the Commission's mind that not only lax procedures but corruption as well in the Customs and Excise Department may have helped to facilitate the attempted coup. The Commission was given evidence that Feroze Shah, a Customs Officer and member of the JAM, was involved in the illegal importation of the weapons used in the attempted coup and did himself participate as an insurgent in the Red House. We are satisfied that the procedures for clearing and unstuffing containers were loose. For example, goods

could have been inspected at the landing port or at the importer's premises. Only the designated Customs Officer was authorised to break the seal on a container. And only he could examine goods to verify their authenticity. All of the goods were not necessarily inspected. Physical examination of goods would not necessarily have revealed contraband embedded within goods, such as hollowed out plywood. Moreover, a Customs Officer was advised of his assignment to a station and that assignment was for four months. That was sufficient time to enable a corrupt Customs Officer to conspire with dishonest exporters and importers. Finally, an importer, bent on smuggling, could have changed the seal on a container.

7.160. Accordingly, the Commission is satisfied that, notwithstanding the landing of the weapons at a legitimate port of entry, Pt. Lisas, there were so many loopholes in the system in 1990 as to have permitted the illegal importation of the weapons without any great difficulty.

7.161. We find that the failure to inform the head of the Coast Guard of the insurrection prior to 7.30 p.m. on 27 July was a deficiency in the security arrangements. That omission was not deliberate but was occasioned by the sudden crisis. Fortunately, it did not compromise the security of the State.

7.162. With regard to the security of Parliament in 1990, the Commission has identified six weaknesses which, cumulatively, made it relatively easy to carry out the invasion of Parliament.

- (i) Police Officers for duty at Parliament were selected at random from the five police stations in the Port of Spain Division. There was no specific or fixed unit within the Police Service dedicated to Parliamentary duties;
- (ii) None of the officers on duty, including those of Special Branch, was armed;
- (iii) Visitors to the Public Gallery were not searched;
- (iv) The attitude of some Police Officers to Members of Parliament was one of indifference;
- (v) Complaints about the lack of proper security arrangements were not acted upon or followed up meaningfully; and
- (vi) On 27 July, three cordons should have been put in place to enhance the Prime Minister's security. They were not. This

failure was attributable to Special Branch since information concerning the Prime Minister's movements was always communicated to Special Branch in advance and that agency made the relevant arrangements.

7.163. Finally, the Commission is bound to say that the security detail attached to the Prime Minister, viz. Sgt. Maurice, Cpl. Charles and PC Pilgrim, responded to the sudden invasion of the Parliamentary Chamber with commendable bravery and professionalism. They reacted sensibly and in accordance with their training by throwing themselves over the Prime Minister. Although they did not succeed in saving the Prime Minister from harm, their defensive action was appropriate. It would have been foolhardy for the security detail to seek to engage the JAM in a fire-fight. They were outnumbered by the insurgents who had superior firepower in the Chamber.

CHAPTER 8

The response and performance of the Government, the Defence Force, the Protective Services and other Essential Services, the Foreign Service and the Media during and after the Attempted Coup –TOR 1 (iv)

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CHAPTER 8

THE RESPONSE AND PERFORMANCE OF THE GOVERNMENT, THE DEFENCE FORCE, THE PROTECTIVE SERVICES AND OTHER ESSENTIAL SERVICES, THE FOREIGN SERVICE AND THE MEDIA DURING AND AFTER THE ATTEMPTED COUP - ToR 1(iv)

A. *INTRODUCTION*

8.1 In Chapter 2, we touched briefly on the response of the Government, the Defence Force and the Police Service. This Chapter requires a more detailed examination of the response and performance of the several agencies and services mentioned in the terms of reference during and after the attempted coup.

1. RESPONSE AND PERFORMANCE OF THE GOVERNMENT

8.2. The JAM's invasion of the Red House did not succeed in paralysing the Government of Trinidad and Tobago. Some members of the Government avoided the ordeal of their colleagues, either because they were in Trinidad and Tobago but not in the Parliamentary Chamber, or because they were overseas on Government's business. These persons were available to carry on the business of the Government during the crisis and did so.

8.3. In the first category were the following Ministers:

- Hon. Herbert Atwell, Minister of Energy
- Hon. Lincoln Myers, Minister of the Environment and National Service
- Hon. Clive Pantin, Minister of Education
- Dr. the Hon. Carson Charles, Minister of Works and Infrastructure

8.4. As we have indicated in Chapter 2, Minister Winston Dookeran was released early on 28 July and the Attorney General, Hon. Anthony Smart, escaped from Parliament soon after the invasion and found a safe haven at a friend's house. He joined his Cabinet colleagues mentioned at para. 8.3 early on Saturday morning.

8.5. Those Ministers overseas on Government's business were:

- Dr. the Hon. Sahadeo Basdeo, Minister of External Affairs and International Trade
- Dr. the Hon. Brinsley Samaroo, Minister of Food Production
- Dr. the Hon. Bhoë Tewartie, Minister of Enterprise and Tourism

Minister Basdeo was attending a CARICOM meeting in Jamaica and Ministers Samaroo and Tewartie were on their way back home to Trinidad and Tobago.

8.6. Imam Abu Bakr's announcement at 6.20 p.m. on 27 July, 1990 that, "at about 6.00 p.m. this afternoon the Government of Trinidad and Tobago has been overthrown", was therefore untrue albeit that viewers of TTT were not aware of the full facts. A part of the Government (the interim Government) was still able to function so long as the Ministers who were free were able to assemble. The evidence to which we refer in succeeding paragraphs, shows that devotion to duty and commitment to the best interests of the nation combined to keep the depleted Government active during the period 27 July to 1 August, 1990.

B. THE EVIDENCE

8.7. The evidence of the Trinidad and Tobago Chamber of Industry and Commerce is that –

"The response of the Government was nil, until Ministers Lincoln Myers and Clive Pantin, as far as we can recall, made a public broadcast a day or two after 27 July from some makeshift broadcast unit at Camp Ogden, we believe."

8.8. About 8.00 p.m. on Friday, Col. Ralph Brown was satisfied that the Army had effectively contained the Muslimeen in the Red House. He told us:

"About that time, Major Peter Joseph was reporting by radio that he had worked his way to within 50 metres of the Red House and he had established a position inside the Hall of Justice. Troops under Capt. Bishop were occupying the Colonial Life building. So we had forces on two sides of the Red House and it was effectively contained."

8.9. Col. Brown went to the home of Minister Pantin and persuaded him to accompany him to Camp Ogden. Minister Myers had, in the meantime, made his way to Camp Ogden. When he arrived, he saw Mr. Pantin and Col. Brown. Some persons close to the NAR had also gathered at Camp Ogden. These included Roy Augustus, Felix Hernandez and Ivan Williams. Mr. Myers said in evidence that -

"my first pre-occupation was to get as close to a Government as possible to help guide the military – to have a sufficient political impact in the decision-making so that the military would not have to act on their own."

Bernard Pantin's Idea

8.10. Bernard Pantin, the son of Minister Clive Pantin and the then Programme Manager of TTT, saw the broadcasts by Imam Abu Bakr at 6.20 p.m. and 7.00 p.m. He was incensed by what he saw. He called Camp Ogden pretending to be his father and was allowed to speak with Col. Theodore. Mr. Bernard Pantin said:

"I volunteered to him that I had a couple of ideas of what needed to be done to take the signal (carrying Imam Abu Bakr) off the air."

8.11. He recalled that, at a management meeting a few months earlier, he had made the observation that there was a lack of security at the transmitter site at Cumberland Hill. He was of the view that -

"If anyone wanted to take over the country, he could go straight up to Cumberland Hill and start transmitting from there."

Mr. Pantin wanted to discuss his idea of cutting off Imam Abu Bakr from the airwaves with technical staff of TTT, so he went to the Stadium where TTT had set up equipment for an outside broadcast of the football games.

8.12. He discussed with the technical staff of TTT at the Stadium his idea of an alternative broadcast from Cumberland Hill. He was assured that it was possible. Then he drove to Camp Ogden and confirmed to Col. Theodore that it was indeed possible to execute a plan involving two components:

- (i) disabling the transmitter at Cumberland Hill to prevent further broadcasts by Imam Abu Bakr; and
- (ii) setting up an alternative broadcast facility so that TTT could continue broadcasting information from the interim Government and the military.

8.13. Mr. Pantin explained to the Commission what he proposed to the military commanders. He said -

"It wasn't really an attempt to jam the signal. It was an attempt to bypass the signal that was leaving Maraval Road (the headquarters of TTT)."

8.14. Transmissions from Maraval Road were linked to Cumberland Hill and a second transmitter site at Gran Couva in central Trinidad. When a signal reached those sites, the transmitters sent the signal to the population on two different TTT channels, i.e. channels 2 and 13 in Trinidad. Residents of Tobago received the signal via a separate relay transmitter in Tobago.

8.15. At the Stadium, the staff of TTT had all of the equipment necessary "to do a direct broadcast straight into the transmitter and send it to the people". It was only a matter of transporting personnel and equipment to Cumberland Hill. Mr. Pantin went to Camp Ogden armed with technical information and the confidence that his plan was workable. He met Col. Brown. It was agreed that the technical staff would meet Col. Brown at 8.00 p.m. "at the bottom of Fort George hill".

8.16. Mr. Pantin returned to the Stadium and three of the technicians, Grantley Auguste, Linus Pitt and Ken Thomas, readily agreed to go to Cumberland Hill. Mr. Pantin and his colleagues met Col. Brown as agreed and they all drove up to Cumberland Hill shortly before 9.00 p.m. With Col. Brown were Ministers Pantin and Myers.

Broadcasts from Cumberland Hill

8.17. After Col. Brown gained entry to the transmitter by shooting off the locks on the door, the technicians set up a system for direct transmission to the population, bypassing Imam Abu Bakr. Ministers Pantin and Myers and Col. Brown addressed the nation using this makeshift facility – see Chapter 2. About 3.00 a.m. on Saturday, Acting President Carter also addressed the nation from Cumberland Hill.

8.18. Imam Abu Bakr, however, was not completely disabled from broadcasting since the transmitter site in Gran Couva was still functioning in the early hours of Saturday morning and he was being seen and heard by sections of the population. As we report elsewhere, it was Grantley Auguste who went with a party of soldiers and disabled the transmitter in Gran Couva. By 3.30 a.m., after the Acting President's broadcast, Mr. Bernard Pantin returned to Camp Ogden from Cumberland Hill.

Arrival of other Members of Government

8.19. During Friday night, Dr. Carson Charles and Mr. Herbert Atwell joined Messrs. Clive Pantin and Lincoln Myers. Then early on Saturday morning,

the Attorney General arrived. Mr. Myers had been trying frantically on Friday night to contact him. When he did succeed in speaking to Mr. Smart, according to Mr. Myers, the Attorney General was very hesitant. Mr. Myers was obliged to repeat to him that they needed him at Camp Ogden "now!"

8.20. After Mr. Atwell joined the other Cabinet Ministers at Camp Ogden, he assumed the role of the leader of the interim Government. Col. Theodore and Col. Brown had interacted with Mr. Atwell when he was Minister of National Security and they were comfortable with him. This informal assumption of leadership was also acceptable to the other members of the Government who were present at Camp Ogden.

8.21. Once Ministers had reported to Camp Ogden, both Col. Theodore and Col. Brown deferred important decision-making to the Ministers. They discussed issues with the Ministers and thereafter acted on the advice of the Ministers whose views they conscientiously solicited.

Key Decisions by the Interim Government

8.22. An important example of the manner in which the two powers functioned occurred on the Friday night. Three key decisions were taken. First,

it was decided not to attempt to storm the Red House. Col. Brown had discussed three options with the Ministers, viz. (a) negotiate a way out of the crisis; (b) storm the Parliament with the likelihood of loss of life and the certainty of bloodshed; or (c) blow it up and kill all inside the Parliamentary Chamber with the certainty of heavy loss of life. They settled on (a).

8.23. The second decision taken by the interim Government was to ensure that Imam Abu Bakr did not have continuous access to the airwaves, hence the decision to disable the transmitter at Gran Couva. Thirdly, the Ministers endorsed Col. Brown's recommendation that the JAM should be kept talking and negotiating for as long as possible in accordance with Dr. Harvey Schlossberg's advice. Minister Pantin, in particular, spoke to Dr. Schlossberg and was reassured that the decision to keep the JAM talking was the correct approach. Accordingly, he authorised Col. Theodore and Col. Brown to engage the JAM in discussions.

Saturday, 28 July

8.24. On Saturday, the interim Government was kept very busy. They were briefed by Mr. Dookeran and Canon Clarke after they left Parliament and went to Camp Ogden. They met with Acting President Carter and authorised the

issuance of the Proclamation to validate the State of Emergency. Most importantly, they discussed the question of an amnesty. In addition, they were in constant dialogue with friendly countries.

The Amnesty

8.25. Although we discuss all of the circumstances surrounding the amnesty in Chapter 9, we think it is convenient to mention here that both Messrs. Smart and Myers, as members of the interim Government, testified that they were not conversant with the terms of the amnesty and made no contribution to the contents of the amnesty which purported to have been a response of the Government to resolution of the crisis.

8.26. Attorney General Smart said that he was aware that Mr. Martin Daly SC and Mr. Fyard Hosein were preparing a document to save the lives of the hostages but not to reprieve the insurgents. He read a document. He was adamant that he was not party to any decision that Canon Clarke should take a document purporting to be an amnesty back to the Red House. On the Saturday morning Mr. Smart was in the company of Mr. Stephen Miller, Chief Parliamentary Counsel, who had been instructed to prepare the necessary documentation to have a State of Emergency proclaimed. Mr. Smart said that he

was not surprised that he had not been consulted about the content of the amnesty. He said -

"I would probably have agreed if I had seen the document. My concern was with the saving of lives."

8.27. Mr. Myers was dogmatic. He told the Commission:

'I was dead set against any amnesty. I thought it was morally, legally and politically wrong. Also, it was the considered opinion of the military that the Jamaat would lose, psychologically and militarily, without an amnesty; so we had to keep the pressure on.....The strategy was to wear them down.....so we kept talking, pushing in the direction of getting them to surrender without an amnesty.'

8.28. Mr. Myers was of the view that Acting President Carter had initialled a document to be used for discussion purposes but had not signed the document. He said that he was unaware when the document left Camp Ogden. The last document he saw was not signed but was initialled. He was not aware that Acting President Carter had in fact *signed* a document.

Transfer to the Hilton Hotel and Establishment of Broadcasting Facility at Camp Ogden

8.29. On Sunday, 29 July, the interim Government took the decision in conjunction with the military to relocate the Command Centre to the Hilton hotel. The Officers' Mess at Camp Ogden, where meetings were held, was inadequate to accommodate all of the officials of Government and the military. Those

Ministers who had been out of the country were returning on Sunday and Mr. Dookeran had recuperated following his release from Parliament on Saturday morning and his subsequent confinement to a sick bay.

8.30. Moreover, the informality of structure which characterised meetings was now proving to be unsatisfactory. As Bernard Pantin told us, "there was a recognition of the need for structure". On the direction of his father, Mr. Pantin telephoned the Hilton and made arrangements for the Ministers, officials and the military leadership to be accommodated. Mr. Bernard Pantin, however, declined to go to the Hilton.

8.31. He gave his reasons:

"We had set up an alternative broadcast facility at Camp Ogden and my responsibility now was maintaining the station that we had set up, and be concerned about my colleagues inside TTT. At least four senior managers were hostages inside TTT.....I saw my role as maintaining the station and maintaining a relationship with Col. Theodore and Col. Brown in terms of information about what was happening at TTT as it related to my colleagues."

Response to Offers from Foreign Governments

8.32. During the crisis, the interim Government was constantly obliged to respond to foreign Governments which were offering assistance of various kinds. For example, the Government of the USA. was prepared to send troops; the

Government of Venezuela offered medical supplies and some Governments of CARICOM also volunteered to send troops. Mr. Myers said that Ministers were under a great deal of pressure for US forces to participate in putting down the insurrection. Commander Kelshall kept insisting that "the Americans were ready to come". However, neither the military nor the political directorate were in favour of US intervention and Commander Kelshall's entreaties in support of US intervention were rebuffed.

8.33. Mr. Dookeran said in evidence that he did not take an ideological position in relation to foreign assistance. He said:

"We had to solve a problem. We had to get Intelligence. I approached the US Ambassador with Mr. Atwell and requested technical support from the Hostage Management Division of US security.....After they came, they sat with us twice a day and advised us on the management of the crisis."

Mr. Dookeran went further. He explained:

"Foreign intervention involves bringing foreign troops. That was not the case here. My colleagues did not agree to that. They wanted support but no outside interference."

In the result, the interim Government decided to accept from the US Government only five hostage management experts and eavesdropping equipment but no troops.

8.34. In respect of CARICOM troops, Mr. Dookeran agreed with CARICOM Governments, that they should send troops for the purpose of quelling disorder on the streets and performing static guard functions at business places when the crisis was over. This was done. – see Chapter 5.

8.35. Minister Myers was assigned responsibility for co-ordination of relief supplies. He said that many countries, such as Italy, France and China were offering medical supplies and medical assistance and he was of the firm opinion that the interim Government should request medical supplies. With the assistance of Dr. Romesh Mootoo, he was able to put together a list of medical supplies and -

“before we could blink, the Venezuelans were here with tons of supplies. They came at night by aircraft.”

Broadcasts by Ministers Smart, Charles and Atwell

8.36. On Saturday, 28 July, Attorney General Smart addressed the nation. He said -

“A State of Emergency is in force throughout the country. A 22 hour curfew is in force in the area surrounding Trinidad and Tobago Television House and a 24 hour curfew is in force around the Red House. I am appealing to you to remain calm and to strictly observe the curfew regulations. The Government is actively engaged in discussions with members of the Jamaat Al Muslimeen on the question of the safe release of hostages in the Red House and Television

House. These discussions are continuing with the assistance of an intermediary, Canon Knolly Clarke.

I wish to inform you that the Prime Minister and other hostages are in good health and good spirits. We shall keep you informed of further developments, as soon as they arrive, on this channel and on Radio 610 and FM 100. Good night and may God bless us all."

8.37. On Sunday Minister Dr. Carson Charles addressed the nation. He said -

"The hostages remain in good spirits although it has now been confirmed that both Prime Minister Robinson and Minister Selwyn Richardson were slightly injured on Friday. Representative Leo des Vignes, who was also injured on Friday, has been warded at the Port of Spain General Hospital.

Following a meeting of Ministers and other officials this morning, the Government has given instructions that Piarco International Airport be reopened for daylight flights. Measures have been put in place to ensure that public utilities continue to function. The Defence Force and Protective Services remain well in control of the security situation and there have been no reports of breaches of the curfew regulations.

The curfew remains in effect at this time in the area of the Red House and Television House. In other parts of the country you may go about your normal business but you are reminded that the dusk to dawn curfew remains in effect throughout the country.

Once again, we wish to appeal to you to remain calm and be assured that we will keep you abreast of developments as they occur. Thank you."

8.38. Minister Herbert Atwell also addressed the nation on Sunday. He said -

".....I wish to take this opportunity to bring you up-to-date on developments in the current crisis and to assure you that the Government of Trinidad and Tobago is functioning and taking every possible step to contain the delicate situation and restore order throughout the country.

In the first instance, as you have just heard, the country-wide curfew has been extended from 12 to 18 hours. The curfew hours have now been extended to embrace the hours of 6.00 a.m. to 12.00 noon. Therefore no one will be allowed on the streets until 12.00 noon tomorrow. After that, the curfew will remain in effect from 6.00 p.m. to noon the following day. Please take careful note of this change and, please, stay off the streets.

Earlier this afternoon the Defence Force and the Police Service instituted a system of joint patrols throughout the country and these will be increasingly implemented as time goes on. The Protective Services will do everything necessary to enforce the emergency regulations and restore law and order as soon as possible.

Special arrangements have been put in place to ensure that the airport, health services and the public utilities continue to function. Because the situation in the vicinity of TTT has been effectively contained by the Defence Force, the area under 22 hour curfew has been decreased.

The Government has remained in continuous contact with the situations at the Red House and Television House. We are assured that all those who are being held as hostages continue in good spirits and their medical condition is being monitored. Every possible step is being taken to ensure a satisfactory resolution to this particular situation.

Messages of support and solidarity for the Government and people of Trinidad and Tobago have been received from our fellow CARICOM countries and other nations. We appeal to you this evening, please be patient. Please remain calm and, please, disregard the rumours."

8.39. When the Ministers who were overseas returned to Port of Spain and joined their colleagues at the Hilton Hotel, they met two of the members of the US Hostage Management Team. They were given an indication of the operations of the Team. They said that members of the interim Government were kept informed of what was happening in the Red House. The eavesdropping equipment functioned well.

8.40. A witness told us –

“The Americans were able to give us audio as to what was happening in the Red House. The audio was so clear that you could hear young boys saying, “I want to go home. I want my mother.”

The witness said that members of the interim Government took turns sleeping and listening to the device.

Announcement of Prime Minister's Release

8.41. Attorney General Smart announced the release of Prime Minister Robinson on Tuesday, 31 July in these terms:

“The Prime Minister of our beloved country is now safe. He was released at 1.20 p.m. this afternoon. He is in good spirits. As we say prayers of thanks for the safe return of our Prime Minister, we continue to pray for the safe return to their families of all those who are still held hostage at Television House and the Red House. The Government of

Trinidad and Tobago is continuing its efforts, along with the Protective Services, to secure the release of the remaining persons still held hostage."

Responses by the Government after the Insurrection

8.42. After 1 August, 1990, Prime Minister Robinson went overseas to recuperate from the effects of his traumatic experience. Mr. Dookeran acted as Prime Minister. Mr. Dookeran told us that he instructed the Police Service and the Defence Force to submit reports on the insurrection to him. He recalled receiving reports from the Water and Sewerage Authority (WASA) and the Trinidad and Tobago Electricity Commission (T&TEC). We have been unable to unearth any reports from the security services speaking to the events of 27 July to 1 August, 1990. Mr. Dookeran said that those which he received from the security services lacked profundity of analysis and he suggested that there should be a deeper investigation. He says that he discussed such an investigation with the Permanent Secretary to the Office of the Prime Minister, Mr. Reginald Dumas, who dissuaded him from pursuing such a course of action.

8.43. When this matter was raised with Mr. Dumas during his evidence, he flatly denied it. He said that since he was always of opinion that there should have been a public enquiry into the events surrounding the attempted coup, it

would have been totally inconsistent for him to tender advice different from his inclination. Mr. Dumas said that -

"I am still of the view that there should have been an enquiry; even if it had to be in camera."

Why no Commission of Enquiry? Response of Government

8.44. Many of the hostages at the Red House and TTT were of the view that a Commission of Enquiry should have been appointed to investigate the events of 27 July, 1990 at a much earlier date than September 2010. Mrs. Gloria Henry testified that, at the conclusion of a Cabinet meeting, she suggested to Mr. Robinson the appointment of a Commission of Enquiry but he "was contemptuous of the idea". She said that his response was:

"We have a country to run."

8.45. Prime Minister Robinson said that the Government was preoccupied with restoring the country to normalcy and dealing with the consequences of the destruction of Port of Spain. He knew of no Cabinet decision not to investigate and pursue the question of an enquiry because legal proceedings were pending against the JAM insurrectionists.

8.46. Mr. Sudama's evidence was to the effect that, after the attempted coup, the country was approximately 18 months away from General Elections.

Dr. Hosein said that he was in favour of a Commission of Enquiry but he was given legal advice that, in so far as the insurrectionists had been charged with criminal offences, those matters were *sub judice* and it would have been improper to hold an enquiry during the pendency of criminal proceedings. Other former MPs spoke in similar terms: for example, Mr. John Humphrey, Mrs. Jennifer Johnson. Attorney General Smart explained in evidence that, during the remainder of the NAR's term in office, the JAM were charged and the Preliminary Enquiry into the offences actually commenced during the period August 1990 to December 1991. He did not think that it was proper to have a Commission of Enquiry running concurrently with criminal proceedings. The fact remains that between 1990 and 2010 no Government of Trinidad and Tobago appointed a Commission of Enquiry to investigate the events of 27 July, 1990.

Two Cabinet Decisions after the Insurrection

8.47. We were greatly troubled during the Enquiry by the evidence of several witnesses who suffered physical or psychological injury as a result of the insurrection but who claimed that they received no psychological counselling, no compensation and, in some cases, no consideration from the authorities. Only one witness, Dr. Emmanuel Hosein, recalled that the Cabinet had taken decisions to assist certain victims of the attempted coup. He said that the Government

was prevented from following up the decisions because of “logistical and legal difficulties”. At our Tenth Session, however, we were provided with two Cabinet Notes and two Cabinet Minutes which reveal that the Government of Trinidad and Tobago had indeed responded to the concerns of public officers and members of the Government who suffered injury, loss or damage as a direct result of the insurrection. We think that these Cabinet documents are so important that we substantially reproduce them below.

Cabinet Note No. 1560 – 28 August, 1990

8.48. By Cabinet Note No. 1560 of 28 August, 1990, the Minister of Health asked the Cabinet to consider providing:

- (i) medical/psychiatric treatment, at Government’s expense, to persons in the service of the State (persons paid from public funds) who, in the course of their duty, suffered injury or were traumatised as a direct result of the attempted overthrow of the Government on 27 July, 1990; and
- (ii) arrangements for the introduction of an Employee Assistance Programme (EAP) in the Public Service.

8.49. The Cabinet Note expressly identified Parliamentarians and public officers, such as members of the Civil Service and the Police Service. Furthermore, the Note stated that -

"it is considered that in the particular circumstances, all persons in the service of the State who, in the course of their duties, were injured and/or traumatised.....should receive at Government's expense medical and/or psychiatric treatment, including prescribed medicines by registered medical practitioners in Trinidad and Tobago at a State or other health institution in Trinidad and Tobago or abroad if the relevant treatment was certified to be unavailable in Trinidad and Tobago."

The Note also recommended the introduction of an Employee Assistance Programme (EAP) in the Public Service.

Cabinet Minute

8.50. On 30 August, 1990, the Cabinet agreed:

"(a) that persons in the service of the State, i.e. persons paid from public funds who, in the course of their duties, suffered injury and/or were traumatised as a result of the events of July 27, 1990, should receive treatment at Government's expense, as indicated hereunder:

- (i) medical and/or psychiatric treatment, including prescribed medicines, at a State or other health institution in Trinidad and Tobago;
 - (ii) medical and/or psychiatric treatment, including prescribed medicines, by registered medical practitioners in Trinidad and Tobago;
 - (iii) treatment at an institution or by registered medical practitioners abroad where the treatment at (i) and/or (ii) above is certified to be unavailable in Trinidad and Tobago;
 - (iv) treatment abroad as recommended by the Ministry of Health panel of doctors;
- (b) that funds to meet the expenditure to be incurred in connection with the decision at (a) above be identified by the Ministry to which the relevant person is attached, in consultation with the Ministry of Finance;

- (c) that the period(s) during which the affected persons are required to be away from their job as a consequence of the injuries/trauma suffered, be granted as sick leave/extensions of sick leave with full pay;
- (d) the introduction of an Employee Assistance Programme for public officers;
- (e) that in the context of (d) above, the needs of all public officers as well as those persons in the Parliament Building who were affected by the events of July 27, 1990, be immediately addressed;
- (f) that the Minister of Health, in consultation with the acting Prime Minister, agrees on an appropriate person for assignment to the Programme referred to at (d) above;
- (g) that an appropriate letter be issued to the employees at the Red House."

Cabinet Note No. 31 – 19 December, 1990

8.51. The Minister of Finance took a Note to Cabinet on 19 December, 1990 in which reference was made to the decision on 30 August, 1990. The December Note pointed out that, whereas the Cabinet decision of 30 August addressed “the needs of persons in the service of the State who suffered physical or psychological injury”, it did not explicitly address “the issue of compensation for loss of or damage to personal property”.

8.52. It was stated in the Note that the Minister had been advised –

“that there are a number of persons who suffered such losses, and who are expecting to receive some kind of assistance from Government. There is precedent for the payment of compensation or ex gratia awards to persons in the employment of the State who suffered loss of personal property in circumstances where such losses can be linked directly to their employment.”

Cabinet Minute – 10 January, 1991

8.53. On 10 January, 1991 Cabinet agreed that:

“(a) Members of Parliament and public officers who suffered loss of or damage to personal property as a direct result of the

events of 27 July, 1990 and its aftermath, be compensated for such loss;

- (b) the cost involved in giving effect to the decision recorded at (a) above be met from funds identified by the respective Ministries and Departments;
- (c) each Minister should submit to Cabinet proposals for meeting the payments to be made in accordance with the decision at (a) above."

8.54. No evidence has been adduced at our Enquiry to suggest that the foregoing Cabinet decisions were properly and regularly implemented over the course of the last 22 years. We make recommendations in Chapter 11 that those decisions be revisited and the Government, once and for all, compensate victims of the attempted coup - para. 11.167.

8.55. As a consequence of the devastation of Port of Spain, the country as a whole was faced with the dilemma of rebuilding it. Minister Selby Wilson conceded that there was "no proper plan for the rehabilitation of Port of Spain and Government did not undertake to rebuild Port of Spain". He offered Government's response to the dilemma:

“Government therefore decided to open some loan windows to accommodate those who had lost buildings and stock. If we had left Port of Spain as it was after the attempted coup, several hundreds of persons would have been out of work. Businesses employed people and those who would have been out of work would have been small people viz. clerks, tellers, cashiers etc. The loan facility was for any person who could show that they had stock and needed it replenished – even wayside vendors.”

Mr. Fyard Hosein SC

8.56. Mr. Hosein thought that the Government achieved many things.

He said:

“We achieved, first of all, the solution to the problem without foreign intervention. We achieved the restoration of constitutional Government in the country. We achieved a situation where there was no revenge in terms of the wanton murder of people in retaliation to what happened on 27 July, 1990. We restored the rule of law and the Judiciary took its rightful place in the adjudication of culpability in respect of the events of 1990.”

2. RESPONSE AND PERFORMANCE OF THE DEFENCE FORCE

A. INTRODUCTION

8.57. The Defence Force is established pursuant to s.5 of the *Defence Act*, Chapter 14:01 and is charged “with the defence of Trinidad and Tobago

and with such other duties as may from time to time be defined by the [Defence] Council.” The President of the Republic is the Commander-in-Chief of the Defence Force. In July 1990 there were three units which comprised the Defence Force, viz. the Trinidad and Tobago Regiment (the Army), the Coast Guard and Air Wing and the Volunteer Corps. Col. Ralph Brown was Commanding Officer of the Regiment and the volunteers; Commander Richard Kelshall, Commander of the Coast Guard and Air Wing, and the overall head of the Defence Force (the Chief of Defence Staff) was Col. Joseph Theodore.

8.58. The Regiment comprised 5 companies. There were two battalions, namely, the First Battalion under the command of Lt. Col. Hugh Vidal and the Service Support Battalion commanded by Lt. Col. Carlton Alfonso. The First Battalion was based at Camp Ogden whereas the Service Support Battalion was stationed at Teteron and, as its name implies, it serviced and supported the First Battalion.

8.59. Both Col. Theodore and Col. Brown had received extensive training overseas and were vastly experienced officers. Col. Theodore had served in the Jamaica Regiment and the West Indies Regiment when the latter was first established during the Federation of the West Indies (1958-62). Col. Theodore was a Sandhurst-trained soldier and in 1987 he was assigned to the Ministry of

National Security as Military Adviser during the tenure of Hon. Herbert Atwell as Minister of National Security.

8.60. Col. Brown trained at Warminster and Hythe and was the beneficiary of high level training in Canada. It was fortuitous that he had also attended a course in hostage negotiation conducted by Prof. Harvey Schlossberg in Ottawa at the Royal Military Academy.

8.61. Commander Richard Kelshall was the Commanding Officer of the Trinidad and Tobago Coast Guard. He was in charge of 550 professionally trained men. He himself joined the Coast Guard in 1963, trained with the Royal Navy and did full training courses in Canada including a course in Hostage and Barricaded Persons and Negotiations under Dr. Schlossberg.

B. THE EVIDENCE

The Chamber of Commerce

8.62. In the opinion of the Trinidad and Tobago Chamber of Industry and Commerce,

"the response of the Army was slow especially in view of the inability of the Police to respond effectively because of the

bombing of its headquarters...When the Defence Force eventually took command of law and order, the country breathed a sigh of relief, but this did take some time and generate anxious moments for those whose properties were invaded, looted and burnt."

The story of the response and performance of the Defence Force during and after the attempted coup is best told on a day to day basis through the evidence of those who were in leadership positions.

Friday Evening, 27 July, 1990 – The Three Commanders

8.63. The Operations Log of the Trinidad and Tobago Regiment records that at 6.15 p.m. Capt. Smart instructed the Guard Commanders at Camp Ogden and Camp Cumuto to close the gates. He said:

"Camp is confined. The Orderly Officers are to ensure that all persons are armed; Orderly Officer at Camp Cumuto is to hold sufficient persons to defend his camp and send the others to Camp Ogden prepared to fight."

Lt. Col. Vidal was the first of the Commanding Officers who had information that something untoward was happening in downtown Port of Spain. He was in the Officers' Mess when Imam Abu Bakr made his first broadcast at 6.20 p.m. He heard Imam Abu Bakr say that "he had taken over the country". Lt. Col. Vidal said he was surprised because the soldiers were free. Then he received a telephone call from Cpl. Williams in downtown Port of Spain to the effect that there was a lot of shooting and confusion in Port of Spain. Lt. Col. Vidal ordered

Major Thompson and Capt. Bennett to go downtown and report back to him. They reported that Police Headquarters were on fire, there was shooting from the Red House and persons were driving around in cars and shooting indiscriminately. There were not many of the JAM walking on the streets.

8.64. While Col. Brown was at the stadium attending the football games in his dual capacity as announcer and Vice-President of the Football Federation, he saw smoke rising from a building near the Red House. This was shortly after 6.00 p.m. Felix Hernandez ran to him saying that the JAM had bombed Police Headquarters. Col. Brown left the stadium immediately for Camp Ogden.

8.65. Col. Theodore had been at home since 3.00 p.m. About 6.00 p.m. retired Commander Jack Williams, telephoned him to say that Police Headquarters had been attacked. Col. Theodore telephoned Lt. Col. Vidal, requested a vehicle, and got dressed in uniform. He went to Camp Ogden and arrived there about the same time as Col. Brown - approximately 7.00 p.m. They met with Lt. Col. Vidal and Col. Brown who had given Major Peter Joseph instructions to "muster as many men as you can and go into Port of Spain". Col. Theodore sent Warrant Officers Doldron and Simmons to the vicinity of the Red House to determine what was happening. At this time, none of the Commanders was aware that a hostage situation had developed either at the Red House or at TTT. The Operations Log (Ops Log) shows that, at 6.35 p.m.,

Major Joseph and Capt. Bishop were dispatched "to seal off the Red House while other forces are being gathered. Capt. Maharaj, who is on marijuana ops, is told to return to Camp Ogden immediately."

8.66. Col. Theodore and Lt. Col. Vidal went to Lt. Col. Vidal's office and Col. Brown returned to the Stadium. He used the public address system and ordered "all soldiers and sailors, make your way to the main stand and meet me outside". About 60 persons responded and Col. Brown ordered them to go to Camp Ogden. Lt. Col. Vidal told us that he devised a strategy to contain the situation at the Red House.

Military see Imam Abu Bakr on Television

8.67. About 7.00 p.m. Col. Brown returned to Camp Ogden and he, Col. Theodore and Lt. Col. Vidal waited for the television news at 7.00 p.m. Sometime about 7.15 p.m. they saw Imam Abu Bakr appear on television. For the first time these officers became aware that TTT had been taken over by the JAM. Col. Brown said that he was incensed by Imam Abu Bakr's statements that the Army was on the side of the JAM. He said – "It was simply not true!" He gave Major Joseph orders to secure the Nelson Exchange at 7.30 p.m.

Developing a Response

8.68. In the meantime, Major Joseph had put together “a hasty plan not a deliberate plan”. He said -

“I had a sense of what was going on in Port of Spain. A Fire Officer had told me that Police Headquarters were on fire and they could not get in. They were being fired upon and there was a concern about prisoners who were in cells nearby.”

Lt. Col. Vidal and Major Joseph

8.69. Having devised his hasty plan, Major Joseph reported to Lt. Col. Vidal. They mobilised 38 soldiers to go into downtown Port of Spain and, in Lt. Col. Vidal's words, “put a lid on the situation”. He ordered a few soldiers to climb the tower crane at the Barbados Mutual Life building which was being constructed at Queen's Park West and to observe Television House from that vantage point. These soldiers returned to Camp Ogden and reported that they had been fired upon.

Deployment of Soldiers for Field Operations

8.70. The 38 soldiers who had been mobilised for active duty in Port of Spain were shared between Major Joseph and Captain Bishop. Eighteen were

assigned to Major Joseph and tasked to go to the Hall of Justice while twenty under the command of Capt. Bishop were directed to go to the Clico building.

Lt. Col. Vidal said -

“Thirty-eight were sufficient to allow me to put a footprint on the ground. I had to do something.....We spoke to the Police (Acting Commissioner Leonard Taylor) and they were told to control the area from the Gray Street side to Tragarete Road.”

8.71. About 7.30 p.m. Major Joseph led the 38 soldiers into Port of Spain. There were not enough military vehicles to transport them into Port of Spain, so other vehicles were commandeered. Major Joseph and Capt. Bishop coordinated their strategy. Broadly speaking, Capt. Bishop was to control the area from Sackville Street to Prince Street while Major Joseph and his men would come from the opposite direction. As Major Joseph said -

“Capt. Bishop would come in from the South and I would come in from the North. His line of authority began at the Colonial Life building.”

8.72. Major Joseph testified that, when he reached Port of Spain, he realised that looting had started “but we could not focus on that at the time”. He also said that there was a shortage of communication equipment and, although his soldiers had a basic load of ammunition, there was a limited amount.

8.73. On their way to establishing their position at the Hall of Justice, Major Joseph and his men encountered sniper fire and he himself came under fire from the occupants of a Datsun car. His soldiers also received fire from the JAM on the veranda of the Red House and while going from Knox to Park Streets. By 8.00 p.m. Major Joseph reported to Camp Ogden that he had worked his way to within 50 metres of the Red House and had established a position within the Hall of Justice. Capt. Bishop's troops were occupying the Colonial Life building. Lt. Jeffrey had been dispatched to the Nelson Exchange.

8.74. By 8.30 p.m. on Friday, there were no civilians in the area of the Red House and Major Joseph and his men had made their way into the Hall of Justice where they "borrowed some telephone lines so that we could talk to Camp Ogden". Lt. Col. Vidal said that -

"By 9.00 p.m. on Friday night, we had the situation more or less under control in that the Muslimeen were contained in the buildings and were not trying to break out."

Mr. Oswin Moore called Camp Ogden to enquire whether he should close the airport. Col. Brown confirmed that Piarco should be closed and instructed 2 Lt. Hunte to close Crown Point airport in Tobago. Nelson Exchange was secured by 9.10 p.m. Capt. Bishop was receiving fire from the Red House while taking up a position in the Colonial Life building.

8.75. Col. Brown and Lt. Col. Vidal said that, during Friday night, soldiers kept reporting for duty and many who were overseas called to say that they would return at the first opportunity. Capt. Maharaj and his men, who had been engaged in a marijuana operation in the forest, joined Major Joseph sometime after midnight. Major Joseph asked Capt. Maharaj "to man the outer cordon and do patrols". With Major Joseph and Capt. Bishop's forces in place, the Army now had forces on two sides of the Red House and, in the words of Col. Brown, "that building was effectively contained". It was then that Col. Brown left Camp Ogden to go to the home of Minister Clive Pantin.

Lt. Col. Carlton Alfonso and the Support Service Battalion

8.76. Lt. Col. Alfonso was Commander of the Support and Service Battalion (SSB) stationed at Teteron. When he got home on 27 July, he was alerted by neighbours to the happenings in Port of Spain. He returned to his base since he was the custodian of ammunition for the Army and had overall responsibility for the control and issue of arms. On his way to Teteron he spoke with Lt. Col. Vidal who confirmed that there were dangerous situations at the Red House and TTT.

8.77. According to Col. Brown, Major Selwyn Derrick met Lt. Col. Alfonso at Teteron and reported on the situations at the Red House and TTT. Lt. Col. Alfonso said that -

"during the evening of 27 July, I got no instructions at all, but I knew that soldiers had been deployed in the vicinity of the Red House. By early Saturday morning another contingent was deployed in the environs of Maraval Road to cordon off the area."

8.78. These contingents had been supplied with arms and ammunition at Camp Ogden. Lt. Col. Alfonso's evidence is that early on Saturday morning he was asked "for additional ammunition but not additional troops." On 27 July he had sent 50,000 rounds of ammunition to the First Battalion "based on my assessment of the situation and an anticipated fire-fight". He also sent twenty B300 rockets.

8.79. Lt. Col. Alfonso said that on 28 July Major John Sandy requested more ammunition. Lt. Col. Alfonso questioned the need for additional ammunition and he told Major Sandy to let Lt. Col. Vidal know that he would not be sending the requested ammunition. Lt. Col. Vidal telephoned Lt. Col. Alfonso and they had "a professional disagreement on the phone". Lt. Col. Alfonso did not communicate with his immediate superior, Col. Brown. "I did not know where he or Col. Theodore were. Up to 28 July, neither had contacted me. I would have expected them to do so. I had to make decisions on my own."

Eventually, Lt. Col. Alfonso sent additional ammunition on 29 July in response to a request from Lt. Col. Vidal.

8.80. Lt. Col. Alfonso claimed that when he arrived at Teteron, he could not account for many of the soldiers assigned to the SSB and he later found out that they had reported to Camp Ogden. He was upset. He thought that his men should have reported to Teteron, got their kit and then gone to Camp Ogden. He said "I criticised the Commissioned Officers".

8.81. Lt. Col. Alfonso was candid that he preferred a fire-fight with the JAM to negotiations. He told us -

"Most of the soldiers, including myself, wanted to be in Port of Spain where the action was. This was going to be a big thing for us to put into practice what we had been trained for. When we heard what Imam Abu Bakr had done, we knew exactly what we had to do – stamp our authority on the JAM, engage them in battle. Defusing a situation is an option but another option is that you don't negotiate with terrorists. I was not looking forward to negotiating with terrorists."

Reporting to Camp

8.82. An issue which arose during the testimony of the leaders of the military was whether soldiers should have reported to the camp to which they were assigned or to Camp Ogden. Lt. Col. Alfonso said -

'Nothing was written down but if a soldier is told to report to camp, he is expected to return to his camp. So it was a little disturbing for soldiers of the SSB to report directly to Camp Ogden.'

TTT – 4.30 a.m. Saturday, 28 July

8.83. The Army had not been able to establish a cordon around TTT owing to an insufficiency of soldiers before midnight. But at 4.30 a.m. on Saturday, Capt. George Clarke took 22 soldiers (a platoon minus) to take control of the area around TTT. His contingent went to the area of Queen's Park Savannah West. Capt. Clarke said that his objective was -

"to establish a position around the Savannah and exercise a dominance over the area until additional troops were deployed to assist."

8.84. When the platoon minus reached the Savannah, they took up defensive positions. Soldiers were assigned by Capt. Clarke to certain "cut-off points, namely, the corner by Raoul Garib's Mas Camp; by the intersection of Alexandra Street and St. Clair Avenue; and by the junction of Hayes Street and Serpentine road." This deployment had the effect of throwing a cordon around TTT. These forces had Intelligence that the JAM were inside TTT as well as on the streets in areas within the cordon. Some of the JAM were in buildings and others were moving in and out of the area. Not all of the soldiers under Capt. Clarke's command had their own weapons and uniforms since they had

fallen-in hurriedly at Camp Ogden. But they were all armed with rifles, a basic combat load and sufficient ammunition to establish a presence in the area and maintain control of the cut-off points, according to Capt. Clarke. At 6.45 a.m. Capt. Clarke reported seeing members of the JAM outside TTT.

8.85. At 6.50 a.m. the Port of Spain General Hospital reported to the Adjutant that 3 wounded soldiers were "resting comfortably". 2 Lt. Telesford had been shot in his back, Sgt. Ngui was shot in his foot and Pte. Grimes was grazed over an eye by a bullet.

Other Action by the Army

8.86. During Friday night Col. Brown had taken control of the activities to take Imam Abu Bakr off the airwaves, as we report elsewhere. An interim Government had been put in place when various Ministers gathered at Camp Ogden and there was frequent interaction between the Government and the leadership of the military. Canon Knolly Clarke had been brought to Camp Ogden and he was preparing to go to the Red House early on Saturday morning.

The Coast Guard

8.87. In the evening of 27 July, as a result of information received from his mother-in-law and Police Control that Police Headquarters were on fire,

Commander Kelshall placed the Coast Guard at "full action stations". When he saw Imam Abu Bakr on television, he said that he felt "revulsion mixed with fear". He moved assets away from the Coast Guard Headquarters which were indefensible and placed his "Special Forces" in a ring around the Headquarters to secure them.

8.88. By way of a specific tactical response, Commander Kelshall did the following:

- secured the Coast Guard Station;
- instructed the Coast Guard vessels to carry out area patrols;
- set up road blocks;
- seized the heliport in Chaguaramas;
- established patrols;
- took over assets at Piarco airport where the Air Wing was based.

8.89. Commander Kelshall told the Commission that he was not told on Friday evening that a Battalion was stationed at Teteron. He said that if he had been so informed, he would not have had cause to worry. Nevertheless he and his officers used their initiative. He asserted that -

"the key thing in land or naval warfare is officers' initiative."

8.90. Commander Kelshall said that, on Friday evening, he felt “desperately alone”. No one from the Police or Army communicated with him at first. However, by 7.30 p.m. he breathed a sigh of relief. Col. Brown had spoken with him and he learnt that there was a need for reinforcements. Consequently, he dispatched officers from the Special Naval Unit and he transported ammunition for the Army.

8.91. On Saturday morning, Lt. Cdr. Curtis Roach, Lt. Cdr. Bernard Baksh and retired Lt. Gaylord Kelshall came to Coast Guard Headquarters to assist. Lt. Kelshall was detailed to command the helicopters at the airport. The helicopters made 46 military flights and were deployed to conduct reconnaissance and disperse looters. Commander Kelshall himself handled all the logistical arrangements to secure ports of entry.

8.92. Commander Kelshall said that he met the Chief of Defence Staff at 7.30 a.m. on Saturday at Camp Ogden. He described the situation at Camp Ogden as “not good”. There was “a large number of soldiers milling around” and he heard accidental discharges of gunfire. However, Col. Theodore conducted “a proper briefing” and order was restored. Every morning thereafter during the insurrection, he reported for a briefing.

8.93. He testified that there was no co-operation between the Army and the Police at Camp Ogden. He expressed concern that Col. Theodore had been working for 13 hours without a break as Chief Negotiator. He said –

“This was wrong according to my training. As a negotiator, that just does not happen.”

He sought to relieve Col. Theodore but “he had everything under control”.

The Army on Saturday, 28 July

8.94. About 8.00 a.m. on Saturday, Lt. Col. Vidal brought in the Field Commanders for a meeting after they had sent in Situation Reports (SIT REPS). Major Joseph left Capt. Maharaj in command of the forces around the Red House. The meeting lasted 90 minutes and Major Joseph said that he witnessed “a lot of activity at Camp Ogden”. Between 2.00 p.m. and 3.00 p.m. Major Joseph’s forces started to receive quite heavy gunfire. They returned fire. He saw the JAM trying to get a man to a vehicle parked on the northern side of the Red House. The Army shot the man.

8.95. About 6.00 p.m. Major Joseph sent another SIT REP and he received orders from Lt. Col. Vidal to cease fire but return fire if fired upon. He said the JAM never fired from the Parliamentary Chamber where the hostages were located. While Canon Clarke was in the Red House on Saturday afternoon, there

was gunfire trained against the building. Canon Clarke used a radio to appeal for cessation of firing.

8.96. Contact was made with Major Joseph and he said that the Police were firing from the Cyril Duprey building. Col. Theodore asked the acting Commissioner of Police, Mr. Taylor, to have his officers cease firing. It did not stop. Accordingly, Col. Theodore was obliged to say emphatically that if the Police did not cease firing, he would "have them taken out". That threat had the desired effect. Shooting ceased.

TTT – Saturday

8.97. By midday on Saturday, Capt. Clarke had received reinforcements. Alpha Company, under the command of Major Antoine, had joined. They had been on duty in Cumuto on Friday. The various Commanders conversed and then co-ordinated a push from various directions towards the JAM at TTT. During their forward push, there were exchanges of gunfire with members of the JAM who were firing on the soldiers. After Alpha Company joined, the JAM were forced to retreat and remain inside TTT from where they fired sporadically.

First Battle outside TTT

8.98. On Saturday afternoon, there was the first battle between the forces outside TTT and the JAM insurgents. It was fierce. Four of the JAM were wounded. The battle lasted from about 2.40 p.m. to 6.00 p.m. While the battle raged with Army gunfire trained against the TTT building and those JAM inside firing back, the twenty-six hostages lay flat on the floor of the Satellite Transmission Room. The JAM inside TTT had been effectively contained within the confines of the station by the Army. Ballack then confessed to the hostages at TTT that the Carib beer box of "explosives" planted by him in the room was a fake.

8.99. The Jam inside TTT had nowhere to run after the first battle ended in the dusk of Saturday evening. They were completely surrounded by an Army with heavier fire power.

Ceasefire

8.100. Late on Saturday afternoon there was a ceasefire as we have noted at para. 2. By Saturday night, Capt. Clarke was satisfied that his forces had "dominated the situation".

Sunday Morning, 29 July, 1990

8.101. Major Joseph said that, on Sunday morning, the JAM attempted to break out of the Red House and his soldiers were receiving heavy gunfire. He directed a B300 rocket (Bazooka) against the southern end of the Parliamentary Chamber. The hostages were at the northern extremity of the Chamber. As a consequence of the launch of the rocket, there was a report of a fire. The JAM extinguished the fire.

Monday, 30 July, 1990 – Second Battle outside TTT

8.102. Between 2.00 p.m. and 5.00 p.m. the Army outside TTT kept up a heavy bombardment of the building. One of the JAM on lookout duty reported to those inside the building that the Army was on its way to TTT. The JAM inside the building took up positions at various points of the building. Some of them armed themselves with hand grenades. Capt. Clarke said that when the JAM fired, his forces engaged them by returning fire. On Monday 30 and Tuesday 31 July, there was sporadic exchange of gunfire. Most of the fire-fights were short. By Monday, Capt. Clarke's men were in control of the area around TTT. They had cordoned off the area from all four cardinal points and ensured that no one could enter or leave the area to render assistance to the JAM. Since the

Police had not cordoned off the Gray Street/Tragarete Road area, Capt. Clarke and Major Antoine used their forces to fill the breach. By Monday, Capt. Clarke's forces were positioned around TTT and Major Antoine had taken the large Rediffusion building and the Tatil building. The only persons in the area were soldiers.

Wednesday Morning, 1 August, 1990

8.103. On Wednesday morning, while a ceasefire was still in place and negotiations were continuing with a view to the release of the hostages at the Red House and TTT and the surrender of the JAM, Capt. Clarke launched a B300 rocket (Bazooka) at Television House. This was a most disconcerting and unnecessary action. Capt. Clarke's explanation for his decision repays quotation. He said:

"I was born and grew up in this country and suddenly my way of life is threatened by someone starting a coup and taking potshots at soldiers and seemingly having fun with the negotiations. One minute you hear they are giving up; they are releasing the hostages; then, they are engaging Major Antoine's soldiers. I decided No; they need to understand that they are in a war. Let me give them something to understand that we are not out here to make joke. Let me give them something to really shake them up and let them know what time of day it is. At that point in time I decided to employ the B300."

8.104. Capt. Clarke said that his first reason for launching the B300 rocket was encapsulated in the above quotation. But he had a second reason. It was to give him an opportunity to evaluate the capability of the weapon to penetrate the walls of Television House to test their resistance to the weapon and to determine whether it would create a hole for his troops to enter the building if it became necessary to storm it. He accepted the suggestion of counsel that it may have been "errant strategy" but, he said, he used a heavy weapon "to influence the situation". He agreed that the firing of the weapon could have harmed the hostages in TTT.

The Negotiations for Release and Surrender

8.105. While soldiers were on active duty around the Red House and TTT, Col. Brown and Col. Theodore were working with the interim Government first at Camp Ogden and then at the Hilton Hotel to try to end the crisis. Col. Brown explained to Mr. Atwell that there were the three options mentioned at para. 8.21 *supra*. Col. Brown recommended option (i) above and was supported by Prof. Schlossberg who convinced the interim Government that option (i) was the best option. Sometime after midnight on Saturday, Col. Brown went to Piarco airport with the US Ambassador, Minister Atwell and Major Derrick to meet five persons who came to assist. On Sunday he relocated to the Hilton Hotel and oversaw the setting up of the temporary broadcast facility at Camp Ogden.

8.106. On Sunday, Col. Theodore assumed full responsibility for negotiating with the JAM. His strategy, in his own words, "was to play for time". And at the front of that strategy was always the release of the hostages and the surrender of the JAM. Col. Theodore said that he always sought and obtained the views or decisions of the interim Government. He negotiated principally with Bilaal Abdullah whose initial demands were: (i) that Mr. Dookeran be appointed Prime Minister; (ii) that there be elections in 90 days; (iii) that the JAM be given an amnesty.

Mr. Fyard Hosein SC, who remained close to events from early on Saturday, 28 July, told the Commission –

"I sat in with Brig. Gen. Brown and Theodore at many meetings. They were extremely disciplined. They were courageous people. They understood the relationship between the military and the civilian, and they understood the fact that they might recommend but the final decisions had to be taken by those who, for the time being, exercised that authority."

8.107. Col. Theodore said that he learnt of an amnesty from Bilaal. "No Minister told me of the amnesty". He said that when it seemed that the amnesty was a *fait accompli*, his focus was -

"to have the hostages released and the JAM surrender."

8.108. Mr. Jones Madeira was the conduit between Col. Theodore and Imam Abu Bakr. Col. Theodore spoke to Imam Abu Bakr only on Wednesday, 1 August. He insisted:

"I deliberately maintained contact only with Bilaal, not the two of them."

8.109. The methodology of communication with the JAM was that Col. Theodore would speak with Bilaal, Bilaal would speak with Imam Abu Bakr and then Bilaal would speak to Col. Theodore. Thereafter, Col. Theodore would consult the interim Government before making a decision and communicating it to the JAM.

Wednesday, 1 August, 1990 – Release of the Hostages and Surrender of the JAM

8.110. Both Col. Theodore and Col. Brown emphasised in their evidence that the release of the hostages and surrender of the JAM required "careful and detailed planning and co-ordination". By Tuesday, 31 July, preparations for the release and surrender respectively were well advanced. Prime Minister Robinson was released on Tuesday and his release paved the way for the release of all hostages.

8.111. However, there was a delay. It was occasioned by demands of the JAM that they be allowed to return to #1 Mucurapo Road with their arms. When this suggestion was rejected by Col. Theodore, it was modified that 15 of them be precepted (licensed) to come out of Parliament with their arms. The JAM alleged that they needed arms to protect their property at #1 Mucurapo Road because "a third force" wanted to kill them. Col. Theodore explained to Bilaal that he would not countenance precepting at all and, in any event, to make arrangements for precepting would take a considerable time. In the end, the JAM relented.

8.112. On Wednesday, 1 August, 1990, the hostages were released first from their locations at the Red House and TTT followed by the JAM. We have given the salient features of the release and surrender in Chapter 2 paras. 2.111 and 2.165.

Vehicles Wired to TTT

8.113. Capt. Clarke told the Commission of an observation he made when 69 members of the JAM surrendered at TTT. We think it worthy of mention. Capt. Clarke said that he saw a bus and a car with wires attached to them and linked to TTT. The van was blocking the intersection at Marli Street and Maraval Road while the Mazda car was parked on Maraval Road just south of TTT. He examined the car and saw a hole in the floor as if a device had been triggered

and there was an explosion. One of the JAM, Hasan, had been responsible for the device. Capt. Clarke therefore ordered him to defuse it.

8.114. The list of weapons retrieved from the JAM upon their surrender and those subsequently discovered is to be found in Appendix 6.

Imprisonment of JAM

8.115. Lt. Col. Alfonso, on instructions from Col. Brown, made arrangements for 114 of the JAM to be kept in prison at the former Fisheries Compound at Chaguaramas.

Deficiencies in the Response of the Defence Force

Lt. Gary Griffith

8.116. Lt. Griffith gave evidence on 13 September, 2011 when he was Special Adviser to the Prime Minister on national security matters. He enlisted in the Defence Force in 1988 as an Officer Cadet. After recruit training in Trinidad and Tobago, he went to the Royal Military Academy at Sandhurst, England, for further training. He returned to Trinidad and Tobago in April 1990 and was

appointed as a Platoon Commander attached to Bravo Company, which was responsible for guard duties at Camp Ogden.

8.117. On 27 July, Lt. Griffith attended a friendly football match involving officers of the Defence Force at the President's ground in St. Ann's. After the game, he returned to Camp Ogden and, about 6.00 p.m., he got a message that the Parliament had been seized. The officers were told to assemble and prepare themselves for battle. Lt. Griffith related that Major Peter Joseph briefed the assembled officers and gave them an indication of the layout of the Red House area.

8.118. His evidence is:

"He showed where troops should be located and which officers should take troops to have them basically lock down Parliament not for an assault but to basically have everything locked and to ensure that the area remained controlled. After that, the troops then started assembling. There was not a proper operational briefing made to the troops themselves. The officers were informed, in a nutshell, of what was the situation. I knew it was a situation of lack of information but going into an operational scenario without the critical information that was needed. But it was critical that we actually got to the ground as quickly as possible. That is accepted. The officers went to the area where the operation took place primarily around Parliament."

8.119. Lt. Griffith stated that the operational plan was conceived without Intelligence, without an analysis of "the ground", without knowledge of friendly

forces, enemy forces or their objectives. He observed that, without such information, "it was very difficult for us to ascertain what it is we were getting ourselves into".

"What Major Joseph did at the time was to utilise the limited knowledge that we had.....that several MPs were held hostage and the enemy was apparently situated in one specific building, the Red House. Based on that, the operation then turned to one of containment, to ensure that we actually held the area and keep them locked in.....The immediate operational plan at approximately 7.00 p.m. was to contain the enemy around Parliament, which is what Major Peter Joseph did with the limited knowledge we had at the time."

8.120. Lt. Griffith remained at Camp Ogden which became the operational centre and the new headquarters for the Defence Force and the Cabinet Ministers who were not in Parliament. Lt. Griffith's responsibility in the situation was to lock down Camp Ogden by setting up barricades.

Criticisms

8.121. Lt. Griffith was critical of several aspects of the military responses to the attempted coup and identified what he saw as deficiencies or flaws. We summarise Lt. Griffith's criticisms below at (i) to (xii).

- (i) There was no *National Security Operating Centre*, i.e. "a mandatory operational headquarters that is used as the

command structure for all types of operations in a country. It is to ensure that operations are Intelligence-driven...This was the major problem we had at the time." All key agencies should be involved. Lt. Griffith summed up his criticism -

"There was no pyramid of command and control to ensure that the country had optimum use of our law enforcement agencies."

(ii) Several Intelligence agencies were "tripping over each other and Intelligence was not being put into one cohesive report. It made it very difficult to extract information, turn it into Intelligence when you have several different arms."

(iii) The training of the Defence Force was concentrated mainly on "conventional warfare" but there needed to be greater concentration on "counter-revolutionary warfare". He had recently graduated from Sandhurst and was current about the latest strategies. He said –

"I had the latest knowledge of what was required and that is why I can easily say that I knew what was required at the time."

(iv) The deployment of the Army on 21 April 1990. It was put to Lt. Griffith that Col. Brown had made it clear in his evidence that the function of the Army camp at #1 Mucurapo Road

was to prevent further encroachment by the JAM on State lands. Lt. Griffith's comment was that –

"I think it would be very strange that he (Col. Brown) would use the Army to act as a security guard force to protect State lands.....It was evident that the Government at the time were aware that these individuals (the JAM) could very well be enemies of the State which is the reason why they brought out the strongest fire power."

Lt. Griffith was of the view that the Army should have been used at #1 Mucurapo Road "as a stepping stone and a foundation to assist in trying to acquire information that can then be turned into Intelligence so that you would be aware of what their plans are." But he conceded that Col. Brown would have received his instructions from the Government.

On the matter of the Army's duties when they were sent to #1 Mucurapo Road on 21 April, 1990, Lt. Griffith stated –

"What I can say is that in any operational plan when you have a mission, you have a specified task and you have an implied task. The implied task is to assist you in the overall picture, which is part of our role and responsibility in securing the nation."

(v) The location of the Army camp at #1 Mucurapo Road.

Lt. Griffith said –

"The way I saw it was stationed, it was not of any value at all practically, based on where it was located."

He did not give any opinion on this to his superior officers. He did not wish "to step on too many toes". Speaking specifically to the deficiencies inherent in the location, Lt. Griffith stated –

"Due to the actual location, it was difficult to see what was happening at the compound – there were shrubs, other buildings, a wall.....The choice of location really prevented the proper visual appreciation of what was going on in the Jamaat's compound from an Intelligence point of view."

- (vi) On the evening of 27 July, soldiers went on duty without a proper operational brief. In Lt. Griffith's words –

"Unfortunately, it was a free-for-all at the time. Soldiers were moving into camp. As soon as they arrived, they were being sent on the front line."

- (vii) Most soldiers and sailors reported to Camp Ogden as opposed to their respective bases. Lt. Griffith said this "caused something of a free-for-all". He was critical of Col. Brown.

"I don't know where Col. Brown got his training from, but at Sandhurst and any other military academy, they will verify that if there is a natural or man-made disaster, if all persons go to the nearest camp of that disaster zone, you are actually setting up

yourself for a further disaster. Everyone is supposed to go to their location."

Lt. Griffith felt that –

"everyone rushed to Parliament and that left a serious gap and that is why we had the situation that, up to now, no one can confirm who was guarding TTT during the course of the night."

(viii) The Commanding Officers of the two battalions were never briefed by their Commanding Officer, Col. Brown. According to Lt. Griffith –

"You are in a war zone situation. Col. Alfonso and Col. Vidal were never properly briefed by their Commanding Officer. How could these Commanding Officers brief their Company Commanders then brief their Platoon Commanders? That never happened and that is basic military training."

Lt. Griffith insisted –

"You have to have a strategic plan even if it means waiting ten or fifteen minutes. You cannot just take troops and send them into a battlefield without briefing them. That is madness. And that is what happened."

Lt. Griffith's view was that "there was no structure".

"You couldn't even account for soldiers because you didn't know where they were, because as soon as soldiers arrived they were sent into the lines. For days you did not know

who had abandoned their posts; if anyone was killed."

Lt. Griffith said that his observations were based on his recent graduation from Sandhurst, not from a textbook but "based on basic military training".

(ix) He was also condemnatory of soldiers taking up weapons on a "first come, first served basis". Soldiers turned up and were issued with guns which did not belong to them and with which they were unfamiliar.

(x) The Officers' Mess at Camp Ogden and the Hilton Hotel were inappropriate for a command centre. His preference was that –

"an operational command centre should be in an operational command location which, most of the time, would be at a military or police installation."

(xi) Soldiers went to the frontline not dressed in the proper camouflage attire. This could have led to a "blue on blue" situation because "you did not know friend from foe".

Lt. Griffith said in para. 42 of his Witness Statement –

"There were many instances of confrontation between the Military and the Police and we did not have proper information being passed to the Police and the Defence Force as to where

patrols would be so as to ensure that they would not have a situation of clashes between forces."

- (xii) Lt. Griffith stated that there were "over thirty-five negligent discharges, i.e. weapons accidentally discharged without a deliberate shot, and "thankfully, only two or three persons shot themselves – not critical injuries". He could not recall whether "a Board of Enquiry" was held to investigate the discharges.

- (xiii) There was a communication problem "because once you left Camp Ogden it was difficult to have direct link with the troops on the ground. Communication equipment was in short supply."

Responses to Lt. Griffith

Col. Brown

8.122. Col. Brown pointed out that Lt. Griffith had returned to Trinidad and Tobago shortly before the attempted coup and "was not in a position to know the type of training" being given to Platoon Commanders. Col. Brown acknowledged that basic training was for conventional warfare but Platoon

Commanders were trained in counter-revolutionary warfare. He said that "after 1970 the Military took on a different role".

8.123. Col. Brown was surprised by Lt. Griffith's criticisms of the manner in which the troops were mustered and sent out. He said –

"We had a very dangerous situation that had developed and our first response was to contain the situation at the Red House.....In a few hours, we mobilised, deployed and contained."

Col. Theodore's Response

8.124. Col. Theodore said that he, Col. Brown and Lt. Col. Vidal met in the yard at Camp Ogden and the conclusions they came to were that –

"there was uncertainty about what was going on, there was a lack of knowledge of exactly who were involved and what course of action there should be to contain the Red House. The word we used was 'containment' and Lt. Col. Vidal was instructed accordingly."

8.125. Col. Theodore dispatched Warrant Officers Doldron and Simmons to the area of the Red House "to get an idea of what was taking place". He conceded that although he, Col. Brown and Lt. Col. Vidal knew that the Red House had been invaded, they did not know the size of the attacking force, which Ministers were in the Parliament or "what the JAM hoped to achieve by invading the Red House".

8.126. As to the specific criticisms of Lt. Griffith alluded to above, Col. Theodore agreed that, in 1990, there was no National Security Operations Centre. But he said –

“it would have been a flaw if there was one and we didn’t use it. It just wasn’t there.”

8.127. In respect of the deployment of the Army to #1 Mucurapo Road on 21 April, 1990, both Cols. Theodore and Brown insisted that the instructions given to the Army by the Minister of National Security were to prevent the JAM from further encroachment on State lands. They testified that the Army was deployed at #1 Mucurapo Road to assist the Police. Col. Brown saw any Intelligence-gathering function as the responsibility of the Police.

8.128. Col. Theodore did not agree that the soldiers went on duty on the evening of 27 July without proper operational brief. Major Joseph drew up a plan and he and Lt. Col. Vidal decided that, operationally, the mission was to contain the JAM in the Red House. Both Col. Theodore and Col. Brown emphasised in their evidence that the Army was responding to an urgent, emergency situation. Time did not permit lengthy strategic planning.

8.129. Col. Theodore said that, on Friday night,

“with the arrival of Ministers and staff of the Defence Force Headquarters, Camp Ogden had become, in effect, an

Operations Room. All orders and information were being directed to the office at Camp Ogden (the Officers' Mess)."

8.130. Col. Theodore responded to Lt. Griffith's concerns about lack of communications equipment. He said that the supply of radios "was below the required amount. A number of them were not working because we had no batteries."

"I was not satisfied with the quality and quantity of resources available to the Defence Force. Transportation was the main problem; there were not enough uniforms and adequate signals.....we were hard pressed to get most of the items we required. The deficiency in transportation and communications equipment definitely affected our operations.....Major Joseph had to use 'runners' to communicate."

8.131. He also mentioned that the Defence Force had no dedicated broadcast/radio frequency or channel of communication. Thus, operators of 'ham radios' were able to monitor conversations between the military. However, he was able to contact Lt. Col. Vidal by radio to keep in touch with what was happening on the ground.

8.132. Col. Theodore attributed the lack of resources to the parlous fiscal and economic condition of Trinidad and Tobago in 1990. He was aware that after the Army mutiny in 1970 there was a feeling that the Army should be starved of resources but he did not think that this attitude played a part in 1990.

"There were no funds to do some of the things (of which Lt. Griffith spoke) but they were in the consciousness of the Force."

8.133. Col. Theodore was of the view that a centralised Operations Centre "is something of recent vintage. It was not a deficiency in 1990". What was a deficiency in his view was the fact that –

"the Military were not able to communicate with the Police during an operation or even with the Coast Guard offshore."

8.134. So far as the performance of the Army was concerned, Col. Theodore said that he received many cards and letters from citizens praising the response and performance of the Army "for its professionalism and the way they went about their duties".

8.135. Both Col. Theodore and Col. Brown expressed concern that Lt. Griffith had not made his observations known in 1990 but only in the course of the public hearings before this Commission.

3. RESPONSE AND PERFORMANCE OF THE POLICE SERVICE

A. *INTRODUCTION*

8.136. During our Enquiry, we were not fortunate to receive a great deal of evidence from surviving, former senior Police Officers who may have been able to testify authoritatively about the response and performance of the Police Service during and after the insurrection. The former Special Branch Officers who gave evidence were unable to shed much light on the matters which are the subject of this Chapter. Mr. Marcelle's evidence was limited to his particular response and so was the evidence of those officers who formed the Prime Minister's security detail.

8.137. In the circumstances, we were left to gather evidence from other persons as we set out below. However, any objective assessment of the response and performance of the Police must necessarily pay due regard to the fact that Police Headquarters were deliberately destroyed by the JAM as a first strategy in their execution of the attempted coup. Plainly, the Police Service would have been thrown into a state of confusion, uncertainty and instability by that very act of destruction of their Headquarters.

In the next Part, we examine the evidence placed before the Commission.

B. THE EVIDENCE

8.138. The Trinidad and Tobago Chamber of Industry and Commerce wrote:

"In our view, the response of the Army was slow especially in view of the inability of the Police to respond effectively because of the bombing of its headquarters. Our information is that uniformed Police Officers were seen by members of the public running for cover among civilians, gripped and panicked, and did little to exhibit any bravery or commitment to their oaths of office to protect and serve those in the vicinity of the three locations of their invasion."

8.139. Looking at the response and performance of the Police chronologically, we begin with the response of those officers in the Red House on Friday evening.

Sgt. Steve Maurice

8.140. Sgt. Maurice said that when he first heard gunshots about 10 minutes after he had escorted the Prime Minister into the Chamber, he left the Chamber and saw no Police Officers. He went back inside and realised that shots were being fired at the Chamber itself. He said:

"My mission was to make my body a shield for the Prime Minister. I told him to get down and I lay over him. There were no insurgents in the Chamber but I was anticipating. I took out my service weapon and looked up and saw two men dressed in Army uniform. They were armed.....Someone pulled at my ankle and took me off Mr. Robinson. I heard him ask 'Where Robbie?' And one said 'Look the bodyguard over him'. I was hit twice in my neck and put in bonds – hands and feet. The Prime Minister was moved away from me. I remained there until about 8.00 p.m. Officers Pilgrim and Charles were put near to me. They put Pilgrim to lie on top of me. Charles was beside me."

8.141. Sgt. Maurice related how he and his colleagues were later released, stripped down to their underwear. We have reported PC Dave Pilgrim's experiences elsewhere. They were similar to those of Sgt. Maurice.

PC Kenrick Thong

8.142. PC Thong was part of the Prime Minister's escort patrol. When the Prime Minister arrived at the Red House, PC Thong remained downstairs where the Prime Minister's car was parked on the eastern side of the Red House. About 6.00 p.m. he heard gunshots in the vicinity of the north-western side of the Red House followed by an explosion on the western side.

8.143. He saw people running on Knox Street and jumping from the stairs of the Red House. He said –

"I took up a Uzi firearm. I saw people going through the Prime Minister's entrance and a group of men dressed in Army uniform shooting at the Red House. I did not think that they were the Army as they had on certain Muslim wear. Running towards the entrance by the underground vault on the south side of Abercromby Street, I fired. One person ran up the entrance for the Prime Minister shooting indiscriminately and shot me. I dragged myself out of the firing line and started to take off my clothes. A man in civilian clothes started shooting at me. I dragged myself to the southern side of the Red House by another vault. The man kept firing at me.....About 6.45 p.m. I looked from behind the staircase and saw two Police Officers. One was PC Pierre and I was taken to the Old Fire Station."

WPC Olive Ward

8.144. About three days before the attempted coup, a request was made of the Belmont police station for officers to be detailed for security duty at the Red House. WPC Olive Ward, who had done duty several times before at the Red House, was rostered for duty on 27 July. She sat upstairs the Parliamentary Chamber with PC Augustine and PC Munroe. Usually, three Special Branch officers and three uniformed officers were assigned to Parliament.

8.145. WPC Ward described three entrances to Parliament. She said that on Knox Street side was an entrance through which Ministers passed. Visitors entered through a door on the St. Vincent Street side. The Speaker and the Prime Minister entered through a door facing Abercromby Street. On 27 July, WPC Ward was on duty near the door used by visitors.

8.146. About 5.45 p.m. ASP Roger George asked her to relieve the officer at the door through which the Prime Minister entered. WPC Ward went and stood at the door. She had previously relieved PC Munroe at 4.30 p.m.

8.147. About 6.00 p.m. WPC Ward heard noises as if stones were being thrown at the Red House and she asked PC Pilgrim, one of the Prime Minister's security detail, what the sounds were. Suddenly, four men rushed through "the Prime Minister's entrance shooting". WPC Ward said she was about 35 yards from the men at the door to the Parliamentary Chamber. She saw PC Pilgrim rush to the Prime Minister and several persons in Parliament ran.

8.148. "After the initial shock", WPC Ward left the door where she was standing and ran into the recording room. Mervyn Teague was there. WPC Ward said –

"He was looking to run and I told him not to go out. I extended my hand but he moved it and ran. I did not see him again."

8.149. WPC Ward then ran in a southerly direction along the Abercromby Street corridor and pushed open a door to the Speaker's office. No one was inside the room. She hid in a corner in the Speaker's office and overheard conversations between persons speaking a foreign language which she thought was Arabic. She heard persons asking about grenades and thought that they

might burn the building. She took off her tunic and removed the star from the front of her hat.

8.150. About 10.45 p.m. three men came into the room. One was dressed "in Army camouflage". He said that she was "a Woman Police" and one of the others said "leave her alone. We don't harm women". She was asked whether she had a firearm and whether she knew how to get out of Parliament. The man in Army camouflage said –

"You always here; you must know how to get out of here. There is a lot of shooting outside. Your colleagues are outside shooting and we are returning fire."

8.151. WPC Ward told her captors that she knew the way out and she left the room with the man in camouflage, creeping along a corridor. He walked with her to Bilaal Abdullah and said –

"Look a Woman Police."

Bilaal asked –

"You are a Woman Police? What is your name? Where do you work?"

8.152. She answered his questions and Bilaal tied her hands behind her back. She was able to loosen the plastic bond and the JAM tied her hands

behind her back with Mr. Winston Dookeran's gray tie. Ms. Ward has kept that tie for the last 22 years and produced it to the Commission.

8.153. While she was tied up in the Parliamentary Chamber, she saw the MPs also bound. She saw Bilaal with a "walkie-talkie" which she believes was PC Pilgrim's and heard Bilaal speaking to PC Peake at Police Control.

8.154. WPC Ward said that about eight of the JAM were sitting around talking. One said to her –

"Sister, you know all yuh Headquarters burn. There are two houses of corruption. Police Headquarters and the Red House, so we burn one and keep one."

8.155. About 1.45 a.m. on Saturday, the JAM gave WPC Ward a soft drink and the young member of the JAM who brought the drink said –

"Tomorrow is my birthday. I will be 14."

WPC Ward said that she could not finish the drink after hearing the boy. "He had two guns and a bag of ammunition."

8.156. Sometime around 8.00 a.m. WPC Ward spoke with Bilaal again who told her that an ambulance was coming to take MP des Vignes to hospital and she could leave with him in the ambulance. On her way out of the Red House, a member of the JAM told her to "take care of the little boy". WPC Ward said that she then realised that the JAM had had her under surveillance for some time.

8.157. WPC Ward went in a police vehicle to Belmont police station and then to her home. She went on sick leave to the end of 1990.

Insp. Kenneth Thompson

8.158. Insp. Thompson, a Special Branch officer, was assigned for duty at Parliament on 27 July.

8.159. When the JAM invaded the Parliamentary Chamber, Insp. Thompson ran from the Chamber and hid in a room. On hearing loud explosions at Police Headquarters, he escaped through the mêlée of persons onto a veranda overlooking Abercromby Street and jumped 20 feet below to Abercromby Street. He was unarmed and uninjured save for a sprained ankle. In making haste out of Parliament, Insp. Thompson ran beside Attorney General Smart whom he recognised but to whom he said nothing or assisted in any way.

8.160. From Abercromby Street, Insp. Thompson ran to Frederick Street where a policeman gave him a lift in a car. They went to Besson Street police station but that station was receiving gunfire from the JAM. Believing that he was injured because he saw blood on his clothes, Insp. Thompson was taken to Mount Hope Hospital by a civilian. At the hospital it transpired that Insp. Thompson was not wounded. Apparently his clothes became blood-stained

when he collided with an injured woman while running out of Parliament. Eventually Insp. Thompson reached his home in Arima.

Acting Sgt. Raymond Julien

8.161. On 27 July, 1990, Acting Sergeant Raymond Julien (Sgt. Julien) was attached to Besson Street police station. He had done security duty at Parliament on a few occasions but, on that day, he was not originally rostered for duty. At the last minute, Insp. Ali detailed him for duty at Parliament and, at 1.30 p.m., he reported to Supt. Roger George. Supt. George instructed him to search persons going to the public gallery.

8.162. Sgt. Julien said that he observed about six men dressed in white gowns and wearing skull caps enter and leave the public gallery in the Red House. When the JAM invaded the Parliamentary Chamber, Sgt. Julien, who was unarmed, tried to run among the crowd of screaming, scampering persons towards the veranda. He heard gunfire coming from the direction of Knox Street. Sgt. Julien said that he was "carried south by the crush of the crowd" and he followed some civilians into a bathroom. The civilians left the room and Sgt. Julien locked the door.

8.163. Since he did not feel safe, Sgt. Julien came out and climbed onto the roof of the Red House on its western side. He had left his hat in the bathroom but otherwise he was in uniform. Sgt. Julien remained on the roof until Sunday afternoon. He said that people were shooting in his direction on Friday and Saturday. He took off his shirt and held it aloft on a tree branch. The shooting was coming from Clico and Sgt. Julien was hoping that someone would recognize that he was a Police Officer and stop shooting. The shooting at him continued.

8.164. He was found by the JAM on Sunday during a lull in the firing. He was led to the tea room of Parliament and made to kneel in only his underwear. The JAM identified him as a policeman and, thereupon, they beat him, saying that they had "taken over".

8.165. About 8.00 p.m. the JAM took him to the attic of the Red House where they kept him for 2 hours and tortured him before leading him to the Parliamentary Chamber. He saw and spoke to the Prime Minister, Mr. Richardson and Mr. Kelvin Ramnath. Mr. Ramnath told Bilaal Abdullah that Sgt. Julien was one of his constituents and Dr. Hosein persuaded Bilaal to ease the bonds on his hands. His hands were then tied in front rather than behind his back.

Conversation with Bilaal

8.166. On Sunday evening Bilaal told Sgt. Julien that the JAM had taken over the country and the Police were disregarding instructions to cease fire. He said "an agreement has been reached" but bullets were still hitting the Red House.

Indignities

8.167. When Sgt. Julien asked to go to the toilet, he was told to use the floor. On a second occasion, he was taken to a bathroom for water but, as he bent over at the sink, a member of the JAM put a gun to his head.

8.168. By Tuesday, Sgt. Julien was in great pain and bleeding from his nose. Bilaal refused to allow him to go to the hospital. Sgt. Julien was released on 1 August, with his hands still tied. He was taken to Camp Ogden and was the last person medically examined. When he was leaving the Red House, one of the JAM gave him a jersey marked "Brave Warrior" and a pair of trousers. He was taken to Besson Street station and, for the first time since Friday, he was given something to eat. Sgt. Julien remained at the station during Wednesday night and went home on Thursday, 2 August. His family told him that they heard he had died in Parliament.

8.169. We deal with the consequences of Sgt. Julien's experiences in Chapter 11.

Acting Deputy Commissioner of Police, Leslie Marcelle

8.170. At Chapter 2 we reported in detail of the response of Mr. Marcelle who was at Police Headquarters on 27 July when it was bombed. As people ran through Police Headquarters screaming, he tried to organise and control them. Then he tried to organise the few unarmed policemen who were at the Headquarters. He went to certain departments and removed all the guns and ammunition that he found and armed the policemen who were with him. He then deployed them. He and about ten officers went onto the roof. It collapsed and he fell to the ground. He was badly injured. His injuries and their *sequelae* are reported in Chapter 11.

Evidence of Parliamentarians

Mr. A.N.R. Robinson

8.171. Mr. Robinson testified that, on the Friday night, via a walkie-talkie, he heard a Woman Police Constable say to the Acting Commissioner of Police, Mr. Leonard Taylor, in reference to the NAR politicians –

"They should have killed all o' dem."

Mr. Robinson described the statement as "extraordinary".

Mr. Raymond Pallackdharrysingh

8.172. Mr. Pallackdharrysingh said that he heard expletives being used on the walkie-talkie when Mr. Robinson was shot. When Mr. Raymond Fernandes, Permanent Secretary, tried to speak with the Police, he was cursed and abused. Some of the language which Mr. Pallackdharrysingh heard included: "All you Parliamentarians better off dead." And "Who the hell is Robinson?"

Dr. Emmanuel Hosein

8.173. In the course of his evidence, Dr. Hosein said –

"The Police were a great disappointment. The paranoid policeman said that he was ashamed of his colleagues. While he was on the balcony, he saw policemen shooting wildly. On the walkie-talkie you heard of policemen taking off their uniforms and running. Some of what I heard indicated that their attitude to the Government was negative."

Mr. Trevor Sudama

8.174. Mr. Sudama said that –

"perhaps the Police were shell-shocked but they showed no fortitude. There were nasty expressions used against

Mr. Robinson and these may have shown that some of the Police were unsympathetic to the Government."

Mr. Winston Dookeran

8.175. Mr. Dookeran described the Army as being –

"very co-ordinated, very purposeful, very ready. The Police gave support at the level of its leadership but they were not the lead unit. Col. Brown and Col. Theodore were the key leaders.....The Police did not have the resources to handle the streets and the looting. I think they were concerned about the burning of their headquarters."

Other Evidence

WPC Olive Ward

8.176. WPC Ward said that on Friday evening she heard Police Officers on a walkie-talkie using foul and obscene language and saying that the JAM should kill Mr. Robinson. She said:

PC Peake who was at Police Control speaking to Bilaal told the officers to comport themselves better."

Operational Response

8.177. We begin our examination of the operational response of the Police with evidence of the response of Special Branch on Friday evening, 27 July.

Special Branch

Mr. Dalton Harvey

8.178. Mr. Dalton Harvey who was head of Special Branch at the time said that he went to Camp Ogden about 6.30 p.m. At para. 24 of his witness statement, Mr. Harvey said:

"I went to Ogden. When I got there, I met other Police Officers. What was interesting was that the Army Officers were not interested in discussing anything with us. We were more or less in protective custody and not a part of anything. We overnighted and then moved to St. James Barracks. All the senior officers were there and we were trying to find out what was going on."

8.179. At para. 25 he said:

"At that time the Police were not in control of the situation. The point from which they could have done anything was already taken over by the Army and they were relegated to a backup function. Whatever we did was as a support group. I don't think that there was any co-ordination between the two groups. The Police were sidelined."

8.180. And at para. 28, Mr. Harvey said:

"There was no co-ordination between the Police and the Army on tactical matters or Intelligence. The Police/Army relationship was never one of camaraderie. There was always some sense of competition and superiority/inferiority."

Mr. Mervyn Guiseppi

8.181. Mr. Guiseppi said that he first became aware of the events of 27 July when he got home and was told by his wife who was very agitated. He said:

"I tried to contact Mr. Dalton Harvey but without success. About 7.00 p.m. those whom I initially contacted, confirmed that the JAM had taken over TTT, the Red House and firebombed Police Headquarters. I also saw Imam Abu Bakr on TV."

8.182. Sgt. Esmond King and Cpl. Villafana told him that the Prime Minister's bodyguards had been released in their underwear but they had been beaten about their heads and faces with gun butts and kicked.

8.183. He said that, on Saturday, he went to Police Headquarters and then to the St. Clair police station where office space had been secured. He tried to contact Mr. Harvey but could not reach him. He said –

"I took control since I could not find Mr. Harvey and the offices of Special Branch had been completely burnt. All of our records dating back to 1837 were destroyed. However, the Head of Special Branch had an office on the south side which was not burnt. What records he had in the office survived."

8.184. Mr. Guiseppi said that he directed that certain Intelligence activities be carried out and he went to Camp Ogden after lunch on Saturday because:

"I was told that Harvey and other senior officers were there. In the room were Acting Commissioner, Mr. Leonard Taylor and A.C.P. Headley. I told Mr. Taylor what I had done and I decided to stay at Camp Ogden on Saturday night. I left Camp Ogden on Sunday. While there I had no interaction with Col. Theodore.....The first time I saw Mr. Harvey was on the Monday, at the Hilton. For the whole of Saturday I never saw Mr. Harvey but I was told that he was not at Camp Ogden. The Deputy Commissioner had not seen him. I briefed Mr. Harvey at the Hilton."

The Army's View of the Police's Response and Performance

8.185. Col. Theodore was cross-examined on the statements made by Mr. Harvey and quoted above at paras.8.178 to 8.180. Col. Theodore said –

"It has always been the attitude of Special Branch to be very secretive and I don't believe that it was a matter of the Army not being interested in discussing anything with them, but rather, the other way around. They certainly were not in protective custody.....and the fact that he moved to St. James Barracks was entirely at his initiative. Accommodation was provided. Nobody sought to get rid of him or put him out. I never learnt that he was at Camp Ogden. I was speaking with the Commissioner and I really didn't speak to any junior officers."

8.186. Col. Theodore's opinion of the Police on the night of 27 July was very candid. He said –

"At the time, the Police were not in control of the situation. That is obvious. They abdicated their responsibilities and the military responded."

8.187. Explaining his reasons for his opinion, Col. Theodore said –

"When we went to the Red House, the only Police presence in the area was more or less creating interference because they seemed to have had their own agenda and they, like those who were seen on top of the CLICO building, were firing into the Red House. And we found that they, at least those Police who were actively responding, were virtually acting on their own.....We did not ignore the Police. I asked the Commissioner to come to Camp Ogden and I said to him, 'We have got to communicate; we have got to plan'."

8.188. Col. Theodore pointed out that it was the Police, through the Acting Commissioner, who told him of the request to have Canon Knolly Clarke intervene in the crisis. He said –

"I indicated to Mr. Taylor that he should first come to Camp Ogden before making any decision, where we could meet and discuss the situation and the request for Canon Clarke."

Col. Ralph Brown

8.189. Col. Brown returned to Camp Ogden about 8.00 p.m. after picking up Minister Pantin from his home. He gave evidence of the strategy deployed by Lt. Col. Vidal to cordon off the areas around TTT. He said at para. 12 of his witness statement –

"Lt. Col. Vidal informed me that there were insufficient personnel to establish a full cordon at TTT and that he had requested assistance from the Acting Commissioner of Police, Mr. Taylor, who by that time had come into Camp Ogden, to establish the southern portion of the cordon."

8.190. Col. Brown said that by 8.00 p.m. on Friday, Major Peter Joseph and his men "had worked their way to within metres of the Red House on all sides, thereby confining the insurgency to the Parliament building."

8.191. But about mid-morning on Saturday, a report was received that Woodbrook police station was under attack. Col. Brown said in his witness statement (para. 19):

"Major Derrick dispatched a patrol to attend to that situation. On approaching the police station, the attackers fled from their position, were pursued and then withdrew into the television station. It was then realised that there was a gap in the cordon, where earlier on Friday Lt. Col. Vidal had asked for the assistance of the Police. It was clear that the Police either did not deploy as requested or had withdrawn from the positions Friday night. The cordon was subsequently fully established by the military and thereafter the insurgents were confined to the television station."

8.192. Captain George Clarke also told the Commission that the Police were supposed to cover the Tragarete Road/Gray Street area. But, he said:

"When my troops reached down to Tragarete Road, we saw no police officers."

Police on the Cyril Duprey Building

8.193. Col. Brown gave evidence that on Saturday afternoon, following Canon Clarke's return to the Red House, there were exchanges of gunfire between the insurgents in the Red House and persons outside. He recalled

Canon Clarke using the Police wireless to appeal for a stoppage of the shooting.

Col. Brown said:

"I issued orders to Major Joseph to stop firing. He complied with my orders. However, the firing continued. Major Joseph reported that the Army had stopped firing but there was firing coming from the direction of the Duprey building. It was then assumed that it was members of the Police who were firing."

8.194. Col. Brown then said that Col. Theodore requested Mr. Taylor to order his men to stop firing. Then, says Col. Brown:

"Mr. Taylor complied with this request by way of the wireless radio only to be met with expletives coming from the other end. The firing continued. Col. Theodore then told Mr. Taylor that, if the firing did not stop, he would give orders for the Army to take out the dissident police officers. The Acting Commissioner relayed this message to the dissidents and the firing immediately stopped." – para. 23.

Observations of Lt. Gary Griffith

8.195. At para. 42 of his Witness Statement, Lt. Griffith stated that there was a blatant absence of uniformed Police Officers between 27 and 29 July. He said that there was also a risk of "blue on blue fire" as many officers had changed their uniform and were wearing civilian clothes while still carrying weapons.

8.196. Lt. Griffith said that he went to the Maraval and St. Clair police stations on the morning of 28 July and there was "an absence of uniformed

officers". He also received reports from soldiers that when they visited other stations, "it was a virtual ghost town". He was concerned that as he drove around Port of Spain and its environs –

"there were many police officers that were seen in plain clothes with a rifle slung over them. That was a recipe for disaster because the one thing that separates friendly forces from the enemy is uniform."

8.197. At para. 43 of his Witness Statement, Lt. Griffith stated –

"The Commissioner of Police announced on television that the Police were in control of the situation. This alarmed a few since the Defence Force had been in total control for over three days."

8.198. Lt. Griffith said that that statement "obviously affected the morale of a lot of soldiers because after they had put their lives at risk to support the Police Service, he just automatically gave the impression that the Police were in full control". He said –

"Many a soldier came to me voicing their concerns.....We need to be very sensitive in times like those to respect and give people credit when credit is due."

Police Response to Looting

8.199. In Chapter 5, we discussed the matter of looting and the evidence of the response of the Police to that matter. Accordingly, it is unnecessary to recapitulate that evidence in this Chapter.

4. THE RESPONSE AND PERFORMANCE OF THE FOREIGN SERVICE AND THE MEDIA DURING AND AFTER THE ATTEMPTED COUP – ToR 1(vi)

A. INTRODUCTION

8.200. In Chapter 5, we reported on the response and performance of individual members of the print and electronic media with particular reference to the looting which took place in Port of Spain and elsewhere. In Chapter 2, we also reported on the experiences of those members of the media who were held hostage at TTT and Radio Trinidad. We do not propose to repeat much of what was said in Chapters 2 and 5, but some overlap or repetition is unavoidable and is kept to a bare minimum. We start the examination of this aspect of our terms of reference by considering the evidence adduced before us concerning the Foreign Service.

B. THE EVIDENCE

1. *The Foreign Service*

8.201. On 27 July, 1990, the Hon. Sahadeo Basdeo, Minister of External Affairs, had responsibility for the Foreign Service of Trinidad and Tobago. However, he was out of the country attending a CARICOM meeting in Jamaica.

Hon. Eden Shand was Acting Minister of External Affairs. He was held hostage in the Red House when the JAM invaded the Parliament.

Evidence of a Foreign Service Officer in camera

8.202. A Foreign Service Officer gave evidence *in camera*. The substance of the evidence was that on the evening of 27 July, a member of the Diplomatic Corps who had seen Imam Abu Bakr on television, got in touch with the Foreign Service and expressed concern that the Government had not invited the Diplomatic Corps to a briefing meeting to keep them informed of what was happening in Port of Spain. This witness said that the foreign diplomats in Trinidad and Tobago, as representatives of their Governments, should have been briefed in order that they could, in turn, advise their sending States on the basis of official information.

8.203. This witness further testified that such briefings were the appropriate protocol that applies when there is serious and disruptive activity in a host country. But, of course, the timing of a collective briefing is dependent upon the circumstances prevailing at the time. On 27 July, there was not a collective briefing of the Diplomatic Corps nor was the Dean of the Diplomatic Corps briefed separately. No instructions were given to arrange a briefing meeting of the Diplomatic Corps.

8.204. The Commission, nevertheless, received evidence that the Ambassador of the United States of America to Port of Spain, Mr. Charles Gargano, did contact both the civilian and military authorities at Camp Ogden. He made inquiries concerning the needs and requirements of Trinidad and Tobago and offered assistance including military assistance. The Ambassador of Venezuela did similarly. The Ops Log shows that at 1.30 a.m. Mr. Ricardo Rodriguez of the Venezuelan Embassy telephoned Col. Theodore and said that the President of Venezuela had sent "a message of solidarity with the elected Government". Mr. Rodriguez enquired whether military assistance was needed and Col. Theodore declined such assistance.

No Foreign Intervention

8.205. During the afternoon of Saturday, 28 July, it seems that the hostages in the Red House had discussed among themselves (including Mr. Eden Shand) whether the Foreign Service should seek the intervention of foreign States to assist in putting down the insurrection. The hostages in the Red House were adamant that no foreign power or troops should be invited into Trinidad. And, as a mark of their firm determination, all the MPs held hostage signed the document headed "No Foreign Intervention" to which we have referred in Chapter 2 para. 2.144. Through the testimony of Mr. Mervyn Assam, we learnt that, on Saturday, the acting Minister of External Affairs, Mr. Eden Shand, told

Bilal Abdullah that, if he would lend him his two-way radio, he would let the outside world know that they would not be inviting foreign forces to intervene.

Bilal's response was –

“Mr. Shand, you seem to be oblivious of what took place yesterday afternoon. This Government was overthrown and you were the Foreign Minister.” (our emphasis).

8.206. Mr. Winston Dookeran, however, was not in Parliament when the document was signed. But it was discussed by the interim Government at Camp Ogden. Mr. Dookeran seemed not to be opposed to foreign intervention on pragmatic grounds. His evidence to the Commission was:

“I did not take an ideological position. I saw the issue in practical terms. We had to solve a problem. We had to get Intelligence. I approached the US Ambassador to Trinidad and Tobago and requested technical support from the Hostage Management Division of the US Security.”

Assistance in Hostage Management

8.207. The decision to approach the US Government for limited assistance was informed by the fortuitous recollection of Col. Ralph Brown about 10.00 p.m. on Saturday, 28 July. Negotiations with the insurgents had begun but members of the interim Government were unsure whether the strategy of negotiation would be successful. Minister Clive Pantin, especially, entertained doubts. Col. Brown tried to reassure him that “this thing is going to work out”. Col. Brown recalled that Dr. Harvey Schlossberg had taught him a course in

Hostage Management and Negotiation in Ottawa. He called Dr. Schlossberg, told him what was happening in Port of Spain, and sought his expert advice. Dr. Schlossberg, who was himself watching news of the insurrection on CNN, agreed with the strategy outlined by Col. Brown. Dr. Schlossberg spoke with Minister Pantin and assured him that the strategy of protracted negotiations was appropriate. Mr. Pantin was converted.

8.208. Later that night, Col. Brown accompanied Minister Atwell to Piarco airport to meet five passengers on a US aircraft. Mr. Gargano also went to the airport. They met the passengers – three men and two women. Col. Brown said that Mr. Gargano inquired several times whether “any other help” was needed. This was interpreted by Col. Brown as meaning “troops”. Col. Brown made it clear that no troops were needed but said that they wanted eavesdropping equipment. This was supplied. During their stay in Trinidad, two of the men were stationed in the Colonial Life building with Capt. Bishop; the other male remained with Col. Theodore throughout the crisis. The two females were assigned to Col. Brown, first at Camp Ogden and then at the Hilton hotel.

JAM's Response to Rumours of Foreign Intervention

8.209. Bilaal Abdullah told the hostages in the Red House that the JAM had heard a rumour to the effect that a Minister had told CNN that foreign troops

were needed to assist. Mr. John Humphrey said that it was Imam Abu Bakr who told Bilaal of the rumour and instructed Bilaal to kill all the members of the Government except the women MPs. Mr. Trevor Sudama said –

“On Saturday Bilaal came into the Chamber very angry. He felt that a critical aspect of the NO FOREIGN INTERVENTION agreement had been violated. He said that he heard on the radio that Minister Sahadeo Basdeo who had been detained in Barbados, had called on the US to intervene.”

8.210. Mr. Sudama said that after this incident, the attitude of the JAM changed. It was then that they made preparations to assassinate the hostages in Parliament.

8.211. We received no evidence that any official or representative of the Ministry of External Affairs was involved in any of the discussions with the US Ambassador.

Assistance from CARICOM States

8.212. As early as 1.15 a.m. on 28 July, the Chiefs of Staff of the Barbados and Jamaica Defence Forces had contacted Col. Theodore to enquire about assistance from those Forces. Heads of Government of CARICOM States were meeting in Jamaica at the time of the insurrection. They were all deeply shocked and concerned at the events in Port of Spain and pledged to help in whatever way the interim Government deemed appropriate. The Government of

Jamaica arranged for Minister Basdeo to go to Barbados by private aircraft. Meanwhile, Minister Brinsley Samaroo flew from London to Barbados. They met with Mr. Ken Gordon at the residence of the High Commissioner for Trinidad to Barbados. There, a plan was drawn up to mobilise assistance from CARICOM States, involving, if necessary, use of the Regional Security System (RSS) which was headquartered in Barbados. The plan required the movement of 350 CARICOM troops and did not rely on any extra-regional forces.

8.213. Minister Basdeo returned to Jamaica and met with the Acting Prime Minister of Jamaica, Hon. P.J. Patterson, and the other CARICOM leaders gathered in Kingston. Mr. Basdeo informed them of the plan to move forces from CARICOM countries to a central holding location pending their entry into Trinidad.

8.214. The plan was efficiently executed. By Monday, 30 July, with the assistance of BWIA, troops were landed in Barbados from Jamaica and Antigua and Barbuda. An agreement was reached between Mr. Dookeran and Mr. Patterson that CARICOM troops would only enter Trinidad after the insurrection was over. In the result, no CARICOM troops went to Trinidad during the period of the insurrection.

Support of Foreign Governments

8.215. Many foreign Governments demonstrated their support for the Government of Trinidad and Tobago during and after the crisis. The then Prime Minister of St. Vincent and the Grenadines, Hon. James Mitchell, flew on a direct flight from Jamaica to Trinidad to visit Prime Minister Robinson who was recuperating from his ordeal in Parliament. Mr. Mitchell brought with him a letter of solidarity from the Heads of Government of CARICOM. Officials from the Governments of Great Britain, Canada, Italy, called to express their surprise at what had befallen Trinidad and Tobago and to pledge support. Capt. Anthony Phillips-Spencer had led a group of Defence Force athletes to Venezuela. No sooner had they landed than they learnt of the insurrection and were forced to abort their tour. Capt. Phillips-Spencer gave evidence highly commendatory of the efforts and support of the Venezuelan Army and Trinidad and Tobago's Ambassador to Venezuela. These persons combined to ensure a safe and speedy return of the athletes to Trinidad and Tobago.

Post Insurrection

8.216. After the release of the hostages and surrender of the JAM on 1 August, the CARICOM forces entered Trinidad and Tobago. In its publication of 6 August 1990, the Express newspaper published a photograph of 150

CARICOM soldiers being addressed by an officer at Milner Hall on the St. Augustine campus of the University of the West Indies. The CARICOM forces were under the command of Col. Torrence Lewis of the Jamaica Defence Force. Col. Lewis was the brother of the then Chief of Staff of the Barbados Defence Force, Brig. Rudyard Lewis. Commander of Operations in the CARICOM forces was Major George Benson. He was quoted as explaining the mission of the CARICOM forces "to assist the Police in the task of restoring normalcy to the island. We are here to provide relief to your men whenever and wherever it is necessary."

8.217. Col. Theodore said that the CARICOM forces were deployed on static guard duty at banks and business places and they worked in pairs with the Police to prevent any further looting. Col. Brown and Col. Theodore were high in their praise of the services rendered by the CARICOM forces. They said that these forces proved to be essential in maintaining law and order while Port of Spain was under a state of emergency.

2. The Media

8.218. In addition to the electronic media of which we have written in Chapter 2, there were in Trinidad and Tobago four publications which comprised the print media. The Trinidad Guardian (the Guardian) and the Daily Express

(the Express) published daily newspapers. The Trinidad Mirror and the Bomb newspapers were privately owned, weekly publications.

8.219. Insurrectionists and terrorist organisations seek to use the media, especially the electronic variety, to their advantage in order to get their information across to the public. The Deputy Head of Special Branch, Mr. Mervyn Guiseppi, told the Commission that Special Branch suspected that, in any terrorist attack, the terrorists would target the broadcast media. Evidence given by JAM members, Jamaal Shabazz, Kala Aki-Bua and Lorris Ballack, confirmed Mr. Guiseppi's suspicions. All three witnesses spoke of the JAM's plans to take over Radio Trinidad and TTT.

8.220. Particularly in Chapter 2, we discussed the media from the standpoint of the journalists who were held hostage. In this Part, we examine the electronic and print media's response to the crisis which engulfed Trinidad from 27 July to 1 August 1990.

(a) Trinidad and Tobago Television (TTT)

8.221. Naturally the hostages at TTT were put in great fear for their lives. Mr. Madeira confessed to being frightened but he "tried to remain calm". Hazel

Ward-Redman “was white with fear” according to Mr. Madeira. Raoul Pantin wrote -

“I was alarmed, fearful and confused. My heart was hammering in my chest; my mind clouded with fear.”

8.222. Fear notwithstanding, Mr. Madeira and Mr. Dominic Kallipersad displayed excellent leadership and skill in dealing with Imam Abu Bakr and his co-conspirators. They carried out the orders of Imam Abu Bakr but each time he made a broadcast, Mr. Madeira took the opportunity to assure families of the hostages and the general public that the hostages remained safe.

8.223. Whenever the opportunity arose, some of the journalists tried to engage the young JAM gunmen in conversation to ascertain the reasons for their violent actions. One young insurgent, for example, responded to Mr. Raoul Pantin’s question about his involvement in the JAM with this answer -

“My mother had eleven children, nearly all of them with different fathers. I was the last boy. My mother used to tell me I is the ugliest child. I cuss she. I leave home knocking ‘bout the streets. The Police hold me, beat me up and tell me go home. What home? I ent have no home to go to. I go down by the mosque; join the Jamaat. That is the only home I have now.”

8.224. In the course of his evidence before the Commission, Mr. Pantin said that one of the gunmen told him -

“We are going to create an Islamic State.”

Another said –

'We want to introduce Sharia law in Trinidad.'

These conversations gave important insights into the motives of the insurgents.

Temporary Broadcast Facility

8.225. Journalists and workers in the electronic media showed tremendous initiative and patriotism in moving swiftly to establish a temporary broadcast facility in lieu of the facilities at TTT which had been deliberately disabled by the interim Government and the Army.

8.226. On Saturday, 28 July, Mrs. Allyson Hennessy, well aware of the injuries sustained by her husband Emmett and his continuing fear, nonetheless worked tirelessly with Eddison Carr to keep the temporary facility on air. They made sure that they kept the public informed of the state of the crisis. They relayed all information about the state of emergency and the curfew. They spelt out the terms of the State of Emergency and, always, they appealed to the population to be calm and to pray.

8.227. Of course, as we have reported at paras. 8.9 to 8.15, it was the initiative of Mr. Bernard Pantin that led to taking Imam Abu Bakr off air and the setting up of the temporary broadcast facility. The significance of this facility

was that TTT (albeit differently configured) continued to inform and offer hope to the populace. Ministers were able to inform the public of matters such as –

- the functioning of the health services;
- the water supply;
- the closure and re-opening of the airport;
- the pledges of support for the Government of Trinidad and Tobago from foreign countries.

8.228. The Programme Director of TTT, Mr. Hamilton Clement, devised a communication system that allowed Mr. Madeira to communicate with Camp Ogden. He was able to speak with Col. Theodore and Bernard Pantin many times.

(b) Radio Trinidad

8.229. During the attack on Radio Trinidad, Mr. Emmett Hennessy and Mr. Pius Mason were shot – see Chapter 2 paras. 2.53-2.56 and 2.59-2.63 for details. Mr. Eddison Carr, who was captured by the insurgents, was forced to make announcements on Radio Trinidad every 15 minutes on the instructions of Abdullah Omowale (Andy Thomas). We have recounted the circumstances under which the JAM suddenly abandoned Radio Trinidad and went over to TTT. At

the time of the JAM's hasty disappearance, all of the hostages at Radio Trinidad were huddled in one room. When they realised that the JAM had departed, the staff jumped over a fence and landed in a street adjacent to Dr. Halsey McShine's residence.

8.230. Mr. Carr's devotion to duty as a broadcaster and his sense of patriotism led him to Camp Ogden. It was the home of both the interim Government as well as the temporary broadcast facility. From there he assisted in broadcasts. He said that he played calming, patriotic music in an effort to reduce tension in the Republic. He said that he went to the Clico building where a contingent of soldiers had taken up positions. He moved among them and sought information which he broadcast to keep the public informed. Mr. Carr displayed a high level of professionalism and dedication to his role as a journalist.

8.231. Emmett Hennessy was no less patriotic and heroic. On the morning after he was shot, he was driven to Camp Ogden because he "wanted to be involved in covering the events". There, he saw a few of his colleagues in a small room with basic broadcast equipment – microphone and CD player. On Monday, Sookram Ali, McDonald Holder, Harold Thompson, Michael London and others from Radio Trinidad joined him. He was able to speak with American broadcasters on the telephone. Mr. Hennessy did actual broadcasts. He was

disappointed that they “did not get much information from the authorities”. The Army’s Public Relations Officer “was very nice but he gave no information”.

(c) NBS Radio 610

8.232. The Commission of Enquiry has relied heavily on the oral evidence of Mr. Dennis McComie for its evaluation of the response and performance of NBS radio 610 during the insurrection. But, in addition, we have considered the personal account of his experiences as published in his book “1990 – *The Personal Account of a Journalist Under Siege*”, - which was admitted in evidence.

8.233. It will be recalled that, while Mr. McComie was walking to catch a taxi about 6.00 p.m., he saw Police Headquarters ablaze and ran back to the NBS building which housed 610 Radio. Mr. McComie was about to proceed on vacation but, instead of heading home, he went to the roof of the building whence he broadcast a news story of the destruction of Police Headquarters. His first few words were, *inter alia*:

“I regret that I can confirm Police Headquarters situated at St. Vincent Street is burning. The fire erupted a few minutes ago just after 6.00 o’clock, following a loud explosion, the origin of which can still not be confirmed. It is a horrible sight.....Please, if there’s anyone listening to this broadcast who can assist at this time, we are in need of help down here in Port of Spain.”

8.234. After that short news item, Mr. McComie went downstairs where he saw security guards, Mr. Harry Clinton and Mr. Desmond Harper, lying face down on the floor. He was confronted by smoke within the building and was obliged to retrace his steps. Going upstairs, Mr. McComie saw flames coming from the floor where the station's equipment was located. He tried to extinguish the flames but the fire extinguisher was empty. With the help of some co-workers and the security guards who had freed themselves, the fires were put out. The building was then checked for damage and Mr. McComie, the most senior employee in the building, took charge.

The Six Ten Six

8.235. Some staff left but five remained with Mr. McComie. We refer to them as "The Six Ten Six". These were: Kelly Buckradee, Gerard Lampow, Derek Timothy and Messrs. Clinton and Harper. Mr. McComie ordered that all doors be closed and the employees were then able to ascertain that the source of fire and smoke in the building was "Molotov Cocktails" thrown through the doors.

8.236. Radio 610 had been broadcasting the football game from the stadium and when the game ended, the station played a long playing record "Silhouette" by Kenny G. Mr. McComie was unable to contact any Government officials but was constantly taking in-coming calls. He said -

"We were the ones usually called upon to provide answers, but this time we were overwhelmed by trauma and confusion."

8.237. Mr. Buckradee linked 610 Radio to FM 100 so that listeners had a choice of station but those at the station were not in a position, owing to a lack of news staff, to broadcast the usual news at 7.00 p.m. They had been observing the conflagration in Port of Spain and hearing the sounds of gunfire, but Mr. McComie did not think that he was in a position to broadcast facts at that time.

8.238. Mr. McComie and his colleagues (the Six Ten Six) saw Imam Abu Bakr's broadcast soon after 7.15 p.m. He said:

"Kelly and I were stunned by the drama we saw as confirmation of a 'national disturbance'".

Barricaded within the NBS building, the Six Ten Six felt "fear of the entire situation and the urgent desire to survive". Telephones rang incessantly and they tried to answer as many calls as possible. Mr. McComie expressed their objective thus –

"Our intention was to try to comfort and inform our radio listeners who were in the habit of calling during regular programming."

8.239. He was still unable to contact any officials. He and Mr. Buckradee developed a plan for broadcasting to the nation. Mr. McComie went to the front

balcony of the building and observed the scene in downtown Port of Spain. He heard gunfire and he saw fires and looting. He heard broadcasts by Eddison Carr from Radio Trinidad under armed orders from Abdullah Omowale including warnings against looting. Mr. McComie said that some of the staff at Radio Trinidad were of opinion that the warnings were indeed "signals to the rebels' allies to begin looting".

8.240. Mr. McComie wrote that it was against a background of "violence, fear, chaos and confusion, and the sounds of rapid gunfire and explosions in the city, that the decision was made to stay in the building for protection and as far as possible keep a live link of radio communication going out to the people of Trinidad and Tobago".

8.241. During Friday night, Mr. McComie kept broadcasting messages on the basis of information which he received and checked. He was in contact with persons from all walks of life. His brother, Barry, was using shortwave equipment on which he heard communications between the JAM as well as Police transmissions in which Police Officers were openly abusive of Prime Minister Robinson.

8.242. On Saturday morning, the Six Ten Six discussed how to broadcast in the absence of official material and only a limited choice of music because the

Library was still locked. Mr. McComie kicked open the door to the library and gained access to a vast variety of music. He said -

"We played in their entirety the brightest and best local and international recordings: vintage calypsos, Steelband Festival music, classical music....and contemporary songs consciously chosen for their uplifting lyrics."

In between the music, they broadcast speeches by Dr. Eric Williams and Mr. McComie offered "some comforting platitudes".

Interview with Imam Abu Bakr

8.243. Shortly before noon on Saturday, Imam Abu Bakr called the station and spoke to Mr. McComie. We have reported the circumstances of the subsequent interview which Mr. McComie conducted with Imam Abu Bakr at Chapter 2 paras. 2.34-2.36. Mr. McComie debunked many of Imam Abu Bakr's assertions and exposed his empty rhetoric. Indeed Mr. McComie said that calls were "fast and furious" but not one caller was in support of Imam Abu Bakr. As we report at Chapter 2 para. 2.37,

Mr. McComie's interview incurred the wrath of Col. Brown who ordered him to cease and desist.

8.244. It was 8.15 p.m. on Saturday when twelve Police Officers and soldiers came to NBS to provide protection. The Police observed (and the Six

Ten Six for the first time) that bullet holes in the roof top indicated that the JAM had actually fired on the building. The Police brought food for the Six Ten Six. It was their first meal in 24 hours except that a neighbour, Mr. Hilton, had given them sandwiches in the morning.

8.245. Mr. McComie said he was instructed by Mr. Bernard Pantin not to broadcast information concerning the negotiations taking place between Col. Theodore and the JAM.

Sunday

8.246. Arrangements were made by Mr. Clement for the Six Ten Six to be replaced. Mr. McComie went home but returned in the evening to the radio station under Army guard. A newspaper journalist, Tony Fraser, gave Mr. McComie "urgent and definite" news of an amnesty. He said that the Prime Minister wanted to alert the nation that an amnesty had been signed and the JAM had agreed to release the hostages. Fraser had confirmed that information with Bilaal. The conversation with Fraser was heard on NBS.

Monday

8.247. While other colleagues managed the station and answered the telephones, Mr. McComie "passed on positive messages through music". He was also -

"now quite mobile, receiving protection and transportation from Army personnel....NBS Radio was partially liberated, in the sense that many more employees were choosing to come to work."

8.248. On Monday, the staff at 610 Radio heard rumours of a "counter coup" suggesting that a plan was being hatched to abandon the hostages at the Red House and replace them by a new political configuration.

8.249. On Tuesday, Mr. McComie resisted suggestions from persons at Camp Ogden that he "stop broadcasting", even in the aftermath of Mr. Robinson's release. About 8.00 p.m. Attorney General Smart issued a directive to Mr. McComie "to cease broadcasting all news and interviews on NBS Radio 610 and FM 100". Mr. McComie complied and went home.

Wednesday

8.250. About 3.30 p.m. Mr. McComie stood in the street near the junction of Marli Street and Maraval Road and witnessed the release of the hostages from TTT.

Near Death Experience

8.251. A News Conference was scheduled for the Holiday Inn hotel. Mr. McComie got a lift with another journalist in a small Volkswagon car. As he alighted from the car and straightened up, a soldier said "Don't move". Mr. McComie said that, as he straightened up, he saw the soldier "take aim [at him], release the safety catch and pull the trigger". The gun did not fire and an Army officer sternly rebuked the soldier. Mr. McComie said -

"I was deeply agitated and shook uncontrollably."

The Print Media

(a) The Daily Express

8.252. The Express newspaper was published every day during the crisis. Deborah John was covering Parliament on 27 July but she was allowed to leave after the invasion. Other reporters, such as Andy Johnson, David Maynard, Ucill Cambridge, Keith Smith, Lennox Grant, Susan Lopez, Ria Taitt, Marlon Miller and Kirk Perreira kept the public informed through articles and photographs. Several of the reporters actually went on the ground and walked with patrolling soldiers.

(b) The Guardian

8.253. Except for Saturday, 28 July, the Guardian appeared every day during the crisis. In like manner to the Express, Guardian reporters and journalists kept the public informed through articles and photographs. Gail Alexander, John Babb, Sita Bridgmohan, Noel Saldenha, Francis Joseph, Natalie Williams and Fulton Wilson made up the Guardian's team.

(c) The Trinidad and Tobago Mirror

8.254. Although this was a weekly newspaper, a decision was taken to go daily and the newspaper was published on the six days of the crisis.

After the Attempted Coup

8.255. After 1 August, the print media published articles analysing the attempted coup and its impact on Port of Spain especially. The journalists of the Express tried to examine and analyse the social, economic, political and religious contexts of the insurrection. The articles and photographs were collated and published in one volume entitled "*Daily Express – Trinidad Under Siege – The Muslimeen Uprising – 6 Days of Terror*". This document was admitted in

evidence and the Commission has found it to be a most informative publication of human suffering and the destruction of Port of Spain.

8.256. The Guardian interviewed Mr. John Humphrey about his experiences as a hostage and published the interview on 5 August, 1990. The Express did a similar interview with Mrs. Jennifer Johnson and also published it on 5 August, 1990.

8.257. In 1994 Mr. Max Cuffie, then on the staff of the Guardian, published an interview which he had with Bilaal Abdullah. Mr. Cuffie sought to elicit information about Bilaal's role in the attempted coup and his break with Imam Abu Bakr and the JAM. The publication was in two parts and appeared on 22 and 29 May, 1994. Essentially, Bilaal sought to convey messages that he was "not in charge" of the logistical and other arrangements for the attempted coup, and the JAM did not intend to turn Trinidad and Tobago into an Islamic State. He claimed to believe in democracy and the election of a country's leaders.

8.258. In 2011 Mr. Trevor Sudama wrote of his experiences as a hostage in a series of weekly articles published in the Newsday newspaper. When he appeared before the Commission as a witness, Mr. Sudama confirmed the accuracy of his accounts to the best of his information, knowledge and belief.

Books written by Journalists

8.259. Mr. Raoul Pantin published in 2007 a book entitled "*Days of Wrath – The 1990 Coup in Trinidad and Tobago*". We have previously referred to Mr. McComie's publication in 2010.

Rating the Performance of the Media

8.260. Mr. Madeira gave the local media "high marks" for its role during the insurrection. He said that they showed great initiative and "did not rely principally on Government bulletins. They were all over the place with the soldiers covering the country". On the other hand, he was less enthusiastic about the performance of the foreign media. He said that before the BBC and CNN arrived, coverage by the foreign media was "inaccurate".

"When the BBC and CNN got here, it was much better. There were stories of dead bodies all over the streets. That was not true. The foreign media interviewed all and sundry. CNN carried an interview with someone they said was Winston Dookeran, the Acting Prime Minister of Trinidad and Tobago. It was not Mr. Dookeran. The person was saying "Please bring in the Americans because we have a bunch of madmen who are holding people hostage in the country."

8.261. Eddison Carr was of opinion that the local media were "very proactive". Every journalist wished to find out what was really happening. He was critical of "the Government, the Army and Police. They were not very

forthcoming and never really volunteered information". He said that the foreign media knew much more than the local journalists.

"The BBC and Voice of America had more information than we had because we heard it in their broadcasts."

Guidelines

8.262. Some of the witnesses thought that in times of crisis, such as the insurrection, there should be clear guidelines to cover the dissemination of information. Mr. Madeira recalled that, in the uprising of 1970, guidelines were published in relation to broadcasting during the State of Emergency. This did not happen in 1990. He said that young journalists need to be guided and the authorities need to be more open with the media.

5. THE RESPONSE AND PERFORMANCE OF THE ESSENTIAL SERVICES

A. INTRODUCTION

8.263. We received evidence of the response and performance of the Water and Sewerage Authority (WASA) and the Trinidad and Tobago Electricity Commission (T&TEC) during the period 27 July to 1 August, 1990. These entities are classified as Essential Services under the provisions of the Industrial Relations Act, Chap. 88:01.

B. THE EVIDENCE

WASA

8.264. Mr. David Benny, Head of the Waste Water Operations Department of WASA, gave evidence on 29 August, 2012. He testified that, during the period of the attempted coup, the Army and the Protective Services were deployed at the key installations of WASA. He was an operator stationed at the El Socorro waterworks. At first the Army and, later, the Police accompanied officials of WASA on their operations. They provided transport for WASA officials to and from their homes and assisted in maintaining “the framework of WASA to ensure the provision of service to the public”.

8.265. There was no damage to any of WASA's infrastructure during or subsequent to the insurrection. Mr. Benny admitted hearing rumours during the insurrection that reservoirs had been poisoned but these rumours proved to be unfounded following due investigation.

T&TEC

8.266. The first witness to testify on behalf of T&TEC was Mr. Ganesh Narine, an electrical engineer. On 27 July, 1990 he was the Emergency Engineer responsible for the operations of the emergency section of the Commission. Mr. Narine also functioned as the on-call engineer on 27 July i.e. "the engineer on call outside of normal working hours."

8.267. The emergency section operated from the Northern Distribution Area where resources were allocated to respond to emergencies on the grid. Mr. Narine's base of operations was at Flament Street in Port of Spain and he was responsible for a geographical area stretching from San Juan in the east to Chaguaramas in the west.

8.268. On 27 July all of the emergency crews and all of those involved in first response activities were under Mr. Narine's supervision – about 70 persons. Mr. Narine was assisted in his supervisory functions by Mr. Desmond Floyd.

8.269. Sometime after 5.00 p.m. Mr. Ramcharan Ramhit, the shift control operator at T&TEC's control room at the corner of Park and Frederick Streets, called Mr. Narine on a wireless radio to report an explosion and fire at Police Headquarters. He asked Mr. Narine to investigate. Soon after Mr. Ramhit called

again and suggested that Mr. Narine should not personally go to Police Headquarters to investigate since "something unusual was happening there". He suggested instead that Mr. Narine should go to Maraval, make contact with the engineering controller, Mr. Mervyn Ramjohn, at his home and bring him to the control room. As it happened, Mr. Ramjohn had overheard the conversation and he contacted Messrs. Narine and Ramhit.

8.270. Mr. Narine explained that T&TEC had a parallel system of wireless radio communication which enabled senior personnel to maintain contact with each other. He said -

"Practically all of the engineers in the distribution outlet and the senior supervisors in the distribution outlet had their vehicles equipped and they were also issued with portables – mobile radios – so that in the event of a problem they could make easy contact."

8.271. Mr. Ramjohn's advice was to recall all crews to base at Flament Street and stay there to await further instructions. Mr. Narine acted accordingly. In the meantime, Mr. Winston Sanka, shift control operator, reported that he had information that there had been an attempted coup. Phase I of T&TEC's Disaster Preparedness Scheme was invoked. It involved the recall of all crews to base, regrouping and then deployment. By 7.00 p.m. all crews were at Flament Street and it was confirmed that Police Headquarters had been destroyed.

Implications of destruction of Police Headquarters

8.272. Mr. Narine explained the implications of the destruction of Police Headquarters. He said -

“Because of the electrical high-voltage system in that part of the city, there were no problems other than at Police Headquarters. The total destruction of that building by fire meant that the electrical supply isolated itself because the high voltage system blew at that location, so the surrounding areas were not affected as a result of this fire. The protective device on the high voltage system operated in order to isolate the fault.”

8.273. It was difficult for crews to move into disaster areas in Port of Spain during Friday night owing to the general confusion and the “horrendous state of traffic”. For example, T&TEC was unable to gain access to the substation at Woodford Square which was the source of supply to the Red House, when they received information that the Red House was without power. (There was no evidence that the Red House was without power during the crisis). T&TEC never received any instruction to de-energise the Red House. However, the control room at T&TEC functioned on a 24-hour shift basis and remained open throughout the night and the crews remained at Flament Street.

Saturday, 28 July

8.274. Mr. Narine's recollection is that "fires really started on Saturday morning, other than at Police Headquarters". He said -

"Sometime after 7.00 a.m. we started getting an unusual amount of 'trouble' calls from members of the public as well as the control room that the city was on fire."

8.275. T&TEC attempted to respond "but there was utter chaos in the city and it was difficult for us to get to locations." Nevertheless, using remote switching facilities, T&TEC was able to isolate areas when they identified a particular location which would have been on fire and would have been dangerous to the public. In the language of electrical engineering, T&TEC "de-energised" certain areas, i.e. "made the electrical system dead". The process of de-energising caused a large area of Port of Spain to be without power, but most of the media houses were equipped with stand-by generators. Most of the staff of T&TEC reported for work on Saturday morning.

8.276. Mr. Narine was full of praise for the staff. He said -

"It is one of the great things that happened at T&TEC that, in times of strife and disaster, the employees tend to come out to work and it was no different in 1990."

8.277. On Saturday morning, fires were reported on Queen Street, Henry Street, Charlotte Street, Chacon Street, Frederick Street, Independence Square

and surrounding areas. The Fire Service was in contact with T&TEC's control room as well as T&TEC's telecom operator in the Northern Distribution Area.

8.278. Mr. Narine was of opinion that T&TEC "did its best" in the circumstances. He said -

"We were able to and willing to respond as quickly as calls came in. In a lot of cases we could not get to a location so we had to isolate larger areas until we were able to get closer."

8.279. He told us that he had to get Police escort to go to the Laventille sub-station which had become de-energised and resulted in a black out to the whole of Laventille and the Sea Lots area. He also saw "a lot of people running about near the Fernandez compound where there were a number of warehouses" – a veiled reference to looting. He also mentioned that T&TEC restored the entire power supply to the General Hospital when it lost power and none of the stand-by generators was able to keep the hospital supplied for any extended period. He said that Mr. Desmond Hoyte "almost single-handedly brought back power to the General Hospital".

No T&TEC Report

8.280. T&TEC did not compile a report of its activities during the insurrection. Indeed many of the reports of fire were not recorded. According to Mr. Narine, "we just responded". He said they were "overwhelmed".

8.281. Today, however, in Mr. Narine's view, T&TEC would be better able to compile reports "because of the technology and capabilities that we now possess. There has been a qualitative improvement in the capacity of T&TEC to respond to emergencies".

8.282. Damage to T&TEC's installations was not quantified.

After the Insurrection

8.283. It took some time (about five days after the surrender of the JAM) to restore electricity to all of the affected areas. T&TEC had to change "quite a bit of the high voltage systems in lower Port of Spain and it took some time" -

"Buildings had to be re-built and practically all of downtown Port of Spain was destroyed but in a period of three to four months normal power was restored. On construction sites, temporary power was connected....And street lighting and so on. Circuits had to be re-built and that took time."

8.284. Only one employee was injured and that injury was occasioned during the restoration. The General Manager wrote to staff and complimented them for their efforts. Mr. Narine was not aware of my commendation from the Ministry responsible for Public Utilities. Staff received some compensation in the form of overtime pay.

8.285. T&TEC keeps its Disaster Preparedness Scheme under constant annual review and staff are given regular, relevant training. There are Schemes designed for different locations.

Mr. Richard Kissoon

8.286. The other witness who testified on behalf of T&TEC was Mr. Richard Kissoon, at present the Area Manager, Distribution. In 1990 he was a junior engineer at the Commission, stationed at the Distribution Office, Flament Street.

8.287. On 27 July he was not on duty. He was at home and saw Imam Abu Bakr on television. He received a telephone call from his Area Manager, Mr. Ricardo Inniss, who told him that it appeared that a coup was taking place and he would contact him later. He advised him to stay at home for the time being and monitor their wireless radio. Mr. Inniss did call a second time and instructed him to remain at home.

8.288. On Saturday Mr. Inniss contacted him and instructed him to go to the St. James sub-station, at #1 Woodbrook Place near to the Police Barracks. Mr. Kissoon did as he was told. He encountered soldiers on his way but, having identified himself, he was allowed to proceed.

8.289. At the substation, he discovered that the circuit known as "the St. Clair feeder", had tripped and there was a loss of power in the St. Clair and Sweet Briar Road areas. He discussed the matter with Mr. D. McConnie and went to Elizabeth Street and then to Sweet Briar Road. He had a military escort and was able to repair the air break switch on Sweet Briar Road. He then returned to the St. James substation and reclosed the breaker, restoring power to St. Clair, the Queen's Park Oval, Alexandra Street and St. Clair Avenue, *inter alia*.

8.290. On another occasion, Mr. Kissoon went to an area around Hayes Street where there was no supply. He was again escorted by the military and found that, near Queen's Royal College, an intimator was shattered. He effected the necessary repairs and caused the power supply to be restored to the area.

Response of Employees

8.291. Mr. Kissoon rated the response of T&TEC as "excellent". He said -

"Many of the workers called or came in to find out if they were needed – several of the crew, foremen and others. Although it was not their rostered shift, they came and gave others a chance to go home....They showed dedication beyond their normal duties."

8.292. He, too, said that T&TEC was ready and able in 2012 to deal efficiently with any disaster, man-made or natural. The Disaster Preparedness Scheme is constantly upgraded. He said -

"In fact, every Area Manager is required to update his plan every year and, with the assistance of our health and safety department, we go through the plan. It is much more detailed today than in 1990."

8.293. He said that, nowadays, T&TEC aims to restore power to an affected location within 2 hours. And they keep statistics and use internationally accepted criteria "in order to benchmark our operation".

The Fire Service

8.294. The Commission of Enquiry initially experienced some difficulty in obtaining evidence about the response and performance of the Fire Service during the attempted coup. However, during its 14th Session, Mr. Leo Joseph, Acting Assistant Chief Fire Officer (Northern Division) gave useful evidence.

8.295. On 27 July, 1990 Mr. Joseph, who joined the Fire Service in 1979, was attached to Belmont fire station. He was at home during the evening. But he was aware of the events in Port of Spain from what he saw and heard on television and the radio. He was rostered to report for duty on the morning of

28 July. During the night of 27 July, the Chief Fire Officer issued a "Call Out" to all officers but advised caution in reporting owing to the violent and dangerous situation in Port of Spain.

8.296. Mr. Joseph reported on Saturday morning and worked throughout the weekend until Monday, 30 July. After reporting for duty, he was briefed by the Officer in Charge of Belmont Station and Mr. Joseph went to Duncan Street where there was a small fire at a hardware store. He said the officers had difficulty in gaining entry since the front of the store was barricaded. Eventually they got into the store and extinguished the fire. He spoke of "a lot of smoke in Port of Spain" but, throughout the weekend, officers fought several fires in downtown Port of Spain. There was no shortage of water or appliances and equipment. However, the difficulties encountered in fighting the several fires were compounded by a dearth of Police protection and threats of violence by members of the public to Fire Officers.

Report of the Fire Service

8.297. Among the documents tendered in evidence by Mr. Joseph was an official report of the period 27 July to 5 August, 1990 written by the Chief Fire Officer (CFO) and submitted to the Permanent Secretary, Ministry of Justice and National Security on 30 August, 1990. In his preparation of the report, the CFO

collaborated with the Fire Prevention Section, the Forensic Science Centre, City Engineer's Office and the Chamber of Commerce. We reproduce the report, without its appendices, below.

"On the evening of July 27, 1990, appliances from Fire Service Headquarters responded to an explosion and subsequent fire at Police Headquarters, St. Vincent Street, Port of Spain. This signalled the beginning of a series of fires continuing from the said date until Sunday, August 5, 1990, resulting in heavy fire destruction in and around the city of Port of Spain.

INITIAL RESPONSE

Upon responding to the blaze at Police Headquarters, Firemen were met with conflicting reports as to the nature of the situation, and were forced to discharge their duties under heavy gunfire, giving emphasis to the rescue of approximately one hundred and twenty (120) people who were trapped within the burning building. This was done by unhinging the gate which gave access to the Police Canteen on Edward Street. However, fire personnel were forced to retreat and abandon fire-fighting operations after approximately ninety (90) minutes in the face of life-threatening circumstances. Because of similar situations occurring later into the night around the city, the Fire Service responded but could not expedite fire-fighting operations unless coverage from the armed forces was provided.

Consequently, on the morning of Saturday, July 28, 1990 at approximately 0530 hours, Police coverage was provided for appliances responding to the various scenes of fire in and around the city. In this manner personnel of the Fire Service were able to discharge their duties in attempting to arrest the tremendous destruction by fire that had now reached alarming proportions in the city of Port of Spain.

Notwithstanding these constraints, however, effective fire control in the downtown area was eventually established,

and personnel were successful in preventing further conflagration. An ongoing sequence of fire calls continued throughout the period under review, and the Fire Service were able to respond to all under the protective coverage of members of the armed forces.

CAUSE AND ORIGIN ANALYSIS

Intensive investigations into the causes of the fires in downtown Port of Spain were initiated by members of the Fire Prevention Department, and conclusions were that these causes fell under three (3) major categories.

A greater percentage of these fires were suspected to be as a direct result of the looters who ravaged the city amidst the crisis situation. Others were started by the heat transmission of buildings on fire, which could not have been attended to by the Fire Service at the height of the insurgence. A few of the fires are suspected to be caused by patented devices used in initiating various outbreaks. One such device has been referred to the Forensic Science Centre for analysis.

FATALITIES

During the period under review, many deaths have been reported as a result of the actions of insurgent elements commencing on the evening of Friday, July 27, 1990. However, as a result of intensive investigations, it is safe to conclude that none of these could be attributed to the direct result of fire or fire-related incidents.

LOSSES

It is estimated that approximately 116 occupancies in the downtown area suffered extensive fire damage between July 27 and August 5, 1990. Total losses as a result is said to be in the vicinity of \$125, 663, 416.00.

Information on job loss, as a result of the crisis, has not yet been ascertained.

CONCLUSION

In conclusion, special mention is to be made of the incidents of fire at Trinidad and Tobago Television on Maraval Road and the Jamaat al Muslimeen on Mucurapo Road, which occurred on Monday, July 30 and Friday, August 3, 1990 respectively. While the fire at Trinidad and Tobago Television House (TTT) has been attributed to the exchange of gunfire between the armed forces and insurgents, it is not clear as to the direct cause of the blaze which gutted the headquarters of the Jamaat al Muslimeen on Mucurapo Road, which had been occupied by members of the Protective Services at the time of the incident."

8.298. Appendix 'A' of the Report, headed "Fire Loss Analysis/Survey" sets out in tabular form information concerning the date of a fire, the location, estimated loss or damage to a building, the occupier of the building, estimated loss or damage to contents and the cause of the fire. A copy of Appendix 'A' is included in this Report as Appendix 7.

8.299. In the course of his evidence, Mr. Joseph pointed out that, prior to 27 July, 1990, the Fire Service had never "seen the need for the military to assist". They were accustomed to assistance from the Police. On this occasion, beginning the Saturday morning, both forces provided protection for the Fire Officers. Sometime after midnight on Saturday, 28 July, the Fire Service brought the fires under control.

The Role of the General Hospital

8.300. On 21 May, 2013, the Commission received evidence from Mr. Deneash Ariyanayagam FRCS. He was a co-author of a report prepared by

medical practitioners at the General Hospital following the attempted coup. On 27 July, 1990 Mr. Ariyanayagam was the Senior Surgical Registrar at the Hospital but was acting as a Consultant.

8.301. On the evening of the attempted coup, those doctors who were in the Hospital did what they could as events unfolded. An anaesthetist took charge. It was determined very early that records would be kept on a daily basis of Casualty attendance, treatment, admissions, planning, types of injuries. In addition, patients were interviewed to assess their activities at the time of injury, for example, whether the injuries were caused by looting, by accident, by-standing and so on.

8.302. On Saturday morning, the Heads of Surgery, Orthopaedics and the Medical Chief of Staff came to the Hospital. They stayed only for a limited period because the State of Emergency and curfew had come into effect. Mr. Ariyanayagam explained that since -

"we had no idea what was unfolding, we could not put together a plan. We tried to mobilise and function as best we could."

The Surgical and Orthopaedics departments were put under heavy pressure.

8.303. There were four operating theatres at the Hospital. For most of the period of the crisis, two theatres were in constant use but, from time to time,

a third theatre was pressed into service. Staff on Saturday were insufficient to handle the in-coming cases but, as the witness explained -

"We walked through and focussed on those who needed immediate care."

Mr. Ariyanayagam rated the response of staff as "excellent". He pointed out –

"many of us came into the Hospital although we were not on call during the 6 days of the crisis."

8.304. In the first 48 hours of the crisis, there was a definite need for more surgeons. Looters who were injured began to appear at the Hospital. Thus, whereas on 27 July, 43 persons were seen in the Accident and Emergency Department (A&E), on the next day, 152 persons were seen.

Relevant Statistics

8.305. The report provided a wealth of relevant and useful information. We reproduce that information below.

1. ACCIDENT AND EMERGENCY DEPARTMENT

8.306. Over the 6-day period of the crisis, 560 patients were seen. Of that number, 302 were admitted to the wards; 250 were treated and discharged and 8 persons died in the department. Of the 250 persons who were treated and discharged, 54 were coup-related. 23 of the 54 had suffered cuts from

broken glass while looting. 10 suffered blunt trauma injuries in fights; 8 had gunshot wounds; 3 were stabbed and chopped and the other 11 seemed to have been injured accidentally, e.g. by falling.

2. SURGICAL DEPARTMENT

8.307. 187 of the 302 admissions went to surgery and 170 were related to the attempted coup.

Types of Injury

8.308. 107 of the admissions to the Surgical Department suffered gunshot injuries. 16 were stabs; 12 were the result of vehicular accidents; 8 were cuts from broken glass and fights and falls accounted for the remaining 27. The report highlighted that –

“Many of the gunshot wounds were grotesque – of a type and extent not usually seen in civilian life. Many of the firearms used during this period delivered high velocity shots that produced extensive injuries.”

3. MORTALITIES

8.309. 24 persons died as a result of the attempted coup. 15 persons died at the Hospital, 7 in the A&E department and 8 after admission.

4. PROFILE OF INJURED PERSONS

8.310. Of the 231 injuries related to the attempted coup (170 admitted, 54 treated and discharged and 7 deaths in the A&E department), 133 were looters, 28 were bystanders and 12 were police officers or soldiers. 17 civilians were injured during the offensive of the JAM. Only 2 of the JAM were seen at the Hospital and 39 other unknown persons were injured.

5. STAFF

8.311. According to the report, "Numerous doctors, nurses, attendants, radiographers, technicians and security officers stayed in Hospital for prolonged periods – well beyond the call of duty." In the A&E department, there were on average approximately 12 doctors and 18 nurses at any time. And others were available within the compound of the Hospital if needed. The Orthopaedic, Anaesthetic and General Surgery staff remained in the Hospital because the existence of the curfew restricted their movements from the Hospital. However, during the first three days of the crisis, catering of food and beverage for staff was inadequate.

6. MANAGEMENT OF WARDS

8.312. The wards were rapidly cleared of all patients who could possibly be sent home to make beds available for an anticipated increased intake. Arrangements were made for separate accommodation of politicians and members of the JAM if it became necessary. Some beds were also reserved for medical staff who stayed voluntarily in the Hospital during the crisis.

7. SUPPLIES AND MATERIALS

8.313. Contingency measures were taken to ensure that there was an adequate supply of essential medical and surgical materials in the A&E department and that department "was always in readiness. All patients with serious injuries were treated immediately".

8. TRANSPORT

8.314. The unavailability of public transport and the imposition of the curfew restricted movement. It was necessary to make special arrangements for transport. Accordingly, buses, vehicles of WASA and ambulances rendered assistance in moving staff to and from work. The use of ambulances was problematic because the Protective Services also used ambulances for patrolling or transporting their personnel. "This made an ambulance a potential target of

attack by rebels”, according to the report. In fact, one ambulance transporting health workers was actually shot at.

DEFICIENCIES

8.315. The report was forthright in stating that –

“Planning and coping with the disaster was definitely the weakest area. This was due to:

- (a) inadequacies in the disaster plan itself;*
- (b) failure to effect several aspects of the disaster plan;*
- (c) inadequate communication between the hospital and the disaster areas;*
- (d) the unique nature of the disaster itself.”*

8.316. In his oral evidence, Mr. Ariyanayagam was rather hazy about the existence, nature and extent of a disaster plan to be made operational in circumstances such as the attempted coup. He believed that on 27 July, 1990 there was a disaster plan which had been formulated at the level of the Consultants on staff at the Hospital. He said -

“We had a plan specific to the health sector but it was not circulated to all staff. It was a plan for the General Hospital. On 28 July when I got to the Hospital we had no plan.”

8.317. In the report tendered in evidence, there is the clear statement that -

“the disaster plan had several deficiencies with respect to the coup. No provisions existed for mobilisation of health care workers during a curfew.....only 3 curfew passes were available for the entire medical staff by 29 July 1990. On 2 August, one day after the hostages were released, curfew passes were made available for most of the doctors. Also there was no provision made for keeping masses of health care workers at the institution for prolonged periods of time.”

8.318. In the report it was stated that the plan included “consultation with and involvement of the Heads of Surgery, Anaesthetics and A&E (among others)”. However, during the crisis, those Heads were not involved in day to day planning.

8.319. The third deficiency identified in the report related to the inadequacy of communication between the Hospital and “disaster areas”. During the 6 day crisis, the Hospital staff were put on RED ALERT on five occasions but on no occasion was the RED ALERT called off. The report complains that medical staff were “very poorly informed about what was happening”.

8.320. The unique nature of the attempted coup was contrasted with other disasters. As the report states –

“In most disasters a single major calamity occurs (e.g. a crash, hurricane etc.) and resources are mobilised to deal with it. In this case, the disaster was drawn out over 6

days. It therefore had to involve planning to manage, feed and accommodate large numbers of staff for a prolonged period. Plans also had to be made to deal with the rebels and keep them separate from the politicians if mass casualties occurred in the Red House."

8.321. The report suggested that a disaster plan should have sufficient flexibility to enable it to function "even in such bizarre situations as the coup".

RECOMMENDATIONS FROM THE REPORT

8.322. The report recommended:

- (i) flexibility in a disaster plan;
- (ii) the involvement on a daily basis of persons centrally responsible for caring of the injured such as a general surgeon, an orthopaedic surgeon, an anaesthetist and the Head of A&E. These persons "should be part of a coherent team that manages the disaster";
- (iii) communication between the Protective Services and the General Hospital needed to be improved;
- (iv) specific ethical issues required resolution.

8.323. The ethical question was posed: "Does an MP or Minister who has a major injury that needs surgery take precedence over a rebel who has an even more severe injury that needs attention? Is the system of triage different? Who gets the limited supply of expertise, blood and operating theatre time?"

C. FINDINGS AND CONCLUSIONS

1. THE GOVERNMENT

8.324. Contrary to the desires, hopes, expectations and efforts of the JAM, the Government of Trinidad and Tobago was not overthrown on 27 July, 1990. It was not paralysed. It may have been temporarily destabilised. Three Ministers, Messrs. Samaroo, Basdeo and Tiwarie were overseas. But on the evening of the attempted coup, Messrs. Atwell, Myers, Pantin and Charles were ensconced at Camp Ogden. They were joined early on Saturday morning by Attorney General Smart. Thus, on Friday evening, Ministers were available to discuss and take decisions before Mr. Dookeran became available on Saturday morning. With the return of those on overseas business on Sunday, the interim Government was strengthened. The politicians were supported by senior public officers during the crisis.

8.325. The Commission cannot accept the observations of the Trinidad and Tobago Chamber of Industry and Commerce that “the response of the Government was nil, until Ministers Lincoln Myers and Clive Pantin, as far as we recall, made a public broadcast a day or two after 27 July.....” Mr. Myers’ patriotism and devotion to duty sent him straightaway to Camp Ogden as soon as he heard the news, at his office, of the attempted coup.

8.326. Mr. Bernard Pantin’s television experience and presence of mind made it possible for Ministers Myers and Pantin to go to Cumberland Hill about 9.00 p.m. on Friday to broadcast to the nation from a makeshift facility which had been rigged up for that purpose. The Acting President himself, made a broadcast about 3.00 a.m. on Saturday.

8.327. The Commission finds that, before Mr. Dookeran was sufficiently recovered from his ordeal in Parliament, Mr. Atwell chaired meetings of the politicians at Camp Ogden and was the *de facto* leader of the interim Government. It was to the interim Government that Col. Theodore and Col. Brown referred matters for decision and to whom they always deferred.

8.328. As early as Friday night, the interim Government took key decisions:

- (i) The Army put before them three options, namely, negotiating a solution to the crisis, storming the Red House or blowing it up. The interim Government decided, on expert advice, that the best and most sensible solution was to negotiate.

- (ii) The interim Government decided to deny Imam Abu Bakr continuous access to the airwaves and they authorised the disablement of the transmitter at Gran Couva.

8.329. On Saturday, the interim Government authorised the Acting President to issue a Proclamation for a State of Emergency. By the afternoon, they had discussed the question of an amnesty and consigned that question to the expertise of the lawyers who had been invited to assist.

8.330. The Commission finds that Mr. Myers and Attorney General Smart made no contribution to the text of the amnesty. The Commission accepts that, whereas Mr. Smart would probably have agreed to the terms of the amnesty, he did not see it before it was sent off to the Red House. The Commission believes Mr. Myers' evidence that he was "dead set against any amnesty". What the Commission concludes is that, even in the depleted Cabinet as it was, dissentient

opinions were accommodated and majority rule prevailed. Mr. Myers saw a copy of the amnesty that was initialled by the Acting President.

8.331. On Sunday the interim Government decided to relocate the centre of operations to the Hilton Hotel for logistical reasons. Camp Ogden was inadequate to accommodate the Ministers (now joined by those who had returned from overseas), public officials and the leadership of the Army. And the time had come for a more organised structure to be brought to bear on deliberations.

8.332. The Commission finds that the interim Government was also taken up with responding to foreign friendly Governments which were offering assistance or calling to inquire about the status of the situation. In this regard, the Commission notes that the Government of the United States was prepared to send troops; Governments of CARICOM also volunteered troops and the Government of Venezuela offered medical supplies. The interim Government requested the US to give technical support in respect of Hostage Management. The Commission finds that the interim Government did not request foreign troops from the US or any other Government. However, the interim Government agreed that CARICOM troops could come to Trinidad after the crisis was over to assist in keeping order on the streets and performing static guard duties at business places.

8.333. Mr. Myers and Dr. Romesh Mootoo coordinated medical supplies and the Government of Venezuela quickly landed “tons of medical supplies”.

8.334. Ministers Smart, Carson Charles and Atwell addressed the nation on Saturday 28 and Sunday 29 respectively. They tried to inform the public of the condition of the hostages, the fact that negotiations were ongoing, details of the curfew and appealed for calm. – see paras. 8.36 to 8.38 for the content of speeches made by the Ministers. Most of all, the Ministers sought to reassure the country that the Government was functioning and that the Defence Force and Police were now in control.

8.335. One of the responsibilities of the interim Government was to listen, via the eavesdropping equipment brought by the US, to what was happening in the Red House. The Ministers took turns sleeping and listening to the information being relayed.

Response of the Government after the Insurrection

8.336. When he was in a condition to travel, Mr. Robinson went overseas to recuperate. Mr. Dookeran acted as Prime Minister. He requested reports from the Police Service and Defence Force. Apparently the report from the

Police Service was not sufficiently “profound” and it was sent back. WASA and T&TEC gave reports. The Commission saw no report from the Special Branch or the Police Service. In this Chapter, we report on the responses of WASA and T&TEC at paras. 8.410 and 8.411 to 8.419.

8.337. Why was there no enquiry or Commission of Enquiry prior to 2010 when this Commission was established? The evidence is conflicting. Mr. Dookeran said that he was dissuaded from having “a deeper investigation” by Mr. Reginald Dumas, Permanent Secretary, Prime Minister’s Office. Mr. Dumas denied Mr. Dookeran’s assertion because, as he said, he always believed that there should have been an enquiry. To have advised otherwise would have been inconsistent with his belief and inclination.

8.338. There was no sufficient evidence before us on which we can make a clear finding on this conflicting evidence.

8.339. The Commission finds that Mr. Robinson was not in favour of a Commission of Enquiry at the time because he and the Government were more concerned with restoring the country to a state of normalcy and dealing with the consequences of the destruction of Port of Spain. Mr. Anthony Smart’s opinion was that since criminal proceedings had begun against the JAM, it would have been improper to hold a Commission of Enquiry at the same time.

8.340. The Commission did not hear argument on the legal issue raised by Mr. Smart. The Commission is satisfied, however, on the basis of its own experience during this Enquiry, that if an attempt had been made to hold a Commission of Enquiry while the Preliminary Enquiry into the charges against the insurgents was pending, there would, in all probability, have been such a plethora of judicial review applications that the work of the Commission would have been rendered nugatory.

8.341. Moreover, under existing legislation, the Commission has and had no power to compel the attendance of any witnesses, especially in circumstances where it would be submitted that testifying before a Commission of Enquiry might prejudice an accused's right to a fair trial before the courts.

8.342. The Commission finds that, after the insurrection, the Cabinet took two decisions related to assistance for victims of the attempted coup. The first, made on 20 August, 1990, provided that persons paid from public funds, who were injured or traumatised as a result of the events of 27 July, should receive medical and/or psychiatric assistance at institutions in Trinidad and Tobago or abroad, if recommended by a panel of doctors. Cabinet further agreed to introduce an Employee Assistance Programme for Public Officers to address the

needs of such officers and “those persons in the Parliament building who were affected by the events...”

8.343. This Cabinet decision was never fully implemented.

8.344. On 10 January, 1991, Cabinet agreed that Members of Parliament and Public Officers who suffered loss or damage to personal property as a direct result of the attempted coup and its aftermath, be compensated.

8.345. This Cabinet decision also was never fully implemented.

8.346. The Commission makes certain recommendations in Chapter 11 of this Report to ensure that restorative justice is accorded to victims of the attempted coup.

8.347. The Commission finds that, although the Government did not undertake to rebuild Port of Spain, it attempted to assist in its rehabilitation. In that regard, a loan facility was established. These initiatives foundered because there was no proper plan in place to rehabilitate Port of Spain and the procedures for accessing loans were cumbersome and convoluted. Very few businesses benefited.

2. THE DEFENCE FORCE

8.348. The Commission does not accept the opinion of the Chamber of Commerce that “the response of the Army was slow...”. The Operations Log of the Regiment records that at 6.15 p.m. Capt. Smart instructed Guard Commanders at Camp Ogden and Camp Cumuto to close the gates. “Camp is confined.”

8.349. When Imam Abu Bakr first broadcast at 6.20 p.m. Lt. Col. Hugh Vidal sent two senior officers into downtown Port of Spain to investigate what was happening and report back. They reported that Police Headquarters were on fire, there was shooting from the Red House and persons were driving around shooting. Meanwhile, Felix Hernandez had told Col. Brown at the stadium that the JAM had bombed Police Headquarters. This was about 6.00 p.m. and Col. Brown immediately left for Camp Ogden.

8.350. The Chief of Defence Staff, Col. Theodore, received a telephone call from retired Commander Jack Williams about 6.00 p.m. informing him of the attack on the Police Headquarters. Col. Theodore called Lt. Vidal for transport, got dressed and set off for Camp Ogden. About 7.00 p.m. Col. Theodore and Col. Brown met with Lt. Col. Vidal. Col. Brown ordered Major Peter Joseph “to muster as many men as you can and go into Port of Spain”. Col. Theodore

dispatched two Warrant Officers to the vicinity of the Red House to see what was happening. No one was aware, at that time, that there were hostage situations both at the Red House and at TTT.

8.351. At 6.35 p.m., according to the Ops Log, Major Joseph and Capt. Bishop were directed "to seal off the Red House while other forces are being gathered. Capt. Maharaj who is on marijuana ops is told to return to Camp Ogden immediately."

8.352. Col. Brown returned to the stadium to use the public address system to order all sailors and soldiers to meet him by the main stand. He ordered the sixty who responded to report to Camp Ogden where Lt. Col. Vidal was devising a strategy for containing the insurrectionists.

8.353. Col. Brown, Col. Theodore and Lt. Col. Vidal watched Imam Abu Bakr's broadcast at 7.15 p.m. They heard him say that the Army was on the side of the JAM. They were incensed. It was a blatant lie, as we so find.

8.354. The Commission finds that, before setting out for Port of Spain, Major Joseph devised "a Hasty Plan". He reported to Lt. Col. Vidal and 38 soldiers were mobilised to go into downtown Port of Spain to contain the situation at the Red House.

8.355. Of the 38 soldiers mobilised, 18 were assigned to Major Joseph to go to the Hall of Justice; 20 under the command of Capt. Bishop went to the Clico Building.

8.356. The Commission finds that the foregoing preparations, decisions and actions by the military were an appropriate response, having regard to the emergency nature of the events.

8.357. About 7.30 p.m. Major Joseph led the 38 soldiers into Port of Spain. The strategy was that Capt. Bishop and his men would control the area from Sackville Street to Prince Street and Major Joseph and his men would approach from the opposite direction. Communication equipment was limited. At the beginning of the operation, the soldiers had "a basic load of ammunition".

8.358. Major Joseph's objective was to establish a position at the Hall of Justice but on their way there, he and his men encountered sniper fire. About 8.00 p.m., however, Major Joseph had worked his way to within 50 metres of the Red House and, by 8.30 p.m. he had established a position within the Hall of Justice. Capt. Bishop's troops were occupying the Clico building.

8.359. Col. Brown ordered that the airports at Piarco and Crown Point be closed.

8.360. The Commission was impressed to hear that, throughout Friday night, soldiers kept reporting for duty and many who were living overseas and heard the news, called to say that they would return at the first available opportunity.

8.361. Sometime after midnight, Capt. Maharaj and his troops returned from Cumuto, manned the outer cordon and did patrols. The Commission finds that the Army had effectively surrounded and contained the Red House when the forces of Capt. Bishop and Major Joseph were in place.

8.362. Lt. Col. Carlton Alfonso commanded the Support and Service Battalion (SSB) stationed at Teteron. He was custodian of the Army's ammunition and controlled the issuance of arms. He spoke with Lt. Col. Vidal and he knew that soldiers had been deployed to the area around the Red House. He knew that they got arms and ammunition at Camp Ogden. But based on his own assessment of the situation "and an anticipated fire-fight", Lt. Col. Alfonso sent 50,000 rounds to the First Battalion.

8.363. Three matters peeved Lt. Col. Alfonso. First, on 28 July, Major John Sandy requested more ammunition. Lt. Col. Alfonso questioned the need for additional ammunition. He told Maj. Sandy to let Lt. Col. Vidal know that he was not sending the ammunition. Lt. Col. Vidal telephoned

Lt. Col. Alfonso and there was what may be characterised as “a professional disagreement”. On 28 July the matter was settled. Lt. Col. Alfonso sent the ammunition. The second matter which drew Lt. Col. Alfonso’s ire was that, on his arrival at Teteron, he could not account for many of the soldiers assigned to the SSB. They had reported to Camp Ogden as directed by Col. Brown. Thirdly, Lt. Col. Alfonso claimed that, up to 28 July, neither Col. Theodore nor Col. Brown had communicated with him. He had to take decisions on his own.

8.364. The Commission finds that the professional disagreement between Lt. Col. Alfonso and Lt. Col. Vidal was an occurrence that was the consequence of the urgent situation that was confronting the Army. In situations of extreme urgency, tensions and tempers are apt to become frayed at the edges. However, Lt. Col. Vidal was on the ground. He was closer to the action than Lt. Col. Alfonso. Major Joseph and Capt. Bishop were reporting to him. It was his call of judgment that sounded for more ammunition.

8.365. The Commission accepts that appropriate military protocol dictates that when a soldier is ordered to report to camp, he ordinarily ought to report to his assigned camp. But again, we repeat that this was a situation of extreme urgency. The exigencies of the crisis required “all hands on deck” as quickly as possible, to borrow a naval metaphor. Col. Brown was the Commanding Officer of the Army. He ordered the men to report to Camp Ogden – the closer camp to

the action in Port of Spain. Time lost in soldiers finding their way to Teteron, getting “kitted out” and driving back to Camp Ogden for orders, could have been crucial to the success of the early operations. In the circumstances, the Commission ascribes no criticism to Col. Brown for his decision. It may not have been best practice but, in all the circumstances, it was efficacious.

8.366. The Commission makes no finding in respect of the allegation that Lt. Col. Alfonso did not communicate with Col. Theodore and Col. Brown prior to 28 July. Col. Brown was adamant that he gave Major Derrick instructions to inform Lt. Col. Alfonso of the operation and he is sure that Major Derrick did as he was ordered. We never received evidence from Major Derrick and this is very much a situation of word against word. We are unable, on the evidence, to make a conclusive finding.

8.367. Turning now to the situation at TTT, the Commission finds that, prior to midnight on 27 July, there was an insufficiency of soldiers to establish a cordon around TTT.

8.368. In the early hours of 28 July, however, Capt. George Clarke led a platoon minus (22 men) to an area west of the Queen’s Park Savannah in order to secure a position around the Savannah and dominate the area near to TTT. On arrival at Queen’s Park West, Capt. Clarke’s men took up positions by various

junctions and effectively threw a cordon around TTT. We find that not all of the soldiers were equipped with their own weapons, but at least they had rifles, a basic load and enough ammunition to establish and maintain a presence in the area.

8.369. On Saturday, Major Joseph's troops received heavy gunfire from the JAM. They returned fire. A JAM was shot while trying to get into a vehicle outside the Red House. About 6.00 p.m. Major Joseph was ordered to cease fire except if fired upon. This was obviously after Canon Clarke's intervention with the amnesty document. However, Police Officers continued firing from the Cyril Duprey building in defiance of orders from the Acting Commissioner of Police. Their firing ceased after Col. Theodore sent a message that he would have them "taken out".

8.370. We find that, by noon on Saturday, Capt. Clarke had received reinforcements from Alpha Company under the command of Major Antoine. The augmented forces now made a forward push from various directions towards the JAM at TTT. Although the soldiers received gunfire from the JAM, they were able to force the JAM to retreat and remain in TTT. TTT was now contained. But a battle ensued that lasted for 4 hours. Four of the insurgents were injured. Sometime soon after 6.00 p.m., there was a ceasefire at TTT.

8.371. The Commission finds that the response of Capt. Clarke and his men up to this time was exemplary and entirely successful.

8.372. On Sunday morning Major Joseph launched a B300 rocket (Bazooka) against the Red House but not near to that part of the Parliamentary Chamber where the hostages were held. This action was in response to heavy gunfire against the Army from the JAM who were trying to break out of the Red House. It caused a small fire but the JAM in the Red House extinguished it.

8.373. On Monday afternoon, Capt. Clarke's soldiers outside TTT bombarded the building and, on Tuesday, there were sporadic exchanges of gunfire. Negotiations were continuing; Mr. Robinson was released and the release of all hostages was eagerly anticipated. On Wednesday, 1 August 1990 – the very day of release and surrender – Capt. Clarke launched a B300 rocket against the TTT building. He wanted to test the capability of the building to withstand any attempt to penetrate it. He also said that the JAM needed “to know that they were in a war”; they needed to have “something to really shake them up and let them know what time of day it was”.

8.374. The Commission finds that the launch of the rocket was a very unwise decision. The hostages in TTT could have been harmed. The

negotiations could have been derailed. Capt. Clarke was, however, duly reprimanded. It was errant strategy.

8.375. The role of the Army in negotiating the release of the hostages and surrender of the JAM is given full and separate treatment in Chapter 9.

8.376. As to the criticisms of Lt. Griffith, we are of opinion that, based on his recent training and graduation from Sandhurst three months before the attempted coup, he was inspired by idealism and a yearning for the application of best practices to a real-time crisis. However, through no fault of the Defence Force, some of the ideal systems could not be implemented since the country's resources did not afford implementation at the time.

8.377. The exigencies of the situation demanded an urgent response. Col. Brown used his best endeavours to muster troops who were at the stadium. They answered his call to fall in promptly. In the meantime, the leadership sent emissaries into Port of Spain to ascertain, at first hand, what was happening at the Red House, while Major Joseph devised a "Hasty Plan" and Lt. Col. Vidal was considering overall strategy and operational modalities.

8.378. In different circumstances, the soldiers should have reported to their respective assigned camps but it was not practical, given the emergency,

for those assigned to Teteron to seek to go to that camp. Valuable time would have been lost in assembling a contingent to get into Port of Spain as speedily as possible. The Commission accepts that the consequences of not reporting to assigned camps meant that some soldiers were not fully attired and were obliged to use weapons which were not their assigned weapons. But the key strategy was to have men on the ground in the vicinity of the Red House.

8.379. It is clear that the plan drawn up by Major Joseph required him and his men to take up a position near or in the Hall of Justice whereas Capt. Bishop and his soldiers were to take command of the Clico building and its environs. The Commission finds that this plan was well executed by 8.00 p.m. on Friday. The JAM were contained in the Red House. This was the overall strategy and intent determined by Col. Theodore, Col. Brown and Lt. Col. Vidal when they met in the yard outside Camp Ogden about 7.00 p.m. on 27 July.

8.380. The Commission accepts that, although in 1990, training was predominately concentrated on conventional warfare, soldiers were, in fact, given some training in counter-revolutionary warfare.

8.381. The Commission acknowledges that the Ministerial instruction given to the Army on or about 21 April, 1990 was to take up a position at #1 Mucurapo Road to prevent the JAM from further encroachment on State lands. It might

seem that the Army may have taken too narrow a view of their functions. However, the Commission recognizes that the overarching deficiency in security at the time was Special Branch's approach to the execution of its mandate. It was selfish with and jealous of its information. It shared with no one. It is therefore conceivable, and we so find, that the Defence Force never had a proper appreciation of the extent of the threat posed by the JAM, precisely because Special Branch never briefed the Force. To have assumed that the Defence Force should have performed a task ancillary to its express instructions and perform quasi-Intelligence functions, was to assume that the Defence Force was aware of the extent of the threat.

8.382. It is convenient here to state that the Commission does not accept Lt. Griffith's evidence that several Intelligence agencies were "tripping over each other". We have stated several times in this Report that such rudimentary agencies as the Defence Force Intelligence Unit, the Customs Intelligence Unit, scarcely performed Intelligence functions properly so called and certainly did not share information. The principal Intelligence agency was Special Branch and, we repeat, that agency did not share.

8.383. The Commission finds that Lt. Col. Vidal was properly briefed by Col. Brown, his Commanding Officer, and by Chief of Defence Staff, Col. Theodore. Contrary to Lt. Griffith's assertion, Major Joseph and

Capt. Bishop were sufficiently briefed by their seniors to execute the strategy of containment. Lt. Griffith suggested that it would have required only ten or fifteen minutes to design a strategy but that did not happen. We are satisfied, upon an analysis of the evidence, that Lt. Col. Vidal and Major Joseph would have taken much longer to develop their strategies including the Hasty Plan, which by its very nomenclature, implies that it was, in truth, a strategy.

8.384. In any event, we were told several times that an officer's initiative is key to good soldiering. We find that Lt. Col. Vidal and Major Joseph used their initiative in the circumstances to great advantage.

8.385. In the absence of the reality of an Operations Command Centre which did not exist at the time in Trinidad and Tobago, the Commission finds that use of Camp Ogden and the Hilton Hotel was appropriate and necessary in the circumstances.

8.386. The Commission finds that a lack of adequate transport, an inadequate number of functioning radios and basic communications equipment were deficiencies which affected the response and performance of the Defence Force. However that may be, the Commission is satisfied that the response and performance of the Army in what was an unprecedented situation, were first class.

A STRANGE PIECE OF EVIDENCE – FRANCIS BRUZUAL

8.387. A retired Air Traffic Controller, Mr. Francis Bruzual, gave evidence on 1 May, 2012. He said that on Sunday, 29 July, about 9.00 p.m., Mr. Ewart Boisselle, Assistant Director of Civil Aviation, called him and told him that a C130 military aircraft would be calling about 11.00 p.m. (Call Sign "Charlie One"). The pilot would request that the runway lights be turned on.

8.388. About 11.00 p.m. an aircraft called and gave its Call Sign. Mr. Bruzual turned on the runway lights. The aircraft landed from the east. It was a C130. It went to the southern side of the BWIA hangar and was "marshalled into the hangar area", viz. in front of the hangar. Mr. Bruzual said that the following happened:

"The back area of the aircraft was opened and between ten and fifteen vehicles poured out of the aircraft. I saw no one meet the aircraft. People were driving the vehicles. I was about 400 yards away in the tower. About 30 to 40 feet from the hangar is a fence and a gate. I saw the vehicles go through the gate and into Piarco Road. They went in the direction of Port of Spain and disappeared from my view.....On Monday morning, the aircraft was still on the ground."

8.389. Col. Brown was astonished at this evidence. He described it as "fiction". He explained that when it was decided to allow the US Government to send an aircraft with hostage management personnel and eavesdropping equipment, it was necessary to reopen the runway which had been physically

blocked. Commander Kelshall had the obstacles removed to facilitate the aircraft's landing.

8.390. Col. Brown, Mr. Atwell, US Ambassador Gargano and Major Derrick went to Piarco to meet the aircraft. There were about seven vehicles in the convoy. Col. Brown agreed that the aircraft did land from the east, which is not normal. It was a military registered aircraft. It taxied to the BWIA hangar. It was a DC8, configured at its front as an office. Col. Brown was certain that the aircraft was not a C130 and, further, a C130 could not accommodate 15 jeeps.

8.391. Col. Brown testified that his convoy of vehicles remained in the hangar on the tarmac until they left after the five passengers alighted and the equipment was offloaded. He thought that what Mr. Bruzual probably saw was –

“the vehicles departing, heading into Port of Spain. He saw the egress of the convoy, not its arrival.”

8.392. Col. Brown disputed other aspects of Mr. Bruzual's evidence. “There is no aircraft that could bring in 15 vehicles”. It would also be unnecessary for a military aircraft to request that runway lights be turned on. “These military aircraft can see. They can see the runway. They do instrument landing. So they don't need the lights to land.”

8.393. The Commission finds that the aircraft bringing the hostage management personnel and eavesdropping equipment sent by the US Government was not a C130 but a DC8. It landed from the East and taxied to the area of the BWIA hangar. There was a convoy of approximately seven vehicles which met the aircraft. Mr. Bruzual saw the convoy as it left the airport for Port of Spain. The Commission is satisfied that no heavy duty vehicles were transported by or landed from the DC8 aircraft.

3. THE POLICE SERVICE

8.394. Starting with the response of the Police Officers in Parliament at the time of the invasion by the JAM, the Commission finds that those comprising the Prime Minister's security detail, viz. Sgt. Steve Maurice, Cpl. Charles and PC Pilgrim, performed with a high and commendable degree of professionalism and commonsense. They were incapable of responding to the gunfire from a large group of invaders. In accordance with their training, they tried to protect the Prime Minister from harm and threw themselves over him as a human shield. In the course of carrying out their duties, they were badly beaten and made to endure the humiliation of being sent out of Parliament in only their underwear. PC Kenrick Thong, the Prime Minister's driver, fired shots from his weapon in Abercromby Street but he was hit by gunfire from the JAM and lost a leg.

8.395. We find that WPC Olive Ward's reaction to the invasion, namely, to run and hide, was a natural response, given especially that she was unarmed. Likewise, we do not criticise Insp. Thompson for trying to escape from the mêlée in the Chamber. On the other hand, we think it was selfish and thoughtless of him not to try to assist the Attorney General (whom he recognised) when Mr. Smart too was trying to escape. Sgt. Julien escaped onto the roof of Parliament and remained there until Sunday afternoon. He was shot at while on the roof. The JAM captured him during a lull in the fighting and proceeded to beat him and humiliate him.

8.396. In the light of the fact that the JAM released the Prime Minister's security team and WPC Ward, the Commission can find no good reason why Sgt. Julien was tortured. He offered no resistance to the JAM. It was sheer wickedness to brutalise him at a time when negotiations for a solution were taking place or at all. Acting Deputy Commissioner of Police, Leslie Marcelle, tried to organise the few Police Officers at Headquarters when it was blown up and then went on a roof to respond to the JAM who were firing from a crane on a construction site. The roof caved in and he fell to the ground, very badly injured. We find that, on the evening of 27 July, Mr. Marcelle displayed tremendous courage.

8.397. Whereas the Commission generally commends those officers referred to above, we condemn the behaviour of those outside the Red House. They fired bullets indiscriminately; they used foul language to and about the Prime Minister, other Parliamentarians and Permanent Secretary Reynold Fernandes. They abused their Acting Commissioner and refused to obey his orders. In the entire milieu on Friday and Saturday, they showed themselves to be thoroughly undisciplined.

8.398. We had evidence that some Police Officers were seen changing from uniform to plain clothes and running away from the area of the Red House. This conduct was cowardly.

8.399. We find that Mr. Dalton Harvey was disoriented by the events and he was unable to make any useful contribution at Camp Ogden when he got there about 6.30 p.m. on Friday. He was not sidelined. The leadership of the Army did not know him. Although he had been appointed in 1989, he had not sought to introduce himself to Col. Theodore or Col. Brown. It is simply astonishing that Mr. Guiseppi, the Deputy Head of Special Branch, could not find Mr. Harvey to communicate with him (and that Mr. Harvey never called him) until Monday, 30 July. We believe Col. Theodore when he denies that the Police were in a kind of protective custody at Camp Ogden as testified by Mr. Harvey.

8.400. The Commission finds that from Friday evening until about 2.00 p.m. on Saturday, the Police Service was not in control of the situation then existing in Trinidad. There were *some* mitigating factors for this apparent abdication of functions as we have proferred in Chapter 5. Those factors notwithstanding, it is the Commission's considered opinion that the response and performance of the Police Service as a whole were wholly inefficient.

4. *THE FOREIGN SERVICE*

8.401. The Commission finds that the Diplomatic Corps were not briefed on what was taking place in Port of Spain. They should have been briefed so that they could inform their sending States what was the Government's official position. Such briefings are the usual and appropriate protocol.

8.402. The Commission finds that the US Ambassador to Port of Spain, Mr. Charles Gargano, was particularly sensitive to the events and actively offered such assistance as the interim Government considered necessary. When it was decided that the US Government should be asked to assist with hostage management, the US Government responded promptly and expertly. By Saturday night, five persons arrived at Piarco, bringing with them eavesdropping equipment.

8.403. Heads of Government of CARICOM were in Jamaica at the time of the attempted coup. The Jamaica Government flew Minister of External Affairs, Mr. Sahadeo Basdeo, from Barbados to Jamaica to brief regional Heads. He reported, *inter alia*, that on Saturday, 28 July, he and other Ministers temporarily located in Barbados, had devised a plan to move 350 CARICOM troops to Barbados whence they would be sent to Trinidad after the crisis was over. Mr. Dookeran and Prime Minister P.J. Patterson of Jamaica approved the plan. The troops were mobilised but not sent to Trinidad until after the insurrection on 1 August 1990. Their mission was to assist the Police in restoring normalcy in Trinidad and to provide relief to Trinidadian officers whenever and wherever necessary.

8.404. The Commission finds that, while Trinidad and Tobago was under a State of Emergency, the CARICOM troops rendered excellent service at business places and working in pairs with local Police to prevent further looting.

5. THE MEDIA

8.405. Despite the frightening experience of being held captive for six days, the hostages at TTT displayed tremendous courage. We commend Mr. Jones P. Madeira, Mr. Dominic Kallipersad, Mr. Raoul Pantin and others at

TTT, Mr. Dennis McComie and his band of five at Radio 610, Messrs. Emmett Hennessy and Eddison Carr for their devotion to duty and exemplary patriotism. We have also referred to Mr. Bernard Pantin's foresight in causing Imam Abu Bakr to be taken off the air and assisting in setting up a temporary broadcast facility to keep the public informed. No praise is too high for Mr. Pantin and all the others mentioned in this paragraph. When Mr. Carr reached safety after the JAM abandoned Radio Trinidad, he joined with Mrs. Allyson Hennessy to operate and broadcast from a temporary facility at Camp Ogden.

8.406. If there was one deficiency in the media operations, it was the omission of the interim Government to make maximum use of Radio 610, which was a Government-owned station. In our treatment of the evidence in this Chapter relating to the media, we have provided a full account of the response and performance of Radio 610. Suffice it to say that the Commission finds that the broadcast media performed excellently under the circumstances.

8.407. The print media carried daily reports via the Trinidad Express and Trinidad Guardian newspapers and the Daily Mirror, usually a weekly publication, went daily during the crisis. The Express published a separate volume "Trinidad under Siege – The Muslimeen uprising – Six Days of Terror". The Commission found it to be an invaluable resource.

8.408. The foreign media, including the BBC and CNN, seemed to be less inhibited in seeking out information compared with their local counterparts. But the BBC and CNN were both guilty of publishing inaccurate or distorted stories. The misfortune was that false impressions of the reality were being created. But CNN, in particular, served to galvanise former Trinidadian soldiers living in the USA into decisions to come home and help. And that network first brought the attention of Dr. Harvey Schlossberg to the crisis unfolding in Port of Spain.

8.409. In 1990 no crisis management information centre or guidelines for the media in times of crisis existed in Trinidad and Tobago. Plainly, this was a deficiency. We have made appropriate recommendations elsewhere in this Report.

6. THE ESSENTIAL SERVICES

(a) Water and Sewerage Authority (WASA)

8.410. The evidence before the Commission revealed that, during the period of the attempted coup, the Army and Police were deployed at key installations of WASA and accompanied officials of WASA on their operations.

We can report that there was no damage to any of WASA's infrastructure during the crisis.

(b) Trinidad and Tobago Electricity Commission (T&TEC)

8.411. T&TEC first received news of an explosion and fire at Police Headquarters sometime after 5.00 p.m. The operator in T&TEC's control room, Mr. Ramhit, asked Mr. Ganesh Narine, electrical engineer, to investigate. But in the meantime, Mr. Mervyn Ramjohn, engineering controller, had heard the conversations and he contacted Messrs. Ramhit and Narine. Mr. Ramjohn instructed Mr. Narine to recall all crews to base at Flament Street and await instructions.

8.412. As soon as Mr. Winston Sankar, Shift Operator, heard that a coup was attempted, he invoked Phase I of T&TEC's disaster preparedness plan, viz. he recalled all crews to base to re-group and be deployed. By 7.00 p.m. all crews were at Flament Street. It was confirmed that Police Headquarters had been destroyed. The consequence of the destruction was that the high voltage system at Headquarters 'blew' and the electrical supply isolated itself.

8.413. Because of severe traffic problems and the general bedlam, it was difficult for crews to move into disaster areas in Port of Spain. They were unable

to access the substation at Woodford Square which supplied the Red House. Throughout Friday night, the control room at T&TEC was operational but the crews had to remain at Flament Street.

8.414. On Saturday morning, T&TEC had to deal with a large number of calls that the city was essentially on fire. Still, the chaotic state of traffic impeded their responses. However, T&TEC de-energised "a large area of Port of Spain". Staff had reported for work. Fires were reported at Queen, Henry, Charlotte, Chacon and Frederick Streets and at Independence Square.

8.415. The Commission accepts all of the foregoing evidence of T&TEC's response and believes Mr. Narine's evidence that, T&TEC was willing and able to respond as quickly as calls came in but, in many cases, it was not possible to reach a location. Thus, some areas had to be isolated until access became easier.

8.416. T&TEC, however, was able to restore power to the General Hospital. T&TEC was overwhelmed by the magnitude of the fires and their consequences, but kept responding. There is no report of T&TEC's activities.

8.417. Electricity supply was restored to all affected areas within six days after the attempted coup but, in lower Port of Spain, restoration took

considerably longer (about 4 months) because of the scale of destruction and the need to change a number of high voltage systems. One employee was injured in the restoration phase.

8.418. Mr. Richard Kisson used his initiative on Saturday to restore power to St. Clair, Queen's Park Oval and Alexandra Street, *inter alia*.

8.419. The Commission finds that, having regard to the difficulties inherent in responding to fires in a city thronged with people and without traffic management, T&TEC responded with dispatch, considerable skill and resourcefulness.

7. THE FIRE SERVICE

8.420. Acting Assistant Chief Fire Officer, Mr. Leo Joseph, gave evidence and tendered a Report of the Fire Service for the period of the insurrection and up to 5 August 1990.

8.421. On the evening of the insurrection, the Chief Fire Officer issued a "Call Out" to all officers but advised caution because of the violent and dangerous situation in Port of Spain. Mr. Joseph reported on Saturday morning

and worked the entire weekend until Monday, 30 July. Throughout the weekend, the Fire Service fought fires in downtown Port of Spain. Water supply was good and there was an ample number of fire appliances and equipment. Unfortunately, a lack of police protection and threats of violence by members of the public created difficulties for the Service.

8.422. In their attempt to respond to the blaze at Police Headquarters, Fire Officers were met with gunfire from members of the JAM. Appliances were forced to reverse from the direction they were heading towards the Red House and Police Headquarters. They were able to gain entry to the Police Headquarters on the Edward Street side of the Headquarters and they rescued 120 persons.

8.423. Later in the night of 27 July, although the Service responded to fires in the City, they could not effectively fight the fires without protection. By 5.30 a.m. on Saturday, police protection was given and the Service made a concerted and determined attack on the fires in Port of Spain. Eventually, effective fire control was established in downtown Port of Spain but "tremendous destruction by fire" had occurred.

8.424. The Fire Service's investigations led to the conclusion that there were three causes of fire –

- (a) deliberate arson by looters;
- (b) heat transmission of buildings on fire;
- (c) the use of "patented devices" in initiating outbreaks.

8.425. The Fire Service estimated that 116 buildings in downtown Port of Spain suffered extensive fire damage and the value of losses was estimated at \$125,663,416.00. On 3 August, 1990, the Service responded to a fire at #1 Mucurapo Road "which gutted the headquarters of the JAM".

8.426. The Commission finds that sniper fire by the JAM on the evening of the insurrection and a lack of police protection hindered the Fire Service in its attempts to fight the fire which broke out at Police Headquarters. Later in the evening of 27 July, the unruly behaviour of looters as well as the two constraints mentioned above, adversely affected the Fire Service's attempts to expedite fire control in downtown Port of Spain.

8.427. By early Saturday morning, the Service received police protection and were able to carry out operations even though a large number of businesses and properties were destroyed. By midnight, the fires were brought under control. The Commission did not receive any evidence adverse to the Fire Service and concludes that, having regard to all the circumstances prevailing in Port of Spain on 27 and 28 July, 1990, the Fire Service performed as well as

could have been expected. The Fire Service's Report is to be found at Appendix 7.

8. THE GENERAL HOSPITAL

8.428. Dr. Deneash Ariyanayagam gave evidence and tendered a report, authored by himself and other medical practitioners following the insurrection. The Report is at Appendix 8. Very early, the authorities at the General Hospital decided to compile records daily. In addition, patients were interviewed to assess their activities at the time of injury. On Saturday morning, the Heads of Surgery, Orthopaedics and the Medical Chief of Staff went to the hospital but they could not remain very long since the State of Emergency and the curfew had come into force.

8.429. The Surgical and Orthopaedics departments were put under great pressure. During the crisis, two of the four operating theatres were in constant use. Staff responded excellently, going beyond the call of duty to be of service during the six days of the crisis.

8.430. Dr. Ariyanayagam said that, during the first 48 hours of the crisis, there was a definite need for more surgeons, chiefly because injured looters began to go to the hospital. The following figures tell the tale. On 27 July,

43 persons were seen in the Accident and Emergency Department (A&E). On 28 July, 152 persons were seen.

SUMMARY OF THE REPORT

1. Accident and Emergency Department

8.431. This department saw 560 persons during the period 27 July to 1 August. 302 were admitted to wards; 250 were treated and discharged; 8 died. Of the 250 treated and discharged, 54 were coup-related and 23 of those were injured while looting. 10 suffered blunt trauma injuries; 8 had gunshot wounds; 3 were stabbed or chopped and 11 seemed to have been injured accidentally.

2. Surgical Department

8.432. 187 admissions had surgery, of which 170 were coup-related. The report highlighted that many of the gunshot wounds were "grotesque".

3. Mortalities and Profile of Injured

8.433. 24 persons died as a result of the insurrection, 15 of whom died at the hospital. Of the 231 injuries related to the attempted coup, 133 were looters, 28 were bystanders and 12 were soldiers or police officers. Only two of the JAM presented at the hospital.

8.434. The Commission finds that medical staff, nurses, radiographers, attendants, technicians and security personnel worked excessively long periods. On average, there were always approximately 12 doctors and 18 nurses in the A&E department at any time. Orthopaedic, Anaesthetic and general Surgery staff remained at the hospital when the imposition of the curfew restricted their movements out of the hospital. But catering and food supplies were inadequate. After a few days, WASA vehicles, buses and ambulances assisted in transporting staff.

8.435. The Commission found the Report most helpful and transparent. It identified the following deficiencies in the disaster plan, such as it was. "Planning for and coping with the disaster was definitely the weakest area" because of: (a) inadequacies in the disaster plan itself; (b) failure to implement several aspects of the plan; (c) inadequate communication between the hospital and disaster areas; (d) the unique nature of the disaster itself. Even though

there seems to have been a disaster plan specific to the health sector, it was not circulated to all staff. But, according to the witness, when he got to the hospital on 28 July, there was no plan.

8.436. The Commission wishes to draw attention to the following:

- There was no provision made for mobilising health care workers during a period of curfew. By 29 July, there were only three curfew passes for the entire medical staff but, after the insurrection ended, passes were available for the majority of doctors. The Commission hopes that, since the experiences of 1990, this deficiency has been remedied.
- There was no provision made for keeping a large number of health care workers at the hospital for prolonged periods.
- Medical and hospital staff were not properly informed as to what was happening.

8.437. The Commission has made recommendations for the establishment of a Crisis Management Centre and an Information Management Centre elsewhere in its Report.

8.438. The Commission concludes that the General Hospital responded admirably to the challenges posed by the insurrection and performed magnificently. However, the Commission remains perplexed that Mr. Leslie Marcelle was, as it appears to us, peremptorily discharged, still suffering massive injuries, within 48 hours of his admission to a ward.

CHAPTER 9

All matters pertaining to the negotiation, preparation, execution and effect of the amnesty and the negotiation of the terms of surrender. TOR 1 (vii)

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CHAPTER 9

ALL MATTERS PERTAINING TO THE NEGOTIATION, PREPARATION, EXECUTION AND EFFECT OF THE AMNESTY AND THE NEGOTIATION OF THE TERMS OF SURRENDER ToR 1(vii)

PART I – NEGOTIATING THE AMNESTY

A. INTRODUCTION

On Saturday, 28 July, 1990, the Acting President of Trinidad and Tobago, Hon. Joseph Emmanuel Carter, signed the original and initialled a copy of a document purporting to grant an amnesty to the insurrectionists. It was in these terms:

"I, JOSEPH EMMANUEL CARTER, as required of me by the document headed Major Points of Agreement, hereby grant an amnesty to all those involved in acts of insurrection commencing approximately 5.30 p.m. on Friday, 27th July 1990 and ending upon the safe return of all Members of Parliament held captive on 27th July 1990.

This amnesty is granted for the purpose of avoiding physical injury to the Members of Parliament referred to above and is therefore subject to the complete fulfilment of the obligation safely to return them."

9.2. This document, (also referred to herein as “the pardon”), was the subject of hotly contested litigation in the High Court and Court of Appeal of Trinidad and Tobago, culminating in two appeals to the Judicial Committee of the Privy Council. See *Lennox Philip v. Director of Public Prosecutions (1991) 40 WIR 410*; and *Attorney General and Another v. Philip (Lennox) and Others (1994) 45 WIR 456*.

9.3. The Privy Council (the Board) has made final legal pronouncements on the issues raised on the appeals and it is no part of the function of this Commission of Enquiry to debate those issues in this Report. It would be wholly inappropriate to do so.

9.4. We consider it advisable to reproduce the headnote of the second case because, during the public hearings of the Commission, two things were evident. First, some witnesses did not appear to understand the reasoning of the Privy Council and, consequently, they have a mistaken or distorted view of the advice of the Board. Secondly, with a few exceptions, the majority of witnesses who spoke about the advice of the Privy Council, were dissatisfied with the advice and thought that it empowered criminal-minded persons to engage in criminality with impunity. Mrs. Gloria Henry spoke for many when she said that she was:

“very, very, very disappointed”.

She added:

“Actually, that was the day when I felt most intense anger . . . I thought that a disservice had been done to the country and to the people who were serving in the Parliament at the time . . . I think the legal system failed the country . . . justice was not served.”

9.5. The Privy Council held:

“That the pardon was invalid because (a) a pardon was an executive act of the State which was not analogous with a contract, its authority was derived from s.87(1) of the Constitution not from any agreement, nor was it dependent upon its acceptance by the subject of the pardon; it might, however, properly be made subject to a condition which would have the effect of deferring the protection provided by the pardon until the condition had been complied with; but the determination whether or not a pardon had been granted must be viewed objectively and the intention of the acting President in the present case that the documents which he signed should not take effect as a pardon unless he received a recommendation from the Prime Minister to that effect did not prevent the pardon from taking effect.

(2) That in construing the terms of a pardon, a purposive construction should be adopted with a view to upholding the validity of the pardon and, if possible, a condition should be construed so that (if it should involve trespassing on the principle that a pardon must not waive liability for future offences) the degree of trespass was strictly limited so that it was acceptable, taking into account the objective of the pardon.

(3) That there was no known precedent for a court setting a pardon aside on the ground of duress; for a pardon to be set aside on such ground would, at the least, require exceptional circumstances involving direct physical violence or pressure or actual imprisonment to the person whose act was challenged; there were no exceptional circumstances in the present case and the Board did not have to decide

whether in fact a pardon could ever be set aside on the ground of duress.

(4) That the pardon granted by the acting President did not state that it was to take effect only if the condition as to the release of the hostages was performed within a reasonable time; had it so stated, it would have been invalid as it would in effect have purported to be the exercise of a dispensing power in respect of offences which might be committed in the period whilst negotiations were being conducted prior to the release of the hostages.

(5) That in order to give validity to the pardon in the present case it should be construed as subject to a condition which was to be complied with promptly or as soon as practicable; any disapplication of the law which such a construction entailed was acceptable by reason of the willingness of the courts to lean towards giving effect to a pardon and to accommodate this technicality; such a construction required the Muslimeen acknowledging at the time of receipt of the pardon that they wished to treat the insurrection as being at an end, and this they had failed to do as at that time they sought negotiation to achieve further objectives (albeit that the negotiations were protracted by the reasonable tactics of the Government intended to achieve a peaceful end to the insurrection) and thereby failed to comply with the condition to which the pardon was subject; accordingly, the pardon was no longer capable of being brought into effect by the subsequent release of the hostages.

(6) That to prosecute the Muslimeen after they had acted reasonably following the grant of the pardon and when the acting President had given no indication prior to their surrender that the validity of the pardon could be questioned and when the negotiations which finally resulted in their surrender had been conducted on the basis that they were entitled to the benefit of the pardon might give rise to a plea of abuse of process; that, however, would be a matter for decision by the trial judge should there be further criminal proceedings; but to seek once more to prosecute [the Muslimeen] as a consequence of the decision of the Board that the pardon was invalid would be inconsistent with the unappealable decision of Brooks J that they were entitled

to an order of habeas corpus and would manifestly be an abuse of process.

(7) That, in accordance with the rulings of the Board, the initial prosecution of [the Muslimeen] had been neither unlawful nor a breach of their constitutional rights; the fact that the prosecution could have been stopped in response to a plea of abuse of process or by an order of habeas corpus did not affect the lawfulness of their previous detention; accordingly, the [Muslimeen's] constitutional claim failed."

The Chamber of Commerce

9.6. In its written response to the Commission on the matters of the amnesty and the terms of surrender, the Chamber of Commerce stated –

"Information about the negotiation, preparation, execution and effect of the amnesty and negotiation of the terms of surrender, were always sketchy and the subject of rumour, because of the absence of an official medium of Government communication. It seems to us that the best legal minds at the time were consulted in undertaking this exercise, the outcome of which was tested in detail at the level of the Privy Council and is now a matter of historic record. However, the absence of the official medium prevents the Chamber from making any further comment on these events. The more pertinent issue for us here is whether or not our Constitution requires amendment to avoid a recurrence of any negativity then generated by engaging in the exercise."

Before examining the evidence relevant to the various aspects of this Term of Reference, we also think it appropriate to revisit briefly the

atmosphere and the environment in the Parliamentary Chamber about 8.00 p.m. on 27 July, 1990 in order to contextualise the demand for an amnesty and the dire circumstances under which it was negotiated and executed.

The Atmosphere in Parliament on Friday Evening

9.7. In the face of the armed invasion of Parliament, the Prime Minister's security detail in the Chamber sought to protect him by throwing themselves on him and instructing him to lie on the floor. Meanwhile all of the other MPs in the House ducked under their desks and took cover while shouting, shooting and bedlam prevailed. Sgt. Maurice and PC Pilgrim were beaten and subsequently released into the streets outside of Parliament only in their underwear. Some members of the public in the Chamber were allowed to leave. Then the MPs were systematically tied up and made to lie face-down on the floor of the Chamber. Prime Minister Robinson and Mr. Richardson were, as is stated at para. 2.121, "singled out for special, cruel and inhuman treatment". They were badly beaten about their faces and their bodies with fists and the butts of rifles. Shots were being fired inside and outside the Red House.

9.8. When Mr. Robinson refused to comply with Bilaal's order to instruct the Regiment to withdraw and lay down their weapons and, instead, ordered the soldiers to "attack with full force", he and Mr. Richardson were shot at point

blank range by Bilaal. Later, the JAM attempted to gag Mr. Robinson. It was at this point that Dr. Emmanuel Hosein pleaded with the JAM and told them that, if they continued, Mr. Robinson would die.

9.9. While bound by hands and feet, Dr. Hosein rolled towards Mr. Winston Dookeran and shouted at him, more than once:

“Winston, you see what is happening? Say you are going to negotiate . . . You are going to have to negotiate.”

Mr. Dookeran indicated to Bilaal that they “should talk this thing over” and suggested that they negotiate.

9.10. All of the MPs in the Chamber were intimidated by the exhibition of violence used against Mr. Robinson and Mr. Richardson. The hostages who testified were unanimous that they were trembling with fear and anxiety. It was against that background that ‘negotiations’ began leading eventually to the signing of the amnesty. We shall next turn to the evidence of what transpired in relation to the amnesty.

B. THE EVIDENCE re: The AMNESTY

9.11. Since the so-called negotiations or discussions pivotally involved Mr. Dookeran, it is convenient to begin a review of the evidence with

Mr. Dookeran's account of what transpired in the Red House on the evening of Friday, 27 July, 1990. The best account of those particular events appears in an affidavit deposed to by Mr. Dookeran on 7 February 1992 and filed in the High Court in *Consolidated Action No.1337/1990 In The Matter of Lennox Phillip a.k.a. Abu Bakr v. The Commissioner of Prisons and the Attorney General*.

Mr. Dookeran's Affidavit Evidence

9.12. Mr. Dookeran recounted that shortly after he had moved a motion to allow Mr. Toney to have his time extended for his contribution to the debate, the JAM invaded the Parliamentary Chamber. He heard a voice say: "The Government is overthrown" and saw the Chamber filled with armed men.

"After about ten minutes, a man dressed in a track suit and red cap and carrying a gun pulled me up (from the floor). The said man struck me on the neck, shoulder and throat with something wooden.....He frisked me and searched my pockets. He asked me if I had any arms and I said 'No'."

9.13. He then describes how he was tied up – hands in front – with a plastic cord which made his wrists painful and swollen. He saw the same man tie up Dr. Hosein. One insurgent asked Mr. Dookeran "You are the Minister of Planning?" He said "Yes". The man hit him and retorted:

"Well, you didn't plan for this one! I will be Minister in the next Government."

9.14. He said in para. 5 of his affidavit that, while there were explosions outside the Red House, a slim, young man in his twenties, "with a long firearm, came and sat behind me with a gun pointed at me and the other persons lying on the floor". He heard Mr. Robinson's instruction to "attack with full force" immediately followed by two gunshots and the Prime Minister's cry "I love my country and I will die for my country".

9.15. Dr. Hosein spoke to him and said –

"Winston, the Prime Minister is injured. You must talk."

9.16. He asked one of the gunmen-guards "Why don't we talk?" Some minutes later another man came to him and asked if he wished to talk and then the man left.

Bilal's Introduction

9.17. At para. 7 Mr. Dookeran says:

"About 15 minutes later, a man whom I eventually came to know as Bilal Abdullah came up and said that I would have to inform Headquarters that we were talking and they should hold fire. He asked if I was prepared to do that and I

said 'Yes'. He then said that he had a little unpleasant thing to do and he stuck a revolver in my neck and said 'Speak, and if you say anything other than what you agreed to say, I will blow you away.' I agreed to say nothing except that we were talking. Bilaal Abdullah then placed a walkie-talkie in front of me and I said 'This is Minister Dookeran speaking. We are having discussions. Stop firing'."

9.18. He was then taken to the side of the Speaker's Chair. He said that he crawled to the steps of the VIP gallery and lay down on the front step.

9.19. Bilaal came to him and Mr. Dookeran asked what he wanted. Bilaal replied:

"Robinson almost got all of you killed by his stubbornness but we knew he would behave that way."

Bilaal warned him that if there was any breakdown in discussions, the JAM would have no alternative but to shoot them and throw them over the banister. Mr. Dookeran said that he told Bilaal that they must agree on a peaceful solution.

"Bilaal Abdullah asked what I meant by that and I replied that there should be no bloodshed. He said, 'No bloodshed. I can't say what is happening outside'."

9.20. At para. 8 Mr. Dookeran said that Bilaal said that he wanted Mr. Robinson to resign.

"I said that that was a constitutional matter and whatever agreement was reached on Mr. Robinson's resignation would have to be within the constitutional framework – you could

not change a Government just like that. Bilaal Abdullah, to my surprise, agreed."

9.21. Mr. Dookeran goes on –

"I said we needed people who were knowledgeable on the Constitution and with whom we could have discussions....I told him Minister Wilson.....He said that Wilson was not a lawyer. I then asked for Mr. Toney and he permitted Mr. Toney to come over and we began to discuss the matter. The discussions took place intermittently. These discussions started at about 8.20 p.m."

9.22. About 9.20 p.m. Bilaal Abdullah said that he had information that the Army was planning an assault on the Parliament Chamber and he asked Mr. Dookeran to make an appeal on the radio that we were talking and the forces should hold their fire. He said "I spoke on the radio to this effect". Mr. Toney then joined the discussions.

Mr. Dookeran's Proposals

9.23. Mr. Dookeran said he tried to keep the discussions going for as long as possible and he made proposals whenever he sensed that talks were breaking down.

"The first thing I said was that there should be peace and no bloodshed. The second proposal was that we should work within the framework of the Constitution. The third proposalwas that we should get someone to come in to attempt to resolve the problem. Bilaal and Mr. Toney agreed that we should get a mediator.....Bilaal suggested Canon Knolly Clarke and I agreed."

9.24. The next initiative on Mr. Dookeran's part was that, of his own volition, he used the walkie-talkie to call Camp Ogden. He said –

"We are discussing and we would like Canon Knolly Clarke to be brought to the Chamber to assist in the discussions. The reply was 'We have read you loud and clear and we will set things in motion to get Clarke'. This was about 10.00 p.m. We suspended discussions." (para. 10)

Contact made with Canon Clarke

9.25. About midnight they got word that Canon Clarke had been contacted and that he would come to the Red House about 1.30 a.m. At about 2.00 a.m. Bilaal said that he had heard that the Army were going to attack the Red House at 4.00 a.m. Mr. Dookeran asked for a resumption of talks. He says (para. 11):

"I asked for Mr. John Humphrey,.....to join us and Bilaal Abdullah brought Mr. Humphrey to join us. We began to talk again."

Mr. John Humphrey

9.26. Mr. Humphrey told us that –

"After about 2 hours on Friday night, I heard that I was wanted to represent the Opposition in the negotiations. I was allowed to go to the part of the Parliament near the Speaker's chair. Mr. Dookeran said that he had authority to negotiate and Mr. Robinson would support the decisions."

Mr. Robinson

9.27. For his part, Mr. Robinson said –

“I heard my Deputy, Mr. Dookeran, saying, ‘Let us negotiate’, and I authorised him to lead a negotiating team. I was bound and forced to lie on the floor. I had no input into the negotiations with the JAM. I authorised Mr. Dookeran to negotiate but gave him no specific instructions. He had a free hand. He reported to me when negotiations were finished and what had been agreed. I had reservations about accepting the terms but I asked Dookeran if he accepted them and he told me that he had accepted.”

Bilal's Demands

9.28. At para. 12, Mr. Dookeran said –

“Bilal Abdullah said that he wanted the Prime Minister to resign, an interim Government to be formed, elections in 90 days, amnesty, safety and no reprisals against the Muslimeen gunmen. I told him that those things must be done through the Constitution and that I had no authority to agree to anything.”

Mr. Toney's Role

9.29. It was agreed that Mr. Toney should draw up a list of the matters agreed but before having the list settled, Mr. Dookeran asked to be allowed to discuss the agreement with the Prime Minister and Bilal agreed.

9.30. At para. 13, Mr. Dookeran states –

".....I told the Prime Minister that I had been holding discussions with the Muslimeen gunmen and the details of those discussions. He asked me what I thought and I told him that we had no choice in the matter and he said "Okay. I will agree". I told Mr. Humphrey and Mr. Toney that the Prime Minister had agreed to Bilaal Abdullah's requests."

9.31. Mr. Toney drew up a list of the five points of agreement at that stage.

9.32. About this time when the agreement was drawn up, Bilaal again said that he had received information of a likely assault on the Red House. When the documents had been prepared, Mr. Toney read their contents "for everyone to hear" and he obtained the signatures of the Parliamentarians.

9.33. Mr. Dookeran explained the inclusion of a sixth point in the agreement i.e. *"Mr. Dookeran and Canon Clarke return with amnesty papers. All to be freed."* He said this item was included just before he left the Red House early on Saturday morning and it was at Bilaal's instigation.

9.34. Canon Clarke arrived at the Red House between 5.30 a.m. and 6.00 a.m. At para. 16 Mr. Dookeran said –

"Bilaal Abdullah called Canon Clarke and me into the VIP Gallery and explained to Canon Clarke in my presence that we had reached agreement on certain issues which had

been drawn up, and that I would take the six point document to the Acting President for his consideration."

9.35. Mr. Dookeran left the Red House with three documents. He said "There was no letter signed by all the Parliamentarians in the Red House stating that there should be no foreign intervention." – para. 16.

9.36. Eventually, Mr. Dookeran and Canon Clarke got a lift in Mervyn Telfer's car to Camp Ogden. Mr. Dookeran says – (para. 18):

"On our arrival at Camp Ogden, I met a number of Government Ministers namely, Mr. Herbert Atwell, Mr. Clive Pantin, Mr. Surujrattan Rambachan, Mr. Jensen Fox and Attorney General, Anthony Smart. I gave the documents to the team of Ministers. I explained the contents in the presence of Canon Clarke. I also gave an account of what had occurred at the Red House and I described the Prime Minister and Mr. Richardson being shot. I was shaken but collected. I spoke with the Ministers for about an hour and a half.....After this I was taken to the sick-bay where I was attended to by a doctor. I spent the rest of the day in the sick-bay."

9.37. He also said that he expected to go back to the Red House but was told not to go back. At para. 19 Mr. Dookeran said that he felt that, if he did not return to the Red House, "they might shoot the hostages". Later on Saturday he learnt that Canon Clarke had gone back to the Red House with the document which Mr. Smart told him had been drawn up by legal advisers. Acting President Carter showed him a copy of the amnesty document at the Hilton Hotel on the night of 28 July, 1990.

The 'Negotiating' Teams

9.38. When negotiations or discussions began, three persons comprised the team viz. Mr. Dookeran, Mr. Humphrey and Bilaal. The negotiations/discussions centred around the following matters according to Messrs. Dookeran and Humphrey:

- that there should be a ceasefire and no more bloodshed;
- that the parties should work within the Constitution;
- that a mediator should be agreed;
- that Mr. Robinson should resign as Prime Minister;
- that Mr. Dookeran should assume a position as interim Head of Government;
- that the JAM be given a conditional pardon – the condition being that there be no further bloodshed or killing and all the hostages be freed.

9.39. Mr. Humphrey said that the Mucurapo land issue was mentioned but Bilaal said that the JAM were not asking for the land because "Allah gave them the land to use".

Reducing the Oral Agreements into Writing

Mr. Toney

9.40. Mr. Toney's recall of the events is that he heard somebody ask if there was a lawyer in Parliament and another person said "Toney is a lawyer". A voice then said "Bring Toney across here". He said –

"I crawled across the floor on my belly with my hands tied to where Bilaal and Mr. Dookeran were talking....When I got there, some arrangement had already been concluded and I was supposed to write it up. I wasn't part of the discussions."

9.41. Mr. Toney doubted whether it was accurate to describe the talks between the parties as 'negotiations' or even 'discussions'. He said –

"It is an abuse of the word to describe what took place in there as 'discussions'. You don't have discussions with people when your hands are tied and guns are pointed at your head; you know, gunshots firing all over you, you know, in that type of atmosphere. The JAM were saying what they wanted."

Mr. Sudama

9.42. Mr. Sudama's view was that there were no negotiations, "rather, a discussion". Moreover, he said –

"Members of the Government had no authority to negotiate and I was not asked for my view as an Opposition MP. None of the other MPs was consulted about the terms of what Mr. Toney was to write up."

Two Documents Drawn Up and Signed

9.43. Mr. Toney drafted the two documents following at (i) and (ii) below and went around to the other MPs and had them append their signatures to them. They were dated 28 July, 1990 and were addressed to the Acting President, Mr. Joseph Emmanuel Carter.

(i) Document of Prime Minister's Resignation

"I do hereby and with immediate effect tender my resignation as Prime Minister of Trinidad and Tobago."

(ii) Document supporting Mr. Dookeran as Prime Minister

"We, the undersigned Members of Parliament, do hereby undertake to support Mr. Winston Dookeran

as the Prime Minister of Trinidad and Tobago upon the resignation of Prime Minister ANR Robinson."

Major Points of Agreement

9.44. A third document was drawn up by Mr. Toney but was not signed by the MPs. It was headed "Major Points of Agreement" and provided as follows:

- (1) Mr. Robinson writes letter of resignation to the President and makes appropriate statement.*
- (2) All Parliamentarians, including Mr. Robinson, sign the letter supporting Mr. Dookeran for Prime Minister.*
- (3) General Elections to be declared in 90 days.*
- (4) Mr. Dookeran would leave Chamber with letters and go to President with Canon Knolly Clarke. Leo des Vignes to be released simultaneously for treatment.*

(5) Mr. Dookeran, upon his appointment, secures an amnesty for all those involved in the insurrection between 5.30 p.m. Friday, 27th July, 1990 and resolution of matter. Amnesty document to be prepared by President.

(6) Mr. Dookeran and Canon Clarke return with amnesty papers. All to be freed.

Canon Knolly Clarke

9.45. As talks progressed through late Friday night, the JAM became less hostile. They seemed more inclined to dialogue. Mr. Dookeran, who always had a lingering fear that the troops which had been deployed outside the Red House might storm it, suggested that a mediator be brought in to assist in a resolution of the impasse. The JAM suggested Canon Knolly Clarke. Mr. Dookeran used a walkie-talkie and asked for Canon Clarke to be brought in. He was the Rector of St. Paul's Anglican Church in San Fernando and a prominent member of the Summit of Peoples Organisation (SOPO). The Police went to the Rectory and asked him to go to Port of Spain. At first he was reluctant. So too was his wife who was "very agitated". But after speaking to Assistant Commissioner of Police, Kenny Mohammed, he went to Port of Spain arriving about midnight. ACP

Mohammed had persuaded him that he might be of assistance in saving the life of Mr. Robinson and those of the Cabinet Ministers. He was driven to Camp Ogden where he met with Col. Brown and the Acting Commissioner of Police, Mr. Leonard Taylor. He spoke on the phone to Bilaal and was advised to go to the Red House. In the course of the conversation Bilaal identified certain items he wanted brought to the Red House. They included medicine for Kelvin Ramnath, and a light stretcher to assist in lifting Mr. des Vignes, the Representative for Diego Martin. Because of the danger inherent in attempting to go to the Red House during the night, it was agreed that Canon Clarke should go early on Saturday morning, 28 July. He went to the Red House about 5.30 a.m./6.00 a.m.

Clarke's First Visit to the Red House – Saturday Morning

9.46. When he reached the Red House, Canon Clarke identified himself.

He said –

"Two armed Muslimeen pulled me inside. I spoke to Bilaal who introduced himself; it was the first time I was meeting him. He gave me instructions to carry out Mr. Dookeran and he gave me 4 documents to be copied. Mr. Dookeran and I went downstairs but we could not fit the paper to get the document copied. So, Bilaal said 'Well, you have witnessed it, you and Mr. Dookeran, so just take it along'. He also told me to let people who were not part of the issues get out of the Red House. I did so. I got a pregnant woman out."

9.47. He said that a few persons joined with him to put Mr. des Vignes on a stretcher and an ambulance took him away. As to his role, Canon Clarke said the word 'negotiator' is a misnomer –

"I was really a messenger going to and from Parliament and Camp Ogden. I was really directed to do certain things. They directed me rather than gave me a chance to talk. I had no scope to engage in dialogue."

9.48. Canon Clarke said that when he and Mr. Dookeran were downstairs in the Red House, the JAM were very hostile to Mr. Dookeran, accusing him of getting them 'into this mess'. Canon Clarke replied to the JAM:

"Not at all. He is the one who is probably going to save the day for us. I don't think they knew what was happening upstairs."

He said he gave the three documents to Mr. Dookeran and they walked to Mr. Mervyn Telfer's car and drove to Camp Ogden.

At Camp Ogden

9.49. Between 10.00 a.m. and 11.00 a.m. Canon Clarke saw Col. Vidal, Army personnel and "some persons from the NAR" at Camp Ogden. He said –

"They did not ask me for a report as to what was happening at the Red House but I said that things were very confused there. I was asked no questions about the hostages."

Mr. Emmanuel Carter's Affidavit Evidence

9.50. Although Mr. Emmanuel Carter, the Acting President, was unable to testify before the Commission owing to illness, we had the benefit of an affidavit sworn by him on 7 February 1992 in consolidated *habeas corpus* proceedings *No.1337 of 1990 – In the Matter of Lennox Philip otherwise called Yasin Abu Bakr and 113 Others v. The Commissioner of Prisons and The Attorney General* and *No.5-1311 of 1990 – In the Matter of Lennox Philip otherwise called Yasin Abu Bakr and 113 Others v. The Director of Public Prosecutions and The Attorney General*.

9.51. At para. 10 of his affidavit, Mr. Carter said that he spoke with Canon Clarke in the Officers' Mess at Camp Ogden before he left to go to the Red House to meet with "the terrorists on the morning of Saturday, 28 July, 1990". He believed that Ministers Atwell, Pantin and Myers were present. Then he continued:

"I had already been advised that Canon Clarke had been in communication with the terrorists at the Red House prior to our discussion. He indicated, as I recollect, that the then Prime Minister, A.N.R. Robinson, Minister Selwyn Richardson and Parliamentary Secretary, Leo des Vignes had been shot and that the captors were making certain demands. He outlined the demands which included the resignation of the Prime Minister, the appointment of Mr. Dookeran (then a hostage) as Prime Minister and the granting of an amnesty. He also stated that the captors had requested a light stretcher for Mr. des Vignes who needed medical treatment."

9.52. In para. 11 Mr. Carter deposed as follows:

"11. After some discussion, Canon Clarke was requested to go to the Red House and speak with the terrorists in order to obtain more details of the demands being made³, including the demand for an amnesty. I was also relying on him to bring me an eye witness account of the situation in the Red House.....Canon Clarke left for the Red House between 6.00 a.m. or 7.00 a.m. on Saturday, 28 July, 1990."

9.53. Canon Clarke returned from the Red House shortly before 9.00 a.m. Mr. Carter saw him before he (Mr. Carter) left to go to Cumberland Hill to declare a State of Emergency.

9.54. Canon Clarke described the situation in the Red House as "volatile" and he heard threats being made to commit further acts of violence to the hostages. He described the insurrectionists as "young boys with big guns" and he said they appeared "jumpy". Canon Clarke told the Acting President that the Prime Minister had been shot and wounded and was tied up. All the hostages were bound and made to lie face down on the floor. According to Mr. Carter, "the details portrayed a very horrifying picture and Canon Clarke was visibly shaken and frightened by what he had seen and heard".

Further Affidavit Evidence of Acting President Carter

9.55. Mr. Carter's affidavit evidence at para. 11 is that Canon Clarke left for the Red House between 6.00 a.m. and 7.00 a.m. on Saturday, 28 July. He

subsequently returned to Camp Ogden sometime between 8.00 a.m. and 9.00 a.m. the same day.

9.56. At para. 12 of the affidavit, Mr. Carter said –

“Canon Clarke gave us the first full eye-witness account of the situation in the Red House.....Canon Clarke stated that Mr. des Vignes had been released and taken to the Port of Spain General Hospital, and that he had obtained the release of other persons who were being held in the Chamber and were not Parliamentarians. Canon Clarke and Minister Dookeran had brought with them three documents:-

1. A letter signed by the Prime Minister purporting to be a letter of resignation. I recognised the signature of the Prime Minister but did not recognise the writing in the body of the letter.

2. A document signed by members of Parliament who were being held as hostages in the Red House purporting to give their support to Mr. Dookeran’s appointment as Prime Minister.

3. A document headed “Major Points of Agreement”.”

They were all handwritten originals.

9.57. Mr. Carter described Canon Clarke’s observations of the situation in Parliament at para. 12 and said –

“.....The details portrayed a very horrifying picture and Canon Clarke was visibly shaken and frightened by what he had seen and heard. The documents, it was said, constituted ‘an agreement’ which the hostages and their captors had concluded. Further violence to the hostages was threatened if these points were not met by that evening. I draw particular attention to the terms of the

document headed 'Major Points of Agreement' and to point 5 in particular."

9.58. Mr. Carter explained at 14 that he could not appoint Mr. Dookeran as Prime Minister as required by the Major Points of Agreement because –

"I observed that the 16 Members of Parliament [who had signed the document] did not constitute the majority required for the appointment of a Prime Minister in accordance with the provisions of the Constitution."

9.59. He continued –

"I was also very concerned about the circumstances in which these documents had been signed. I was certainly not prepared to accept the resignation letter of the Prime Minister as a valid document (bearing in mind that he had been shot, bound and tied) unless I was advised in writing by the Attorney General that I could do so."

Pressure

9.60. Mr. Carter alluded to the pressure being "put on all of us in charge at Camp Ogden". Referring to himself, he said –

"The pressure on me was, I can say, intense but I knew some sort of response to them (the JAM) was required." – para. 14.

Letter from Minister of National Security

9.61. Mr. Carter deposed at para. 16 of his affidavit that, after Canon Clarke returned from the Red House early on Saturday morning, he returned to

the Red House about midday, taking with him medication for the Prime Minister and Mr. Kelvin Ramnath MP. Mr. Carter said –

“At some time in the course of Saturday....I received a letter addressed to me written by the then Minister of National Security, Mr. Selwyn Richardson, and a letter signed by Parliamentarians requesting that there be no foreign intervention.”

9.62. The letter from Mr. Richardson reads as follows:

“Sat 28th July 1990

Your Excellency

In accordance with sec 89(3) I advise that you take steps under sec 87 of the Constitution to grant an unconditional pardon to all/anyone who participated in the events which started at approximately 17.30 hours yesterday, Friday, 27th July 1990.

Signed: Selwyn Richardson

*H.E. Pres E. Carter
President's House/Camp Ogden
Port of Spain*

P.S.: - I certify that this advice was/is tendered on my sole initiative without pressure as a real solution to this entire episode which would include the saving of lives.”

Letter re No Foreign Intervention

9.63. This document was drawn up by Mr. Toney about 4.00 p.m. on Saturday, 28 July, 1990 and was signed by 14 of the MPs. It is as follows:

"28th July 1990

No Foreign Intervention

We, the undersigned Parliamentarians who are now at the Red House direct that no foreign intervention be required or allowed in our affairs which we are confident we can resolve."

9.64. The document headed "No Foreign Intervention" was prepared at the instigation of Mr. Eden Shand, the Acting Minister of External Affairs. This document was a response to rumours being fed to Bilaal on Saturday afternoon. He told the hostages that he had heard that the substantive External Affairs Minister, Mr. Sahadeo Basdeo, who was delayed in Barbados because of what was taking place in Trinidad, had asked the US Government to intervene. Bilaal was very angry. He made preparations to execute the Government MPs. Mr. Sudama records what happened next in his newspaper article.

JAM Questioning Validity of Documents

9.65. Mr. Toney said that sometime between noon and 3.00 p.m. on Saturday afternoon the JAM had 'consulted' with him and Mr. Richardson about whether the three documents prepared by him earlier could be vitiated by duress. He (Mr. Toney) said –

"It would play a significant part in the legality of the documents as well as any other documents. Their reaction to that was that they were still prepared to go through with it."

9.66. After that opinion, "Minister Richardson started to speak about getting a pardon for them and he went looking at some laws".

"He had the power to recommend to the President the grant of a pardon and he went to look at some books. And he wrote a letter to the Acting President which he gave to Canon Clarke for conveyance to the Acting President. The idea of a pardon was Mr. Richardson's own initiative."

According to a supplemental affidavit of Bilaal filed in the High Court Suit No.1311 of 1990 (a Constitutional Motion by the JAM insurgents against the Director of Public Prosecutions and the Attorney General), before Canon Clarke and Mr. Dookeran left the Red House, Mr. Richardson asked Canon Clarke to fetch him a copy of the Constitution. Bilaal said that Canon Clarke did so and Mr. Richardson "advised that any amnesty was constitutional and valid and he referred to section 87(1) of the Constitution." "On his own volition, Mr. Richardson directed the Acting President's attention to section 87(1) of the Constitution in preparing the amnesty document."

Preparing to Execute the Hostages

9.67. Mr. Toney described the mood in the Chamber about 4.00 p.m. on Saturday. He said –

"Bilaal re-emerged in the Chamber. There was anger on his face and fury in his voice.....The mood in the Chamber immediately changed. There was a feeling of dismay,

despair and bewilderment among the hostages. The Muslimeen became more uptight and perhaps a little desperate. The limited leniency towards the hostages was brought to an end. The hostages were required to remain in their places and no movement was permitted. The Muslimeen were asked to secure their weapons and wait on orders. The tension in the air was escalating by the minute.....The Muslimeen went into a prayer session."

9.68. After the prayer session, instructions were issued and carried out in military fashion. Mr. Sudama wrote of this episode in his series of newspaper articles published in NEWSDAY:

"Some of the [JAM] were assigned to man the doors of the Chamber.....Others were given the responsibility of standing guard over the male ministers. They were lined up in rows on the floor of the well of the Chamber and each Minister had a Muslimeen member standing over him with a gun pointed at his head....The two female Ministers and Opposition members were directed to the area adjacent to the Speaker's Chair....There we lay in a circle with about five members of the Muslimeen surrounding us with weapons at the ready but not directly pointed at us."

9.69. Mr. Mervyn Assam and the Permanent Secretary, Ministry of National Security, Mr. Reynold Fernandes, were placed in the same area as the two females, Mrs. Gloria Henry and Mrs. Jennifer Johnson. Mrs. Johnson said that Bilaal instructed his men –

"Muslims, face a politician with your rifle ready. Make your peace with Allah."

9.70. He told them that security forces outside would storm the Chamber with green flashes, put out the lights and throw in smoke grenades. When that happened –

“You are certain to be killed but take an NAR politician with you.”

Canon Clarke's Re-entry to the Red House

9.71. Canon Clarke's evidence is that he understood that he and Mr. Dookeran should return to Parliament but Mr. Dookeran was “too stressed out” to return.

9.72. About 5.00 p.m. on Saturday he met with Acting President Carter. Canon Clarke said:

“He signed two documents – an original and a copy. He gave me one and he kept one and I was told to take my copy to the Red House. I did not read the document but I sensed that it was an amnesty document. I did not ask Mr. Carter what it was. I went back to the Red House.”

9.73. About 6.00 p.m. Canon Clarke rushed into the Chamber. He saw all of the hostages tied up. On entering the Chamber, he shouted –

“Hold it; hold it; I've got an amnesty.”

He said he told Bilaal –

"Do not do what you want to do. I have a document which you should read."

Bilal and John Humphrey read it and the tension eased

9.74. According to Canon Clarke, Bilal was very upset that Mr. Dookeran had not returned with him. He thought that Mr. Dookeran had double-crossed him. Canon Clarke said –

"I had to convince him that Mr. Dookeran was not well. Two doctors went with me to the Red House but they did not go inside."

9.75. For the entire Saturday night, Canon Clarke remained at the Red House. He described the atmosphere when he went in as "horrendous". Gradually, the gunfire ceased and the tension on all sides was relaxed. Canon Clarke was able to speak with some of the MPs. He said that the Deputy Speaker, Dr. Anselm St. George, "was in a state". "He took it very, very hard." He spoke to the JAM about him and they went and loosened his bonds. Many of the JAM were in constant prayer. Some MPs and some members of the JAM talked freely among themselves.

9.76. Two considerations informed Canon Clarke's decision to remain at the Red House throughout Saturday night. First, there was intense shelling of the Red House throughout that night. The sources of the shelling are not clear. There was speculation that it might have been the Army or "some people on top of the Hall of Justice". Canon Clarke was concerned for his own safety. The second

consideration seemed equally important. He felt that he might be able to “save any action that would be negative to the hostages”.

Drawing up the Amnesty Document

Acting President's Reliance on Lawyers

9.77. The Acting President said that, during the course of Saturday, “consideration of the nature and form of response was undertaken by the Parliamentarians and lawyers. I relied upon the lawyers present to advise me as to the effect of any action I was to take.” – para. 14.

Role of the Lawyers

9.78. The lawyers to whom Acting President Carter referred were, Michael de la Bastide SC, Martin Daly SC and Mr. Fyard Hosein.

Mr. de la Bastide

9.79. Mr. de la Bastide was the first President of the Caribbean Court of Justice and a former Chief Justice of Trinidad and Tobago. He gave evidence on 21 November 2012. At the time of the attempted coup, he was in private practice and was President of the Law Association of Trinidad and Tobago.

9.80. On 27 July, Mr. de la Bastide was hosting the Law Association's wine and cheese party at the Hall of Justice. A bullet came through a glass panel in the area of the library and the party came to an abrupt end. Mr. de la Bastide left his car parked on Knox Street and went to his Chambers on Duke Street. He and his partner Mr. Anthony Jacelon went to Mr. Jacelon's home. He borrowed Mrs. Jacelon's jeep and went home. He saw the first two television broadcasts by Imam Abu Bakr.

9.81. About 11.00 p.m. Minister Clive Pantin telephoned him and asked if he could come to Camp Ogden to assist them. He agreed and went to Camp Ogden where Mr. Pantin, Mr. Atwell and Mr. Myers were meeting. Mr. de la Bastide says he was invited into the meeting and asked "whether a pardon or an amnesty would be invalid if given under duress".

9.82. He had no legal texts – only the Constitution of Trinidad and Tobago. But drawing upon his general knowledge of criminal law and the law of contract, he said that, having regard to the circumstances prevailing at Red House,

"I came to the view that duress in those circumstances would invalidate a pardon."

9.83. He said that he had in mind that –

“for a pardon to be effective under s.87(1) of the Constitution, it would have to have been given on the advice of the Cabinet under s.80(1) of the Constitution.”

9.84. He said that, having been a member of the Constitution Review Commission chaired by Sir Hugh Wooding –

“I was all along conscious of the fact that the President acts in his own discretion in a limited number of cases, circumstances or situations.”

9.85. He said that not long after he arrived at Camp Ogden he was aware that there were telephone communications going between Camp Ogden and the Red House and he surmised “that there was something in the nature of negotiations going on”. Although he saw Mr. Carter and his wife at Camp Ogden, Mr. de la Bastide was clear that –

“the advice I was asked to give was to the political directorate and not the Acting President.”

Preparation of Proclamation

9.86. About 2.00 a.m. Mr. de la Bastide realised that a Proclamation of a State of Emergency had to be prepared. He telephoned the Chief Parliamentary Counsel, Mr. Stephen Miller, and Mr. Miller came to Camp Ogden. Mrs. Carter typed a draft Proclamation provided by Mr. Miller and arrangements were made

for the printing and Gazetting of the Proclamation and other relevant documentation.

9.87. Later on Saturday morning, Mr. Miller and Mr. de la Bastide went to Mr. Miller's office, under Army guard, and prepared the documents pertaining to the State of Emergency. Mr. de la Bastide returned to Camp Ogden about 10.30 a.m.

Contributions to the Amnesty Document

9.88. When Mr. de la Bastide returned, he saw Mr. Martin Daly SC and Mr. Fyard Hosein there. His evidence is –

"They came to me with a document which was the proposed amnesty or pardon and I read it. When I read it, I made an insertion in the second paragraph...by inserting the words "for the purposes of avoiding physical injury to the Members of Parliament referred to above"."

9.89. His purpose in inserting those words –

"was to emphasise that this was being given under duress; this was being given to save people's lives."

9.90. He said he wondered if the JAM would accept the document –

"Would they realize that what was happening was that this pardon was being crafted in a way which would lend itself to a finding of invalidity? Anyway, that was my contribution and both Martin and Fyard accepted what I proposed."

He went home about 11.30 a.m. since he had not slept for the whole of the Friday night.

Observations on Validity of Amnesty

9.91. Mr. de la Bastide offered the opinion that the Acting President “did not have the power to grant an amnesty without the advice of Cabinet”. He observed –

“My view has not changed that the pardon had been given in circumstances where Cabinet could not have met and could not have given the advice which was required to found the Acting President’s authority to grant the pardon. There was another ground, apart from duress, for challenging the pardon – a constitutional ground.”

9.92. He said this point was never raised and argued in the courts.

“There had not been compliance with an essential condition for the grant of a pardon under s.87(1) of the Constitution. If the Constitution says it should be given on the advice of the Cabinet and there is no such advice from the Cabinet, then it’s not rocket science, that there is no power to grant the amnesty. Wiser heads than mine apparently did not think it was a good enough point to take.”

The Constitutional Provisions

9.93. Mr. de la Bastide drew attention to the provisions of the Constitution relevant to validity of the amnesty. Section 87(1) of the Constitution provides –

"The President may grant to any person a pardon, either free or subject to lawful conditions, respecting any offences that he may have committed. The power of the President under this section may be exercised by him either before or after the person is charged with any offence and before he is convicted thereof."

9.94. It is to be noted that s.87(1) does not prescribe that the President is to act on the advice of the Cabinet. Mr. de la Bastide pointed out, however, that s.87(1) has to be read together with s.80(1) which enacts:

"80 (1) In the exercise of his functions under this Constitution or any other law, the President shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet, except in cases where other provision is made by this Constitution or such other law, and, without prejudice to the generality of this exception, in cases where by this Constitution or such other law he is required to act –

(a) in his discretion;

(b) After consultation with any person or authority other than the Cabinet; or

(c) In accordance with the advice of any person or authority other than the Cabinet."

9.95. Section 89(2) deals with the power of the President to pardon a person after he has been convicted and is not relevant to this matter. Section 87(3) is tied to s.87(2) and provides that the powers under s.87(2) may be exercised by the President "in accordance with the advice of a Minister designated by him acting in accordance with the advice of the Prime Minister."

Duress

9.96. With respect to duress, Mr. de la Bastide is still of the conviction, notwithstanding the decision of the Privy Council, that duress invalidated the amnesty. He said first –

“The Privy Council itself did accept or didn’t rule out that there might be cases in which duress would invalidate a pardon but they said that it had to be a case where the circumstances were exceptional, whether the force used was direct and overwhelming.”

9.97. He was of opinion that, in failing to take account of s.80(1) of the Constitution in considering the nature of duress –

“they focused on the President, but the President was the wrong man to look at because it wasn’t he or his volition that could give validity to a pardon. It was the Cabinet or a Minister under its general authority who would have to give the advice....If that advice were forthcoming, then the person or entity who gave the advice should be the focus of attention in considering the issue of duress.....I think that on the facts that existed, there was no advice given and that is the end of the matter.”

9.98. Mr. de la Bastide was of the view that “the actual result” was not one with which he had much of a problem. The Privy Council held that the amnesty was invalid but he said that “most people were unhappy” with that part of the decision to the effect that it would be an abuse of process to prosecute the JAM in the light of the decision in the *habeas corpus* proceedings. Mr. de la Bastide thought the decision did not sit comfortably with persons who believed

that using the outcome of the constitutional appeal to reverse the effect of the order in the *habeas corpus* proceedings was legitimate.

Mr. Martin Daly SC

9.99. In 1990 Mr. Martin Daly had been in practice for 23 years. He was Senior Counsel and much respected in the legal profession. In the early morning of 28 July, 1990, he was in touch with Mr. Bernard Pantin of TTT. Mr. Daly was the Chairman of the Board of TTT. Mr. Pantin invited Mr. Daly to Camp Ogden and mentioned Mr. de la Bastide's being there. Mr. Daly went.

9.100. He said –

"When I got there, there was a state of what I might describe as "controlled confusion".....Generally, the Army was in charge but there was a lot of confusion, people milling about."

9.101. He went to a fairly large room with a fairly large table and that is where he spent the morning until he left around midday. This was the Officers' Mess. He saw Ministers Clive Pantin, Herbert Atwell and Lincoln Myers. Mr. Fyard Hosein was also present. He heard Canon Clarke describing the situation in the Red House to Col. Brown –

"Everyone in the room was wholly dependent on Canon Clarke for information about what was inside the Red House."

9.102. He said that there was some discussion of what "the Ministers outside" wanted to do and Mr. Atwell produced some documents.

Importance of Major Points of Agreement

9.103. Mr. Daly said that he and Mr. Hosein were requested by Minister Atwell to prepare a draft amnesty document. He said –

"I am certain that the 'Major Points of Agreement' were before us that day and I am certain that whatever contribution I made was done by reference to the 'Major Points of Agreement'. Mr. Atwell asked Mr. Hosein and myself to consider the documents and prepare a draft amnesty document.....We withdrew, looked at the document and started the drafting process."

9.104. He verbalised the text of the draft and Mr. Hosein recorded. Mr. Daly said –

"I was satisfied, absolutely satisfied from the outset that we must tie the grant of the amnesty to the heads of agreement. It was clear to me that that was the starting point of the demand for an amnesty.....We must locate the grant of the amnesty to that document."

9.105. Hence, the opening words of the document "*As required of me by the document headed 'Major Points of Agreement'*". Mr. Daly confirmed that when Mr. de la Bastide joined himself and Mr. Hosein, he inserted the words "*for the purpose of avoiding physical injury to the Members of Parliament referred to above*".

9.106. Mr. Daly said that Minister Carson Charles was against preparing any document offering an amnesty. After the document was drafted, Messrs. de la Bastide and Daly went home for lunch.

Draft Shown to Acting President

9.107. When the drafting of the amnesty document was completed, Mr. Daly showed it to Acting President Carter and explained it, including the insertion by Mr. de la Bastide.

9.108. When Mr. Pantin enquired as to the validity of the document in law, Mr. Daly said he told him –

“Clive, this is a situation unprecedented in the Commonwealth. We really don’t know how it will turn out.”

9.109. Mr. Daly was not around when Mr. Carter signed and initialled the document. After lunch, he returned to Camp Ogden about 5.00 p.m. He said that Mr. Carter showed him the letter from Minister Richardson “that appeared to be a direction to grant a pardon”.

9.110. Mr. Daly remembers vividly his rather gruff response to Mr. Carter -

“Well, you are not acting by reference to any direction. An amnesty has been asked for to save lives. They asked for an amnesty, we’re giving them an amnesty.”

9.111. Mr. Daly says that he was astute to the likelihood of litigation arising out of the document. After spending about an hour at Camp Ogden, he went home.

Mr. Daly's Opinion on Validity of Amnesty

9.112. Mr. Daly supported Mr. de la Bastide’s opinion that the validity of the amnesty could be impugned on two bases, viz. (i) by reason of duress; (ii) on constitutional grounds since no formal, official constitutional process had been invoked under ss.80 and 87 of the Constitution. In the Privy Council this second point was not argued. Indeed, the Privy Council refused leave to argue the point.

Mr. Fyard Hosein

9.113. In 1990 Mr. Hosein was an attorney-at-law in private practice. He was also a Senator appointed by Prime Minister Robinson and was clearly a very devoted supporter of the NAR party. He had been campaign manager for Mr. Dookeran in the 1986 general elections.

9.114. On 27 July, having heard of the storming of the Red House, he tried to contact various persons but was unsuccessful. He drove around in the course of the night "trying to find out what had happened because it was difficult to get telephone communications". In the early morning of 28 July he went to his friend, Roy Augustus, and learnt that Mr. Augustus was at Camp Ogden. He was a prominent NAR activist and the principal organizer of the party. Mr. Hosein drove to Camp Ogden about 6.00 a.m. with two relatives, Kamlal Ali and Ashmead Ali.

9.115. At Camp Ogden he met Lt. Ramkumarsingh and Capt. Roderick Noel, attorneys-at-law and officers in the auxiliary arm of the Defence Force. He was given a briefing and then escorted to the Officers' Mess. There he met Ministers Atwell, Pantin and Myers, and Roy Augustus and Felix Hernandez. He learnt about the injuries to Prime Minister Robinson and Mr. Richardson and the hostage situation at the Red House.

Conversation with Mr. Dookeran

9.116. He saw Mr. Dookeran in the sick bay. He lay on the floor, barefooted, distraught and bearing marks of violence about his face, neck and body. Mr. Dookeran related the events of the previous evening in some detail. Mr. Hosein said that Mr. Dookeran told him that he had told Bilaal that he was prepared to negotiate. Mr. Hosein said –

"He told me that negotiations took place whilst his hands were tied behind his back for most of the night and Mr. Abdullah (Bilal) sat on a chair behind him while he was tied up. They negotiated an agreement called 'Major Points of Agreement'."

9.117. Mr. Dookeran told him how the JAM had several times smashed the Mace of Parliament on his desk. "The Parliament Chamber was in absolute chaos". He spoke with Mr. Dookeran for about 45 minutes and he was satisfied that "whatever agreement was struck, was obtained as a result of force and terror".

9.118. Mr. Dookeran handed over two documents, viz. the letter purporting to be Mr. Robinson's resignation and the Major Points of Agreement. Later on Saturday morning Mr. Atwell convened a meeting in the Officers' Mess. Mr. Augustus was invited to join the meeting along with Mr. Martin Daly and Canon Clarke. Mr. Hosein recalls Canon Clarke being asked "a number of questions" and told of his observations earlier that morning at the Red House. According to Mr. Hosein –

"Canon Clarke kept emphasising the fact that he could not return to the Red House without an amnesty and a document should be provided for him before he could return."

9.119. Mr. Hosein produced the documents given to him by Mr. Dookeran and they were passed around the meeting and read. He said -

"the Government issue was how to secure the safety of persons in the Red House."

The Amnesty

9.120. Mr. Hosein said –

"The issue of an amnesty, which was raised and demanded in the heads of agreement and reinforced by Canon Clarke, was discussed."

He listened to the views being expressed but did not share his own views.

"We had no textbooks. We had a copy of the Constitution which we looked at; but the issue was whether amnesty could be granted in conditions of duress."

He said –

"I felt that whatever document might be prepared should, as far as possible, register the true state of affairs that existed."

9.121. Mr. Atwell asked Mr. Daly and himself to prepare a draft amnesty document. He and Mr. Daly went away and started to draft: Mr. Daly dictating and Mr. Hosein recording. He said –

"We discussed it; we refashioned it; we changed it as the case may be. It was a mutual exchange between senior and junior in the highest traditions of the Bar, trying to find a form of words that would best reflect the state of affairs that existed in the country at the time."

9.122. The document prepared by Messrs. Daly and Hosein was shown to Mr. de la Bastide when he went to the Officers' Mess. Mr. Hosein said –

"He added the words 'for the purpose of avoiding physical injury' and he tweaked the last sentence."

9.123. Thereafter Mr. Hosein showed the document to Acting President Carter who looked at it and then gave it back to him. Mr. Hosein requested the services of a typist. He said that –

"Around 4.30 p.m. I was provided with a typewriter and a typist. He was a soldier and not a very good typist."

9.124. Mr. Hosein supervised the soldier while he typed on an old manual typewriter which had been in a cupboard. It took three attempts to get the typing right. Mr. Hosein was of opinion, like Messrs. de la Bastide and Daly, that the amnesty's legal validity could be challenged on grounds of duress and on the basis that there was no constitutional authority for its existence. Moreover, he said that they built into the amnesty certain "conditionalities".

9.125. Mr. Hosein testified that in the late afternoon Canon Clarke returned from the Red House and said that he was not prepared to return to the Red House "until he was given possession of the document".

"And he reiterated the fact that it was an extremely serious situation in the Red House. There was a definite sign of urgency with his request. He was agitated."

9.126. Mr. Hosein elaborated –

“While the document was being typed, he came to me and said he had just spoken to Mr. Abdullah (Bilaal) by radio phone and he required the document as fast as possible....and he (Clarke) did not wish to return to the Red House during the dark.”

Final Version of Document

9.127. The final version of the amnesty document was finished about 5.10 p.m. on 28 July. See Appendix 15. Mr. Hosein took it to Acting President Carter who kept the original and gave a copy to Canon Clarke. Attorney General Smart was adamant that he did not see the final draft of the document before Canon Clarke left with it and Mr. Hosein agreed that Mr. Smart did not see the typed version. Mr. Hosein explained -

“The version that I showed him was the handwritten version. The typed version was an exact replication of the handwritten version. I showed it to him as a matter of course, not to get his approval. It was a demand of the Heads of Agreement so I showed it to him. He did not say anything to me.”

9.128. Mr. Hosein pointed out that the hostages at TTT were not included in the amnesty document because the focus was on the Red House. He said –

“If the issue in the Red House were resolved, the other issue (the TTT hostages) would have been resolved as well.”

Role of Acting President

9.129. At para. 17 of his affidavit, Mr. Carter swore –

"I did not know during the course of the day what the lawyers and Parliamentarians had decided to do about the demands contained in 'the Major Points of Agreement'."

9.130. Sometime after 4.00 p.m. he was shown a typed draft of a document by Senior Counsel Martin Daly. Mr. Carter said:

"I had not requested anyone to prepare such a document, but I was informed that the Parliamentarians had agreed that this should be done during their discussions on the 'Major Points of Agreement'."

9.131. Martin Daly and Mr. Carter were alone. Mr. Carter read the draft. He said that Mr. Daly referred him to a part of the document with the words "*this amnesty is granted for the purpose of avoiding physical injury*". Mr. Daly told Mr. Carter that the draft had been prepared to be sent "for consideration by the terrorists".

Mr. Carter's Explanations

9.132. Mr. Carter deposed that he showed Mr. Daly the letter from Minister Richardson re an unconditional pardon under s.87 of the Constitution. He said Mr. Daly read the letter and advised him "to ignore it".

9.133. Mr. Carter explained that –

"the draft which had been prepared did not involve me acting under s.87 of the Constitution. He stated that the draft should go as drafted without reference to any section

of the Constitution and the terrorists could then consider what changes they wanted to make. He explained that the document was not a pardon.....and assured me that the document in itself could not be construed as a final document...."

9.134. Shortly after the discussion with Mr. Daly, there were discussions about what Canon Clarke should take with him to the Red House. Para. 19 of Mr. Carter's affidavit reflects the gist of the discussions.

"I indicated that I was not willing to sign any amnesty or pardon, nor was I willing to sign a copy of the draft document shown to me by Mr. Daly for Canon Clarke to take to the Red House. I did not consider that Canon Clarke should take an unsigned copy. I was reluctant to allow any document to be taken. Canon Clarke then pleaded to be allowed to take something. He expressed great fear for his life and the lives of the hostages if he had to return 'empty-handed'....He pleaded to be able to return with a carbon copy of the draft which I had been shown by Mr. Daly and I agreed that he could show it to the terrorists for consideration by them. A carbon copy was made available to Canon Clarke...He was in a state of great agitation.....I am sure his fears for his own life and that of the hostages were genuine."

9.135. Later in para. 19 Mr. Carter said –

"It was in those circumstances that it was agreed that I should initial the carbon copy of the document. I remember specifically saying to Canon Clarke that I would sign the original and I did and showed it to him. I said to him that I was not releasing the signed original but he could tell the captors that he had seen the signed original. But for the pleas of Canon Clarke for the safety of his own life and those of the hostages, I would not have initialled the carbon copy which he took with him to the Red House or signed the original.....Although I was advised that the document could have no legal effect, I was still reluctant to permit any document to be taken to the Red House."

9.136. He said also that –

“I did not contemplate that the document would be construed by the terrorists as the grant of the ‘amnesty’ demanded by them....I had been informed that the document had been prepared as a draft for their consideration.”

9.137. Mr. Carter said that he had seen and signed many instruments of pardon and it was clear to him that, if a pardon had to be granted –

“individual instruments would necessarily have had to be prepared for my signature, but I had no intention of signing any pardon unless requested to do so by Mr. Dookeran acting in his capacity as Prime Minister.” – para. 19

9.138. As to the demand for Mr. Dookeran to be appointed Prime Minister, Mr. Carter said that he considered that “it was for the Parliamentarians at Camp Ogden to decide how they wished to respond”. He said further -

“For my part, I made it plain to them that I would not sign an instrument appointing Mr. Dookeran as Prime Minister unless I had the written advice of the Attorney General that I could act upon the ‘resignation’ letter of the Prime Minister as a valid document...”

9.139. In order to be proactive, nevertheless, Mr. Carter had his Secretary prepare an instrument appointing Mr. Dookeran as Prime Minister for his signature. He said that he showed the instrument to Mr. Dookeran, Mr. Atwell, and Mr. Smart, the Attorney General. He never received written advice from Mr. Smart to appoint Mr. Dookeran as Prime Minister and, therefore, the instrument was never signed.

9.140. Mr. Carter said that at no time did he act in accordance with or upon the advice contained in Mr. Richardson's letter. He said that Canon Clarke left for the Red House between 5.00 p.m. and 6.00 p.m. on Saturday evening.

JAM's Persistent Requests according to Mr. Carter

9.141. Mr. Carter took issue with the suggestion that the JAM were prepared to release the hostages unconditionally so long as Canon Clarke had returned with the initialled document. He said –

"The terrorists persisted in attempts to secure terms and conditions (including political change) for their own and the hostages' release until Wednesday, 1 August.....It took Col. Theodore nearly three days of painstaking negotiations to get the terrorists to agree to surrender and to leave the Red House after releasing the hostages."

9.142. He exemplified his assertions at para. 23:

"[Canon Clarke] came back with fresh demands from the terrorists. He stated that these were additional to the demands contained in the 'Major Points of Agreement'. The additional demands were –

- (1) The appointment of a Senator nominated by the Jamaat;*
- (2) Abu Bakr to be Minister of National Security;*
- (3) That Mr. Dookeran be advised by the Leaders of the Opposition Parties in the Parliament Chamber and the captors on the appointment of an interim Government;*

(4) *That the Acting President and the Archbishop should come to the Red House."*

9.143. Mr. Carter said that, as far as he was concerned –

"the hostage situation was continuing and communications and negotiations had to be maintained to secure the release of the hostages and the surrender of the terrorists....From Sunday onwards communications and negotiations were maintained by Col. Theodore."

9.144. Mr. Carter received reports on Monday, 30 July, that the JAM had communicated with the media and that the hostages had been allowed to communicate with their families to try and persuade him to sign an amnesty. As a result of receiving these reports, Mr. Carter said that these actions demonstrated that –

"the terrorists regarded the carbon copy as, at best, an indication of the type of action that might be contemplated and was not a final document." – para. 23.

9.145. He said that he was aware that the JAM made "a number of wholly unacceptable requests".

Canon Clarke leaves the Red House

9.146. After taking "the amnesty document" to the Red House, Canon Clarke, as already stated, spent the whole of Saturday night there. He called

Col. Theodore and told him he wished to leave. He left at noon on Sunday. He said –

“When I left the Red House about noon, I was under the impression that the crisis was virtually over. I went back to Camp Ogden and reported to Col. Theodore. I was given lunch and asked to go to TTT.”

Canon Clarke at TTT

9.147. Col. Theodore suggested to Canon Clarke that he should encourage Imam Abu Bakr to release the hostages at TTT. Canon Clarke said –

“I was not given a copy of the amnesty. They should have given me one. The Army took me to TTT and one of the JAM took me in to Abu Bakr. I heard him speak to Bilaal. He was saying that they needed to be part of a national Government. He should be Minister of National Security or I should be. I told him it could not be done just so as people had been elected and he said ‘You can come through the Senate’. I mentioned to him that he and Bilaal were at variance. I called Col. Theodore and asked him to send for me. I was taken to the Hilton Hotel and given dinner. I stayed there overnight. On Monday I went back to Camp Ogden. I was put in a room with a soldier outside and I remained there until the hostages came out.....I was upset about being put in a room with no one communicating with me. I consider that I was under ‘house arrest’. I said that I wanted to go home.”

9.148. Under cross-examination, Canon Clarke expressed his feelings of fear and his dissatisfaction with his treatment in these words:

“I pulled at my wooden cross constantly and prayed. No one asked about my family. My wife was at home but some young servers stood by her. I had no security at my home.”

No one from the Government or the security services offered. Not given a telephone call to my wife or children."

After the Attempted Coup

9.149. On 2 August, Mr. Daly attended a conference of select lawyers at the Hilton Hotel. Present were Mr. Lionel Jones (DPP), Mr. de la Bastide and Mr. Stephen Miller and Mr. Ewart Thorne SC. The meeting was to discuss *next steps* following release of the hostages and surrender of the JAM. Mr. Jones recorded the *next steps* in his own handwriting. The document headed "For Urgent Action" mentioned the following:

1. Appointment of a Minister of National Security
2. Minister of National Security to sign Detention Orders
3. Choice and preparation of Detention Centre
4. Appointment of Commandant and Deputy Commandant of Detention Centre
5. Appointment of Tribunal to deal with challenges to detention
6. Order of Chief Justice declaring the Chaguaramas Convention Centre a court of summary jurisdiction
7. Preferment of charges against persons detained
8. Conversion of Detention Centre into a prison
9. Establishment of prosecution team

9.150. This first document that emerged from the conference of lawyers was followed by a draft Press Release because "there were hordes of international Press here". As it turned out, the draft Press Release never made it to the Press. Similarly, the original proposed prosecution team (comprising Messrs. de la Bastide, Daly and Desmond Allum) was never put in place. According to Mr. Daly, "because of politics".

9.151. Drafting of the amnesty and the preliminary considerations thereto lasted for approximately 24 hours. Negotiation of the terms of release of the hostages and surrender of the insurrectionists, however, was considerably protracted over a period of almost four days. We turn to this matter in the next Part (II) of this Chapter.

PART II – NEGOTIATING THE TERMS OF SURRENDER

A. *INTRODUCTION*

9.152. The Republic of Trinidad and Tobago was extremely fortunate in 1990 in that, at the time of the attempted coup, there were three senior officers in the Defence Force who had been the beneficiaries of some training in hostage negotiation. The Chief of Staff, Col. Theodore, had undertaken a short course at the St. Augustine campus of the University of the West Indies on mediation and

negotiations. Col. Brown, the Commander of the Regiment had done a more intensive course in hostage negotiations at the Royal Canadian Mounted Police Academy, Ottawa, Canada. Commander Kelshall, Commanding Officer of the Coast Guard and Air Wing, had also been trained in hostage management. These three officers were well placed to render expertise to the interim Government and to conduct negotiations with the hostages. As it turned out, Col. Theodore took control of the negotiations which ensued after Canon Clarke's intervention.

9.153. Col. Brown considered it quite proper that Col. Theodore should assume the lead role of negotiator. He said -

"It would have been inappropriate for me, as Commanding Officer of the Regiment, to be the negotiator."

9.154. After the request was made for Canon Clarke, Col. Theodore said "that put a different light on the subject in that" –

"if they were prepared to have somebody come in and speak to that person to let us know what exactly they wanted, we felt that the issue would be more or less one of negotiations....."

9.155. On Saturday morning, as a result of briefings by Mr. Dookeran and Canon Clarke as to the situation in the Red House and the attitude of the JAM, the military options which had been discussed during Friday night were discounted. As is stated elsewhere in this report, those options were to

(i) negotiate a way out of the crisis, (ii) storm the Parliament with the likelihood of loss of life and the certainty of bloodshed, (iii) blow it up and kill all inside the Parliamentary Chamber with the certainty of heavy loss of life. Moreover, as Col. Theodore said – “Also by that time, the matter of TTT had come into focus”.

Negotiations for Release and Surrender

9.156. Negotiations for the release of the hostages and surrender of the insurrectionists began on Saturday afternoon and were completed on Wednesday, 1 August, 1990. We ought to say, very early, that Col. Theodore revealed that, even though he was the lead negotiator on the part of the interim Government, he was never informed that there was an amnesty. And he was not told of the Major Points of Agreement by any of the Ministers.

B. THE EVIDENCE

9.157. Col. Theodore's evidence to the Commission was most helpful and we were greatly assisted by the evidence contained in an affidavit sworn to by him on 6 March, 1992 and the transcripts taken from tapes recording his conversations with Bilaal and others from Sunday 29 July to Wednesday, 1 August.

Col. Brown's Presence of Mind

9.158. Perhaps it would be accurate to say that the road to negotiations was paved by Col. Ralph Brown's presence of mind and recollections of his Canadian training on the evening of Saturday, 28 July. His evidence is as follows:

"Sometime that Saturday night, I received a visit in the Commanding Officer's office from Minister Pantin. His conversation with me suggested that some members of the Government were not confident that the negotiations which had commenced through Canon Clarke were in fact going to resolve the impasse and that negotiating a way out would eventually be unsuccessful. I myself did not share this view. I took out from my wallet a business card of Dr. Harvey Schlossberg, a psychologist from New York, who conducted a course in "hostage negotiation" and another course in "command of a hostage situation" at the Royal Canadian Mounted Police Academy in Ottawa, Canada in 1986."

9.159. Col. Brown said that Dr. Schlossberg had given the course participants his business card at the end of the course and told them that they should feel free to call him if ever they found themselves in a situation where they thought that his advice might be of assistance.

9.160. Col. Brown continued –

"In light of the Ministers' concerns and in the presence of Minister Pantin, I called Dr. Schlossberg and sought his advice on the situation with which I was confronted. I also advised him of what I had done up to that time. To my surprise, Dr. Schlossberg was following the situation on CNN and advised that the approach undertaken by myself was

the correct one and that, from where he stood, the situation would work itself out with a favourable outcome. Minister Pantin then spoke briefly with Dr. Schlossberg who assured him that the action taken thus far was the correct one. Minister Pantin then left and I assumed that he briefed his colleagues accordingly."

9.161. It appears from the evidence that the interim Government was reassured by Dr. Schlossberg's advice and Col. Brown's strategy to contain the insurgents in the Red House and at TTT.

Col. Theodore's Evidence

9.162. Col. Theodore testified that when Canon Clarke returned to the Red House about 5.00 p.m. on Saturday,

"there was random firing taking place in the vicinity of the Red House when he went in. After Canon Clarke had been in the Red House for some time, Bilaal Abdullah contacted me on the phone and claimed that shots were being fired at the Chamber from the vicinity of St. Vincent Street. All soldiers were ordered at that time to cease fire and disclose their locations."

9.163. Col. Theodore stated that when the Police were given similar orders, they did not immediately respond to the orders given by Acting Commissioner Leonard Taylor. In fact, they responded to Mr. Taylor with abuse "and expletives". This shocked Col. Theodore who threatened to have them "taken out" if they did not cease and desist forthwith. They complied. It was

then discovered that there were about five policemen who had been firing from the top of the Cyril Duprey building at the Red House.

9.164. In para. 14 of his affidavit, Col. Theodore deposed that after the Police had ceased firing, the Army were fired upon from within the south-eastern section of the Red House and from the old, disused fire station opposite to the Red House "where some insurgents had taken up positions. The firing was prolonged".

9.165. Bilaal denied that his men were firing but Canon Clarke had to use the radio to appeal for the shooting to stop. The firing only ceased when the Army discharged a rocket launcher into the south-eastern section of the Red House and at the old fire station in the early hours of Sunday. There were similar outbursts at TTT.

The Start of Negotiations in Earnest between Col. Theodore and Bilaal

9.166. Para. 15 of Col. Theodore's affidavit is as follows:

"On Sunday morning, 29 July, 1990, I started speaking on the phone with Bilaal Abdullah at the Red House. These discussions went on and spanned most of Sunday, Monday, Tuesday and until the hostage crisis came to an end on Wednesday evening."

Col. Theodore's Strategy

9.167. Col. Theodore explained to the Commission that he adopted a two-pronged strategy in negotiating with Bilaal.

- (i) *"The first principle of negotiation which I adopted was not to appear to be the senior person making the decisions. I made it quite clear that it was not I who decided what was going on but I had to speak to the Ministers, that Mr. Abdullah would speak to me, I would then go to the Minister with the subject, I would get a reply or opinion from him and I would come back and then speak with Mr. Abdullah. I was going back and forth doing that."*
- (ii) *"The second principle I followed was to play for time. Draw out the negotiations."*

9.168. He said the two principles were interconnected because the first –

"also allowed me to play for time because they weren't too sure where I was and, on Tuesday, I was at the Hilton and I would simply tell them that I have to go and find the Minister and so on. I tried to apply all the principles applied to negotiations. Hence the reason I made it clear that I was not the senior person but there was somebody above me."

9.169. Commenting on Bilaal's apparent adoption of a similar strategy,

Col. Theodore said –

"Yes. I talked to him and then he had to call Abu Bakr. Abu Bakr tells him what to say and then he calls me back. So I think he understood where I was coming from."

9.170. The transcripts are an accurate record of the negotiations on Monday, Tuesday and Wednesday but it is apparent that, from time to time, the operator stated that Col. Theodore was "not available". Col. Theodore explained that –

"this device was frequently employed to avoid direct discussion, to wear down the Muslimeen and to allow us to maintain the initiative."

Sunday Morning

9.171. At para. 16 Col. Theodore deposed –

"On Sunday morning after Canon Clarke returned to Camp Ogden, I was contacted by Bilaal Abdullah. He indicated that it was the Muslimeen's intention to release the hostages, but that both captors and hostages were to be taken to Mucurapo in convoy with military escort, with the captors keeping all their weapons in their possession and that on arrival at Mucurapo, all the hostages will be released. This was completely unacceptable."

9.172. He said that Bilaal was adamant that they be allowed to keep their arms and asked that I speak to Canon Clarke "as this had been agreed to by all concerned. As this was completely contrary to the advice we had given the Ministers before they briefed Canon Clarke, I sent for Canon Clarke."

9.173. Col. Theodore said that Canon Clarke –

"had failed to tell the Muslimeen in clear terms that they would be required to lay down their arms."

9.174. Col. Theodore spoke with Canon Clarke and tried to elicit whether he had told the JAM that they would have to lay down their arms. Canon Clarke replied –

“I am not sure that I specifically told them so.”

9.175. Col. Theodore then said –

“I realised that Bilaal Abdullah had been left with the impression that he could come out with his weapons and from that point I sought to persuade him otherwise. Throughout the days that followed, he attempted to convince me that they should not be required to lay down their arms because there was an agreement. In fact, the words he used repeatedly in that regard on other occasions, were, ‘We have an agreement’. I know that the hostages were told that they were free to go but what they were not told was that it was the intention of the Muslimeen to leave together with them, retaining their firearms and being fully armed. Thus, the impression was created that the Military were preventing their release and not the Muslimeen.”

9.176. Col. Theodore was of the view that, by Sunday evening, there was no need for Canon Clarke to return to the Red House since he and Bilaal had begun communicating and there was “no need for him (Canon Clarke) to act as an intermediary”.

Early Tuesday Morning

9.177. About 3.40 a.m. on Tuesday, 31 July, Bilaal telephoned Col. Theodore and told him that the JAM were prepared to release Mr. Robinson

immediately and unconditionally "in view of the understanding arrived at in the Major Points of Agreement". Col. Theodore conferred with Minister Atwell. He then gave evidence of the agreement that led to Mr. Robinson's release:

"I remained at the Hilton and spent many hours on Tuesday morning discussing with Bilaal Abdullah the precise details of the manner in which the Prime Minister would be allowed to leave the Red House and who would be involved. The procedure finally agreed was that the Prime Minister will be brought out of the Red House by two members of the Muslimeen and placed in a wheelchair which was to be put in an agreed position at the Knox Street entrance to the Red House. The Prime Minister would then be placed in the ambulance with Defence Force medical personnel and be taken to Camp Ogden where he would be examined by medical officers stationed there. This eventually took place at 1.30 p.m. on Tuesday, 31 July 1990."

Release of other Hostages

9.178. Col. Theodore states in para. 18 of his affidavit –

"It was probably on the afternoon of Tuesday, 31 July, 1990 that we agreed on the release of the other hostages. It was agreed that the other hostages be released separately and that the captors would then follow, lay down their arms and surrender to the military authorities. This in fact was achieved on Wednesday and the captors, after laying down their arms, were thoroughly searched, put on the transport and taken to Chaguaramas. The Muslimeen had been informed by me beforehand that they were to be detained under military guard at Chaguaramas."

Why were the Hostages not freed before 1 August?

9.179. According to the evidence of Col. Theodore, on Tuesday afternoon after Mr. Robinson's release, the JAM said that it would not be safe for them to go to #1 Mucurapo Road without their firearms, hence their insistence on being allowed to leave the Red House and TTT with their weapons. There was much negotiation. Col. Theodore said –

"I spent most of Tuesday and part of the night getting them to agree (i) that they would surrender their arms; and (ii) they would be prepared not to go back to the Jamaat and would allow themselves to be taken to a place by the Military after they had surrendered. Most of the conversations I had with Bilaal Abdullah had to do with this situation. I found out subsequently that they were seeking the support of the hostages.....It was felt that their remaining there was the fault of the Muslimeen but it was rather the Army's fault that they were still in the Red House after Sunday. But the crux of the matter hinged around the laying down of their arms and surrendering unconditionally and releasing the hostages. These are the main points that engaged the attention of the Military over that period, leading up to their agreement to release the hostages on the Tuesday evening and surrendering – releasing the hostages on the Wednesday and surrendering themselves on that Wednesday as well."

Precepting the JAM

9.180. An issue arose during the negotiations pertaining to precepting/licensing a number of the JAM to exit the Red House and TTT with

arms. It seems to have started on Monday but certainly was the subject of discussion on Tuesday.

Mr. Bilaal Abdullah's Evidence re Precepting

9.181. In his supplemental affidavit Mr. Bilaal Abdullah stated that on the night of Saturday, 28 July, Mr. Richardson "suggested that fifteen to twenty members of the JAM with suitable background be precepted". At paras.17 and 18 he deposed:

"17. On Tuesday, 31 July and Wednesday, 1 August, 1990 in discussions with Col. Theodore on the phone, with Mr. Richardson being a party to the conversation at all stages of the said discussions, we agreed that since perception would take some days, we were to leave the arms and ammunitions at the Red House and that those persons who were to be precepted would be entitled to have firearms to protect the Jamaat's compound at Mucurapo.

18. Mr. Richardson said that he was doing so because of the attitude and behaviour of the Police Service who had not hesitated publicly to threaten not only the lives of the Muslimeen members but also the lives of the Prime Minister and others."

9.182. The transcript reveals that Mr. Selwyn Richardson had spoken to Col. Theodore about the matter. Col. Theodore was firm. There could be no question of precepting any of the JAM.

9.183. The transcript of the conversation between Col. Theodore and Mr. Bilaal Abdullah is as follows:

"B.A.: Mr. Richardson is right here and we stand by what is the last thing we resolved with him.

J.T.: What was that?

B.A.: The question of perception and the list of persons and he gave you a number.

J.T.: Yes he told me that but I also told him this is a problem....I told Mr. Richardson that we find difficulty with this weapons thing....He told me that the number for TTT was reduced from 15 to 10 and the number for the Red House remains at 15. I said Mr. Richardson, I am asking for none. I say when you are talking to these gentlemen please try and impress upon them that this is a very awkward situation and any weapons coming out is still a matter that I am not prepared to accept. I am now saying to you (Bilaal) the same thing. And regardless of what you and anybody there may have arranged, one of the conditions of coming out of that place is that you do so unarmed. I will call you in the morning and tell you what it is we would like you to do."

9.184. Col. Theodore was also clear in his resolve not to speak to Mr. Richardson. The transcript records:

"J.T.: I don't want to speak to Mr. Richardson because when I talk to Mr. Richardson, I can't take any guarantee that Mr. Richardson will tell you what I tell him. So you and I have to talk and this is how it has been all the time. Suddenly Mr. Richardson came in between....Now I have a problem with that because you are putting me in a stupid position because here I am, the person who is negotiating with you, and Mr. Richardson is telling me that you and him work out everything. So you really don't need me."

9.185. And, once again, Col. Theodore returned to his basic principles. He said to Bilaal:

"I mean, I have to express the views of the Ministers here. I am not making decisions, you know. I am simply a person who is telling you what is going on, very much as you say you are passing information to me based on what Abu Bakr says to you. And you say you just can't tell me something by yourself because you have to check. Same with me. I have to check. I tell you one thing, then I go back and I check."

9.186. Col. Theodore agreed in answer to the Chair that –

"Bilaal was playing the same game as I was because he did say 'I have to talk to Abu Bakr'."

Mr. Bilaal Abdullah's Version of the Protracted Negotiations

9.187. There was a point in the negotiations when Mr. Bilaal Abdullah referred to the Major Points of Agreement and alleged that (i) Mr. Robinson had agreed to resign; (ii) that the Parliamentarians had agreed to support Mr. Dookeran as Prime Minister; (iii) that he would establish a Government of national unity; (iv) that there would be elections in 90 days; and (v) that Imam Abu Bakr "would be given some advisory role in that Winston would talk to him". Then he said –

"So that was the heads of agreement and what was delaying us all the time was, first, everybody expected a quick solution and nothing came and there were a couple of comments made to Canon Clarke like 'We don't want an

Indian Prime Minister'. It appears that people were trying to frustrate the agreement and people inside here were saying that these guys trivialising our lives because we have come to a decision and instead of implementing it, they're pussyfooting around and causing the security situation to worsen."

9.188. Mr. Bilaal Abdullah said that he trusted Mr. Robinson's word and that of Mr. Richardson. On Tuesday, Bilaal is recorded as saying –

"Col. Theodore, if you wanted to come and take Mr. Robinson away from here right now, you can do so. We already told these people that we do not consider them to be hostages, but we are surrounded. We do not know what the security situation outside there is. We can't just send them through the door."

9.189. The transcript is replete with Col. Theodore's explanations to Bilaal that he could make no unilateral decisions save and except that he could recommend to the Ministers the proper mode of carrying out a decision. He said:

"I had strict instructions and this is what led to the negotiation going on for so long. Because it took some time to convince him that we were not making much headway with him adopting one view and my carrying out certain instructions as to how this matter should be resolved."

9.190. Mr. Bilaal Abdullah also suggested that if the JAM were not allowed to come from the Red House and TTT with arms, the Army should allow armed soldiers to ride in the bus with them and take them to #1 Mucurapo Road. Col. Theodore rejected this suggestion because "if a shot went off people might say it was done deliberately".

9.191. All of the above discussions took place on Tuesday after Mr. Robinson's release.

Discussion between Imam Abu Bakr and Mr. Bilaal Abdullah

9.192. There is a transcript of a conversation between Imam Abu Bakr and Bilaal in which Imam Abu Bakr told Mr. Bilaal Abdullah to let Mr. Richardson know that Imam Abu Bakr wanted 10 persons precepted "and if he say no and he just want 10, that is him but we say 10".

9.193. A call from Mr. Richardson to Col. Theodore followed but is omitted from the transcript which resumed with a conversation between Bilaal and Col. Theodore about the difficulties inherent in precepting. Bilaal wanted the issue settled on Tuesday night. Col. Theodore told him that he could not see that that was possible. Mr. Bilaal Abdullah insisted.

"The real issue is the protection of those who are centrally located at Mucurapo because we feel that some Muslims will still want to flee down there and when they flee down there we want to have the ability to protect that area."

9.194. Col. Theodore spent a substantial amount of time explaining the difference between precepting and granting a firearms permit to Mr. Bilaal Abdullah.

9.195. For example, Col. Theodore indicated that obtaining a precept is easier in exceptional circumstances such as a hurricane. And he quickly rammed home the difficulties in these words to Mr. Bilaal Abdullah:

"In this exceptional circumstance, the hardship was created by a certain group of people. That certain group of people will have difficulty in convincing anybody that they are legal, law-abiding citizens and are entitled to have precepts to provide law and order in the State when they themselves are responsible for breaking law and creating undue hardships to the citizens of this country."

9.196. After an exhaustive dialogue, Mr. Bilaal Abdullah said –

"So what you are saying to me is that Mr. Richardson's preception idea can't work."

9.197. To this Col. Theodore replied:

"I didn't say it can't work but it would take a long time."

9.198. He guessed that speeding up a process of precepting could take two to three days. He suggested that Mr. Bilaal Abdullah speak with Mr. Richardson and "get an assessment that can show how this precept business works, what type of forms are required and so on and I will tell you what I will do. I will get samples of forms for fingerprints and things....".

9.199. At the end of it all, Mr. Bilaal Abdullah was constrained to say –

"Yes, it is four days now and no food."

Col. Theodore's comment was laconic.

"Imagine, four days now already. Anyway I am having some sandwiches made up and I had planned to send it to you sort of in celebration and in congratulations for Mr. Robinson's return to us...."

Col. Theodore's View of the Protracted Negotiations

9.200. Col. Theodore said –

"Had the Muslimeen been prepared to release the hostages and not hold on to them as bargaining chips to force agreement to their demands, the hostages could have been released any time after Saturday night. All that was required was that the Muslimeen inform me that they were prepared to surrender, lay down their arms and release the hostages. The facts show that they were not prepared to do this because (a) they were continuing to make political demands; and (b) they were continuing to make demands to carry their weapons and so forth. They released sick and injured hostages from both the Red House and TTT. They could equally have released all of them by arrangements with me, which would have required their unconditional surrender.....I have been informed of the suggestion made by the Muslimeen that the release of the hostages could have been effected earlier than 1 August had the Police and the Army not continued – after the amnesty document had been delivered – firing upon the Muslimeen positions. I deny the truth of this suggestion. It is a gross distortion of the facts."

Release and Surrender – 1 August 1990

9.201. On Wednesday morning the Theodore/Bilal Abdullah dialogue and negotiations continued. There was discussion as to which group should leave first: hostages or hostage-takers. The transcript shows that Mr. Bilal Abdullah wanted the two groups to leave the Red House and TTT respectively together. Col. Theodore rejected the suggestion. "The hostages will leave first", he said. Similar decision attended the suggestion that Imam Abu Bakr should exit TTT first. The hostages came out first followed by the JAM with hands in the air.

9.202. On Tuesday evening, Col. Theodore had concluded that a release would take place but it could not happen on Tuesday because of very bad weather. Col. Theodore said that he and Mr. Bilal Abdullah had discussed the process and it was his duty "to emphasise the order of things".

9.203. Col. Theodore gave the details of the process of surrender on 2 November, 2011 with the assistance of the transcripts. First, there was a conversation between Col. Theodore and Mr. Richardson. Col. Theodore said in reference to the hostages at TTT:

"We'll do this with dignity because all of you are the hostages and they are armed. The hostages will come out first. They will put their arms down. They will come out. We are not touching them. They will come out, go to the bus and then they will go. This is the guarantee. The bus will move off and another bus takes its place."

9.204. Col. Theodore had earlier put his position to Mr. Bilaal Abdullah:

"I say that by all negotiating standards, arms carried by people who hold hostages is a No-No. I have no discretion in putting an exception. As negotiator I am saying what I want to see happen in order to resolve this matter. It is that the hostages be let out first, board the bus and then the bus departs to a destination of my choice."

Agreement between Col. Theodore and Mr. Bilaal Abdullah for Surrender

9.205. The transcript shows that, on Wednesday, when Col. Theodore was speaking with Mr. Bilaal Abdullah, they had come to an agreement, the terms of which were that –

- the JAM would place all hand guns in a bag and leave them upstairs in the Parliamentary Chamber;
- those guns would be retrieved by an Army officer and taken to #1 Mucurapo Road;
- if there was precepting of any of the JAM, the guns would be held for them "in trust". But if none was precepted, the guns would not be handed over "because it would be in breach of the firearms regulations to do so".

- A list of those JAM who might benefit from precepting would be made and put in the bag; Bilaal said "Okay, I agree with that. On that basis, we will be leaving unarmed."
- It was finally agreed that 15 hand guns would be placed on a table in the Chamber and be handed over 'at some other time'. But, in the words of Col. Theodore, "the matter of leaving the Red House with weapons was out of the question".

9.206. As the conversation turned to the organising of a departure from TTT, Imam Abu Bakr reported that he had "two walking wounded and 38 others – two for the ambulance". It was decided that the hostages at TTT should leave the building first, followed by the JAM who would be transported to a site. Col. Theodore said –

"When Abu Bakr reaches the site, we will have him make contact with you. He will call and confirm that he has arrived and all is well. Then we will proceed with the Red House."

9.207. In due course, Mr. Richardson provided the names of the hostages in the Red House. And Imam Abu Bakr called later to say to Mr. Bilaal Abdullah–

"We have reached here at Chaguaramas....so you can go ahead....I gave Sadiq specific instructions to make sure that

nothing at all be detonated or nothing left to harm any of those people."

9.208. Col. Theodore's evidence is that he had received Intelligence that, on Marli Street – facing TTT, there was a vehicle with explosives.

"I spoke to Abu Bakr and told him to disarm that vehicle before any movement can take place. He spoke to me subsequently and told me it had been done. And then the release of TTT hostages began."

Col. Theodore and Imam Abu Bakr

9.209. Direct discussion between Col. Theodore and Imam Abu Bakr during the crisis was rare. He said that "my communication with TTT centred around conversations with Mr. Jones P. Madeira. I never asked to speak to Abu Bakr. I would speak to Jones to find out how things were going". He said –

"My point of contact in these negotiations was with Bilaal Abdullah in the Red House and I did not want to be talking to both of them at the same time....It was only on Wednesday that I actually spoke with Abu Bakr, when I asked him about the explosives in the van on Marli Street."

9.210. The transcript is deficient in that it did not record how release from the Red House was effected. But Col. Theodore's oral evidence is that –

"Having agreed on the procedure, what we did at the Red House was similar to what took place at TTT....The hostages from the Red House were taken to Camp Ogden and the insurgents went to the Fisheries Building at Chaguaramas..."

9.211. Between 3.30 and 4.00 p.m. on Wednesday, the release of the hostages at the Red House began. Whereas Mr. Bilaal Abdullah and his co-insurgents left the Red House without arms, Imam Abu Bakr and those from TTT were required to deactivate their weapons (by removing the magazines) and exit the building with their weapon in their left hand upraised.

Mr. Bilaal Abdulla's Allegations of Brutality

9.212. Bilaal alleged that he and other members of the JAM were the victims of brutality at the hands of the military personnel while on their way to Chaguaramas. He stated at para. 22 of his supplemental affidavit, *inter alia*:

"On our way to Chaguaramas we were driven in the direction of Macqueripe rather than proceeding to Chaguaramas. The bus turned into a side road which was unlighted. We were joined at the Chaguaramas gate by some other soldiers. I was called off the bus when it stopped on this unlighted road and placed face down on a pick-up. I was beaten on my back and legs by soldiers who wore masks and they asked me for the amnesty document. I told them I did not have it. I told them I left a copy in the Red House and Canon Knolly Clarke had a copy.....They took me off the pick-up, stripped me naked and took off my glasses."

9.213. He alleged also, that a soldier had fired an M16 with grenade launchers on the left side of his head, the barrel of a gun was place next to his head and he was repeatedly stabbed with the butt of a rifle. He heard other

insurgents shouting as if in pain and he was then “placed to lie face down in the middle of the road and Kwesi Atiba and Dawal Al-Jihad were placed on either side of me. They were also naked. He said that the soldiers “beat us to try to run but we declined”. – para. 24.

Follow-up Actions and Retirement of Col. Theodore

9.214. Col. Theodore requested Col. Brown to prepare a list of all arms and ammunition seized from the JAM. The list was forwarded to Minister Atwell. In addition, Col. Theodore submitted to Mr. Dookeran a report of what had transpired between 27 July and 1 August, 1990 highlighting the sequence of events and the eventual outcome of the crisis.

9.215. Col. Theodore continued in office after the attempted coup and handed over command of the Defence Force to Col. Brown on 18 April, 1991, the date of his resignation.

Col. Brown on the Release and Surrender

9.216. In para. 33 of his Witness Statement, Col. Brown summarised the release and surrender on Wednesday. He said –

"Sometime on Wednesday, 1 August 1990, I was advised by Col. Theodore that arrangements were made for the release of the hostages and the surrender of the insurgents. These arrangements took some time to be formalised as the release of the hostages had to be carefully orchestrated to prevent any further harm coming to them. It was also important that the surrender be properly coordinated to avoid any accidents occurring that would jeopardise the successful conclusion to the operation. This was of paramount importance since we were dealing with a complex situation where we were in effect handling two separate hostage situations but which were linked together. The process of release and surrender had to be properly synchronised. The insurgents at TTT surrendered first, followed by those at the Red House. The insurgency ended at 20.00 hours on 1 August 1990."

C. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

1. NEGOTIATION, PREPARATION, EXECUTION AND EFFECT OF THE AMNESTY

9.217. The document which purported to grant an amnesty to the insurrectionists was in these terms:

"I, JOSEPH EMMANUEL CARTER, as required of me by the document headed Major Points of Agreement, hereby grant an amnesty to all those involved in acts in insurrection commencing approximately 5.50 p.m. on Friday, 27th July 1990 and ending upon the safe return of all Members of Parliament held captive on 27th July 1990.

This amnesty is granted for the purpose of avoiding physical injury to the Members of Parliament referred to above and is therefore subject to the complete fulfilment of the obligation safely to return them."

9.218. The Acting President, Mr. Carter, signed the original and initialled a copy of the document. It is noteworthy that the amnesty did not cover any acts by the insurrectionists prior to 5.30 p.m. on 27 July and did not take account of the hostages at TTT. As the Commission explained at paras.9.3 to 9.6 *supra*, the Judicial Committee of the Privy Council held that the amnesty was invalid, principally because, at the time when the JAM received the amnesty, they did not treat the insurrection as at an end. They sought to continue negotiations in an effort to achieve further objectives. In so doing, they did not comply with the condition to which the amnesty was subject, namely, prompt compliance or, at least, compliance as soon as was practicable.

9.219. Soon after the JAM invaded the Parliamentary Chamber, they battered Messrs. Robinson, Richardson and Selby Wilson and tied up all the MPs. The Chamber was reduced from its pristine state to a room of trembling, fearful bodies lying on the floor surrounded by a congeries of armed, intimidatory villains. Chaos reigned.

9.220. It was difficult then, as it is difficult now, to keep track of precise time. But, at approximately 8.00 p.m., while shooting was heard inside and outside the Red House, Bilaal ordered Mr. Robinson, at gunpoint, to instruct the soldiers outside to withdraw and lay down their arms. Mr. Robinson responded by ordering the soldiers to "attack with full force" and characterized the

insurgents as “murderers, torturers”. Mr. Robinson’s orders angered Bilaal. He forthwith shot Mr. Robinson and Mr. Richardson in their legs. That Bilaal did not shoot them in their heads or chests suggests that he did not intend to kill them. Mr. Robinson’s order was provocative and incautious. It could have jeopardised the lives of the other Parliamentarians. Those who gave evidence confessed to an understandable sense of dread and despair.

9.221. The shooting of Mr. Robinson and Mr. Richardson was the catalyst for discussions to put an end to the previous violence. Dr. Emmanuel Hosein pleaded with Mr. Winston Dookeran to invite the JAM to talk and negotiate. Mr. Dookeran, who had himself been beaten with the butt of a gun, indicated to a member of the JAM that they should talk.

9.222. About 9.20 p.m., Mr. Bilaal Abdullah approached Mr. Dookeran and asked if he would inform “Headquarters” that they were talking and the Protective Services should hold their fire. With Mr. Bilaal Abdullah’s gun firmly stuck in his neck, Mr. Dookeran agreed to do as requested. Mr. Bilaal Abdullah gave him a walkie-talkie and Mr. Dookeran said –

“This is Minister Dookeran speaking. We are having discussions. Stop firing.”

9.223. Mr. Dookeran crawled to the steps of the VIP gallery and lay down on a step. Mr. Bilaal Abdullah came to him and warned him that if there was any

breakdown in negotiations, he would shoot MPs and throw them over the banister. Mr. Dookeran told Bilaal that he wanted a peaceful resolution to the situation and that there should be no bloodshed.

9.224. In an affidavit sworn by Mr. Dookeran on 7 February 1992, he deposed that Mr. Bilaal Abdullah's first demand was the resignation of Mr. Robinson as Prime Minister. Mr. Dookeran pointed out that that was a constitutional matter "and whatever agreement was reached [on that matter] would have to be within the constitutional framework – you could not change a Government just like that." Mr. Bilaal Abdullah agreed.

9.225. *En passant*, the Commission finds that Mr. Bilaal Abdullah's demand for Mr. Robinson's resignation was consistent with the main objective of the attempted coup, viz. the overthrow of the Government by removing Mr. Robinson.

Negotiating the Amnesty

9.226. The Commission finds that discussions started in earnest about 9.20 p.m. The Commission has concluded that, owing to the imprecision in times as revealed by the evidence, it is of greater value to record the substance of the discussions. Times to which reference is made are only approximations.

9.227. At first, about 10.00 p.m. Mr. Bilaal Abdullah and Mr. Dookeran had discussed and agreed to the following of Mr. Dookeran's proposals that:

- (i) there should be no further bloodshed;
- (ii) discussions should take place, having regard to the requirements of the Constitution; and
- (iii) an independent third party should be brought in to assist in resolving the crisis. Mr. Bilaal Abdullah nominated Canon Knolly Clarke and Mr. Dookeran agreed.

9.228. About this time, Mr. John Humphrey of the UNC Opposition was invited to join Mr. Dookeran and Mr. Bilaal Abdullah and he did so. In Mr. Humphrey's presence, discussions continued and it was finally agreed that the following matters would constitute the essential terms of an agreement between Messrs. Dookeran, Humphrey and Abdullah:

- (i) ceasefire and no more bloodshed;
- (ii) due regard had to be paid to the requirements of the Constitution;

- (iii) Mr. Robinson would resign as Prime Minister;
- (iv) Mr. Dookeran would become Interim Head of the Government;
- (v) Canon Knolly Clarke should be the mediator;
- (vi) The JAM be given an amnesty on condition that there be no further bloodshed and all of the hostages be freed.

9.229. Mr. Joseph Toney, who was not part of the negotiating team, was asked to reduce the agreement to writing. Mr. Dookeran informed Mr. Robinson of the terms of the agreement and, reluctantly, he agreed to them. We find that Mr. Robinson made no contribution to the negotiations. He said that he "authorised Mr. Dookeran to negotiate but gave him no specific instructions. He had a free hand."

9.230. Mr. Toney drew up:

- (i) a document containing Mr. Robinson's resignation with immediate effect. It was signed by Mr. Robinson; - see para. 9.43.

- (ii) a document signed by all of the hostage-MPs; see para. 943;

- (iii) a document headed "Major Points of Agreement" (MPA) that was not signed by the MPs but which provided as follows:
 - "(1) Mr. Robinson writes letter of resignation to the President and makes appropriate statement;

 - (2) All Parliamentarians, including Mr. Robinson, sign the letter supporting Mr. Dookeran for Prime Minister;

 - (3) General Elections to be declared in 90 days;

 - (4) Mr. Dookeran would leave Chamber with letters to go to President with Canon Knolly Clarke. Leo des Vignes to be released simultaneously for treatment;

 - (5) Mr. Dookeran, upon his appointment, secures an amnesty for all those involved in the insurrection between 5.30 p.m. Friday, 27 July, 1990 and resolution of the matter. Amnesty document to be prepared by the President.

(6) Mr. Dookeran and Canon Clarke to return with amnesty papers. All to be freed." – see para. 9.44.

9.231. The MPA were central to the drawing up of the amnesty documents.

9.232. Sometime around midnight, Canon Clarke arrived at Camp Ogden from his home in San Fernando. He met with Col. Brown and Mr. Leonard Taylor, Acting Commissioner of Police. He also spoke on the phone with Bilaal who requested medication for Mr. Kelvin Ramnath and a light stretcher for Mr. Leo des Vignes, MP for Diego Martin. In the mêlée that ensued following the JAM's invasion of Parliament, Mr. des Vignes was shot.

9.233. On Saturday morning, about 6.00, Mr. Mervyn Telfer, a concerned citizen and former journalist, who had gone to Camp Ogden to see what assistance he could render, drove Canon Clarke to the Red House without armed escort. Before going to the Red House, the Acting President, Mr. Carter, had seen Canon Clarke. Canon Clarke was told to obtain details of the JAM's demands. Both Mr. Carter, in an affidavit sworn on 7 February, 1992, and Col. Brown, in oral evidence to the Commission, said that they relied on Canon

Clarke to return with an eyewitness account of what was happening inside the Parliamentary Chamber.

9.234. At the Red House, Canon Clarke met Bilaal and he was given the three documents mentioned at para. 9.230. On his way from the Red House, Canon Clarke assisted in putting Mr. des Vignes on a stretcher. He and Mr. Dookeran then went to Mr. Telfer's car and were driven to Camp Ogden.

9.235. Canon Clarke arrived at Camp Ogden shortly before 9.00 a.m. when Mr. Carter left to go to Cumberland Hill to declare a State of Emergency. He gave Mr. Carter an account of the scene in the Red House. Mr. Clarke said "the details portrayed a very horrifying picture". Canon Clarke had handed over the 3 documents he received from Bilaal to Mr. Dookeran. Mr. Carter saw the documents.

9.236. The Commission accepts that Mr. Carter was under extreme pressure but he acknowledged that the documents required a response. We also accept that he refused to act on the documents relating to Mr. Robinson's resignation and the appointment of Mr. Dookeran as Prime Minister because –

- (a) under the provisions of the Constitution, the 16 signatories to the document purporting to support Mr. Dookeran's

appointment as Prime Minister, did not constitute the sufficient number of MPs required for majority of support; and

- (b) he required the written advice of the Attorney General that he could accept Mr. Robinson's resignation "given the circumstances in which these documents were signed".

9.237. About midday on Saturday, 28 July, Canon Clarke made a second visit to the Red House. He took medication for Messrs. Robinson and Ramnath. It seems that Canon Clarke returned from the Red House with two documents. The first, to Mr. Carter, was from Mr. Richardson purporting to act pursuant to section 89(3) of the Constitution. In this document (see para. 9.62) Mr. Richardson advised Mr. Carter to take steps "to grant an unconditional pardon to all/anyone who participated [in the insurrection]." The second document, signed by the Parliamentarians, directed "that no foreign intervention be required or allowed in our affairs which we are confident we can resolve." It was instigated by Mr. Eden Shand, Acting Minister of External Affairs and was drawn up by Mr. Toney.

9.238. The Commission finds that, in respect of Mr. Richardson's document, he consulted the Constitution and wrote the document in response to

questions from the JAM about the legal validity of the three documents which were originally sent to the President. The JAM seemed to realize that their validity might be challenged on grounds of duress. As to the document inspired by Mr. Shand, the Commission finds that Bilaal had got word that the substantive Minister of External Affairs, Mr. Sahadeo Basdeo, who was delayed in Barbados, had asked the US Government to intervene.

9.239. Mr. Bilaal Abdullah was angry and, during the afternoon, he made preparations to execute the MPs representing the NAR. Mr. Bilaal Abdullah was convinced that forces would storm the Red House, put out the lights and throw in hand grenades. Thus, Mr. Bilaal Abdullah lined up the male members of the Government and had an insurgent stand over each member with a gun ready to shoot when ordered. All the hostages were consumed with despair and fear.

9.240. Fortuitously, Canon Clarke returned to the Red House for a third time about 6.00 p.m. and shouted, "Hold it, hold it. I got an amnesty." Mr. Dookeran was not with him. The Commission finds that Mr. Dookeran was under great stress and was advised by the doctors at Camp Ogden not to return. He spent most of Saturday in the sick bay at Camp Ogden. He did intend to return to the Red House and did not in fact double-cross the JAM.

9.241. Canon Clarke's entreaty had the desired effect. Bilaal relented. Gradually the extreme tension was relieved. Canon Clarke spent the whole of Saturday night at the Red House.

Preparation of Amnesty Document

9.242. The amnesty document was drafted by three lawyers: Messrs. Michael de la Bastide SC, Martin Daly SC, and Mr. Fyard Hosein. The Acting President relied on their skill and expertise. Mr. de la Bastide was the first to go to Camp Ogden. He was called from home about 11.00 p.m. on the night of the insurrection by Minister Clive Pantin. He met with Ministers Atwell, Pantin and Lincoln Myers who wished to know whether duress would invalidate an amnesty. Without the benefit of legal texts, Mr. de la Bastide opined that duress would invalidate a pardon.

9.243. Mr. de la Bastide, however, was intimately concerned with preparing the documentation necessary for Proclamation of a State of Emergency. About 2.00 a.m. on Saturday, he contacted the Chief Parliamentary Counsel, Mr. Stephen Miller, and later that morning, they drafted the documentation. He returned to Camp Ogden about 10.30 a.m.

9.244. Messrs. Daly and Hosein were already at Camp Ogden when Mr. de la Bastide returned. They had a draft of the amnesty and showed it to Mr. de la Bastide. He inserted the words, "*for the purposes of avoiding physical injury to the Members of Parliament referred to above*". This was to emphasise that the amnesty was being given under duress and to save lives.

9.245. The Commission finds that the Acting President did not have the power to grant an amnesty without the advice of the Cabinet. To reach that conclusion requires that, section 87(1) of the Constitution, authorizing the President to grant a pardon, be read together with section 80(1) of the Constitution which makes it mandatory that the President act "in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet" (except in three specific cases, of which grant of a pardon is not one). We agree with that conclusion which was also reached by Messrs. de la Bastide, Daly and Hosein.

9.246. Mr. Daly's evidence was that, in drafting the amnesty, it was crucial to link the grant of the amnesty to the demand in the MPA. As he said, "we had to locate the grant of the amnesty to that document". The Commission finds that the opening sentence of the amnesty captured Mr. Daly's point – "*As required of me by the document headed 'Major Points of Agreement'*". The Commission finds and accepts that Mr. Daly and Mr. Hosein carefully and correctly avoided any linkage of the amnesty to Mr. Richardson's letter.

9.247. With respect to the issue of duress, the Commission does not seek to reflect upon the advice of the Privy Council, but we think that there was merit in the contention of Messrs. de la Bastide and Daly that the President could not validly act on his own but was required to act in accordance with the advice of Cabinet. Since the Cabinet did not give, and was in no position to give, any advice, "that was the end of the matter", as Mr. de la Bastide put it.

9.248. The Commission is satisfied that, although the legal arguments referred to at paras. 9.236 to 9.238 were advanced to the legal team representing the State in the Privy Council, they were not pleaded and argued. In such case, the Privy Council could not have pronounced upon an issue not pleaded and argued.

9.249. After drafting the amnesty document, Mr. Hosein supervised a soldier who typed it. It was completed about 5.00 p.m. and Mr. Hosein took it to Mr. Carter who kept the original and gave a copy to Canon Clarke.

9.250. The Commission finds that the Attorney General, Mr. Smart, had no input into the amnesty document and did not see it in its final version. The reason that the hostages at TTT were not mentioned in the document was that it was the view of the lawyers and the politicians at Camp Ogden, that so long as

the issue in the Red House was resolved, that at TTT would likewise be settled. The Commission finds it passing strange that the Attorney General, Mr. Smart, as the principal legal advisor to the Government, did not insist upon seeing the final typed version of the amnesty document before it was sent off with Canon Clarke.

9.251. The Commission finds that Canon Clarke's insistence that he take a document to Parliament on late Saturday afternoon, influenced Mr. Carter to sign the amnesty document and give Canon Clarke an initialled copy of it. The Commission also finds that the document was for the consideration of the JAM. If they approved it, then Mr. Carter would have had a formal document prepared in the usual form. Mr. Carter took the precaution to have an Instrument of Appointment prepared appointing Mr. Dookeran as Prime Minister. But since the Attorney General had not given written advice for the appointment of Mr. Dookeran, the Instrument was never signed.

9.252. The Privy Council found that continuing negotiations of the JAM after receipt of the amnesty document invalidated it. We find, on the basis of Mr. Carter's affidavit, that the JAM made at least four demands after receipt of the document. These were –

- (i) appointment of a Senator nominated by the JAM;

- (ii) that Imam Abu Bakr be made Minister of National Security;
- (iii) that the JAM and the Leaders of the Opposition Parties advise Mr. Dookeran on the appointment of members of an interim Government; and
- (iv) that Mr. Carter and Archbishop Pantin go to the Red House.

9.253. On Sunday, 29 July, Canon Clarke went to TTT at the invitation of Col. Joseph Theodore. He saw Imam Abu Bakr and heard him speak to Bilaal. The Commission finds that Imam Abu Bakr distinctly said that he should be Minister of National Security and suggested that he could be a Senatorial appointment.

9.254. The Commission finds that the effect of the amnesty was three-fold. It certainly saved the hostages at the Red House from the execution for which Bilaal was preparing. It reduced the fear and tension in the Red House and brought a measure of civility to relations between the hostages and their captors. It allowed negotiations for the ultimate release of the hostages and surrender by the JAM to proceed in an orderly fashion, even if they were somewhat protracted.

9.255. The Commission finds that Canon Clarke did not function as a mediator properly so-called. He was essentially a messenger.

2. NEGOTIATION OF THE TERMS OF SURRENDER

9.256. So long as the interim Government and the leadership of the Defence Force had decided to negotiate a way out of the crisis late in the morning of Saturday, 28 July, the question arose as to the person to lead those negotiations on behalf of the State. Col. Theodore, Col. Brown and Commander Kelshall all had training in hostage negotiation and management which would have qualified them for the task. In the end, it devolved upon Col. Theodore to negotiate the release of the hostages and the surrender of the insurrectionists. Col. Theodore rendered outstanding service to the Government and people of Trinidad and Tobago.

9.257. Col. Theodore's strategy, no doubt influenced by the advice of Dr. Harvey Schlossberg who was consulted by Col. Brown, was not only appropriate but successful. It involved making it clear to the other side that Col. Theodore was not the final decision-maker and, equally important, keeping negotiations protracted to wear down the JAM.

9.258. The trigger for the start of negotiations was a telephone call from Bilaal to Col. Theodore while Canon Clarke was in the Red House on Saturday afternoon following his last-minute intervention with the amnesty document. Bilaal complained that shots were being fired at the Parliamentary Chamber from the direction of St. Vincent Street. Col. Theodore ordered the Army to cease fire. The Police did not comply with similar instructions from the Acting Commissioner. They responded to him with abuse. Col. Theodore threatened to have the five recalcitrant policemen on top of the Cyril Duprey building "taken out". The threat had the desired effect. They ceased firing. But other shooting continued and Canon Clarke was obliged to make an appeal for shooting to stop. It took a rocket from the Army to quell the shooting in the early hours of Sunday, 29 July. The rocket hit the south-eastern part of the Red House.

9.259. Negotiations began in earnest on Sunday morning when Col. Theodore and Bilaal resumed dialogue after Canon Clarke returned from the Red House.

9.260. We find that Bilaal's first proposal was the release of the hostages but he wished them and the insurgents to be taken to #1 Mucurapo Road with military escort while the JAM kept their weapons. He would release the hostages at Mucurapo. Not surprisingly, Col. Theodore rejected the proposal.

9.261. We find that the JAM had been misled into thinking that they could keep their weapons because Canon Clarke had not made it clear to them that they would be required to lay down their arms. Canon Clarke admitted to Col. Theodore that he was not sure that he had specifically explained that requirement to the JAM, although he had been instructed to inform Bilaal accordingly.

9.262. The next few days were consumed with attempts to convince the JAM that there was no pre-existing agreement that they could leave the Red House with their weapons. Apparently, within the Red House, Bilaal believed that he had reached an agreement, presumably with Mr. Richardson, that the JAM could leave armed.

9.263. Dialogue between Bilaal and Col. Theodore continued throughout Monday when the strategy on both sides was effectuated.

9.264. As indicated at para. 9.248, Col. Theodore made no on-the-spot decisions. The discussions would be interrupted while he took a proposal to the politicians gathered at the Hilton Hotel (to which they had all moved) and then he reported their advice to Bilaal. For his part, Bilaal consulted Imam Abu Bakr before putting forward a position. This 'back and forth' necessarily caused delay.

9.265. In the early hours of Tuesday, 31 July, Bilaal telephoned Col. Theodore to indicate that the JAM were prepared to release Mr. Robinson "immediately and unconditionally". A procedure was agreed and Mr. Robinson left the Red House about 1.30 p.m. on Tuesday, 31 July 1990. Later that day, the parties agreed the release of the other hostages.

9.266. We find that the delay in releasing the other hostages at the Red House was attributable to the following:

- (i) the reluctance of the JAM to surrender their arms;
- (ii) their reluctance to go to a place other than #1 Mucurapo Road after surrender;
- (iii) the JAM's proposal that a number of them be licensed (precepted) to surrender with their arms;
- (iv) the involvement of Mr. Richardson in the negotiations in the Red House. He was trying to accommodate Bilaal's demands for precepting, but this was contrary to the negotiating position adopted by the interim Government and

Col. Theodore. It put Col. Theodore in an awkward and embarrassing position;

- (v) Col. Theodore having constantly to explain to Bilaal that he was not the final decision-maker but took his instructions from the political directorate.

- (vi) As late as Tuesday night, the issue of precepting some of the JAM was a live one. It even involved Bilaal's suggestion that firearm licences should be sought for some of the JAM. Col. Theodore pointed out that to try to obtain licences would be a lengthy, time-consuming process replete with inherent difficulties;

- (vii) At no time before early Wednesday, 1 August 1990, did the JAM indicate that they were willing to surrender unconditionally. Between Sunday and Wednesday morning, they continued to make demands;

- (viii) Release and surrender were not practical on Tuesday because of extremely inclement weather in Port of Spain.

9.267. We find that an agreement was finally reached on Wednesday morning between Col. Theodore and Bilaal. The terms of the agreement were:

- (i) The JAM would leave all handguns in a bag in the Parliamentary Chamber;
- (ii) The guns would be taken to #1 Mucurapo Road by the Army;
- (iii) The guns would be held "in trust" for any of the JAM who may have been precepted;
- (iv) The JAM should leave a list of the names of those to be precepted in the bag in the Chamber, in the event that any of them might be precepted; and
- (v) Fifteen handguns would be placed on the table in the Chamber to be handed over "at some other time".

9.268. We find that this agreement was an expedient to bring the crisis to an end, but there was never any real intention to allow the JAM to recover possession of the weapons once they had surrendered them.

9.269. With regard to the hostages and captors at TTT, it was agreed that the hostages should leave first, followed by the JAM who would be transported to a site. When the JAM reached that site, Imam Abu Bakr was to call Bilaal and confirm his safe arrival. Thereafter, evacuation from the Red House would proceed.

9.270. Imam Abu Bakr duly called Bilaal from Chaguaramas. He confirmed that he had ordered one Sadiq to disarm a vehicle that was parked on Marli Street with explosives and that had been done. Then the evacuation of the Red House took place, after the precedent of TTT had proven satisfactory.

9.271. The hostages at the Red House were released about 3.30 p.m. on Wednesday, 1 August, 1990. We find that the operation of release and surrender was extremely well co-ordinated and executed. We entirely endorse the opinion of Col. Brown that –

“It was a complex situation where [the authorities] were, in effect, handling two separate hostage situations but which were linked together. The process of release and surrender had to be properly synchronised.”

3. RECOMMENDATIONS

9.272. Three issues arose out of the circumstances surrounding the grant of the amnesty. They relate to the defence of duress, the adequacy of

legislation covering the grant of an amnesty and the question of the appointment of a Prime Minister when the substantive Prime Minister is incapable of performing his duties. It seemed convenient and logical to the Commission to discuss these issues briefly in this Chapter.

(a) Duress

9.273. The decisions of the Supreme Court of Trinidad and Tobago and the Judicial Committee of the Privy Council exposed the difficulties inherent in the common law approach to the concept of duress. The Commission was not in a position to receive full legal argument on the matter of duress in the context of the criminal law. However, accepting that even the Privy Council expressed concerns about the applicability of the defence in the circumstances of the events of 1990, the Commission recommends that a statutory definition of "duress" be crafted, taking into account the deficiencies of the common law and the circumstances of 1990.

(b) Improving the Requirements of a Valid Amnesty

9.274. Although section 87(1) of the Constitution makes provision for the President to grant a pardon, the Commission is of the view that, in the light of the experience of 1990, careful consideration should be given to the question

whether the power of the President ought to be amplified to grant an amnesty in relation to acts committed in times of political, social or economic upheaval. If such amplification is thought prudent, then the essential parameters of the same should be clearly spelt out in the appropriate legislation.”

(c) Appointment of Prime Minister when Substantive Prime Minister Is Incapable of Performing his/her Substantive Functions

9.275. During the insurrection, the Acting President was placed in a dilemma. The Prime Minister was held hostage and injured. He purported to resign but, clearly, his actions were involuntary. Other Parliamentarians purported to support Mr. Dookeran’s appointment as Prime Minister. Again their support was not of their own free will. The Acting President made no appointment because he refused to act in the absence of a written recommendation by the Attorney General. None was given. The President was unable to act, in his own deliberate discretion. Thus, the country was without an effective, functioning, Prime Minister during the crisis.

9.276. The Commission recommends that consideration be given to amending the Constitution in such a manner as would vest, in the President, the power to appoint a Prime Minister where the substantive Prime Minister is incapable of performing his/her substantive functions. An amendment should

also specify the Minister who should be appointed Prime Minister and the procedure to be followed for appointment.

CHAPTER 10

The continuing Propensities for Criminal Activity arising from the Attempted Coup and the correlation, if any, between the Attempted Coup and the Trafficking, Supplying and Possession of Illegal Drugs, Firearms and Ammunition.

TOR 1(viii)

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CHAPTER 10

THE CONTINUING PROPENSITIES FOR CRIMINAL ACTIVITY ARISING FROM THE ATTEMPTED COUP AND THE CORRELATION, IF ANY, BETWEEN THE ATTEMPTED COUP AND THE TRAFFICKING, SUPPLYING AND POSSESSION OF ILLEGAL DRUGS, FIREARMS AND AMMUNITION – ToR 1(viii)

A. *INTRODUCTION*

10.1. There can be no doubt that, since 1990, the incidence of crime, rising relentlessly and in frightening and diverse manifestations, has been the social problem of greatest concern to the Government and people of the Republic.

10.2 This Term of Reference seeks to discover whether there is any linkage between the events of July 1990 and contemporary criminal activity, especially in relation to illegal narcotic substances and firearm offences.

10.3. Our Enquiry did not unearth any scientific study on the issue. Indeed we were told that there has been no such study. There is clearly a need for a scientific, criminological approach to the issue. In the circumstances, we reproduce in Part B the opinion evidence of various witnesses and make tentative findings, based on that evidence, in Part C. Those findings must not be

interpreted as conclusive on this matter in so far as they are not the product of scientific investigation and analysis.

B. THE EVIDENCE

Statistics of Certain Reported Crimes (1990-2012)

10.4. In response to the Commission's request for criminal statistics, the Commissioner of Police provided such data for the period 1990-2012. We reproduce hereunder only those statistics relating to murder, wounding and shooting, kidnapping, kidnapping for ransom and the total number of all "serious crimes", classified as such by the Police Service and recorded.

YEAR	MURDER	WOUNDING AND SHOOTING	KIDNAPPING	KIDNAPPING FOR RANSOM	TOTAL NUMBER OF ALL SERIOUS CRIMES
1990	84	391	13	–	16 199
1991	97	453	16	–	16 158
1992	109	420	16	–	17 680
1993	111	608	41	–	19 548
1994	140	533	46	–	18 621
1995	121	501	56	–	16 784
1996	107	505	81	–	18 093
1997	101	370	79	1	16 989
1998	97	319	96	4	15 796

1999	93	340	135	1	16 261
2000	120	387	152	4	17 134
2001	151	499	128	7	15 724
2002	171	655	204	31	16 810
2003	229	784	185	50	16 890
2004	260	643	149	28	16 386
2005	386	801	222	58	17 989
2006	371	657	197	17	19 565
2007	391	680	164	14	19 661
2008	547	771	138	17	20 566
2009	507	689	147	8	22 162
2010	473	616	108	7	20 126
2011	352	535	119	3	15 877
2012	124	178	50	1	5 416

(1) Oral Evidence

Prof. Ramesh Deosaran

10.5. Prof. Deosaran is a well-known and respected criminologist in the Commonwealth Caribbean. He gave evidence that there has been no scientific study to investigate whether any correlation exists between the events of 1990 and today's criminal activities. But he acknowledged that there may be a

connection between the acquittals of the JAM and the rise in criminal activity.

However, his conclusion was guarded. He said -

"I am reluctant to attribute the rise in crime to the events of 1990....I can't say that the freeing of the JAM encouraged others to feel that they could get away with crime. But I agree that the public feels cheated and the authorities should move quickly to remedy the framework. Having full knowledge of the transgressions and then having nothing done appropriately to the transgressors will always remain a sad blot on the national community's view of the authorities."

10.6. Prof. Deosaran thinks that the current supply of drugs, firearms and ammunition may have a higher propensity towards criminal activity than the attempted coup.

Mr. Gregory Aboud

10.7. Mr. Aboud saw a connection between the events of 1990 and the current social problems of Trinidad and Tobago. In his opinion, the impact of 1990 is still being felt today. In his own words:

"The present lawlessness is connected to 1990. What has transpired and what continues up to today is entirely connected to the events of 1990."

10.8. He was particularly concerned that there seems to be little respect for the sanctity of property. He said –

"There is a cultural deficit.....That accounts for the looting that followed almost immediately after the attacks. People did not consider it a crime to loot."

10.9. When Mr. Aboud gave his evidence on 27 October, 2011, he referred to recent looting in Arima and said that looters told the Press that because they shopped and spent money at business places, they were entitled to loot.

10.10. On the matter of the impact of illegal drugs on the society, Mr. Aboud stated:

"My own feelings are that drug traffickers did not make Trinidad and Tobago lawless. Rather, it was because Trinidad and Tobago was seen as a lawless society, that the drug traffickers chose Trinidad and Tobago as a place to operate."

Dr. Emmanuel Hosein

10.11. In Dr. Hosein's opinion, correlation between the events of 1990 and contemporary criminality is well explained, metaphorically, in the famous 1967 calypso of the Mighty Cypher (Dillary Scott):

"If the Priest could play, who is me?"

10.12. Dr. Hosein testified:

"The minute these fellows (the JAM) were released, it was a matter of if the Imam (Abu Bakr) could play, you know. Somebody could lead an insurrection, shoot up the Parliament, burn down town and walk free. Well, who is me? I could go and rob somebody on Frederick Street too and get away with it. It set the climate for lawlessness to which this country was not really accustomed and the bold-facedness with which the criminals approach their task is, I think, because of that.....In the old days, thieves used to hide in the bush to come and steal and wait until it was dark. Now they will rob you in the middle of the day on Frederick Street. That's a mindset and I think those events contributed to that kind of mindset on the part of those inclined to lawlessness."

Mr. George Hislop

10.13. Former Senior Magistrate George Hislop testified about his experiences and observations after the attempted coup. He said –

"1990 sent crime into a different dimension. I am sure about it. There were more firearm and drug crimes after 1990. Criminals seemed more conscious of their rights and they would cite their human and constitutional rights in court. They became more emboldened."

10.14. He described 1990 as "a watershed in criminal activity". He said –

"I agree that the release of the JAM sent a signal to the rest of society that you could do crime and get away with it.....The criminal learning process in prison was evident. On their first appearances, some accused don't know too much but, next time, they are spouting off legal points."

10.15. Later in his evidence, Mr. Hislop spoke of a change in the attitude of criminals when they came to court.

"After 1990 I saw a change in the attitude of criminals coming to court. There was a swagger, a confidence. Suddenly, the Magistrate held no fear for them."

10.16. Moreover, he saw more cases of illegal firearms and ammunition coming before him and "lots of drug cases".

Mr. Winston Dookeran

10.17. Mr. Dookeran observed –

"1990 has had an impact on what we are seeing now. We have not been able to resolve the events of 1990 with a sense of justice. It is now permissible to operate outside the law.....if Tom can get away with crime, why not me?"

Mr. Joseph Toney

10.18. Mr. Toney suggested that 'the crime wave' started after 1990. His opinion is that –

"The crime wave began under the PNM. Abu Bakr invited 'community leaders' to meet with Prime Minister Manning. In truth and in fact, these 'community leaders' were really gang leaders."

10.19. He complained that the policy of the PNM Government in spending massive sums of money on 'social programmes' was misdirected and misguided.

He saw these programmes as –

“really giving money to criminally-minded young people who then formed gangs and dealt in guns and drugs.”

Mr. John Humphrey

10.20. Mr. Humphrey's views coincided with those of Mr. Toney. Mr. Humphrey was expansive on the correlation between 1990 and today's crime.

“When Mr. Manning was made Prime Minister, he spent massive amounts of money “on a social programme”. It was really giving money to young people who formed themselves into gangs and bought drugs and weapons. Instead of being community-oriented, they engaged in crime. That is the source of the crime wave.”

10.21. He also said –

“Prior to Mr. Manning dispensing largesse, there were 30,000 Afro-Trinidadians who refused to register to vote. Manning was able to buy that constituency. The programmes were the Unemployment Relief Programme (URP) doing special works and CEPEP. Leaders of the groups did not share the money equitably and used it for personal reasons. That caused problems within the group and conflict and violence ensued. There was no accountability for the money, its management or its use.”

Mr. Wendell Eversley

10.22. Mr. Eversley is satisfied that the attempted coup and its aftermath spawned a rise in criminal activity in Trinidad and Tobago. He stated that increases in murder, kidnapping for ransom, firearm crimes, drugs and gang warfare are all attributable to 1990 and the subsequent freeing of the JAM.

10.23. He testified that –

“When the JAM were freed by the courts, it was like Carnival. A large number of people celebrated. Some of them became big in this country, even holding positions in the Government.....After 1990 a gun culture developed in Trinidad and Tobago.”

10.24. As we have reported, Mr. Eversley campaigned for the establishment of a Commission of Enquiry into the events of 1990 and, year after year, crusaded in various ways. He told us –

“One reason why I protested was that, after 1990, a gun culture started in Trinidad and Tobago and there were increases in murder, kidnappings, drugs and gang wars.....I saw former Prime Minister meeting with gang leaders who they called ‘community leaders’ and I saw the JAM in cahoots with the PNM and UNC for political purposes. The JAM gave both parties assistance with security and campaigning for them on the ground. Mr. Manning met with ‘the community leaders’ who were nothing more than gang leaders.”

Mr. Mervyn Assam

10.25. Mr. Assam opined briefly as follows –

“The reason why there is escalation in violent crime and murder from 1990 to now is essentially fuelled by the drugs trade and the associated arms trade also.”

Moreover, Mr. Assam sees the question of crime in 1990 and crime today as being related to socio-economic conditions. He said –

“The underclass of 1990 and the dispossessed still feel oppressed today. There are still places in Trinidad and Tobago without water and light. Those at the bottom get less of the pie even though the pie has expanded. There is a need for people-centred development, i.e. the total advancement of people.”

Mr. Basdeo Panday

10.26. On the very last day of public hearings, Mr. Panday's opinion was sought on this aspect of our Terms of Reference. He was asked by Counsel whether he thought that burgeoning crime and the changing nature of crime in Trinidad and Tobago had their roots in the events of 1990. Mr. Panday replied –

“I am sure it did. You recall that the Jamaat people who had taken part in the attempted coup were actually being hired by businessmen to collect their debts. They had set up a debt-collecting organisation.....They would hire people from the Jamaat because of their muscle to collect the debts.....If you sued someone in court for a debt and it was

taking too long, the shorter method was to hire people from the Jamaat to collect it for you."

Mr. Mohammed Shabazz

10.27. Mr. Shabazz is a former policeman and served in the Senate between 1997 and 2000. He was also at some time a senior official in the URP. He said that at one time he "was close to Abu Bakr and the JAM". He used to talk to them. Prior to 1990 –

"everybody was afraid of the JAM. The upper class were afraid of the JAM before the coup. The Imam (Abu Bakr) was a hero to the lower classes."

10.28. As to the involvement of the JAM in drugs, his answer was –

"I can't say that I knew any Muslimeen who were involved in drugs.....I felt that Abu Bakr was trying to clean up the drug blocks but then all kinds of young men dressed in Muslim garb and pretending that they were cleaning the blocks jumped on the bandwagon to say they were Muslimeen (African Muslims)."

Re: The URP and 'Community Leaders'

10.29. Mr. Shabazz worked as a senior official in the URP in 2002. He spoke of that organisation being infiltrated by the JAM. He put it this way –

"One day the person in charge called me and said we should meet the Imam and it was agreed; Abu Bakr asked what we wanted him for. 'Only Shabazz had come to see me when I

was in prison.’ They wanted to bring the JAM into URP to work. They brought a lot of them. Then gangs began to mushroom.”

10.30. Mr. Shabazz testified that politicians selected certain persons as “community leaders”. The politicians “got jobs for them and they walked with the bad boys”. The community leaders were described as “tough guys” by Mr. Shabazz.

“The tough guys controlled groups. They brought others into the URP and paid them every two weeks.”

10.31. In respect of illegal drugs, Mr. Shabazz states –

“Drugs are a way of life in this country. Drug dealers bring money into the communities.”

He named three persons who started and proliferated the drug culture in Trinidad and Tobago, i.e. Dole Chadee, “Rama D’ Jama”, and one Nyah.

Witness in camera

10.32. One witness who gave evidence *in camera*, spoke forthrightly about marijuana. He said –

“It is very big business. We have very high consumption of marijuana in Trinidad. A lot of it is running uninhibited out of St. Vincent in particular.”

10.33. He also explained to the Commission how guns enter Trinidad and Tobago.

"There is a place called Tucupita and Pedernales in Venezuela, that is, Delta Amacuro State. Most of our gang leaders don't speak Spanish so they have to have a translator in Venezuela to negotiate for them. We were finding out from these guys who were buying the guns, where they were going and so on.....These people are able to access from AK47s to AR15s. Whatever type of gun they want, they could be accessed out of Venezuela. That is one of the problems. Unless we can stem the flow of guns out of Venezuela to the rest of the Caribbean, it will be very difficult to slow down the spate of murders...."

In Trinidad there are two routes that weapons come through. "One is the guns from Venezuela; the other is through appliances out of the U.S.A."

10.34. In the latter case, the methodology is to embed the weapons in fridges and other appliances.

"They actually unscrew them, dismantle them and insert the weapons."

Links between 1990 and Today

10.35. This witness who had vast experience was very clear that the proliferation of drugs and guns in Trinidad and Tobago became worse after 1990. The witness stated –

"As a result of certain political changes in Venezuela, the Government had some problems with its military and they decided to form a civilian militia as in Cuba. They armed the militia. A lot of guns got lost and they ended up being sold. So you find that some of the guns we have picked up are weapons that belonged to the Venezuelan army and other units. Another concern was that the Venezuelan Government had purchased over 100,000 Russian weapons and were moving to put their SLRs in storage and they tend to disappear once they go into storage. So you find that there is an increase in weapons coming into Caribbean countries as a consequence of that situation evolving in Venezuela.....All of that is linked to the post 1990 era when the JAM itself got involved in a lot of illegal activities, including gangs. One of the things they got involved in was kidnapping and extortion. This came about as a result of the death of Dole Chadee and his gang."

10.36. The witness continued –

"Chadee had laundered large amounts of money in various parts of the country. The people with whom he had laundered the money, refused to give it to his family so they hired the JAM to get back the money. And they built skill sets of kidnapping and then they shifted into their own business of doing kidnapping around the country. They established fiefdoms in various parts of the country such as Laventille and Enterprise. They established their gangs and had weapons and there were fights between the Muslim gangs and other gangs. A lot of them were killed. Some of the bigger names in the JAM did not go and do these things. It was the underlings who were involved in those issues. One well-known member of the JAM attended the Mosque in Monroe Road. Another one was charged not only for kidnapping but also for murder."

10.37. The witness acknowledged that some criminals escaped conviction because witnesses were eliminated but, based on information, Intelligence and prosecutions, the witness was absolutely sure that members of the JAM were

involved in kidnappings and murder post-1990. This witness was in no doubt that there is a link between the events of 1990 and contemporary criminality in Trinidad and Tobago.

"Today's criminals are prepared to kill anybody. There was a distinct shift post-1990 in so far as there was an increase in the whole level of criminality and the use of weapons and that sort of thing....The availability of weapons was the key facilitator of it all, in that weapons were coming out of Venezuela at a faster rate, easily purchased. You could go down to Pedernales and, for two water tanks, you will get some guns. Delta Amacuro is the poorest part of Venezuela and the Warahoon Indians who live there will go and get weapons for you for a box of chicken and chips. The availability of weapons is what is fuelling a lot of criminal activities. What I am aware of is that most of the weapons that come into Trinidad go to the gangs and some of these gangs are Muslim in nature."

10.38. The witness also agreed that deportation of criminals from the USA "brought another level of competence and sophistication to the whole criminal scenario". When asked what were the greatest challenges to national security today, the witness said unhesitatingly –

"the proliferation of drugs and weapons in our country. And there is the issue of fundamentalists because at this point in time, there is more than just the JAM operating.....The Munroe Road people are more radical than anything else and they have been infiltrating the other, more traditional Mosques to the extent that some of the more traditional Muslims are afraid to go to church sometimes."

10.39. From this witness's point of view, one of the greatest difficulties facing the security agencies of Trinidad and Tobago is –

“that little triangle off the Gulf of Paria, in Venezuelan waters, close to Venezuela, where all kinds of illegal trading takes place. It is very sparse of Venezuelan military or police presence.”

Another Witness in camera

10.40. Another witness opined that –

“The level of criminal activity today is linked to the introduction of young persons to illegal arms in the 1990s and the use of illegal drugs. From my experience, a number of young people try to explain away that there is nothing wrong with drug trafficking so that society today has a large number of young persons who think that it is alright to traffic in drugs.”

10.41. With regard to the illegal importation of firearms, the witness observed that –

“Over the years we have seen new levels of sophistication in concealment methods. Illegal weapons came in appliances such as fridges and stoves, TVs imported from the USA and concealed among legitimate cargo. In one case a water heater was used to conceal high-powered rifles.”

Mr. Lennox Smith

10.42. Mr. Smith has a Master's degree in Criminology and a degree in Business Management. One of his first assertions on the witness stand was that when the Morvant/Laventille Improvement Organisation (MLIO) started in 1984,

crime was not as big a problem in Laventille as it is today. But the JAM “became evident in Laventille from about 1988”. However, in 1984 there were “young people leaving school and malingering all over the streets and so on”.

“We sensed that that would be a problem and therefore we formed MLIO to treat with that. I suspect the JAM saw the same thing. Unemployment was high among young people and we came up with a plan to treat with unemployment and we had a comprehensive welfare intervention mechanism as well. Vocational skills were the focus.....It is clear that the JAM recognised that there was this idle capacity all over Laventille and they targeted the boys on the block. There was a series of meetings all over Laventille and they would tell them it was an opportunity to move out of poverty. The whole thrust was indoctrination and they told them there was another way of life and they would feed and clothe them.”

10.43. He said that, as a community activist, he saw a number of these youths find themselves in the JAM. At para. 20 of his witness statement, Mr. Smith deposed –

“In many instances there would have been persons that were gravitating towards criminality who ended up in the JAM.....The criminal element gravitated towards them.”

10.44. Ultimately, there was a criminal base within the JAM and these criminals became ‘untouchables’ within their communities and a criminal subculture developed in Laventille. Mr. Smith was of the view that the JAM did something positive in attempting to clean up the blocks of cocaine. They did that “by force” when they identified the pushers in Laventille and elsewhere. Those pushers who did not comply were beaten.

10.45. Mr. Smith told the Commission that –

“Laventille has no cocaine baron. Laventille took care of its own problems since about 1997. It was because of that cleansing that was perpetrated by the JAM. They may have had a positive influence and effect in terms of ridding us of the cocaine barons. The real kingpins have been destroyed but Laventille, unfortunately, still has a stigma.”

URP and CEPEP – Creation of Gangs

10.46. Mr. Smith said that many of the young men who “were used for violent enterprises” got into the Unemployment Relief Programme (URP) and Community Enhancement Programme for the Employment of People (CEPEP) and, as a result,

“there was the creation of these multiple gangs involving persons who moved away from the Muslimeen philosophy in order to profit themselves....The individuals who were chosen by the JAM to wage these anti-drug campaigns became kingpins in their neighbourhoods.”

10.47. According to Mr. Smith, the JAM “were able to manipulate young men, culminating in the events of 1990”.

“The young people who were recruited by the JAM, ostensibly to do similar work to us, but nestled in a religious ideology, were a ready-made cadre of young, able, willing and obedient to do the exploits of the JAM, that is to say, overthrow the Government.”

Gangs in Laventille

10.48. In Mr. Smith's words –

"The rise of a hierarchical system that the Muslimeen imposed in Laventille has a connection to the gangs in Laventille."

10.49. He spoke of Mosques with their own Imams who broke away from another Mosque and then formed their own Mosques.

"Inside there, you had persons below that Imam who were the inner circle and in that inner circle, there may have been ambitious individuals who broke out and opened their own thing. So you had a subsystem coming out from one source.....That is what I mean by a hierarchical system. They were all offshoots of Mucurapo Road.....As the situation evolved, there were those who realised that they were being exploited and what would happen is that you have a further subdivision or splitting away. These splinter groups then formed themselves into gangs and they saw it as a responsibility to protect territory."

1995 – A Landmark Year

10.50. Mr. Smith described 1995 as "a landmark year" because of "the King Brothers".

"The King gang lived in virtual opulence, perched in a very elaborate house painted in Rastafarian colours and all around that house was abject poverty ... From there, they were able to demonstrate wealth and display their power even though they were considered and known to be very dangerous people. There was a lot of talk about them being associated with cocaine importation. They had a network.....Public perception was that the King gang had

acquired their wealth through illicit sources. They would rob people, kidnapping and so on. All of that took place and a lot of young fellows gravitated up the hill to be part of it, recognising that they had been brought up in poverty."

10.51. Mr. Smith said that "the first time that he heard of gangs and gang-related murders was because of the Kings who were victims of gang-related murders". He was definite about the significance of 1995 because MLIO had to move from Fernandes compound to Juman's Drive in Morvant along the Lady Young Road and:

"when we moved into Morvant, which is in close proximity to Caledonia, which was right around the corner from our physical presence, murders started to take place there too. When we started to monitor the situation, it was all over the East/West corridor."

Disrespect

10.52. A feature of the murders in 1995 and soon after was "drug fellows killing each other" but it evolved and took several dimensions "one of which is something called 'disrespect' ".

"My girlfriend walking down the road and a fellow 'soot' her and she come back and says 'Look what he did', or he touches her or whatever, he could be dead for that."

Family Feud

10.53. "The other dimension is a long standing family feud". Mr. Smith explained –

"There might have been a few fellows from different families but they were at one time engaged in criminal enterprise and, for some reason, they fell out usually as a result of the sharing of spoils. Over the years their children were warned that this guy is your enemy. Violence would follow."

Garrison Communities

10.54. Mr. Smith spoke of 'garrison communities' for example, in Nelson Street and Duncan Street. These were "centred around cocaine". He claimed that these were also connected to the JAM in 1995.

"They were connected to the JAM in so far as they would go to Juma on Fridays and that served to consolidate their ideology....The gang men from Laventille. All roads led to Mucurapo."

Acquittal of the JAM

10.55. Mr. Smith is of opinion that the acquittal of the JAM in 1992 was "a major factor that has triggered the subsequent rise in criminality." Personalising the attitude of the JAM, he said –

"It created emboldenment....Here it is that I have been able, under intimidation and violence, to clear the place of cocaine. Police can't do anything about it. I did it. I have attempted a coup. I have got the NAR out of Government. I have killed persons in high office. And here it is now, I am totally free to walk among you. What message do you think that would be giving a young man of impressionable age,

now seeking to find himself and you have these elements infiltrating their lives? It is clear."

10.56. The basis of Mr. Smith's opinion as to the effect of the JAM's acquittal was –

"a cognitive analytical disposition based on the empirical evidence that I have unearthed and experienced over that period."

10.57. He observed that "criminal tentacles reached throughout the Morvant/John John area".

"It was an excuse for young men to be bold, brash and uncompromising. The Government were also intimidated by this attitude during election time."

10.58. He referred to the fear inspired in candidates for political office in Laventille.

"As a candidate, these marauding individuals would present themselves at your doorstep indicating that they had influence in the community. They would hoodwink their way into the confidence of candidates and they became an indispensable component of campaigning in these places. We have had more than enough evidence of candidates being slapped up or knocked down by these gangs if they don't go their way or give them what they wanted for their effort. In Laventille, yes."

10.59. In 2007, a candidate on behalf of the Congress of the People (COP) "had to relinquish his candidacy because he was slapped in his face in his office on Pashley Street".

10.60. He stated that Imam Abu Bakr and Salim Muwakil had "tremendous influence in the community".

The Unemployment Relief Programme (URP)

10.61. Mr. Smith was certain that the JAM infiltrated the URP and were able "to take charge of it at a certain point in time. Eventually they took charge of the programme".

"Wherever you went, you would hear a Muslim-type name in charge. In fact Mark Guerra was an advisor, I think, to the Minister or the Programme Manager at a certain time.....Because they were members of the JAM, that very fact recognised by the decision-makers, they would not gravitate there on their own. Somebody must give you an appointment as a project manager or foreman as the case may be. But because they were known to be, they were able to get into the programme, so they are in the programme itself.....They are rewarded by the politicians."

10.62. Mr. Smith accepted that on 13 December, 2011, Kala Akii-Bua admitted that about 50 members of the JAM had been employed in URP but 40 had recently been dismissed.

(2) Other Evidence

Reports of an Investigative Journalist - 2009

10.63. In January and February 2009, the SUNDAY EXPRESS newspaper ran three feature articles on drugs, gangs and their connection to the

Unemployment Relief Programme (URP). Mr. Darryl Heeralal was the journalist who carried out the research. A witness who gave evidence *in camera*, tendered copies of the articles for the Commission's attention and commended them to us as being very accurate and worthy of our consideration.

10.64. The Commission has studied the articles which appeared on 18 and 25 January, 2009 and 1 February, 2009. We summarise below, Mr. Heeralal's findings and comments.

Mr. Darryl Heeralal

Origins of URP

10.65. Mr. Heeralal saw the Special Works Programme, introduced by Dr. Eric Williams circa-1957, as the forerunner of the URP. According to Mr. Heeralal –

"In 1957, Prime Minister Dr. Eric Williams held talks with warring Laventille factions – Marabuntas and Desperadoes – out of which came the Special Works Programme to create jobs for the unemployed."

10.66. Apparently, the programme was evaluated about 1975 and was found to have failed to meet its objectives. It subsequently morphed into the

URP. Both political Parties – the UNC and the PNM – made use of the URP when they formed the Government.

10.67. However, URP was infiltrated by criminal elements who subsequently took control of it and wielded immense power. A key figure was Mark Guerra.

Mark Guerra

10.68. Guerra was a member of the JAM. In 1989 he had allegedly shot at the car carrying the then President's wife. After this incident, he went to the USA and became involved in illegal drugs and gangs in Brooklyn. In 1993 he returned to Trinidad. He was described as a "Lieutenant of the Jamaat".

10.69. In 1997, according to Mr. Heeralal,

"Mark Guerra walked into a URP office, introduced himself as the man who had shot at the car carrying President Hassanali's wife in 1989 and announced that he wanted 'two gangs'.....Two gangs of 50 'ghost' workers were reportedly promptly surrendered to Guerra. Five years later, this 'lieutenant' of the Jamaat Al Muslimeen was powerful enough to survive the changing of the political guards when the PNM replaced the UNC in office."

10.70. Through the aegis of the URP, Guerra controlled gangs and challenged another criminal, Sean "Bull" Francis, who held high rank in the Port of Spain region of the URP. In the result, Francis was moved to the Mt. Hope

region and Guerra took control of the Port of Spain region in 1998. By 1999, Guerra was said to be earning approximately \$50,000 every fortnight from 'ghost gang' money. A 'ghost' worker is one who does no work but receives pay.

10.71. After the electoral dead heat of 2002 between the PNM and UNC, gangs started to fight over the spoils available at URP, especially contracts/sub-contracts. In 2002 the JAM and Guerra and his gangs supported the PNM. One outcome of this alliance, was that the then Prime Minister, Mr. Patrick Manning, met with Guerra and other leading criminals such as Francis, Kerwin "Fresh" Phillip, Herbert "Screw Up" John, Glenroy "Abdul Malik" Charles and Roger Gillard in an effort to have them redirect their energies and influence in non-violent, useful and productive ways. Mr. Manning characterised them as 'Community Leaders'. In fact, Guerra was appointed national adviser to the URP.

10.72. He did not live long after. He was murdered in March 2003 and Imam Abu Bakr preached a sermon at his funeral. At the time of his death, according to Mr. Heeralal, Guerra owned a multi-storeyed house in John John, a seven series BMW, and an SUV. It is believed that his wealth was acquired through his access to URP funds and his operation of 'ghost' gangs.

10.73. Some of the 'community leaders' who had met with Mr. Manning also met violent deaths. Francis was murdered in 2007 at a time when he held a

lucrative sub-contract on a health facility being constructed in Port of Spain. Herbert John was shot in 2008 while working at a site on which he also had a sub-contract. Another, Anthony "Thirteen" Des Vignes was shot in 2008. 'Abdul Malik' Charles was murdered in 2006 while employed as a URP worker and said to be worth \$10 million.

10.74. One of the interesting features of Mr. Heeralal's investigations was that they highlighted the spread of gangs in Trinidad. Sean Francis, for example, was alleged to be in control of gangs in Enterprise, Mt. D'Or, Maloney and Sangre Grande. And the power of these 'Community Leaders' was well exemplified when Minister Sadiq Baksh directed that URP workers be paid by cheque. His directive was countermanded. The Express newspaper quoted Mr. Baksh's explanation for his decision –

"When we took over, some of the ills that were there under the PNM remained, like ghost gangs and low productivity. I introduced the system of paying with cheques personally and it was our way of dealing with the question of ghost gangs. People had to line up by the Treasury building and change their cheques in person."

10.75. Mr. Heeralal's observation on Mr. Baksh's effort is as follows –

"In the face of protests, however, Arnim Smith (URP Programme Director 1998) immediately reversed the policy and reverted to paying out cash, leaving room for ghost gangs to come back to life and gang leaders to rumble."

10.76. Mr. Heeralal's investigation revealed rather disquieting statistics about the rise of gangs in Trinidad. Whereas in 2004 there were 40 gangs, by 2008 that number had increased to 81. In 2002, 36% of all murders were gang-related and many of the victims were connected to the URP. But in 2008, there were 295 recorded gang-related murders; that is to say, 54% of the total number of murders (547).

Observations of Two Prominent Citizens

Mr. Justice Carmona

10.77. In February 2008, Carmona J (as he then was) was moved to say in open court –

“Some person in authority had stated that there were no criminals in the URP. I dare say, in fact, that particular statement by the person in authority was highly delusional and totally irresponsible because, not only I, but my other brothers have made the observation time and time again of a lot of criminal activity taking place in the bowels of the URP and that is the stark reality. Based on matters coming before the courts in the last 18 months, I can tell you that in the bowels of the URP there is rank criminality and the authorities need to address this.”

Senator Dana Seetahal

10.78. In the Senate, during a sitting in November 2008, Senator Dana Seetahal observed –

“Something is seriously wrong in the URP.....I have stood up here before and asked that it be closed down because, in my view, it breeds criminals. I have spoken to people employed in the URP and even those people say that it should be closed down. One such person tells me that he earns a certain amount, he does not work, he signs on and he gives one-quarter of his income to the person who authorises the payment. And that is going on all the time.....If a man like Mark Guerra.....a well-known criminal, could have been in charge of a division of the URP and own vehicles and property and so on, then what is happening with these projects and why are they being allowed to continue without accountability.”

Mr. Heeralal's Concluding Link

10.79. Mr. Heeralal's investigations led him to the conclusion that State-funded programmes through the medium of the URP are “a hotbed and breeding ground for criminal activity”.

“Gang activity is bad enough; but gang activity which is indirectly funded by the very taxpayers who are footing the bill to get protection and service from the forces of law and order, is clearly beyond the pale. From its inception in the late 1950s, the State's make-work programme for the unemployed, first christened Special Works, has been a source of worry. Until this decade, corruption was the main

concern. Succeeding administrations revamped, re-engineered and re-christened the programme, hoping to plug holes through which State funds were draining into the hands of ghost gangs – groups of people who were being paid for doing no work.

The challenge changed dramatically at the turn of the century, posing new difficulties for law enforcers as leaders of ghost gangs evolved into community leaders, and as drug turf welded with project turf.”

The Trinidad and Tobago Chamber of Industry and Commerce

10.80. The Chamber in its memorandum and also through the oral evidence of Mr. Andrew Johnson state –

“In the Chamber’s opinion, the unacceptable levels of modern-day crime are largely due to the failure of each Government since 1990 to ensure that every crime was investigated and prosecuted, as a step in the final restoration and continuance of law and order in the country. Despite the prevalence of looting and serious crime, very few convictions resulted. To put the icing on the cake, the 100-odd members of the Jamaat who caused this disturbance of the peace, ‘got away scot-free’, in the opinion of the law abiding citizenry. This set a rotten example for the maintenance of law and order in the country and conferred on the Jamaat the title “untouchable”. Above all, the prosecution of those charged with those offences as a result of the coup was not treated with any great dispatch and urgency, in the national interest. It was as if the prosecutions and the civil claim were simply allowed to wait their turn with the thousands of others in the clogged administration of justice. It is common knowledge that the trafficking of illegal arms, ammunition and narcotics continues unabated up to the present time. Many a politician blames crime on this. In the Chamber’s view, this

is the worst legacy the country has inherited and continues to inherit from the attempted coup."

C. FINDINGS AND CONCLUSIONS

10.81. Although the integrity of criminal statistics of crime reported to the Police may be compromised by a "dark figure" of unreported crime, such statistical data are nonetheless of inestimable utility. They assist in indicating trends and patterns of crime thereby informing policy, strategies and responses.

10.82. Thus, even allowing for a "dark figure", the criminal statistics set forth at para. 10.4, show that from the year 2002 when the number of reported murders doubled vis-à-vis 1990, the crime of murder has consistently spiralled upward, reaching a high of 547 in 2008. Similarly, woundings and shootings exploded to 608 in 1993, then dipped to a low of 319 in 1998, only to rise consistently thereafter, reaching their highest level (801) in 2005.

10.83. It appears that between 1990 and 1996 there was no separate classification of "kidnapping for ransom". Whether such crime was subsumed under the broad classification of "kidnapping" is unclear. However that may be, kidnapping rose exponentially to alarming proportions during the years 1998 to 2012, with notable reductions only in 2010 and 2011. The worst years for overall serious crimes reported to the Police were 2008 to 2010 when the

number exceeded 20,000 per year. We make the observation that the classification “kidnapping” probably pertained to the well-known *modus operandi* of drug operatives who frequently capture rivals from opposing gangs. On the other hand, “kidnappings for ransom” probably refer to situations where “well-to-do” persons in the society are held by criminals in exchange for money for their release. However, the evidence given to the Commission strongly suggests that the law enforcement agencies have been able to bring the spate of kidnappings under control. This success is largely due to the arrests or deaths of certain persons who seemed to specialise in these types of crime.

10.84. The Commission accepts the evidence that the JAM, as a studied and deliberate strategy, targeted the idle youth in Laventille from the late 1980s, under a religious veneer, and encouraged them to gravitate towards #1 Mucurapo Road along with the criminal element. At #1 Mucurapo Road, these young persons were indoctrinated and committed to Imam Abu Bakr and the JAM. Many of these were involved in the insurrection.

10.85. The Commission finds that, after the JAM were freed, actual and potential criminals internalized a belief and attitude that since the JAM could commit the most heinous crime and be acquitted, they too, could follow the example and go unpunished. The metaphor inherent in the Mighty Cypher’s

calypso “If the Priest could play, who is me?” most aptly captured the mood that emerged among the criminal element after the acquittal of the JAM.

10.86. The Commission also accepts that the criminals who emerged post-1990 displayed a consciousness of their legal and human rights no doubt engendered as a result of criminal learning processes acquired in prison. There was a boldness trespassing on arrogance that was manifested even in the face of magisterial authority. All of this was linked to the events of 1990 and their aftermath culminating in the decisions of the Judicial Committee of the Privy Council.

10.87. Firearm offences and drug offences proliferated after the acquittals of the JAM. The Commission has no difficulty in accepting the expert evidence given *in camera* that, after 1993, substantial increases were seen in gun crimes, drug crimes, kidnappings and murder. Moreover, there is cogent evidence to lead to the conclusion that the JAM were involved in kidnapping, extortion and murder after their release.

10.88. The King Brothers brought organised crime to Laventille. They were involved in drugs, robberies and kidnappings. Their opulent lifestyle caused many youths to be attracted to them and the Kings became the early gang leaders in Laventille.

10.89. The Commission finds that the Unemployment Relief Programme (URP) became a breeding ground for criminals and the development of gangs or “near-groups” and its leadership was vested in known criminals, such as Mark Guerra, Sean Francis, Kerwin Phillip and Herbert John. We use the word “gangs” in the colloquial sense of a group of persons acting together or going around together and not in the strict classification of criminology, i.e. groups organised around shared functions and goals (Yablonsky). Strictly speaking, there is also the “near-group” which is basically a formation of delinquent youths who possess a chameleon-like quality, in that they are in a constant state of flux.

10.90. Guerra was a member of the JAM and, even after his murder, the JAM infiltrated the URP. The funds of the URP, consisting of transfers from the Central Government, were diverted from legitimate objects through the use of ‘ghost workers’, viz. persons who did no work but received a wage or through the use of fictitious payees. Corruption was further facilitated when payment of ‘workers’ by cheque was changed to permit payment in cash. The funds of the State were used illicitly to fund personal lifestyles of gangsters and the operations of gangs.

10.91. We find that the euphemistic appellation ‘Community Leaders’ was a gross misnomer as well as a grave misfortune. Essentially, it sought to accord

respectability to persons who were in truth large-scale criminals. In reality these criminals were empowered by money to organise crime in Trinidad and Tobago and to become active participants in international organised crime. Persons such as Guerra and Francis were professional criminals committed to an identity defined by conspicuous consumption, funded by crime. They were criminal entrepreneurs who built a network of similarly-minded operatives.

10.92. International organised crime is firmly entrenched in Trinidad and Tobago. The availability of firearms fuels much of the criminal activity being witnessed in Trinidad and Tobago since 2000. Venezuela is the main source of supply for illegal firearms. But firearms also enter Trinidad and Tobago through the export of appliances from the USA. Marijuana, especially, is imported from St. Vincent and cocaine from certain South American states. Firearms are acquired by drug operatives to protect their drugs and their territory.

10.93. Criminal gangs have entered the illegal economy of drug importation and distribution. Garrison communities have been formed from cocaine and law enforcement authorities are aware that certain gangsters and cocaine dealers have connection with the JAM. The Commission finds that disputes among gang members were the result of the inequitable distribution of money among members. Many of the murders recorded by the Police are to be attributed to internecine warfare among gangs.

10.94. The spread of the gang culture to Enterprise, Mt. D'Or, Maloney and Sangre Grande has created social disequilibrium. It has also had an intimidatory effect on politicians. There are certain areas of Trinidad and Tobago to which politicians cannot go unless gang leaders pave the way for their entry. One of the disconcerting features of contemporary crime in Trinidad and Tobago is the geographical demarcation of territory by gangs or near-groups. Within particular areas, there are further sub-divisions of territory within which individuals or groups are confined. Crossing borders will inevitably result in violent conflict.

10.95. The Commission finds that the JAM did seek to rid 'the blocks' of cocaine and used violence to achieve that end. However, the Commission received no credible evidence as to the disposition of cocaine confiscated by the JAM. In the circumstances, the Commission makes no finding that, as one witness put it, "This was a sham and in fact the JAM themselves trafficked in cocaine."

10.96 There are structural problems of race and class that may spawn disaffection and a sense of alienation and hopelessness. There may be a relationship between crime and the core structure and values of the society.

Accordingly, policy makers should take into account the wider social structure in which may lie inequality and feelings of injustice.

10.97. On the basis of the evidence tendered to the Commission and bearing in mind that the issue posed in this Term of Reference was not the subject of scientific study or analysis, the Commission concludes, on balance, that the burgeoning crime and the changing nature of contemporary crime in Trinidad and Tobago have their origins in the events of 1990 and the aftermath thereof.

CHAPTER 11

ENSURING THAT VICTIMS OF THE ATTEMPTED COUP AND THE SOCIETY AS A WHOLE ARE SATISFIED THAT THEIR PAIN, LOSS, SUFFERING AND DAMAGE HAVE BEEN ACKNOWLEDGED, WITH A VIEW TO FOSTERING CLOSURE OF THE EVENTS SURROUNDING THE ATTEMPTED COUP AND WITH A VIEW TO THE PROMOTION OF INDIVIDUAL AND COMMUNITY HEALING IN THE INTERESTS OF NATIONAL DEVELOPMENT. TOR 2 (vi)

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CHAPTER 11

ENSURING THAT VICTIMS OF THE ATTEMPTED COUP AND THE SOCIETY AS A WHOLE ARE SATISFIED THAT THEIR PAIN, LOSS, SUFFERING AND DAMAGE HAVE BEEN ACKNOWLEDGED, WITH A VIEW TO FOSTERING CLOSURE OF THE EVENTS SURROUNDING THE ATTEMPTED COUP AND WITH A VIEW TO THE PROMOTION OF INDIVIDUAL AND COMMUNITY HEALING IN THE INTERESTS OF NATIONAL DEVELOPMENT
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A. *INTRODUCTION*

11.1 In this Chapter, we discuss those victims of the attempted coup who gave direct oral evidence to the Commission as well as those victims of whom undisputed evidence was given by witnesses. Accordingly, we report on the fatalities and the injured who were seen and attended to at the General Hospital, Port of Spain. We also examine the evidence pertaining to the suffering of the hostages at the Red House and TTT, and Police Officers who lost their lives or were injured in the line of duty.

11.2. It seemed to us important to discuss the feelings and attitudes of witnesses to the events of 1990 in order to assist us in determining whether there is such residual anger, bitterness or resentment among the victims of the attempted coup as to negate healing and closure.

11.3. We also make recommendations in this Chapter with a view to satisfying this aspect of our Terms of Reference. We have found that one of the primary causative factors of the attempted coup was the failure of those responsible for ensuring the security of the State to carry out their responsibilities properly or at all. In a word, they were negligent in the discharge of their responsibilities.

11.4. There was no civil litigation brought against the State by any persons who were injured as a result of the attempted coup. It is probable that since the insurrection was such an unusual event and cultural anathema to the population, those who were injured may have been so disoriented by their experiences that they gave no thought to that. We make no judgment as to the likelihood of success or failure of litigation and, in any event, such litigation would now be statute-barred.

This event being so culturally foreign to the population, it may have produced a kind of aphasia which numbed the inclination of those who suffered directly from this failure to explore the possibility of redress for their loss by way of civil action in the law courts. We make no comment on whether or not such actions, had they been instituted, would have been met with success but note that the time for the same is now long past.

11.5. The Commission is of the firm opinion that the most tangible method of assuring victims that their suffering and loss have been acknowledged, and the most practical method of fostering healing and closure is by making awards on an *ex gratia* basis. Accordingly, we recommend that the Government give favourable consideration to the payment of compensation to those victims (or their survivors) of the attempted coup who suffered injuries or death and non-monetary awards to others who may not have suffered injuries but are nevertheless deserving of recognition.

The Concepts of Healing and Closure

11.6. The establishment of this Commission of Enquiry may itself be construed as an acknowledgment by the society at large that the pain, loss, suffering and damage sustained during the attempted coup have been recognised by the Government and people of Trinidad and Tobago. For those witnesses who were held hostage and testified before us, we formed the impression that the fact that they were able to testify before an official tribunal, brought a measure of satisfaction and relief to them. It had a cathartic effect. Many witnesses endorsed the opinion of Mr. Emmett Hennessy when he said of the Commission of Enquiry –

“It would bring closure even as it stands because we are finally getting a full, true, historical documentation of what happened for posterity, which I think we need and the populace needs to get a clear understanding of just how

horrific it was and that there was definitely murderous intent. But there would be a much greater satisfaction for me, not so much closure, but satisfaction if you bring certain players in to answer questions; who really could shed light on this topic that none of us could ever hope to shed light on. The movers and players on both sides; the Muslimeen side and, if they do exist, players on the other side: Government maybe, Customs maybe, whoever, who may have to some degree aided and abetted.....This is what I would call a real Commission of Enquiry and I am proud to be a part of it."

11.7. Dr. Emmanuel Hosein said that his appearance before the Commission provided him with an opportunity to speak out about what happened during the six days he spent as a hostage. No one had asked him before – not the media, not the Ministry to which he was assigned.

11.8. The concepts of healing and closure have proven somewhat imprecise and elusive. Professor Ramesh Deosaran, a well-known social scientist and criminologist, was unsure of the content of the concepts in the context of July 1990 and its aftermath. He said in evidence:

"I am curious to know what this healing is all about. What does it mean? Forgiveness? Does it mean creating an alternative lifestyle for the young people who are likely to be attracted to the Muslimeen compound? Does it mean reversing the decisions of the courts, dropping all the charges?"

I don't understand this issue about healing. I would preferably abide by the rules of governance and the established principles of due process....But to create, artificially, a semblance of healing in such a fragmented situation where some believe that they are still right, and others believe that they have been victims when in fact they

are the perpetrators – you have large sections of the national community who are not prepared to forgive at all because they have been victims, emotionally and physically. So really, to put healing in such circumstances without attending to some of the issues I have raised, like what about the young people – how much could you do to arrive at healing? What does it mean? Would it merely be for the benefit of the alleged perpetrators?

Would it be an expression of justice? Would healing satisfy the cries for justice? Would it remove that serious blot and grievance on the hearts of the national community? It has to be properly defined. It has to be properly thought out and it has to satisfy the national community, in the widest possible sense. Until that is done, I don't have any answers to it."

We have construed the concepts broadly and inclusive of notions of reconciliation and forgiveness between offenders and victims, reparation, restorative justice and satisfaction from the venting of feelings before a public Commission of Enquiry. We now consider the evidence of various witnesses as to the nature and extent of their victimisation and experiences.

B. THE EVIDENCE

1. THE POLICE

Mr. Leslie Marcelle

11.9. As a result of his fall from the roof of Police Headquarters, Mr. Marcelle was rendered unconscious. He was taken to the Port of Spain

General Hospital where he spent two days and regained consciousness. His injuries were extremely severe and life-threatening. All of the ribs on his left side were broken and one lung collapsed. In addition, he had severe head injuries and bled from both ears. Further, his right shoulder was fractured and his right wrist was injured. He was in excruciating pain. Notwithstanding the above injuries, Mr. Marcelle was discharged, after x-rays were taken, two days later, on 29 July, 1990.

11.10. Upon his discharge, he was seen by his family physician, Dr. Sonia Roache. She arranged for him to be seen and treated by Dr. Penco at Caura. He was a patient at Caura for 3 weeks.

11.11. On his own initiative and with the financial assistance of his family, Mr. Marcelle went for further medical attention at a hospital in New Jersey. He was under the care of a Dr. Young and, *inter alia*, was fitted with a hearing aid since his hearing had become impaired. For one year, Mr. Marcelle received intensive physiotherapy to enable him to walk again. He was on official sick leave for one year and retired from the Police Service in April 1991.

11.12. The *sequelae* of his injuries include -

- insomnia and inability to sleep on his left side
- unsteady gait and difficulty sitting and getting up

- impaired hearing
- persistent pain in his right shoulder and wrist
- inability to lift even moderately heavy objects
- inability to dress himself
- dependence on family members when travelling on aircraft for medical attention.

Mr. Marcelle has continuing expenses:

- his hearing aid must be changed annually at a cost of US\$1,200;
- he is obliged to travel first-class because of his continuing physical disability, and must be accompanied by a family member.

11.13. He has paid these expenses for the past 22 years. Apart from an “injury allowance” from the National Insurance Board, he never received compensation. He never sought damages for his personal injuries against the State.

11.14. Mr. Marcelle is bitter and aggrieved. He said that the then Commissioner of Police, Mr. Jules Bernard, visited him at home and presented

him with a certificate but "Police Officers who were injured, were not properly treated". He said -

"I got no recognition for the part I played. I had to pull my pocket to pay for medical treatment when I was injured in the line of duty."

Sgt. Raymond Julien

11.15. On 1 August, 1990, Sgt. Julien spoke to his family for the first time since the previous Friday, 27 July. They said that they were told that he had died in Parliament. After he went home on 2 August, he reported to the St. Ann's Outpatients' Clinic for treatment. He had been beaten by the JAM in Parliament, bound and stripped down to his underwear. He had not eaten while he was held hostage for 6 days nor was he given any meals while at Camp Ogden. He ate for the first time when he reached Besson Street police station on the evening of 1 August – bread and a cup of tea.

11.16. Sgt. Julien said that he visited the Outpatients' Clinic "for a period of time" but he stopped since he felt that he was not recovering. He therefore sought private medical attention. Sgt. Julien said that -

"This ordeal has affected my personality. I have a problem sleeping."

11.17. That Sgt. Julien has been psychologically scarred by his experience is supported by the evidence of Dr. Emmanuel Hosein who said that Sgt. Julien had become paranoid even while he was a hostage in Parliament.

11.18. Sgt. Julien never resumed duties in the Police Service and was "medically boarded" in 1994. He told us that Mr. Selwyn Richardson had telephoned him and said that the Government would send him abroad for medical attention but he would have to pay for his accommodation. He did not accept the offer because he could not afford it. He said that, to this date, no one in the leadership of the Police Service has asked him "anything about his ordeal". No one ever asked him to write a report.

WPC Olive Ward

11.19. Although WPC Ward was held hostage in the Red House for a comparatively short time (Friday evening to Saturday morning), she has, nevertheless, been badly affected by the events which unfolded in the Red House on 27 July, 1990. She was assessed by Dr. Bontierre and went on sick leave, in tranches of 28 days at a time, until the end of 1990. She said -

"I felt stressed. I did not wish to go to work."

In fact, she only returned to work in 1993 when her sick leave ended as a consequence of a decision of a medical board which found that she was fit to resume work.

11.20. She, too, feels aggrieved by the response of the Police hierarchy to her plight. She testified that Senior Supt. John Grant was the only person who discussed her ordeal with her.

"No other officer in the hierarchy. No one from the State contacted me. I feel that if officers suffered such trauma, more care should have been shown to us instead of being left by the wayside by the authorities. I feel something should have been done."

She said that the experience has affected her sleep patterns and she becomes "jumpy" at the explosion of fire crackers.

11.21. In 1996 WPC Ward sat and passed the Police Promotion Examinations. She expected to be promoted to Cpl. She was not. She thinks that she was denied promotion because of the protracted sick leave which she took. She is hurt that "the only officer mentioned as a victim of the attempted coup was WPC Glenda Mitchell". Between 2005 and 2010 WPC Ward served as Chief Clerk, Police Complaints Division.

ASP Roger George

11.22. We received credible evidence from more than one witness that, ASP Roger George, who was in charge of the security detail at the Red House, was killed on the evening of 27 July. No member of his family appeared before the Commission.

SRP Solomon McLeod

11.23. SRP McLeod was the young officer who was on sentry duty at Police Headquarters. He was shot, left to die, and his body was burnt when the JAM launched their assault against Police Headquarters. Ms. Lynette Stevenson witnessed his murder. According to a newspaper report supplied to us, McLeod's mother said that the last time she heard from the State was sometime in 1990 when she was reimbursed \$5,000 which she had paid to bury her son. We understand that this is a Funeral Benefit Grant paid by the National Insurance Board.

Prime Minister's Security Detail

11.24. Prime Minister Robinson gave evidence of the two Police Officers who were assigned to him, throwing their bodies on him in an effort to protect

him when the insurgents burst into Parliament shooting. He does not know what became of them. He said -

"I don't know what became of them subsequently. I heard that one of them was killed, but I cannot give direct evidence of that."

Soon after 6.30 p.m., Mr. Andrew (Andy) Johnson of the Express newspaper, saw Sgt. Steve Maurice and Sgt. Williams "emerge from the Red House in their jockey shorts". They told him that they were beaten, stripped to their underwear and told to leave the Red House. Mr. Johnson walked with these two officers along Abercromby Street and Park Street and they explained to him what had transpired in the Red House. As they walked, according to Mr. Johnson, people who saw the two officers laughed at them, ignorant of the reason for their state of undress.

Sgt. Steve Maurice, Cpl. Ethelbert Charles, PC Dave Pilgrim, PC Kenrick Thong

11.25. These officers were substantively attached to the Special Branch department of the Police Service. On 27 July, 1990, they were assigned as the Prime Minister's security detail. The detail consisted of three officers and two drivers. Sgt. Maurice was the most senior.

PC Dave Pilgrim

11.26. PC Pilgrim joined the Police Service in April 1979 and was a Special Branch officer since 1982. He retired in November 2009 at the rank of Inspector. On 27 July, 1990 he had accompanied the Prime Minister to Tobago. They returned to Trinidad about midday and the Prime Minister went to his official residence and later, about 4.00 p.m., the Prime Minister and his security detail went to Parliament. PC Pilgrim escorted the Prime Minister to his waiting room and then took up duty on the north-western side of the Red House. He saw Insp. Kenneth Thompson in the Parliamentary Chamber and sat with him. PC Pilgrim was armed and had a "walkie-talkie". Sgt. Maurice and Cpl. Charles took up their positions at the south-eastern side of the Chamber, near the Speaker's entrance.

11.27. PC Pilgrim said that about 6.00 p.m. he heard a loud explosion coming from the direction of Police Headquarters and gunfire from the direction of Knox Street. He said –

"Thompson pulled the curtain and said 'Pilgrim boy, Muslim, Muslim'."

PC Pilgrim drew his firearm and looked out towards Knox Street where he saw men "in Army-type clothing" with arms.

11.28. PC Pilgrim tried to reach the Prime Minister but had difficulty in doing so because of the crush of persons scampering inside the Chamber and the intrusion of the marauding JAM. Sgt. Maurice and Cpl. Charles got to the Prime Minister before PC Pilgrim. Pilgrim, after recognising Bilaal, shouted advice to his colleagues to "get down".

11.29. Sgt. Maurice, Cpl. Charles and PC Pilgrim had 39 rounds of ammunition between them and, in the words of Cpl. Pilgrim, "It was not sensible for us to attempt to engage the JAM". Bilaal asked PC Pilgrim who he was and, when he replied "Security", a member of the JAM took his weapon and proceeded to beat him about his face and neck with the gun. He was bound and again beaten. Bilaal said, "Leave the Security alone, they have a job to do!"

11.30. One of the JAM threw PC Pilgrim on top of Sgt. Maurice. Sometime later he was ordered to get up but he could not do so because of his bonds. Then the JAM cut off his shirt-jac suit, opened a door for him and showed him out of Parliament. He left stripped down to his underwear. Outside he saw Cpl. Villafanna and PC Hercules. Villafanna offered him a shirt. He went home at noon on Saturday, 28 July.

Sgt. Steve Maurice

11.31. Sgt. Maurice retired in 2002 as an Inspector. On 27 July, 1990 he had accompanied Mr. Robinson to Tobago and, subsequently, to Parliament with PC Pilgrim and Cpl. Charles. PC Thong was the driver of the Prime Minister's car. After arriving at Parliament, Sgt. Maurice went to his bank and returned about 6.00 p.m. He saw the car parked in front of the Prime Minister's private entrance to Parliament. He went into the Chamber and, about 6.15 p.m. he heard gunshots. He left the Chamber. He saw no Police Officers. He went back inside the Chamber and realised that shots were being fired at the Chamber. He got close to the Prime Minister and told him to get down on the floor. Sgt. Maurice then covered the Prime Minister with his body.

11.32. Sgt. Maurice drew his service revolver, "looked up and saw two men dressed in Army uniform". He heard someone ask for Mr. Robinson and say "You send Police and Army on us down at the Jamaat". At that time, shots were being discharged in the Chamber.

11.33. While Sgt. Maurice was lying on Mr. Robinson, he was identified as "the bodyguard" by an insurgent who pulled him off Mr. Robinson. This man then hit him twice in his neck and bound him, hands and feet. The Prime Minister was taken from the spot but Sgt. Maurice remained there until after

8.00 p.m. PC Pilgrim and Cpl. Charles were put near to Sgt. Maurice and in fact PC Pilgrim was placed on top of Sgt. Maurice.

11.34. Sgt. Maurice corroborates PC Pilgrim's evidence as to their release on Bilaal's instructions and their exit from Parliament only in their underwear. On his release, Sgt. Maurice walked across Knox Street to Abercromby Street. On Knox Street, Mr. Andy Johnson, a journalist, hailed him and cut off his bonds. Sgt. Maurice then walked to a guest house on Charlotte Street where he got a shirt and trousers. He then went to the Prime Minister's residence, briefed Mrs. Robinson and stayed for the night. On Saturday morning he learnt that PC Thong had been hospitalised. He went to Camp Ogden and was debriefed by Col. Brown before going home in the afternoon.

11.35. Sgt. Maurice asserts that he is not psychologically scarred by his experience. He received no counselling and no recognition or award. He said:

"My team got nothing; not even a special mention."

He was not even asked to give a report of what happened.

PC Kenrick Thong

11.36. PC Thong drove the Prime Minister to the Red House about 3.45 p.m. After the Prime Minister entered Parliament, PC Thong remained with

the official car where he had parked it on the eastern side of the Red House. Soon after 6.00 p.m. he heard gunshots on the northern and western sides of the Red House and an explosion at the western side.

11.37. He saw persons jumping from the stairs of the Red House. When he saw "persons in Muslim wear" going through the entrance of Parliament reserved for the Prime Minister, he took up his firearm. One of the intruders shot PC Thong. His left leg was shattered. He said in evidence:

"I fell and dragged myself out of the firing line and started to take off my clothes. I saw a man in civilian clothes and he was shouting at me. I dragged myself to the south side of the Red House near a vault on the Hart Street side."

11.38. About 6.45 p.m. he saw two Police Officers. One was PC Pierre who took him to the Old Fire Station on Hart Street and then to the General Hospital in a private vehicle. PC Thong was unconscious when he reached the Hospital. When he awoke, his right leg had been amputated above the knee and there were gunshot wounds to his left leg and chest.

11.39. PC Thong was fitted with a prosthesis in Venezuela. In 1996 he received \$126,000 as compensation for his injuries. He remained in the Police Service and had the satisfaction of seeing a library named in his honour by his colleagues in the Special Branch. PC Thong says that he has no ill feelings

towards the JAM. The passage of time has healed such bitterness and resentment which he initially felt.

11.40. PC Thong gave remarkable evidence of a premonition of the events of 27 July, 1990. While waiting at the Prime Minister's official residence to take Mr. Robinson to Parliament, he said –

“Something took place that day at the residence. I got a sign from some birds (crows) and I told ASP MacMillan that something terrible was going to happen. The birds started to attack the Prime Minister's car. It was a sign. Mr. MacMillan has never forgotten that.”

2. CIVILIANS IN PARLIAMENT

Mr. Mervyn Teague

11.41. WPC Olive Ward saw Mervyn Teague in a room in Parliament. He was on official duty as an audio technician employed by the Government Broadcasting Unit on 27 July. WPC Ward tried to prevent him from leaving the room but he persisted. He was shot and killed that evening. His body was left on the ground to decompose. His wife received a telephone call from Battoo Bros., a funeral agency, telling her that her husband was killed. She and her daughter, Jillann Teague-Weekes, identified the body at the Forensic Science Centre by an injury to a toe.

11.42. Mrs. Teague-Weekes testified before the Commission that no one on behalf of the Government of Trinidad and Tobago contacted the family or expressed condolences. Sometime after the attempted coup, her mother received \$23,760 as an *ex gratia* award as well as a Funeral Benefit Grant of \$5,000. She receives a pension of \$500.00 per month. Mr. Teague was the sole breadwinner of the family. He had been saving to buy his own home. That dream has never been realised; his widow still lives in rented public housing.

Ms. Lorraine Caballero

11.43. Ms. Caballero worked in the Red House. She was shot in the Parliamentary Chamber and died next to Mr. Wendell Eversley. Her daughter, Afeisha, who was 19 months old at the date of her mother's death, gave evidence. She did not know that her mother had died in the insurrection until age 8. She mentioned to someone that she was going to the shop "for Mummy" and the person told her that her mother was dead. Afeisha grew up calling her grandmother "Mummy", unaware of the truth which was hidden from her.

11.44. She said that her grandmother, a pensioner, sent her to school but "things were hard for her". Her grandmother kept her away from other relatives but her father lived with them. When she became an adult, Afeisha sought out

her mother's family. She found out that her mother had a sister and two other children whose father was not hers. It was about 2008 that Afeisha began having regular contact with her brothers. Her father abused drugs and died at 51. Her grandmother sent her to school and at age 16 she passed the 'O' Level exams in two subjects. She was sent to a private school in St. Kitts but had to leave because she could not afford the school fees. She lived in St. Kitts for 2 years and worked illegally as a store clerk.

11.45. On returning to Trinidad from St. Kitts, Afeisha went back to her grandmother's and got in touch with her brothers who lived in Morvant. She had a boy child in 2008 but the father does not maintain the child. One of her brothers was killed in 2009. The other brother has not been able to cope with his mother's death. According to Afeisha -

"He drinks a lot and always talks about it."

11.46. Afeisha says that she grew up "as a selfish child". She now lives in rented premises and has never applied to the Housing Development Corporation for a house. She says -

"I live through the generosity of a friend who has a house and I get help with groceries but I have no job."

11.47. She says that if she met Imam Abu Bakr she would ask him two questions:

“(i) How come my mother was killed when you said release the women?”

“(ii) Why did you kill my mother?”

11.48. She has never sought psychological counselling and what she wishes by way of compensation are a house and a job.

Mr. Mervyn Assam

11.49. Mr. Assam was in Parliament on 27 July because he had a meeting with Minister Selby Wilson. He was President of Clico Investment Bank. When the JAM invaded Parliament, they allowed members of the public to leave. As soon as Mr. Assam tried to leave, he was accosted by a member of the JAM and told -

“You can’t go. You are a Senator!”

Mr. Assam said that he was “then assaulted, kicked, pushed and shoved to the area where the members of the Government sat”. He continued –

“I was then again kicked and shoved into the well of the Chamber, tied and bound with plastic cord and put with the Parliamentarians. On my right was Selby Wilson; on my left were Pallackdharrysingh and Anselm St. George. He was badly treated. I saw Mr. Robinson and Mr. Richardson who were in front of me and tied together. I saw Bilaal shoot both of them. And he hit Selwyn Richardson on the back of his head with a gun butt. He was wounded. Selby Wilson and I got licks. Selby was badly beaten. None of us resisted.”

11.50. Mr. Assam said that Permanent Secretary, Reynold Fernandes, was "a total wreck" and MPs, "Rawle Raphael, Raymond Pallackdharrysingh and Anselm St. George (Deputy Speaker) were badly affected".

11.51. Mr. Assam said that "we were in a state of terror". He described his emotions during captivity as going through three distinct phases: (i) great fear because of his treatment by the JAM; (ii) extreme anger since he had done nothing to the JAM to warrant brutality; (iii) total resignation since he had no power over the continuity of his life. He spoke of the torture and humiliation of not being allowed to perform bodily functions decently. His clothes were irreparably damaged.

11.52. No one called him "to find out anything". He received no form of compensation or counselling. He remains hurt and disappointed at the lack of recognition accorded to Dr. Emmanuel Hosein who performed "extremely bravely during those days". He said -

"To this day, he has not been suitably and appropriately recognised."

11.53. With regard to the matter of national healing and the JAM, Mr. Assam observed that -

"Any organisation that has threatened the peace and security of a country and has not apologized, gives cause for concern as to its future intent."

11.54. He expressed the opinion that four things should be done to assist in closing this chapter in the Republic's history:

- (i) There is a need to ascertain exactly who perished during and because of the insurrection.
- (ii) It is necessary to obtain statistical data concerning the families of those who perished.
- (iii) The date, 27 July, should be memorialised by dedicating it to the families of those who died.
- (iv) The JAM must seek reconciliation with the nation. They should publicly acknowledge and proclaim their sorrow for what they visited upon the nation.

Mr. Wendell Eversley

11.55. Mr. Eversley said that he was deeply traumatised by his experience. He saw the JAM drag Lorraine Caballero who was shot in her stomach and put her next to him. He saw her die. Out of sheer fear, he urinated on himself. He was disconcerted by the sight of a boy aged about 16, standing guard over him with a rifle. When he was finally released he was obliged to walk past three dead bodies lying on the steps of the Red House.

11.56. Mr. Eversley received no counselling and no medical attention for post-traumatic stress disorder. His experience motivated him to call for the establishment of a Commission of Enquiry from the very first anniversary of the attempted coup. In succeeding years, he staged one-man protests, did freedom-runs and fasted in order to encourage the relevant authorities to inquire into the circumstances surrounding the attempted coup. He petitioned Prime Ministers; all to no avail. He said that he wrote Prime Minister Patrick Manning several times but was never favoured with a response. The only person who ever responded to his entreaties was the President of the Republic, His Excellency, Mr. Maxwell Richards.

11.57. Mr. Eversley is still emotionally affected, negatively, by the events of July 1990. When he testified to the Commission, he broke down on the witness stand. However, he now feels great satisfaction that his efforts have been recognised through the establishment of this Commission of Enquiry.

3. HOSTAGES IN TTT

11.58. Mr. Madeira admitted that the invasion of TTT left him "psychologically disoriented" but he tried to remain calm. He has not viewed the tape recordings of his appearances on television on 27 and 28 July, 1990. Although he and his colleagues were held at gunpoint in an extremely dangerous

situation, Mr. Madeira said that he was allowed to use the telephone freely and was able to speak with his family. He said -

"During captivity, we were not ill-treated. We were allowed to use the bathrooms since I had negotiated for us to use the bathroom on Saturday morning. However, I did not use the toilet for about 5 nights."

11.59. Mr. Madeira further gave a very graphic account of the rising fear levels in TTT. He related two incidents: the hostages were being threatened because the broadcast signal from TTT had been "jammed"; Imam Abu Bakr was very angry following the interview between himself and Dennis McComie. The hostages in TTT were taken upstairs, put in a room with what were thought to be explosives and threatened that "if any of us tried anything we would be blown up". According to Mr. Madeira, "the hostages became desperate".

11.60. During the second battle outside TTT on Saturday, the hostages and insurgents were so afraid that -

"... there was a lot of praying by them and us; loud and hard."

11.61. The JAM themselves were having problems controlling one of their men who "kept asking when they were going to shoot us". One of the hostages, Curtis Wilson, became quite ill and said that he would die, if he did not eat. Mr. Madeira told Imam Abu Bakr and Mr. Wilson was released.

11.62. Mr. Madeira exercised great self-control during his evidence. On occasion, he was close to tears but he was able to control his emotions.

11.63. He received no counselling after his release. He was sent to see Dr. John Neehall at the Port of Spain General Hospital and was advised that he might, one day, have a bad reaction to his ordeal. He was given 6 weeks' vacation leave and BWIA offered him a ticket to a Caribbean island but since he already had complimentary tickets to London and New York, he went to those cities.

11.64. No one inquired about the injury to his hand from a bullet and he was not medically treated for that injury. When the matter of downsizing TTT was advanced soon after the attempted coup, his secretary was made redundant. Mr. Madeira still considers that the attitude of his employer was "insensitive". He said -

"I thought it was inappropriate and heartless to be discussing downsizing so soon after the trauma the staff went through. TTT was a Government-owned corporation. I got no consolation; no compensation. TTT never even invited me or Dominic Kallipersad to the memorial to mark the first anniversary of the attempted coup. Lloyd Rochard never recovered from the trauma of hiding for hours in a small bathroom with Clyde Lorelei."

11.65. Mr. Madeira told the Commission that Hon. Patrick Manning telephoned him to commiserate with him and Minister Clive Pantin met with him.

Mr. Manning told him that his sister was a psychologist and would help if he needed it.

11.66. Mr. Madeira is still hurt by mischievous and malicious gossip that alleged that TTT had prior knowledge of the imminence of the attempted coup. The gossip was peddled in a newspaper article one Sunday. The next night, an attempt was made to break into Mr. Madeira's house. He said -

"Some of us truly suffered. Tony Fraser told me that the discussion which followed the coup was whether I was fit to lead the news room at TTT."

11.67. Mr. Madeira explained his reason for giving evidence to the Commission of Enquiry -

"The band of hostages at TTT were simply discarded and that is what drove me to testify."

Mr. Raoul Pantin

11.68. In our discussion of the impact of the attempted coup at Chapter 2, we summarised the effect of being a hostage on Mr. Raoul Pantin – see paras. 2.201 to 2.202. Mr. Pantin told us that he has not been able to shake off the effects of his experience as a hostage. He has become short-tempered and suffers from Post-Traumatic Stress Disorder Syndrome (PTSD). He frequently has nightmares or flashbacks about the events. He seldom goes out in public. He is wary of strangers and now does not easily interact with his fellow citizens.

He always has "a Swiss knife" with him. For some considerable time after July 1990, he had been on medication to treat PTSD. He said:

"After the attempted coup, I became an alcoholic but I stopped drinking in 2007."

His sister, who identified his problems, has assisted him in trying to overcome them. He said that he had to leave the Express newspaper because of his condition.

4. HOSTAGES AT RADIO TRINIDAD

Mr. Emmett Hennessy

11.69. At the sight of two gunmen trying to shoot the locks off the doors of Radio Trinidad, Mr. Hennessy ran upstairs to the roof of the building. He said:

"I was absolutely traumatised."

11.70. He saw Eddison Carr and a security guard lying face down on the floor with a gunman standing over them. He prayed. At Chapter 2 paras. 2.54 to 2.57, we have recorded how Mr. Hennessy was shot while trying to flee from Radio Trinidad and his fortune in hailing a passing car. Eventually he was taken to the Port of Spain General Hospital where he was treated. He was in pain and fear. He said -

"All this time (at the Casualty) I did not know that the Muslimeen were doing an insurrection. I thought the shooting at me was personal. But the nurse said 'Well you know, they say it's the Muslimeen'."

11.71. He said that, while on the ward, he was still afraid. He thought, "they might come for me so I kept looking for escape routes – even on the ward". He saw Imam Abu Bakr on a small television set in the hospital and he broke down.

11.72. On Saturday morning, Dr. Carrington came to the home of Mr. Hennessy's brother-in-law and stitched his wound. Mr. Hennessy telephoned Mr. Archie Henry, the Programme Director of Radio Trinidad, but Mr. Henry said he was scared and in hiding. However, wishing to be involved in coverage of the events, his injury notwithstanding, Mr. Hennessy went to Camp Ogden. Mr. Teddy McDowell drove him. Mr. Hennessy stayed for five days at Camp Ogden assisting in the temporary broadcast facility.

11.73. The trauma of July 27 is indelibly imprinted on Mr. Hennessy's psyche. He said -

"The trauma has affected my persona. I have become more introverted. I don't embrace people freely and easily. I am suspicious of everybody so I have a small circle of friends. I am more impatient and short-tempered and I am very cynical. The trauma is with me for life. For the first 10 to 15 years after the coup, when I saw someone running from being shot, I would collapse in tears."

11.74. Mr. Hennessy was so overwhelmed by his experience that he composed a song, "The Boys in Green", in tribute to the Army. He read the lyrics to the Commission.

11.75. Unlike his colleagues at TTT, Mr. Hennessy has no complaints about the response of his employer to the staff who were held hostage. He was complimentary to TBC:

"TBC was good to us. Their infrastructure was destroyed but they arranged for us to have sessions with psychiatrists and psychologists. I went to all of the courses conducted by a lady. TBC paid."

11.76. He reported, however, that his late wife, Allyson, told him that some of the hostages in the electronic media "break down from time to time and say that this thing has devastated their lives".

11.77. Mr. Hennessy sees value in the establishment of the Commission of Enquiry. He said -

"This Commission is a great lift for my spirit."

He believes that the Government should create a more elaborate and lasting monument than the present "eternal flame" to commemorate the events of 27 July, 1990.

Mr. Pius Mason

11.78. Mr. Pius Mason was shot in his upper back. He said that he was in such great pain that he preferred to die rather than endure the pain. At the Parks Nursing Home he was given 7 pints of blood and he was an in-patient for 13 days after surgery. On admission, he weighed 155 lbs; on discharge, 90 lbs.

11.79. Mr. Mason said that, after his discharge, he went to Minister Joseph Toney seeking help and compensation. According to Mr. Mason, the Minister's response was -

"Move out of my face. The only people we're helping are Government people."

11.80. Mr. Toney has no recollection of Mr. Mason and denied that he used the words attributed to him by Mason or at all.

11.81. Mr. Mason said that he has suffered financially as a result of the events of 27 July. On that date, he owned a house in Point Cumana. It was mortgaged. He borrowed \$100,000; monthly mortgage payments were \$908. Because of his injuries, the mortgage fell into arrears for about 7 months. He had to borrow money from a credit union to pay the arrears and, eventually, he cleared the mortgage debt. However, he is still repaying the credit union.

11.82. In respect of his injuries, Mr. Mason has difficulty in using his right hand and fragments of bullets are still lodged near his spine. He said that he made claims for benefit from the National Insurance Scheme. In his words -

"They gave me a paper for the company to sign but the company didn't sign it."

11.83. He claims that he still has annual expenses, associated with his injuries, between \$3,000 and \$5,000. He used to engage in sports but is no longer able to do so. He did not participate in the counselling programmes sponsored by TBC.

Mr. Eddison Carr

11.84. On Sunday, 29 July, the Army instructed Mr. Carr to go to the back of the Radio Trinidad building. There was a soldier in Dr. Halsey McShine's residence. Mr. Carr and nine other colleagues jumped a wall into Dr. McShine's backyard on Alcazar Street. Shots were being fired from the Tatil building so they ran to the Telco substation where they were de-briefed and then taken to Camp Ogden. They were allowed to stay until Tuesday, 31 July, when they were taken to their homes. However, throughout the Tuesday night, there was a lot of gunfire in the hills near Diego Martin where Mr. Carr lived. He called Camp Ogden and was taken back there.

11.85. Radio FM 95 was operating from Camp Ogden and Mr. Carr broadcast from that location.

11.86. Mr. Carr says that he is still traumatised but is “not on tenterhooks all the time”.

5. NBS RADIO 610

Mr. Dennis McComie

11.87. Mr. McComie recounts his experiences graphically in his book “1990 – *The Personal Account of a Journalist Under Siege*”. We do not therefore propose to reiterate his account of his various emotions here. The book was published in May 2010.

11.88. On p.160 of his book, Mr. McComie asks the question which is the pivot of this aspect of our terms of reference:

“Could it be that after 20 years, this new Government would at last bring closure and healing by launching an official enquiry into the events of July 27 through August 01, 1990?”

The present Government was elected to office in May 2010.

11.89. Plainly, Mr. McComie believes that a Commission of Enquiry will bring closure and foster healing with regard to the events surrounding the 1990 attempted coup.

6. THE PARLIAMENTARIANS

11.90. No words can adequately describe the harrowing experiences of those Parliamentarians who were held hostage for six days and subjected to unspeakable indignities. We are content simply to borrow the language familiar in Commonwealth Constitutions and say that they were the victims of cruel, degrading and inhuman treatment.

11.91. Those MPs who testified still bear the psychological scars of their ordeal. Some broke down in the witness box; others tried to control their emotions but their mien betrayed a deep-seated, lingering hurt, bitterness and resentment. There was a qualitative discrimination on the part of the JAM in the manner in which they meted out torture. NAR members of Parliament were the recipients of greater violence than the MPs who represented the UNC. But all of the MPs were bound for at least a part of their incarceration; all were denied the use of toilet facilities until the Sunday, 29 July; all were starved of food; all endured the malodorous environment of the Parliamentary Chamber as a consequence of a lack of ablutions; all were affected by fear and trepidation.

Prime Minister Robinson

11.92. Prime Minister Robinson, when he ordered the Army to “attack with full force”, was shot by Bilaal. He was gagged and it was feared that his air supply would be cut off. Dr. Emmanuel Hosein was able to persuade the JAM to remove the gag. But, over time, Mr. Robinson’s condition of glaucoma deteriorated. Again, it was Dr. Hosein who convinced the JAM that, unless Mr. Robinson received medication, he would go blind. Dr. Hosein contacted Dr. Vishnu Pooran who sent the necessary medication. Mr. Robinson bore his pain with stoic determination and great dignity. He told the Commission that he refused to drink even water since he was afraid that he might be poisoned.

11.93. In the course of his evidence Mr. Robinson gave an explanation for his Government’s failure to inquire officially into the events surrounding the insurrection. He said –

“We were involved in totally repairing the damage, preventing further damage, saving lives, preventing the city from being totally destroyed and seeking to find out how those who committed the offences could be captured.”

11.94. He also said that he declined to raise the matter with Messrs. Panday and Manning when they were Prime Ministers because, in respect of Mr. Panday:

“I did not think there was any point because of his attitude during the course of the destruction that was taking place

i.e. he was alleged to have said 'Wake me up when it's all over'."

11.95. In respect of Mr. Manning, Mr. Robinson said -

"I did not think that there would be any point in raising the matter in Parliament when Manning was Prime Minister because there were reports that he was in some way implicated. To have confronted Panday and Manning may have caused further friction in the country."

11.96. So far as healing and reparation are concerned, Mr. Robinson said -

"If people are still suffering and their suffering can be linked to the attempted coup, then the authorities should consider what form of assistance can be extended."

11.97. He personally pledged -

"I would assist by taking whatever action I can to bring to the notice of the relevant authorities that there may be cases of persons who continue to suffer as a result of 1990 and their cases should be sympathetically considered. It is a matter of public importance."

11.98. Mr. Robinson said that the NAR Government dealt with cases which were brought to their attention, "the principal one of which was the killing of Leo des Vignes".

"We took measures to take care of his widow and children. I know of no other case that was brought to the attention of the Government."

11.99. He conceded, however, that the Government should have sought out information about victims of the attempted coup and not wait for matters to be brought to the attention of the Government.

Mrs. Jennifer Johnson

11.100. Mrs. Johnson spoke of the fear she experienced and the indignities which she and Mrs. Gloria Henry endured. She saw the violence against Mr. Robinson and heard his groans after he was shot. She thought that there should have been a Commission of Enquiry into the events.

Dr. Emmanuel Hosein

11.101. Dr. Hosein suffered the effects of polio as a child. He still bears the disabilities associated with his affliction and is obliged to wear a calliper on one leg. Nevertheless, he brought his medical expertise to bear during his period of captivity. He ministered to fellow MPs who were injured and tried to subdue a member of the JAM who had gone berserk. He said -

"This man had been off drugs for 3 years but had been drinking a lot of coffee. He was screaming. I tried to give him an injection but he knocked me over. The JAM came, held him and tied him up."

11.102. Dr. Hosein, who recalled Cabinet decisions dealing with compensation for certain victims of the attempted coup, explained that no compensation was awarded pursuant to the Cabinet decisions because "we were prevented by logistical and legalistic problems". And the NAR Government was unable to settle the matter of compensation when it demitted office. Nevertheless, he is of the firm view that -

"all who suffered, deserve justice no matter how long after."

Mr. Trevor Sudama

11.103. Mr. Sudama received a wound to one of his feet from a bullet which "grazed" the foot. He said that he heard of legal technicalities which prevented the setting up of a Commission of Enquiry. He was in favour of such an Enquiry. He thinks that the creation of a small museum may be one way in which to acknowledge the victims of the attempted coup.

Mrs. Gloria Henry

11.104. Mrs. Henry said that she raised the matter of a Commission of Enquiry with Prime Minister Robinson but he was contemptuous of the suggestion. She says that Mr. Robinson's response was:

"We have a country to run."

She suggested in evidence that the Speaker of the House of Representatives should have ordered an investigation since Parliament had been invaded. Alternatively, the Office of the Prime Minister could have had the matter investigated. No one ever investigated. She remains bitterly disappointed.

Mr. Winston Dookeran

11.105. Mr. Dookeran thinks that the NAR Government “erred” in failing to set up a Commission of Enquiry, “even if it had to be *in camera*”. He agreed with the criticism that the Government did not put in place any support programme for the families of persons killed during the insurrection. He spoke of the Government’s effort to assist the business sector in “setting up a financial facility to assist business persons”.

Mr. Rawle Raphael

11.106. Mr. Raphael was a witness to violence against some of his colleague MPs. He saw when Mr. Leo des Vignes was shot. He said -

“I saw Leo des Vignes try to run but he was shot in his leg. He came back to me and told me to tell his wife and children that he loved them.”

11.107. He saw Minister Richardson struck on the back of his head with the butt of a gun. Mr. Richardson identified his assailant as “a guy from Mayaro”.

Mr. Raphael saw one of the JAM pull down Mr. Robinson's trousers and he saw Bilaal shoot Mr. Robinson. He heard a young member of the JAM boast of the number of weapons they had -

"Boy, if you see guns by the Savannah!"

He identified one of the insurgents with a medical bag around his neck as "one of Raffique Shah's brothers."

11.108. Mr. Raphael said that he "campaign" for the establishment of a Commission of Enquiry and went so far as to purchase advertisements on radio. He feels that he should be compensated by the State for his suffering:

"I believe reasonable compensation for my suffering is in the region of \$3 million."

Mr. Raymond Pallackdharrysingh

11.109. Mr. Pallackdharrysingh was a member of the UNC at the time of the attempted coup. When the JAM invaded Parliament, he jumped over a banister on the Abercromby Street side of the Red House and started to run "while bullets were flying". He felt a sharp pain in his back, ducked and went into a Committee room. A masked man came in, took him back to the Chamber and put him in the well of the Chamber. He was bound with his hands behind his back.

11.110. Mr. Pallackdharrysingh heard members of the Police Service use abusive language to Mr. Robinson and Mr. Reynold Fernandes, such as, "Who the hell is Robinson? All you better off dead." He said that when he heard the abuse, he never had any hope that the JAM would try to save the lives of the hostages. What made it worse was that "the Police were unsympathetic towards us". He saw Dr. Anselm St. George beaten with the butt of a gun and ridiculed as "the man in corbeau uniform!" Mr. Joseph Toney told Mr. Pallackdharrysingh:

"If you manage to get out of here alive, please tell my wife that my insurance policy is in the trunk of my car. Make use of it."

11.111. Mr. Pallackdharrysingh read in evidence a letter dated 8 August, 1990 from Mr. Patrick Manning to him offering sympathy for what happened. It reads:

"The violent attack on the sanctity of our democracy, freedom and nationhood in which your life was placed in peril is a reminder to us all that we must ever be vigilant in upholding the ideals that we hold dear."

11.112. On the issue of healing and reparation, it is Mr. Pallackdharrysingh's opinion that -

"Once there is subversive activity and citizens are negatively affected, the State has a responsibility to look after their affairs. Visitors to Parliament and the workers at TTT should have been compensated."

Mr. Selby Wilson

11.113. Minister Wilson was able to telephone his sister on Monday, 30 July and tell her that he was physically unharmed. In fact, when the JAM invaded Parliament on the previous Friday, he was “hoisted from the floor and put over a banister, made to lie on the floor on my stomach, tied up and beaten about my head”. For the whole of the Friday night he lay on the floor “and a man had a gun poking me in my back”. He was threatened that -

‘if anything goes wrong, you will be the first to be shot, and we will throw you through that window.’

11.114. Mr. Wilson was moved to tears in recalling that incident. Dr. Anselm St. George is now deceased but Mr. Wilson spoke of Dr. St. George's suffering and his trauma as a consequence of the way in which he was treated by the JAM. He expressed no opinion about effecting healing and closure. However, the fact that he testified before us and was at pains to give detailed evidence about the fiscal and economic state of Trinidad and Tobago before the attempted coup, suggested to us that Mr. Wilson was grateful for an opportunity publicly to give his perspectives on these matters and, if possible, ensure the accuracy of the historical record. He believes that the NAR's record in stabilising the financial and economic situation in Trinidad and Tobago between 1986 and 1990 has not been properly appreciated and has, in fact, been distorted.

Mr. Anthony Smart

11.115. On 10 August, 1990 Hon. Anthony Smart led debate in the House of Representatives (then temporarily relocated to the Central Bank) on a motion to extend the State of Emergency. Mr. Smart tendered in evidence a copy of the HANSARD report of the debate. He gave information concerning some of the persons who died during the insurrection.

11.116. He mentioned at p.796: Mr. Leo des Vignes MP; Mr. Mervyn Teague; ASP Roger George; Ms. Lorraine Caballero; Mr. George Francis (Driver of Mrs. Muriel Donawa-McDavidson); Mr. Malcolm Basanta (Estate Constable attached to the Registrar-General's department); SRP Solomon McLeod; Arthur Guiseppi (a regular visitor to Parliament); an unidentified man found in Woodford Square; an unidentified body found at TTT. The Attorney General said:

"From all reports there are some 25 persons who died in all."

11.117. He paid tribute to the hostages at Radio Trinidad and Mr. Eddison Carr, Mr. Dennis McComie and the staff of 610 Radio, "the 50-odd citizens", including the Speaker, who rallied and went to Camp Ogden and "performed the most heroic tasks with the greatest risk to themselves" on the Friday night and Saturday morning. And he spoke of "the heroism and strength" of the Army, the Police, the Coast Guard, the Fire Service, the Prison Service and "the spiritual

leaders, the Public Servants, members and employees of statutory boards, leaders of business "and the ordinary citizens". – p.797.

11.118. When Mr. Smart gave evidence to the Commission he said that he has "no scars" as a result of his experience. However, he broke down during his evidence. He said -

"My hurt is that the JAM got off free!"

He is of opinion that "if it can be proven that persons still have needs resulting from the insurrection, then there should be compensation."

Mr. Patrick Manning

11.119. Leader of the Opposition, Mr. Patrick Manning, also spoke in the debate referred to above. He placed on record –

"the deep gratitude of those of us on this side of the House for the activities of the Police, the Defence Force – the Protective Services on the whole – the journalists, and everyone who contributed in one way or the other to ensure that public order and safety were preserved to the extent it was possible under the circumstances that prevailed at the time." – p.802.

He also offered condolences to the families of those who died, their friends and all those who felt bereaved.

Mr. Basdeo Panday

11.120. Mr. Basdeo Panday, leader of the UNC, was highly critical of the Government. In the end, however, he also joined with his colleagues "in extending condolences to the families of those who have died and those who have suffered loss".

Dr. Carson Charles

11.121. During the debate, Dr. Carson Charles pointed out that the Government had not at that time "assessed in detail physical damage, far less the psychological damage". But he said –

"I assure Hon. Members that the psychological damage has been done to the entire nation, but of course more directly to those persons who were hostages. I advise them that they may contact the Acting Minister of Health who we have mandated to ensure that a programme is put together for all persons who were hostages because we have the medical advice that it is important that such persons go through some period of assessment of themselves and take whatever treatment they find appropriate in the circumstances because it is a very harrowing experience and one can get confused.

I merely advise all Members, not only of Parliament, but all those others who were held at TTT and elsewhere, that the Minister of Health has been mandated to do this and I am sure he is willing and ready to have all those persons contact him and avail themselves of such services and he himself would also contact these persons in due course to have this done." – p.831.

7. RECOGNITION OF THE CONTRIBUTION OF CERTAIN PERSONS AND ENTITIES

11.122. We think that other persons or entities apart from those mentioned above, deserve to have their roles and contributions during the insurrection appropriately acknowledged and recognised. Such acknowledgement and recognition will, we trust, go some way towards assuaging any lingering disappointment or bitterness and promote healing and closure. Accordingly, we recommend that the persons or entities hereunder be recognised by the Government.

(i) Canon Knolly Clarke

11.123. Popular anecdote has long held that Canon Clarke performed a role as negotiator/mediator during the insurrection. Canon Clarke said that when he arrived at Camp Ogden about midnight on Friday, he spoke by phone to Bilaal Abdullah who said that he wanted Canon Clarke to mediate between the hostages and their captors. However, as events turned out, Canon Clarke was at pains to explain to the Commission that, in fact, he did not mediate a settlement of the crisis. He said explicitly -

"The word 'negotiator' is a misnomer. I was really a messenger going to and from Parliament and Camp Ogden. I was really directed to do things...They directed me rather than give me a chance to talk. I had no scope to engage in dialogue."

11.124. On the Saturday morning when he went to the Red House, Canon Clarke said he "was very, very, frightened." He was given no security escort. He was on his own. He spoke with Bilaal during Saturday until 5.00 p.m. and tried to prevent him from becoming "too agitated". When he returned to the Red House later that afternoon Canon Clarke met a hostile and volatile situation. The JAM were preparing to execute the NAR hostages. He spent the whole night at the Red House and described the situation as "horrendous". There was shooting and so fearful was Canon Clarke for his personal safety that he called Col. Theodore and told him that he wished to leave. He did not leave until noon on Sunday. His enforced presence in the Red House on Saturday night may well have been reassuring to both Parliamentarians and the JAM.

11.125. After lunch at Camp Ogden on Sunday, Col. Theodore sent Canon Clarke to TTT with a message to Imam Abu Bakr that he should release the hostages at TTT. That was when Canon Clarke distinctly overheard Imam Abu Bakr telling Mr. Bilaal Abdullah that he (Imam Abu Bakr) should be appointed Minister of National Security. Canon Clarke persuaded Imam Abu Bakr of the difficulties inherent in the facilitation of his desire.

11.126. On Monday, Canon Clarke returned to Camp Ogden from the Hilton hotel. He described his stay at Camp Ogden thus:

"I was put in a room with a soldier outside and I remained there until the hostages came out. I consider that I was

under house arrest. I stayed at Camp Ogden on Monday night and I said I wanted to go home. On Thursday I was put into a room and I spoke to Mr. Robinson. I was upset about being put in a room and no one communicating with me."

11.127. Canon Clarke admitted that he was a key member of SOPO. He marched and demonstrated. The Government was not listening and there was "a disconnect between them and the people". He said -

"We (in SOPO) wanted to show the Government that they were not listening to the voices of the people."

11.128. Canon Clarke said that, in hindsight, SOPO should have been more sensitive to the challenges which the Government were facing. Subsequent to the attempted coup, Canon Clarke met some measure of social ostracism. He said -

"I felt very alienated at times. It was made to appear that I was the engineer of the coup because of my speeches."

He considers that the JAM committed heinous crimes –

"I did not agree with what they did. It was contrary to my own theological position of non-violence and how to resolve conflict."

(ii) *Dr. Emmanuel Hosein*

11.129. This Report is replete with references to the role played by Dr. Emmanuel Hosein while he and his fellow MPs were held hostage in the Red

House. We eschew repetition of what has been written elsewhere in this Report. Many of the witnesses, for example, the Parliamentarians and Mr. Mervyn Assam, have recommended that Dr. Hosein's commendable efforts be recognised. We entirely endorse those recommendations. At his personal discomfort and in the face of violence and a generally hostile environment, Dr. Hosein selflessly put his professional expertise to the benefit of his colleagues and the JAM without discriminating.

(iii) The Hostages at TTT

11.130. The testimony of Mr. Jones P. Madeira left us in no doubt whatever that the hostages at TTT felt that they were not only treated badly by the JAM but also by their employer and the State – see para. 11.67 (*supra*).

11.131. Mr. Raoul Pantin criticised the insensitivity of the Board of Directors of the company in strong language, viz:

"No member of the Board contacted me. They were indifferent and callous."

Mr. Pantin said he always wanted to see a Commission of Enquiry established to investigate the events of 27 July, 1990 and make appropriate recommendations.

(iv) The Hostages at Radio Trinidad

11.132. The company which employed staff at Radio Trinidad, Trinidad Broadcasting Co. Ltd., seems to have shown its employees greater consideration than TTT extended to its employees. Mr. Eddison Carr and Mr. Emmett Hennessy were happy to appear before the Commission, the establishment of which they thought was a step towards closure of the events of July 1990. They had no complaints against their employer's response to the trauma which the staff suffered. But the devotion to duty and the sense of patriotism exhibited by Messrs. Carr and Hennessy, his late wife Allyson, and the other employees of Radio Trinidad have not been recognised by the State.

(v) The Staff of NBS Radio 610

11.133. Amidst the bedlam and mayhem in downtown Port of Spain about 6.00 p.m. on 27 July, Mr. Dennis McComie changed his mind about going home to begin his vacation and hurried back to Radio 610. His sterling commitment to his profession and his country ensured that the people of Trinidad and Tobago were kept informed during the six days of the insurrection.

11.134. Mr. McComie was recognised by his fellow journalists on 12 April, 1991. The Express newspaper named him "Individual of the Year". But the five other employees of NBS who assisted Mr. McComie in keeping Radio 610 open have not been acknowledged or recognised.

11.135. Mr. McComie supports the establishment of this Commission of Enquiry and recommends that the events of July 1990 be commemorated by designating 27 July as a Day of Significance.

(vi) Nominees of Mr. Lincoln Myers

11.136. Mr. Lincoln Myers informed the Commission that several persons came to his assistance when he was coordinating relief supplies. He paid glowing tribute to the following persons and said that they should be recognised:

- Mr. Alloy Lequay;
- Dr. Ramesh Mootoo;
- Mr. Tim Lambkin (Mr. Myers' Personal Assistant);
- Mr. Jensen Fox;
- The Cadet Corps;
- The Volunteer Army (now Defence Force Reserves).

11.137. Lt. Col. Vidal and Col. Brown also spoke of the contribution of the Volunteers. And Capt. Neil Alexis gave evidence that some of the Cadets who reported to Camp Ogden, stayed for 3 months rendering worthwhile assistance. In Tobago, Cadets commandeered a car and drove around informing the people of the existence and terms of the State of Emergency. The Cadets also provided security at the airport and seaport in Tobago.

(vii) The Coast Guard

11.138. It still rankles with Commander Kelshall that, although the Army was specifically lauded and recognised for its efforts in quelling the insurrection, the contribution of the Coast Guard was not recognised by a special award. We have reported on the response of the Coast Guard in Chapter 8.

(viii) Residents who assisted the Defence Force

We received evidence that members of the public who lived in close proximity to the Red House and TTT kept members of the Defence Force supplied with food and drink. Their contribution deserves recognition.

The Attitude of the Jamaat al Muslimeen to Reconciliation

11.139. The 114 members of the JAM who participated in the insurrection are directly responsible for the physical and psychological injuries suffered by the hostages and their families. However much the hostages and those injured by the events of July 1990 may appear to minimize the consequences of their ordeal, it is undoubted that they still feel hurt and resentment towards the JAM. True healing and closure cannot be achieved in the absence of manifest remorse and contrition on the part of the JAM.

11.140. The opportunity was taken during the evidence of three members of the JAM to elicit their feelings and attitude towards victims of the attempted coup and to assess their attitude towards reconciliation and healing. Their relevant evidence follows below.

Mr. Kala Akii-Bua

11.141. Mr. Akii-Bua said -

"The majority of the JAM want reconciliation. Jamaal Shabazz really wants to bring closure to this thing and he is genuine."

He said that, on 27 July every year, they pray at the Mosque. They have a dinner and erect a banner "so that people do not forget 27 July". He said "We

have turned a corner!" He testified that when the UNC came to office, an attempt was made to bring about reconciliation.

"Mr. Panday invited the JAM to his office to chart a way forward."

11.142. When Mr. Keith Sobion was Attorney General in a PNM Government, there were several meetings between Mr. Sobion and the JAM "trying to reconcile".

11.143. In an instructive statement Mr. Akii-Bua said -

"We are before this Commission of Enquiry because we cannot afford to miss this opportunity at reconciliation."

Mr. Jamaal Shabazz

11.144. Mr. Jamaal Shabazz said that the JAM and Imam Abu Bakr are still being persecuted but they desire reconciliation. He expressed sympathy for those who were victims of the attempted coup. He said -

"We want to play a role in our community."

He thinks that "settlement of the land issue at #1 Mucurapo Road will bring closure".

Mr. Lorris Ballack

11.145. The evidence of Mr. Lorris Ballack on the matter of reconciliation is at variance with and in stark contrast to the sentiments expressed by Messrs. Shabazz and Akii-Bua. He told us that -

“what happened in 1990 was in accordance with the rule of law.”

He alleged that it was the NAR Government that broke the law by constantly attacking and oppressing the JAM “every Friday”. He believes that the JAM are still being oppressed and have been “singled out by the State”. When it was suggested to him that it might be good for the JAM and the society at large if the JAM publicly apologised to the nation for their conduct, Mr. Ballack said –

“I am not going to apologise.”

11.146. He said definitely -

“I don’t want reconciliation with Trinidadians because every Trinidadian knew what was going on at Mucurapo Road. I ask Allah to forgive me if I did wrong.”

We find that Mr. Ballack is a man burdened by an awkward and unfortunate personality and a warped view of right and wrong.

The Commission is left in some doubt as to the official position of the JAM on the matter of reconciliation. We do not know to what extent Messrs. Akii-Bua and Shabazz are representative of a majority view within the

JAM. It is more unfortunate that Imam Abu Bakr did not come, as leader of the organisation, to assist us on this important issue.

The Views of a Social Scientist, a Trade Unionist and a Social Worker

Prof. Ramesh Deosaran

11.147. Prof. Deosaran thinks that it would be better to concentrate on the creation of an environment "to keep so many thousands of young people more productively employed and occupied so as to create career paths of their own".

11.148. He said that not enough was being done to attain that objective, viz. "to carve out a bright, prosperous future for many young people". He said -

"To me that is the immediate challenge."

11.149. He observed -

'Rather than healing, I would want to look at those structural issues in restoring some semblance of peace, civility and good governance across the national community. Those are the higher order requirements I would look at. But healing, in the present circumstances, still comes across as a rather artificial venture.'

Mr. Clive Nunez

11.150. Mr. Nunez has a simple theory for bringing about healing: Regularise the land issue at #1 Mucurapo Road. His recommendation is that the JAM should be "given the land". He did not agree that it should be sold to them. He said that the JAM developed the land from a swamp to what it is today. He thinks that the contribution of the JAM over the years to education ought to be acknowledged and recognised and their schools be treated in the same way as other schools. "They get a lot of passes for the SEA results and all that. They have the best teachers."

11.151. With specific reference to the land issue, Mr. Nunez told the Commission –

"People who are not paying taxes, they are regularising, and people who are paying taxes and constructing and developing, they don't want to regularise that. That could not be right. It represents a serious injustice. They have been paying taxes. I have seen receipts and all that sort of thing. How you taking taxes from people and don't want to regularise?"

11.152. Mr. Nunez was of the view that if the land issue were settled, Lorris Ballack would be more amenable to apologise.

Mrs. Verna St. Rose-Greaves

11.153. At para. 3 of her witness statement, Mrs. St. Rose-Greaves said –

“After 1990 unfortunately there are those who were so deeply affected that they have not been able to move past the pain and loss. I believe that we have not been able to make peace with the events of 1990 because the healing has not happened. There has been no objective analysis as to what precipitated the attempted coup and how to prevent something like that from ever happening again. Persons and institutions were left up to their own individual devices in order to cope.”

11.154. Then, later at paras. 27 and 28, she said –

“27. We must recognise the failures as well as the strengths that the attempted coup revealed. Issues of security and leadership, the feelings and emotional competence of the people. As a nation, we survived. The amnesty was ‘honoured’ and people were freed. I don’t know that we have understood the specialness of all this and we need to translate that strength rather than continuing the persecution.

28. People still discriminate against the religion espoused by the Jamaat-al-Muslimeen and we have to understand that we cannot do that because it is making life harder and setting up the dynamic to have a return to this same unhappy situation.”

11.155. Mrs. St. Rose-Greaves lamented that –

“even today, when welfare grants are larger and given out more freely, no connection has been made to use the social services as a tool for social development nor have we considered how to use these grants to build the economic base of families and communities.” – para. 29.

The Trinidad and Tobago Chamber of Industry and Commerce

11.156. The Memorandum from the Chamber states:

"The very fact that this new Government has deemed this Enquiry a necessity, will bring some closure to victims of the attempted coup, as long as it is conducted as openly, firmly and as comprehensively as possible, its findings publicised as soon as possible and acted upon. The Chamber stresses "acted upon". The Chamber says, "some closure" because in the case of loss of life, the families of those who died may yet require even more time for final closure, long after the findings are published and more so, if they are not implemented. In relation to those who lost property, including the business sector, the Chamber is aware that, in most cases, if not all, no insurance cover was in effect, and where there was, most insurers denied claims for reimbursement on the ground that the type of event generating the loss was not covered. Property owners expended additional cost to test this denial in the courts and the only assistance from the Government was a guarantee of a soft loan of some sort. The closure of many businesses and increases in debt, are what continue to impede final closure to the pain, loss and suffering of owners resulting from the attempted coup. Government needs to provide a generous standby facility accessible to all by way of assistance, to those who are victims of similar events and to encourage them to insure losses, by offering tax and other incentives, e.g. advantages in accessing such proposed facility."

Mrs. Sybil Sant-Samaroo

11.157. Mrs. Sant-Samaroo had expressed very forthright views on healing the pain of July 1990. She testified –

"It has been heartbreaking and disappointing that after 20 years, the Trinidad and Tobago Government is finally now looking into the causes surrounding the events of 27 July, 1990. As a taxpayer and law abiding citizen.....the lack of attention, care and consideration by the Protective Services and subsequent Governments was alarming. I believe that compensation is due to us for the business and property we lost. I believe that if the Government can compensate people for investments that they made into private companies like Clico, that were affected by mismanagement, then they must compensate us who were destroyed by a lack of competent governance and the failure of the salaried Protective Services and the members of the Government who continued to receive income from taxpayers while we lost ours."

Mr. Basdeo Panday

11.158. Mr. Panday was the last witness to testify in the public hearings. In view of his vast experience of the politics of Trinidad and Tobago and his knowledge of the society which he once led as Prime Minister, the Commission sought his perspective in respect of the issues of healing and closure to the events of 1990.

11.159. It was put to Mr. Panday that, according to the JAM's witnesses, there were two issues which required satisfactory resolution, namely, the tenure of the land at #1 Mucurapo Road and the alleged discrimination against the JAM's schools by successive Governments. Mr. Panday's response was as follows:

"I am of the view that you can't break down their mosque and where they are living and so on. They have been occupying there for years. I am of the view that that should be regularised. They should be given some form of security of tenure that they will be able to continue to occupy the lands. So I believe that should be sorted out, putting an end to that problem by giving them some kind of deed, lease, whatever.....Secondly, with respect to the school, if we say that we are a democratic nation and we are going to treat all people equally and they have a school, a denominational school, like every other denomination in the country, I see absolutely no reason why they should be treated differently. They should be treated like every other denomination."

11.160. Mr. Panday added a rider to his second point. It is that "if the Government had reason to suspect that subversive activities were taking place at the school", then the Government should reserve the right to send officers to visit the school.

Clarifying the Position of the PNM in relation to the Insurrection

11.161. In the course of his evidence to the Commission, Mr. Bernard Pantin accused the leader of the PNM, Mr. Patrick Manning, of displaying a lack of humanity in the wake of the insurrection.

11.162. The Commission received a memorandum from the General Secretary of the PNM, Mr. Ashton Ford, on 16 May, 2013 with attachments evidencing Mr. Manning's statements after the attempted coup. First, was a

copy of Mr. Manning's speech in Parliament on 10 August, 1990 as recorded in HANSARD.

11.163. Very early in his speech, Mr. Manning said –

"I wish to associate myself with some of the remarks of the Hon. Attorney General. In particular, I wish to place on record the condolences of those of us on this side of the House, and I feel confident that I speak for all members of the Party. We deeply regret the deaths of all those who died, particularly our colleague, the Member for Diego Martin Central, the Hon. Leo des Vignes....."

11.164. In winding up his contribution to the debate, Mr. Manning said –

"I empathise with the Hon. Prime Minister of Trinidad and Tobago, the Hon. Minister of Justice and National Security and all other Members of Parliament who were subjected to the unfortunate circumstances that took place on 27 July."

11.165. The second attachment to the General Secretary's letter was a newspaper excerpt published by the Trinidad Guardian on 30 July, 1990 – before the release of hostages and surrender of the JAM. The headline was "Manning: I am deeply pained at the situation". Mr. Manning's statement was broadcast on the previous night and said, in part:

"As Leader of the Opposition I would like to say how deeply pained I am at the situation existing at present in our country.

Whilst I constantly pray for peace, I would also like to exhort those who are at present negotiating the future, to act speedily and correctly in the best interests of our country, our people and our democracy. I especially wish that there

be no more violence and that no further persons suffer hurt or injury.

My heart is with my Parliamentary colleagues, the Prime Minister, members of the Cabinet and others held hostage in the Red House. I pray for their safety."

In the said statement, Mr. Manning also expressed concern for the workers at TTT and Radio Trinidad and their families. He congratulated "all arms of the Protective Services, the workers at Radio 610, hospital personnel" and those persons who had donated blood. And he appealed to looters to cease and desist from that course of action "which will only create more unemployment and further damage our country".

11.166. In the circumstances, the Commission finds that there was no merit or substance to the belief or allegation that Mr. Manning was not deeply concerned or moved by the events of July 1990.

C. FINDINGS AND/OR RECOMMENDATIONS

1. VICTIMS OF THE ATTEMPTED COUP

11.167. The Commission finds it astonishing that the Cabinet decisions of 30 August, 1990 and 10 January, 1991 do not appear to have been carried out.

But, in any event, the scope and reach of those decisions were too limited. The Commission believes that a more sensitive and comprehensive approach is now required to ensure that all innocent victims of the attempted coup are identified, acknowledged and receive restorative justice.

11.168. The Commission respectfully recommends that a small, special unit be created to ferret out and investigate credible information concerning all innocent victims of the attempted coup. The Unit should be headed by an attorney-at-law and include investigators. There should be categorization of the victims; for example, those who died; those who were injured and still suffer the effects thereof; those who were injured but have made a complete recovery; those who received compensation and those who received no compensation. The Government should fix a limit for the amount of compensation for each category of victim after a preliminary report has been submitted to the Cabinet. Thereafter, the Unit should be authorised to make appropriate awards according to the respective categories.

11.169. In this Chapter, the Commission has identified the victims about whom we received evidence, the nature of their injuries and their *sequelae* if any. We summarise the cases of those victims below.

(A) *Police Officers*

11.170. There was uncontroverted evidence before the Commission that ASP Roger George was killed in the precincts of Parliament on the evening of 27 July. No member of his family appeared before the Commission. We therefore do not know whether his family received any compensation. The same comments apply to the family of SRP Solomon McLeod. Deputy Commissioner of Police, Leslie Marcelle continues to suffer pain, loss of amenities and financial loss as a result of his injuries. In addition, the courage which he showed on the evening of 27 July, 1990, merits an award of a non-monetary nature. Likewise, Sgt. Raymond Julien should also receive a compensation for his injuries and an award for meritorious service. Sgt. Steve Maurice, Cpl. Charles and PC Dave Pilgrim, members of Prime Minister Robinson's security detail, were beaten and humiliated by the JAM. They deserve monetary compensation and an award for the bravery shown in the face of sudden and unexpected hostilities. Their colleague, PC Kenrick Thong did receive compensation for his injuries but he still has to bear the cost of changing prostheses. He should be assisted.

The case of WPC Olive Ward requires further investigation to determine whether she should receive monetary compensation.

(B) Civilians in Parliament

11.171. The basis upon which and the quantum of the *ex gratia* award made to the widow of Mr. Mervyn Teague as well as the monthly pension of \$500 paid to her require further investigation. In like manner, the circumstances of Mrs. Lorraine Caballero's daughter, Afeisha, require investigation with a view to making an appropriate award of compensation. Messrs. Mervyn Assam and Wendell Eversley were traumatised by their experiences when they were held hostage in Parliament. Whereas Mr. Eversley was freed on 28 July, Mr. Assam was not freed until 1 August 1990. They should receive compensation. Harry and Venus Ramadhin ought to be investigated with a view to compensation.

(C) Parliamentarians

11.172. Evidence was led that the family of the late Mr. Leo des Vignes were compensated. However, notwithstanding the terms of the Cabinet Minute referred to, no evidence was adduced to the Commission that any of the Parliamentarians held hostage were ever compensated. The Commission *recommends* that all Parliamentarians who were held hostage be compensated for their injuries and otherwise harrowing and traumatic experiences. In relation to those who have died since the attempted coup but were victims of violence,

their surviving next-of-kin should receive compensation on behalf of the deceased.

(D) Hostages at TTT

11.173. Although the hostages at TTT were not physically injured, except Mr. Jones P. Madeira who received a minor injury, they were all subjected to a harrowing ordeal for the duration of the crisis. As a consequence, some of them have been left psychologically scarred. Mr. Raoul Pantin suffered a personality change with serious consequences. The Commission *recommends* that all of the hostages at TTT should receive compensation. Further, the heroism of Mr. Madeira and the initiative of Mr. Bernard Pantin in assisting in keeping Imam Abu Bakr off the airwaves, should be recognised by an appropriate non-monetary award.

(E) Hostages at Radio Trinidad

11.174. The hostages at Radio Trinidad should be compensated by the State. Messrs. Emmett Hennessy and Pius Mason were injured. They should receive an award higher than that paid to others who were held captive at Radio Trinidad.

(F) Radio 610

11.175. Mr. Dennis McComie and his five colleagues should be rewarded for their extraordinary commitment to duty in keeping Radio 610 on air during the insurrection. The Commission is of the view that Mr. McComie and his colleagues should also receive a non-monetary award to mark their outstanding service to the people of Trinidad and Tobago.

2. SPECIAL MEDAL OF HONOUR

11.176. The Government should mint a Special Medal to be awarded to persons who rendered exceptional service or displayed bravery during and immediately after the insurrection but who have not previously been recognised appropriately. In this regard, the Commission recommends for favourable consideration the following persons and organisations:

- Dr. Emmanuel Hosein
- Rear Admiral Richard Kelshall and the Coast Guard
- Mr. Jones P. Madeira
- Mr. Dennis McComie and the five persons who kept Radio 610 on air during the insurrection
- The hostages at the Red House and at TTT

- Canon Knolly Clarke
- Hon. Winston Dookeran
- Mr. Emmanuel Carter
- The Cadet Corps
- Mr. Alloy Lequay
- Dr. Romesh Mootoo
- Mr. Tim Lambkin
- Mr. Jensen Fox
- Mr. Mervyn Telfer
- Water and Sewerage Authority
- Trinidad & Tobago Electricity Commission
- Morvant/Laventille Improvement Organisation

3. SETTLEMENT OF THE ISSUES OF #1 MUCURAPO ROAD

11.177. The long-standing issue of the tenure of the lands at #1 Mucurapo Road should be resolved once and for all. The Commission accepts that there is a body of opinion within the society that the criminality of the JAM should in no way be rewarded. However, the JAM are the holders of a valid lease signed in 1993 by President Hassanali. Accordingly, an attempt has been made to regularise their tenure. Furthermore, the JAM have developed the lands. The single disconcerting feature of the JAM's tenure is the construction of a property

above the Sewerage Trunk Reserve. The public interest requires that this sewer be accessible to WASA. Government has the statutory authority to acquire the relevant portion of the land compulsorily. To do so without consultation will exacerbate an already tense situation.

11.178. The Commission feels that the time has come for healing the hurt occasioned by the events of 1990 and for reconciliation. During the course of the Commission's preparation of this Report, Nelson Mandela died. His legacy is that the worst forms of human conflict and degradation can be peacefully resolved in a spirit of reconciliation and forgiveness. The Commission hopes that the Mandela legacy may infuse the approach of both the Government and the JAM. The JAM would do well to heed the advice of Mr. Clive Nunez and apologise to the nation. In this regard, the Commission finds that Messrs. Jamaal Shabazz and Kala Akii-Bua were sincere in stating that the majority of the JAM desire closure and reconciliation.

11.179. We are of the view that the processes of Alternative Dispute Resolution may be usefully employed to settle the conflict over #1 Mucurapo Road and the continuing non-recognition of the schools for State assistance. We therefore *recommend* that the issues be referred to a Mediation Panel of three suitably qualified Mediators of international repute. The Government and the

JAM should each nominate one Mediator and the Chair of the panel should be nominated by the Mediation Board of Trinidad and Tobago.

4. MEMORIALISING 27 JULY – A DAY OF NATIONAL SIGNIFICANCE

11.180. The Commission *recommends* that 27 July should be commemorated as a *Day of National Significance*, not a holiday, but a time for reflection. The media and religious organisations should be encouraged to reflect the significance of the day in appropriate ways. A pamphlet of the significance of the day should be commissioned for use in all schools. An impressive monument should be erected near to the Red House on which the names of those who died are inscribed.

5. NATIONAL FLAG AND ANTHEM

11.181. The National Flag should be in all schools and students should salute the National Flag and sing the National Anthem every Monday and on 27 July or the nearest date thereto if that day falls on a weekend.

6. GUIDELINES/LEGISLATION TO REGULATE MEDIA OPERATIONS IN TIMES OF NATIONAL CRISIS

11.182. The Commission *recommends* that appropriate guidelines, or if necessary, legislation for the operation of the media in times of crisis/emergency should be developed and published. The British Broadcasting Corporation (BBC) has guidelines which may provide a useful starting point of reference.

7. NEED FOR CONTINUING STUDY AND RESEARCH INTO SOCIAL PROBLEMS

11.183. During the course of the Enquiry, it was brought home forcefully to the Commission by social scientists and former Parliamentarians that the biggest social problems in contemporary Trinidad and Tobago are: youth crime and violence, illegal drugs and guns and a feeling of alienation by sections of the society. There is an apparent breakdown in the intrinsic value systems of many young people.

11.184. There appears to be a dearth of criminological and sociological research into these problems. For example, we were not directed to any recent scientific study and analysis of the criminal risk factors at work in the society, to inform and target appropriate responses and strategies. The matters addressed in Chapter 10 have never been scientifically researched.

11.185. On the assumption that no contemporary studies of the problems exist, the Commission recommends that such studies be commissioned with a view to informing strategies and responses. Simply to throw money at the problems is certainly not the answer.

8. MODERNISING THE COMMISSIONS OF ENQUIRY ACT

11.186. The fact that Imam Abu Bakr refused to give evidence to the Commission of Enquiry has left many persons disappointed and has deprived the Commission of critical evidence. His refusal to testify, even after publicly stating that he would give evidence, highlighted gaping deficiencies in the existing legislation, principally the inability of a Commission of Enquiry set up under the legislation to compel the physical attendance of a witness. We feel that if a Commission of Enquiry in modern times is to discharge its mandate effectively in the public interest, it is imperative that this gaping deficiency be remedied without delay.

REPORT
OF
THE COMMISSION OF ENQUIRY
APPOINTED TO ENQUIRE INTO THE EVENTS SURROUNDING THE
ATTEMPTED COUP D'ÉTAT OF 27th JULY 1990.

APPENDICES

APPENDIX 1

Rules of Procedure

APPENDIX 1

TRINIDAD AND TOBAGO

COMMISSION OF ENQUIRY INTO EVENTS SURROUNDING THE ATTEMPTED COUP D'ETAT WHICH OCCURRED IN THE REPUBLIC OF TRINIDAD AND TOBAGO ON 27 JULY 1990

PROCEDURAL RULES

In exercise of the powers conferred on it under section 9 of the Commissions of Enquiry Act, Cap.19:01, the Commission of Enquiry appointed by the Acting President of the Republic of Trinidad and Tobago on 6 September 2010, and whose appointment was published in the Trinidad and Tobago *Gazette* on 7 September 2010, makes the following Rules:

PART 1

Interpretation

1. In these Rules:

- (i) "Commission" means Sir David Simmons, K.A., B.C.H., QC; Dr. the Hon. Sir Richard Cheltenham, K.A., QC, J.P.; Dr. Haffizool Ali Mohammed; Dr. Eastlyn Kate McKenzie; and Mrs. Diana Mahabir-Wyatt, being the persons appointed as Commissioners by His Excellency, the Acting President of the Republic of Trinidad and Tobago on 6 September 2010 under the provisions of the Commissions of Enquiry Act, Chap.19:01.
- (ii) "Commission Counsel" means Counsel appointed to the Commission and retained by the Government of Trinidad and Tobago to act as Counsel to the Commission.
- (iii) "document" includes any paper writing or material that is in electronic, audiotape or videotape form, digital reproductions, photographs, maps, graphs, microfiche and any data or information recorded or stored by means of any device.
- (iv) "party" means a person, group of persons or organisation that has been granted standing by the Commission under Part 3 of these Rules.

PART 2

General

2. The Commission's mandate established by its Terms of Reference is:-
- (a) To enquire into —
- (i) the causes, nature, extent and impact of the attempted coup, including any contributing historical, social, economic, political and other factors;
 - (ii) the underlying purpose and extent of the plot that led to the attempted coup;
 - (iii) any criminal acts and omissions, including looting, which were committed in connection with the attempted coup and the motives and objectives of the perpetrators of such acts or omissions;
 - (iv) the identity of any person or any local, regional or international authority, institution, organisation or entity who incited, masterminded, planned, directed, conspired towards, consented to, connived at, acquiesced in, participated in, aided or abetted the carrying out of, had prior knowledge of, or was implicated or otherwise involved in criminal acts or omissions, including looting, which were committed in connection with the attempted coup, and the extent to which any such person, authority, institution, organisation or entity did any such thing or had prior knowledge of, or was implicated or otherwise involved in, any such acts or omissions;
 - (v) the national security deficiencies and breaches of law that facilitated the attempted coup and the extent to which it was possible to prevent the occurrence of the attempted coup;
 - (vi) the response and performance of the Government, the Defence Force, the Protective Services and other Essential Services, the Foreign Service and the media during and after the attempted coup;
 - (vii) all matters pertaining to the negotiation, preparation, execution and effect of the amnesty and the negotiation of the terms of surrender; and
 - (viii) the continuing propensities for criminal activity arising from the attempted coup and the correlation, if any, between the attempted

coup and the trafficking, supplying and possession of illegal drugs, firearms and ammunition.

- (b) To make observations and recommendations arising out of its deliberations, as may be deemed appropriate, in relation to —
- (i) the policies, measures, mechanisms and systems that should be put in place to detect, counteract and treat with plots to overthrow the democratically elected Government of Trinidad and Tobago and other acts of treason, terrorism and insurrection;
 - (ii) the development of the capacity of the Government of Trinidad and Tobago to maintain national security, democratic governance and the protection of the citizens and residents of Trinidad and Tobago and State property in the event of a future occurrence of an attempted *coup d'etat* or other acts of treason, terrorism or insurrection;
 - (iii) the consequences of any historical, social, economic, political and other factors that may have contributed to the attempted coup;
 - (iv) the effective coordination of responses by agencies responsible for defence, law enforcement, intelligence-gathering, the emergency services, the social services, the diplomatic corps, and the media in the event of a future occurrence of an attempted *coup d'etat* or other acts of treason, terrorism or insurrection;
 - (v) the modernisation of legislation pertaining to national security;
 - (vi) ensuring that victims of the attempted coup and the society as a whole are satisfied that their pain, loss, suffering and damage have been acknowledged, with a view to fostering closure of the events surrounding the attempted coup and with a view to the promotion of individual and community healing in the interests of national development; and
 - (vii) the prosecution of persons for criminal acts or omissions in connection with the attempted coup.

3. The Commission is governed and guided by the Commissions of Enquiry Act, Chap.19:01.

4. The proceedings of the Enquiry shall be conducted in public. The Commission will hold public hearings at the premises of the Caribbean Court of Justice, 134 Henry Street, Port-of-Spain or such other place as the Commission directs on dates to be determined by the Commission. The administrative offices of the Commission will be

located at the Second Floor, E.F. “Telly” Paul Building, Corner of St. Vincent and New Streets, Port-of-Spain.

5. Notice of dates of hearings will be provided in a timely manner.
6. Unless otherwise directed by the Commission, hearings shall commence at 9.30 a.m. and conclude at 2.00 p.m. or such later time as may be necessary. There will be a break for lunch of one hour and such other breaks as may be convenient.
7. All parties and their counsel shall be deemed to undertake to adhere to these Rules. Any party may raise any issue of non-compliance with these Rules with the Commission. The Commission shall deal with a breach of these Rules as it sees fit including, but not restricted to, revoking the standing of a party, and imposing restrictions on the further participation in or attendance at the hearings by any party, counsel, individual or member of the media.
8. The Commission may depart from these Rules when it considers it appropriate to do so.
9. The Commission may amend these Rules or dispense with compliance with them as it deems necessary in order to ensure that the hearing is thorough, fair and timely.
10. The Commission may postpone any date set for any hearing or application or the doing of anything. The Commission shall notify all counsel and any person, organisation or office affected by the postponement of the new date.

PART 3

Standing

11. Commission Counsel shall assist the Commission throughout the Enquiry and are responsible for ensuring that the Enquiry is conducted in an orderly fashion, and that all matters bearing on the public interest and falling within the scope of the Commission’s mandate are brought to the Commission’s attention. Commission Counsel have standing throughout the Enquiry.
12. Persons, groups of persons or organisations who wish to participate in the Enquiry may apply for standing before the Enquiry. The Commission may grant standing if it is satisfied that an applicant has a substantial and direct interest in the subject matter of the Enquiry or that the applicant’s participation in the Enquiry may be helpful to the Commission in fulfilling its mandate.
13. The Commission shall determine on what terms a party may participate in the Enquiry, and the nature and extent of such participation.

14. As provided for in Part 4, Counsel representing a witness who is called to testify before the Commission may participate during the hearing of that witness's evidence without the necessity of applying for standing.

PART 4

Evidence

A. General

15. The Commission may receive any evidence that it considers to be helpful in fulfilling its mandate whether or not such evidence would be admissible in a court of law.

B. Preparation of Documentary Evidence

16. All parties granted standing under Part 3 of these Rules shall, as soon as practicable after being granted standing, produce to the Commission true copies of all documents in their possession or control having any bearing on the subject matter of the Enquiry. Documents in the possession or control of a party that are already in the possession of the Commission shall be listed but need not be produced, unless specifically requested by the Commission. Upon the request of the Commission, parties shall also provide originals of relevant documents in their possession or control for inspection.

17. Upon the request of the Commission, any non-parties shall produce to the Commission true copies of all documents in their possession or control which have any bearing on the subject matter of the Enquiry. Documents in the possession or control of a non-party that are already in the possession of the Commission shall be listed but need not be produced, unless specifically requested by the Commission. Upon the request of the Commission, such non-parties shall also provide originals of relevant documents in their possession or control for inspection.

18. All documents received by the Commission shall be treated by the Commission as confidential, unless and until they are made part of the public record or the Commission otherwise directs. This does not preclude the Commission from producing a document to a potential witness prior to the testimony of the witness, as part of the Commission's investigation; nor does it preclude the Commission from disclosing such documents to the parties to this Commission of Enquiry, pursuant to and subject to the terms and limitations described in Rule 19 below.

19. Any party or non-party required to produce a document or documents pursuant to Rules 10 or 17 above or pursuant to a subpoena or summons issued under the Commissions of Enquiry Act, Chap.19:01 and who claims privilege in respect of such document, shall produce a list of the documents in respect of which privilege is claimed,

stating the basis and reasons for the claim of privilege. The Commission shall determine whether such claim of privilege is justified.

20. Where privilege is claimed under Rule 19, the Commission shall not disclose any disputed documents to the other parties but may with the assistance of the party or non-party claiming privilege, prepare and produce a summary of the document.

C. Witness Interviews and Disclosure

21. (a) The Commission, with or without the assistance of Commission Counsel, may interview persons believed to have information or documents bearing on the subject matter of the Enquiry. The Commission may choose whether or not to attend an interview and Commission Counsel shall provide the Commission with a transcript or report of all interviews conducted in its absence.

(b) Persons interviewed by Commission Counsel may choose to have legal counsel present during the interview, but are not required to do so.

(c) Persons whose interview is requested by the Commission or Commission Counsel shall answer all relevant questions and produce any relevant documents.

(d) A subpoena or summons may be issued if the person to be interviewed requests one or if the Commission or Commission Counsel deems it prudent to compel the attendance of the person.

22. Where the Commission or Commission Counsel determines that a person who has been interviewed should be called as a witness in public hearings, the Commission may cause a statement of the witness's anticipated evidence or a transcript of their interview to be prepared and may provide a copy of this statement or the interview transcript to the witness before he or she testifies in the hearing. After the statement or transcript has been reviewed by the witness, copies shall be disclosed to any relevant parties on their undertaking to use it only for the purposes of the Enquiry, and on the terms described in Rule 23 below.

23. (a) Where Commission Counsel determines that it is necessary for a person who has been interviewed to be called as a witness in public hearings, Commission Counsel may tender the witness statement or transcript to the Commission at the hearing, and the Commission may consider the information in the witness statement or transcript when making its final findings, conclusions and recommendations.

(b) Where the Commission or Commission Counsel interviews a person and decides not to call that person to testify at the public hearings, Commission Counsel may provide relevant parties with a transcript of the

interview, if available, or a summary of the relevant information provided by that person.

- (c) A party may apply to the Commission for permission to call any person as a witness or for a direction that that person be called as a witness.
24. (a) Unless the Commission orders otherwise, all relevant non-privileged documents in the possession of the Commission shall be disclosed to the parties at a time reasonably in advance of the witness interviews and/or public hearings or within a reasonable time of the documents becoming available to the Commission.
- (b) Before these documents are provided to a party or a witness, the witness must undertake to use these documents only for the purposes of the Enquiry, to keep their contents confidential to himself or herself and their Counsel before the Commission unless and until those documents have been admitted into evidence during a public phase of the Commission of Enquiry, and to abide by such restrictions on disclosure and dissemination as the Commission considers appropriate.
 - (c) All documents provided by the Commission of Enquiry to parties and witnesses and which have not been admitted into evidence during a public phase of the Commission of Enquiry, and all copies made of such documents, shall be returned to the Commission – in the case of witnesses, on completion of their testimony; and, in the case of parties, within seven days of the Commission issuing its final Report.
 - (d) The Commission may, upon application, release any party or Counsel in whole or in part from the provisions of an undertaking regarding the use or disclosure of documents or information.

D. Witnesses

25. A summary of the material which any party or person intends to put before the Commission shall be provided to the Secretary to the Commission in accordance with such time limits as may be specified by the Commission.

26. Written and signed statements of persons intended to be called as witnesses shall similarly be delivered to the Secretary in accordance with such time limits as may be specified by the Commission. All such material shall be provided in both hard copy and in electronic form where possible.

27. Witnesses who testify shall give their evidence under oath or upon affirmation.

28. Prior to giving evidence, witnesses who have provided signed statements shall be invited to confirm their written statements, which shall be accepted as the evidence of

that person. Provided that where in such evidence, it is alleged that another person acted improperly, that evidence shall be given orally.

29. Witnesses are entitled to have their own Counsel present while they testify. A witness's Counsel has standing in the Enquiry for the purposes of that witness's testimony, and may examine the witness as provided for in Rules 32 and 33.

30. Witnesses may be called to give evidence in the Enquiry more than once.

31. (a) Where it considers it advisable, the Commission may issue a summons or subpoena requiring a witness to give evidence on oath or affirmation and/or to produce documents or other things.

(b) A summons or subpoena may be issued in relation to:

(i) pre-hearing interviews conducted by the Commission or Commission Counsel;

(ii) pre-hearing requests for documents; or

(iii) the public hearings.

32. The Commission shall admit any evidence provided that it is relevant to the Enquiry. Where evidence is challenged or objected to on any ground, the Commission shall give only such weight to that evidence as it determines to be appropriate, having regard to all the circumstances.

E. Oral Examination

33. Subject to Rule 34, the order of examination of a witness shall be as follows:

(a) The Commission or Commission Counsel may examine the witness at any stage of the proceedings. The Commission or Commission Counsel may adduce evidence from a witness by way of leading or non-leading questions;

(b) The parties who have been granted standing shall have an opportunity to cross-examine a witness to the extent of that party's interest and in accordance with such time limits as the Commission may direct. If parties are unable to agree the order of cross-examination, the Commission shall give directions which must be complied with;

(c) Subject to Rule 34, counsel for a witness shall examine the witness as directed by the Commission, regardless of whether or not counsel is also representing another party;

- (d) The Commission or Commission Counsel shall then have the right to examine or re-examine the witness. Except as otherwise directed by the Commission, the Commission or Commission Counsel may adduce evidence from a witness during or after re-examination by way of leading or non-leading questions.

34. A witness's counsel may apply to the Commission for permission to present that witness's evidence-in-chief. If permission is granted, the witness shall be examined in the following order:

- (a) Counsel shall examine the witness in accordance with the normal rules governing the examination of one's own witness in court proceedings, unless otherwise directed by the Commission.
- (b) The other parties with standing shall be entitled to cross-examine the witness, as provided for in Rule 33(b).
- (c) The Commission shall then be entitled to conduct an examination of the witness, as provided for in Rule 33(d).
- (d) Counsel for the witness shall then be entitled to re-examine the witness.

35. After a witness has been sworn or affirmed at the commencement of his or her testimony, no Counsel or party other than Commission Counsel may speak to that witness about the evidence he or she has given until the witness has completed his or her evidence. Commission Counsel may not speak to the witness about his or her evidence while the witness is being cross-examined by other counsel, except with the permission of the Commission.

- 36. (a) Where the Commission has indicated that it shall not be calling a particular witness to testify at the public hearings, a party may apply to the Commission and request that the witness be called to give evidence.
- (b) Where the Commission is satisfied that the witness's testimony is required, the Commission may direct that the witness be called (in which case Rule 33 applies) or may allow the requesting party to call the witness and adduce his or her evidence-in-chief (in which case Rule 34 applies).

F. Use of Documents at Hearings

37. Before a witness testifies at the Enquiry, the Commission may, where practicable and appropriate, provide the witness and the parties with a binder, bundle or a list of those documents that are likely to be referred to during the witness's testimony.

38. Without the permission of the Commission, no document shall be used in cross-examination or otherwise except copies of the documents have been provided to the Commission in a timely manner pursuant to Rules 15 and 16.

G. Access to Hearings and to the Evidence

39. Subject to Rule 40, the hearing referred to in Rule 4 will ordinarily be open to the public. The press, television and public radio broadcasters shall have access to the hearing at any time subject to Rule 40 below. One pooled television camera shall be permitted, but the Commission may direct that broadcasting be suspended at any time in the interest of avoiding disturbance to the proceedings.

40. Where the Commission is of the opinion that it is necessary in the interest of the maintenance of order or the proper administration of justice or the due conduct of the Enquiry to exclude all or any members of the public from the hearing room, it may, after hearing submissions from interested parties, direct that such part of the hearing as it deems appropriate, be conducted in the absence of the public or on such terms and conditions as the Commission may direct.

41. Applications from witnesses or parties to conduct any part of the hearing in the absence of all or any members of the public shall be made in writing to the Commission at the earliest possible opportunity.

42. The transcripts and exhibits from the hearings shall be made available as soon as practicable for public viewing. Transcripts shall be posted on the Commission's website as soon as is reasonably practicable and shall be available to the parties and the public. Transcripts of any part of the hearing held in the absence of the public pursuant to Rule 40 above may be made available for public viewing on such terms as the Commission may direct if, after hearing the evidence and any submissions, the Commission concludes that it is in the public interest to release these transcripts.

PART 5

Notices Regarding Alleged Misconduct

43. The Commission shall not make a finding of misconduct on the part of any person unless that person or, if the person is deceased, his estate, has had reasonable notice of the substance of the alleged misconduct and has been allowed full opportunity during the Enquiry to be heard in person or by counsel.

44. Any notices of alleged misconduct shall be delivered on a confidential basis to the person to whom the allegations of misconduct refer.

45. The Commission shall perform its duties in accordance with its Terms of Reference.

PART 6

Opening Speeches

46. The Commission may invite parties or their counsel to make opening speeches before the commencement of the testimony of witnesses and on such terms and conditions, including time limits, as the Commission may direct.

PART 7

Submissions

47. All counsel may make submissions as directed by the Commission subject to any restrictions that the Commission deems appropriate.

48. The Commission shall direct when submissions are to be made and whether they are to be made orally and/or in writing.

PART 8

Amendments to the Rules

49. These Rules may be amended and new Rules may be added if the Commission considers it advisable to do so in order to fulfill its mandate and to ensure that the Enquiry is conducted fairly, thoroughly and with appropriate transparency.

Issued by the Chairman on behalf of and with the concurrence of the Commissioners this 24th day of November 2010.

Sir David A.C. Simmons K.A., B.C.H., Q.C.
Chairman

APPENDIX 2

List of Witnesses who gave Oral Evidence

APPENDIX 2

LIST OF WITNESSES WHO GAVE ORAL EVIDENCE

1. Lucyanna Moy Hing
2. Lynette Stephenson
3. Hon. Arthur N.R Robinson
4. Jennifer Johnson
5. Wendell Eversley
6. Joseph Toney
7. Jillann Teague-Weekes
8. Emmett James Hennessy
9. Rawle Raphael
10. Pius Mason
11. Raymond Pallackdharrysingh
12. Emmanuel Hosein
13. John Desmond Humphrey
14. George Hislop
15. Eddison Carr
16. Mohammed K Hosein- (The Islamic Secretariat of the Caribbean and South America)
17. Trevor Sudama
18. Jones P. Madeira
19. Selby Wilson
20. David Nagessar
21. Gloria Henry
22. Hon. Winston Dookeran
23. Jamaal Shabazz
24. Knolly Clarke
25. Hugh V.J Vidal

26. Carlton Alfonso
27. George M. Clarke
28. Anthony Isidore Smart
29. Major General Ralph N Brown
30. Kala Akii-Bua
31. Captain Gary Griffith
32. Rear Admiral Richard Kelshall
33. Brigadier Joseph Theodore
34. Brigadier Peter Joseph
35. Dalton Vibert Harvey
36. Leslie Marcelle
37. Mervyn Telfer
38. Kenneth Thompson
39. Gregory Aboud - (Downtown Owners and Merchants Associations)
40. Mervyn Guiseppi
41. Lorris Ballack
42. Dennis Mc Comie
43. Marlon Miller
44. Kirk Perreira
45. Dr. Kirk Meighoo
46. Lennox Smith - (Morvant Laventille Improvement Organization)
47. Andrew Johnson (Trinidad and Tobago Chamber of Industry and Commerce).
48. Andrew (Andy) Johnson
49. Bernard Aquing (Association of Trinidad and Tobago Insurance Companies)
50. Raymond Julien
51. Captain Neal Alexis
52. Reginald Dumas
53. Raoul Pantin
54. Afeisha Caballero (Daughter of Lorraine Caballero)
55. David Abdulah

56. Olive Ward
57. Lincoln Myers
58. Mervyn Assam
59. Prof. Ramesh Deosaran
60. Muhummad Shabazz
61. Kenneth Subran
62. Francis Bruzual
63. Verna St Rose Greaves
64. Bernard Pantin
65. Ronald Heeralal (Commissioner of Valuations)
66. Sybil Samaroo
67. Yudhister Samaroo
68. Andrew Bowles (Director of Surveys)
69. Deoraj Ramtahal – (Port of Spain City Corporation)
70. Grace Wei (Republic Bank)
71. David Benny (Water and Sewerage Authority)
72. Clive Nunez
73. Ganesh Narine and Richard Kissoon (Trinidad and Tobago Electricity Commission)
74. The Hon. Justice Michael de la Bastide T.C
75. Fyard Hosein S.C
76. Martin Daly S.C
77. Steve Maurice
78. Kenrick Thong
79. Raphel Cumberbatch
80. Leo Joseph (Assistant Chief Fire Officer)
81. Dave Pilgrim
82. Brinsley Samaroo
83. Corey Joseph
84. Dr Denaesh Ariyanayagam (Ministry of Health)
85. Harry Ramadhin

86. Vijai Mahabir (Office of Disaster Preparedness and Management)

87. Hon. Basdeo Panday

APPENDIX 3

Names of Counsel who appeared
on behalf of Witnesses

APPENDIX 3

NAMES OF COUNSEL WHO APPEARED ON BEHALF OF WITNESSES

<u>Name of Counsel</u>	<u>Name of Witness</u>	<u>Date of Appearance</u>
Mr. Ken Wright	Wendell Eversley	26:1:11
Mr. Vigel Paul and Ms. Dawn Pallackdharrysingh	Raymond Pallackdharrysingh	1:2:11
Mr. Lennox Sankersingh	John Humphrey	21:3:11
Mr. Naveen Maharaj (for Mr. Wayne Sturge)	Abu Bakr who should have appeared	27:6:11
Mr. Wayne Armour	Richard Kelshall	14:9:11
Mr. Wayne Armour	Joseph Theodore	15:9:11
Mr. Wayne Armour	Peter Joseph	16:9:11
Mr. Richard Clarke-Wills	Kirk Meighoo	1:2:12
Mr. Mark Morgan	Bernard Aquing	2:2:12
Mr. Wayne Armour	Anthony Phillips-Spencer	10:2:12
Ms. Viveka Pargass	Abu Bakr	9:5:12
Mr. John Jeremie S.C.	Deoraj Ramtahal	27:8:12
Mr. D.A. Gurley S.C.	Republic Bank	29:8:12
Ms. Shobna Persad	David Benny (WASA)	29:8:12
Ms. Hasine Shaikh	For Abu Bakr	3:9:12
Mr. Reginald Armour & Mr. Dass	Fyard Hosein S.C.	22:11:12
Mr. Jason Mootoo	Martin Daly S.C.	23:11:12
Mr. Anthony Moore	Hugh Vidale	20:5:13
Ms. Dana Seetahal S.C.	Ralph Cumberbatch (to correct evidence)	21:5:13

APPENDIX 4

Correspondence among Commission, Imam Abu Bakr and his Counsel

APPENDIX 4

Correspondence among Commission, Imam Abu Bakr and his Counsel

1. Letter to Mr. Abu Bakr dated 13/12/2010
2. Letter to Mr. Abu Bakr dated 31/1/2011
3. Letter to Mr. Wayne Sturge dated 16/6/2011
4. Letter to Mr. Abu Bakr dated 13/4/2012
5. Letter From Ms. Viveka Pargass dated 27/4/2012
6. Letter from Ms. Viveka Pargass to the Secretary Received 17/5/2012
7. Letter from Mr. Wayne Sturge to the Director of Public Prosecutions dated 27/8/2012
8. Letter from Mr. Wayne Sturge dated 29/8/2012
9. Letter to the Director of Public Prosecutions dated 30/8/2012
10. Letter to Mr. Wayne Sturge dated 3/9/2012
11. Letter from Mr. Wayne Sturge dated 3/9/2012
12. Letter from the Director of Public Prosecutions dated 3/9/2012
13. Letter from Mr. Abu Bakr dated 4/9/2012
14. Letter from the Director of Public Prosecutions dated 5/9/2012
15. Letter to the Director of Public Prosecutions date 10/9/2012
16. Letter from the Director of Public Prosecutions dated 29/1/2013
17. Letter to Mr. Abu Bakr dated 24/7/2013



COMMISSION OF ENQUIRY
 appointed to enquire into the events surrounding
 the attempted coup in Trinidad and Tobago
 on July 27th 1990

Secretariat Office
 2nd Floor E.F. Telly Paul Building
 Cor. New and St. Vincent Streets
 Port-of-Spain
 Tel: 1-(868)-625-1003; 624-7745

e-mail - comsec1990@gmail.com

December 13th 2010

Mr. Yasin Abu Bakr
 Leader of the Jamaat al Muslimeen
 No. 1 Mucurapo Road
 St. James

Dear Mr. Abu Bakr,

**Re: Commission of Enquiry into the events surrounding the attempted coup d'état of
 27th July 1990.**

As you may be aware, a Commission of Enquiry into the Attempted Coup, which occurred on 27th July, 1990 was appointed by His Excellency the President on 6th September, 2010 and such appointment was published in the Trinidad and Tobago Gazette on 7th September, 2010.

The terms of reference of the Commission are set out in the attached copy of the Trinidad and Tobago Gazette of September 7th 2010.

The Commission is to commence public hearings on the 24th January 2011.

It has come to the Commission's attention that you and other members of your organization who were present at and/or involved in the events surrounding the 1990 attempted coup may have information, documentation and/or views, which may be of inestimable value to the Commission in the discharge of its function.

Accordingly, I have been instructed by the Commission to invite you and those other members of your organization to participate at the Enquiry by providing such information, documentation and/or views, which may be of assistance to the Commission.

The Commission looks forward to yours and your organization's participation in this important exercise.

I should be obliged if you and your organization would respond as soon as possible, and preferably before January 7th 2011, as to the willingness of yourself and other members to assist the Commission, by providing such information, documentation and or views by way of evidence which may be relevant to the Commission of Enquiry.

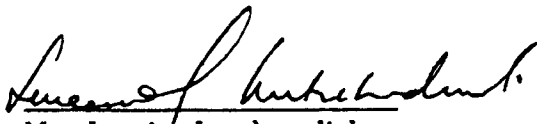
Your Response should be delivered to:

Mrs. Laraine Lutchmedial
Commission Secretary
2nd Floor E. F. Telly Paul Building
Cor. New and St. Vincent Streets
Port of Spain

Or by email to:

comsec1990@gmail.com

Sincerely,



Mrs. Laraine Lutchmedial
Secretary to the Commission



COMMISSION OF ENQUIRY
 appointed to enquire into the events surrounding
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 on July 27th 1990

Secretariat Office
 2nd Floor E.F. Telly Paul Building
 Cor. New and St. Vincent Streets
 Port-of-Spain
 Tel: 1-(868)-625-1003; 624-7745, Fax: 1-(868)-625-9154

website: www.1990coe.org
 e-mail - comsec1990@gmail.com

January 31st 2011

Mr. Yasin Abu Bakr
 Leader of the Jamaat al Muslimeen
 No. 1 Mucurapo Road
 St. James

Dear Mr. Abu Bakr,

**Re: Commission of Enquiry into the events surrounding the attempted coup d'état of
 27th July 1990.**

The Secretariat has seen certain media reports dated January 31st 2011, which reports have asserted that you were not invited to participate in the Commission of Enquiry into the events surrounding the attempted coup d'état of 27th July 1990.

The Secretariat wishes to inform that a letter of invitation dated December 13th 2010 was forwarded to you, and a copy of this letter is attached hereto for your ease of reference.

The Secretariat also wishes to remind that it is not necessary to await an invitation in order to submit written memoranda, information, documentation or views to the Commission, as is made clear from the advertisements appearing in the print media.

The Commission looks forward to your participation in this important exercise.

Yours sincerely,

Laraine Lutchmedial
 Secretary to the Commission



COMMISSION OF ENQUIRY
 appointed to enquire into the events surrounding
 the attempted coup in Trinidad and Tobago
 on July 27th 1990

Secretariat Office
 2nd Floor E.F 'Telly' Paul Building
 Corner of New and St Vincent Street
 Port-of-Spain
 Tel: 1-(868)-625-1003/624-7745; Fax: 1-(868)-625-9154

website - www.1990coe.org
 e-mail - comsec1990@gmail.com

16th June, 2011

Mr. Wayne Sturge
 Attorney-at-law
 24 Abercromby Street
 Port of Spain.

Dear Mr. Sturge,

We wish to confirm having sent to you the body of information available to the Commissioners in this matter, that is to say:

1. BUNDLE OF DOCUMENT FOR YASIN ABU BAKR

NO.	DATE OF HEARING	DOCUMENTS
8	29 th & 30 th June	<p>Yasin Abu Bakr :- (ALL DAY)</p> <p><u>H.C.A. 1337 OF 1990</u></p> <ol style="list-style-type: none"> 1. Affidavit of Yasin Abu Bakr and eight (8) others dated 9.10.90. 2. Affidavit of Yasin Abu Bakr and eight (8) others dated 20.11.90. 3. Affidavit of Yasin Abu Bakr dated 28.2.92. 4. Affidavit of Yasin Abu Bakr and Richard Shaw dated 12.3.92.

Commissioners: Sir David Simmons Q.C. (Chairman), Sir Richard Cheltenham Q.C., Dr. H. Ali Mohammed, Dr. Eastlyn Mc Kenzie, Mrs. Diana Mahabir-Wyatt

H.C.A. 3982 OF 1990

5. Affidavit of Yasin Abu Bakr and six (6) others dated 11th & 12th .6.91.
6. Affidavit of Yasin Abu Bakr dated 30.3.94.
7. Affidavit of Yasin Abu Bakr dated 5.6.2000
8. Civil Appeal Judgment delivered by C. Bernard C.J
9. Transcript of Evidence before the Hon. Justice Best dated 7.12.94
10. Judgment court of Appeal dated 13.2.93

H.C.A. 1311 OF 1990

11. Affidavit of Yasin Abu Bakr and 114 others dated 9.10.90.
12. Affidavit of Yasin Abu Bakr and 114 others dated 13.10.90

H.C.A. 2292 OF 1994

13. Affidavit of Yasin Abu Bakr dated 7.6.06.

OTHER MATERIALS

14. Southern district of Florida; case no. 90-6161 Miami Proceedings against Louis Haneef Testimony of Yasin Abu Bakr dated 5.9.91.
15. Notes of Preliminary Enquiry, Charge of Murder Treason etc... Against Abu Bakr, Omowale Abdullah, Bilal Abdulla and 16 others dated 24.7.91.

2. TRINIDAD AND TOBAGO

Miami Prosecution Papers

Bundle A

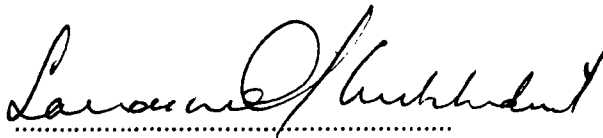
Contents	Page No.
Newspaper Reports	1
Note of Testimony of George Clarke	2-4
Note of Testimony of Peter Beckley	5-7
Note of Testimony of Peter Penny	8-10
Note of Testimony of Carlos Renwick	11-13
Transcript of Testimony of George Clarke, Peter Beckley, Peter Penny, & Carlos Renwick	14-159
Note of Testimony of Peter Joseph	160-167
Transcript of Testimony of Peter Joseph	168-261
Note of Testimony of Riad Ali	262-267
Transcript of Testimony of Riad Ali	268-347

Bundle B

Contents	Page No
Note of Testimony of Fahmad Islam Ali	1-2
Transcript of Testimony of Fahmad Islam Ali	3 - 4 missing
Note of Testimony of Nello Suite	28-31
Transcript of Testimony of Nello Suite	32-165
Note of Testimony of Bilaal Abdullah	166-176
Transcript of Testimony of Bilaal Abdullah	177-413
Note of Transcript from Louis Haneef Triad	414-448

We also take this opportunity to confirm your clients attendance before the Commissioners on the 29th and 30th of June, 2011 and to remind that we have not received a memorandum from your client and that the Procedural rules require that evidence be first received in writing.

Yours sincerely,



Laraine Lutchmedial
Secretary to the Commission

Commissioners: Sir David Simmons Q.C. (Chairman), Sir Richard Cheltenham Q.C., Dr. H. Ali Mohammed, Dr. Eastlyn Mc Kenzie, Mrs. Diana Mahabir-Wyatt



COMMISSION OF ENQUIRY
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e-mail - comsec1990@gmail.com

April 13 2012

Mr. Yasin Abu Bakr
No. 1 Mucurapo Road
St. James

Dear Mr. Abu Bakr,

**Re: Commission of Enquiry into the events surrounding the attempted coup d'état of
27th July 1990.**

As you are aware, a Commission of Enquiry into the Attempted Coup, which occurred on 27th July, 1990 was appointed by His Excellency the President on 6th September, 2010 and such appointment together with the Terms of Reference of the Commission were published in the Trinidad and Tobago Gazette of September 7th 2010.

Reference is made to the Commission's earlier correspondence to you dated 13/12/2010, 31/1/2011 and to your Attorney at Law Mr. Wayne Sturge dated 16/6/2011 relative to your attendance at the Enquiry to give evidence. Indeed the said letter of 16/6/2011 communicated to you the date fixed for such attendance and the taking of your evidence .

You will no doubt recall that on on 29th June 2011, ostensibly on your instructions, one of your Attorneys at Law, Mr. Naveen Maharaj attended before the Commission of Enquiry and made an application on your behalf that your testimony before the Commission be deferred having regard to

your concerns about pre-trial publicity as it may relate to your impending trial before the Assizes on a five-count indictment including a charge for what the prosecution has alleged amounts to promoting a terrorist act and your intention to raise the very issue of pre-trial publicity at that trial. Mr. Maharaj further intimated to the Commission that it was likely that on July 5th 2011 at the relevant Cause List hearing for the Assizes a date in September or October 2011 would have been fixed for the hearing of your matters and same was estimated to last about 2-3 weeks.

The Commission taking into account, inter alia, your expressed willingness to testify before it and the time lines stated by your Attorney at Law, in the exercise of its discretion granted you the indulgence of postponing your testimony before it until after your trial on the basis that the same would have commenced and be concluded in accordance with the schedule stated by your Attorney at Law. Accordingly, it would have been clearly understood that the indulgence so granted by the Commission was not open-ended. It has transpired that your trial has not commenced, yet alone concluded.

Further by the said letter of 16/6/2011 the Commission reminded your Attorneys at Law of the need for you to forward to it a witness statement summarizing the evidence you propose to give at the Enquiry. To date such a statement has not been forthcoming.

The Commission wishes to advise that its hearings for the purpose of receiving evidence have now reached an advanced stage and such evidence that has been received to date shows that you were one of the key persons involved in the attempted coup. As such, it is critical that your evidence be taken before the Commission if the Commission is to fully discharge its mandate under the prescribed Terms of Reference.

You will no doubt appreciate that the Commission needs to get on with its work and complete the Enquiry in a timely manner. The public interest requires no less. In so doing the Commission must balance the preferences of any individual witness with the public interest and cannot allow such preferences to stymie or compromise the same.

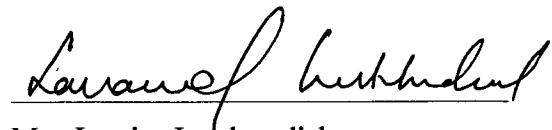
In the circumstances the Commission now requires your attendance before it on **June 4 2012 to continue from day to day thereafter (if necessary)** in order that your testimony may be taken.

The Commission further requires that you confirm in writing within **FOURTEEN (14) days of the date hereof** that you will so attend and provide your witness statement to the Secretariat of the Commission by **May 28 2012**. Should the Commission fail to hear from you within the time

stipulated it may be forced to use its powers under the Commissions of Enquiry Act Chapter 19.01,
to compel your attendance .

Please be guided accordingly.

Sincerely,

A handwritten signature in cursive script, reading "Laraine Lutchmedial", written over a horizontal line.

Mrs. Laraine Lutchmedial
Secretary to the Commission

Cc. Mr. Wayne. Sturge -Attorney at Law

Mr. Naveen. Maharaj- Attorney at Law

VIVEKA PARGASS
ATTORNEY-AT-LAW

MANSFIELD HOUSE
24 ABERCROMBY STREET
SECOND FLOOR.
PORT OF SPAIN, TRINIDAD
WEST INDIES

PHONE/FAX: (868) 623-8115

April 27 2012

Mrs. Laraine Lutchmedial

Secretary to the Commission of Enquiry

Re: Commission of Enquiry into the events surrounding the attempted coup d'etat of 27th July 1990.

Dear Madam,

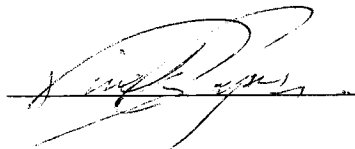
Thank you for your letter dated 13th April instant. I have recently been retained to instruct counsel for the accused Imam Abu Bakr in his upcoming trial at the Port of Spain Assizes.

Please be advised that the Imam Abu Bakr is unwell and total bedrest has been ordered by his doctors.

Please be further advised that a case management hearing has been set for 7th May at which time medical evidence will again be received regarding the fitness of Imam Abu Bakr to attend trial.

Please be further advised that whilst the Imam is willing to appear and give evidence before the Commission, it is our considered view that such attendance and testimony ought not to take place before the hearing and determination of the criminal trial of the Imam.

Please be guided accordingly.

A handwritten signature in black ink, appearing to read 'Viveka Pargass', written over a horizontal line.

Viveka Pargass.

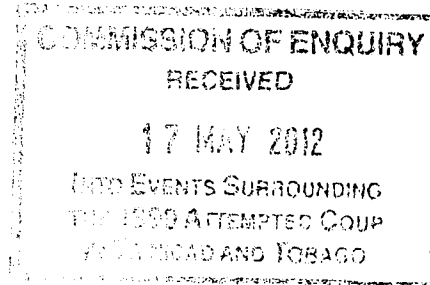
Attorney at Law.

VIVEKA PARGASS
ATTORNEY-AT-LAW

MANSFIELD HOUSE
24 ABERCROMBY STREET
SECOND FLOOR.
PORT OF SPAIN, TRINIDAD
WEST INDIES

PHONE/FAX: (868) 623-8115

Ms Laraine Lutchmedial
 Secretary to the Commission
 Secretariat Office
 2nd Floor E.F. Telly Paul Building
 Cor. New and St Vincent Streets=
 Port of Spain, Trinidad



Dear Ms Lutchmedial,

Re: Commission of Enquiry in to the events surrounding the attempted coup d'etat of 27th July 1990.

Pursuant to the Order by the Chairman of the Commission on May 9th 2012 for the disclosure of medical evidence by counsel for Imam Yasin Abu Bakr, please find attached Medical Certificates, Medical Reports and Photographs from January 2012 to May 2012 as evidence of the illness and consequent hospitalization of Mr. Abu Bakr.

Respectfully,

Viveka Pargass
 Attorney- at- Law.

6th May 2012

To Whom It May Concern

Re: Mr. Yasin Abu Bakr
D.O.B. – 18th October 1941
Male

I write to inform you that Mr. Yasin Abu Bakr has been managed by myself and Mr. Denaesh Ariyanayagam since his admission to St. Augustine Private Hospital on the 7th January 2012.

Mr. Bakr is a hypertensive and diabetic who, at that time was poorly controlled. He presented with an infection of the Dorsum of his Right Foot.

Whilst in Hospital he received Intravenous Antibiotics, Oral Antihypertensive and Subcutaneous Insulin for his Blood Sugar Control.

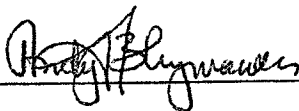
Mr. Yasin Abu Bakr had surgery on his infected leg on the 14th January 2012 by Mr. Ariyanayagam. At that time he had debridement of his right leg along with drainage of an Abscess in his right foot. He was left with a 10-15 cm open wound that required frequent dressing. Mr. Pakr had three (3) units of packed cell blood transfused because of worsening anemia and his medication persisted.

He was discharged from St. Augustine Private Hospital on the 17th January 2012 with a view to closely follow our instructions to promote full recovery. This included bed rest, elevating leg as much as possible and very close monitoring of his Blood Sugars and Blood Pressures.

Mr. Bakr was last seen two weeks ago. His right foot is almost healed, with good Blood Pressure and Blood Sugar Control.

Mr. Bakr will liaise with his Doctor to switch to 70/30 long lasting Insulin, with a view to tighten Blood Sugar control.

Sincerely



Andy Bhagwandass MB.BS, DM (UWI)

Dr. Denaesh Ariyanayagam

MB.BS, FRCS Ed, FACS, FICS
SPECIALIST SURGEON

• GASTROINTESTINAL • ENDOCRINE • BREAST • VASCULAR • GASTROINTESTINAL ENDOSCOPY

#4 Austin Street, St. Augustine, Trinidad, West Indies
Tel: (868) 662-5555/7777 • (868) 663-2348

25/2/2012

The Registrar of The Supreme Court.

Knox Street/POs

Re Yasin Abu Bokr.

Sir

This patient continues to be managed for right diabetic foot sepsis.

His wound is still healing and he needs continuous elevation of the ^(R) lower limb.

It is expected that the wound will heal over the next three months time.

Sincerely



Dr. Denaesh Ariyanayagam

MB.BS, FRCS Ed, FACS, FICS
SPECIALIST SURGEON
4 Austin Street, St. Augustine

Dr. Denaesh Ariyanayagam

MB.BS, FRCS Ed, FACS, FICS
SPECIALIST SURGEON

• GASTROINTESTINAL • ENDOCRINE • BREAST • VASCULAR • GASTROINTESTINAL ENDOSCOPY

#4 Austin Street, St. Augustine, Trinidad, West Indies
Tel: (868) 645-0015 • (868) 645-0014 • (868) 645-4470,
(868) 645-9763 • (868) 662-5555 • (868) 662-7777

MEDICAL REPORT:

Re: Yasin Abu Bakr

Age: 70 (D.O.B. – 18/10/1941)

Address: #10, Park Avenue, Queens Park East, Port of Spain.

This patient was admitted on January 4th 2012 with diabetic foot sepsis of the right lower limb. He was admitted and managed as an in-patient with intravenous antibiotics and control of his diabetes. On January 14th 2012 he underwent surgery for drainage of an abscess and debridement of necrotic tissue. Following this procedure he had a tissue defect on his right lower limb approximately 15 cms x 8 cms. This was managed with daily dressings and his other medical treatment continued. Mr. Bakr was discharged on January 17th 2012 and was subsequently reviewed as an out patient on January 21st 2012. At this time his wound was found to be healing and he would be continued to be managed as an out-patient. It is expected that Mr. Bakr would be required to stay off his feet with continued wound care and elevation for approximately four (4) weeks hence.

Please be guided accordingly.



DR. D. ARIYANAYAGAM
Specialist Surgeon
25/1/2012

Rec'd @ 9:05
26.1.2012
D. Ariyanayagam

Dr. Denaesh Ariyanayagam

MB.BS, FRCS Ed, FACS, FICS
SPECIALIST SURGEON
4 Austin Street, St. Augustine



The Registrar of the Supreme Court

Knox St
Port of Spain

25/2/2012

240pm

Re: MR Yasin ABU BAKR

Dear Sir/Madam,

I write to report that the above named patient continues to be seen and managed for his Diabetes and septic @ lower limb.

Mr ABU BAKR'S @ lower limb is improving and he continues to require subcutaneous insulin every eight hours for his Blood Sugars.

I have seen the leg today and expects the wound to heal over the next three months.

His foot needs continuous elevation to hasten

Good healing.

It is my opinion that MR Yasin ABU BAKR should be off his feet, with very close sugar monitoring over the next three months.

Sincerely

Andy Blayward
Consultant Physician

The Registrar of the Supreme Court
The Hall of Justice
Port - of - Spain

7/1/12
1pm.

Re: MR YASIN ABU BAKR
DOB 18/October 1941.

Dear Sir / Madam,

I write to inform you that
MR YASIN ABU BAKR has been admitted to our institute
on 7th January 2012 with an acute Medical illness.
Mr Bakr's medical condition warrants at least
two weeks rest and recovery after being discharged from
this institute.

Many Thanks

Sincerely,
Andy Anand Bhagwandas
Cell - 685 7315
DR ANDY ANAND BHAGWANDAS
MBBS, DM (UWI)
Consultant Physician.




Dr. Denaesh Ariyanayagam

MB.BS, FRCS Ed, FACS, FICS
SPECIALIST SURGEON

• GASTROINTESTINAL • ENDOCRINE • BREAST • VASCULAR • GASTROINTESTINAL ENDOSCOPY

#4 Austin Street, St. Augustine, Trinidad, West Indies
Tel: (868) 645-0015 • (868) 645-0014 • (868) 645-4470,
(868) 645-9763 • (868) 662-5555 • (868) 662-7777

Rec'd 19.1.12
9:06


January 9th 2012

The Registrar of the Supreme Court
The Hall of Justice
Port of Spain.

Dear Sir / Madam,

Re: Mr. Yasin Abu Bakr (D.O.B. – 18/10/1941)

This letter serves to confirm that Mr. Yasin Abu Bakr has been admitted to St. Augustine Private Hospital on January 7th 2012 with an acute medical illness. Mr. Bakr's estimated duration for recuperation is two (2) weeks from the date of discharge.

Please be guided accordingly.



DR. D. ARIYANAYAGAM
Specialist Surgeon



Dr. David A. Strisiver MB., ChB.
2-4 AUSTIN STREET
ST. AUGUSTINE

662-55557777

3 JANUARY '12

*Rec'd
@ 9:13 AM
1/3/12*

Mr. Yasin Abu Bakr
10 Queens Park Ave
Port Of Spain

Report:

This person was seen today. He sustained 2 injuries to his right ankle on 26th and 29th December. The swelling has lead to blistering and infection of the deeper tissues - cellulitis. His diabetes is out of control as a result of the infection; he had surgery this afternoon and was placed on heavy doses of antibiotics. He has been ordered to strict bed rest. Medical advice dictates that he should not be moving about whatsoever for at least 14 (fourteen) days.

David A. Strisiver

Dr. David A. Strisiver





THIRD COURT

WRIT OF SUBPOENA

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

THE STATE

TO: Dr. Andy Bhagwandass



GREETINGS

You are hereby commanded that laying aside all business and excuses whatever you be and appear in your own person before our High Court, to be holden at the High Court, Hall of Justice, Knox Street, Port of Spain, in the said Island on **Friday 20th April 2012** at the hour of 8:45 o'clock in the forenoon of the same day then and there to testify the truth and give evidence to the **Court** in the case against **Yasin Abu Bakr a/c Lennox Phillip for Communicating a Statement Having a Seditious Intention** and until you have so testified that you depart not our said Court without leave. And this you are by no means to omit under the penalty of two hundred and forty dollars.

WITNESS: His Lordship the Honourable Mr. Justice Ivor Archie Chief Justice at Port of Spain of the said Island this 19th day of April 2012.


Nirala Bansee-Sookhai
Assistant Registrar

NIRALA BANSEE-SOOKHAI
Assistant Registrar, Supreme Court

ST. AUGUSTINE PRIVATE HOSPITAL

EASTERN MAIN RD. TEL: 662-8888

PATIENT NAME: YASIM ABU BAKR

AGE: -

STUDY DATE: 9-Jan-12

VENOUS DUPLEX ULTRASOUND REPORT

REFERRING PHYSICIAN: DR. ANDY BHAGWANDASS

INDICATION FOR EXAM: venous duplex

RIGHT

The common femoral, superficial femoral, popliteal and paired posterior tibial and peroneal veins BILATERALLY appeared normal in course and calibre, with no evidence of acute or chronic thrombosis. These veins demonstrated complete compressibility and spontaneous, phasic flow, with positive augmentation.

There is moderate-severe reflux at the RT SFJ, with dilatation of the greater saphenous vein and multiple dilated branches.

At least two incompetent perforators were identified within the mid and distal right calf, at approx. 12 cm and 19 cm cranial to the medial malleolus.

There is mild reflux at the LT SFJ.

There is no evidence of SPJ incompetence on either side.

IMP- No evidence of DVT.

SF incompetence, R>L

Incompetent perforator RT calf

LEFT


RENE N. NAIPAUL
VASCULAR SONOGRAPHER

ST. AUGUSTINE PRIVATE HOSPITAL

ECHOCARDIOGRAM REPORT

DATE: 7/1/12

NAME: Yasin Abu Bakr

D.O.B: 18/10/41

SEX: M

INDICATION: Diabetes

REFERRING PHYSICIAN: Dr. Babu Reddy

STUDY: Transthoracic

STATUS: IP

ID#: 2012/23

SONOGRAPHER: A. Hanoman

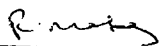
INTERPRETING PHYSICIAN: Dr. R. Maharaj

AV	3.5	< 3.7 cm	MV E Vel	1.02	0.3 - 0.9 m/s
LA	4.1	4.0 cm	MV A Vel	0.86	0.3 - 0.9 m/s
LVIDd	5.7	3.5 - 5.7 cm	MV E/A	1.19	0.7 - 1.5
LVIDs	3.6	2.5 - 4.0 cm	IVRT	104	60 - 130 ms
IVSd	1.4	0.6 - 1.1 cm	MV DecT	204	150 - 290 ms
LVPWd	1.3	0.6 - 1.1 cm	LVOT	1.4	m/s
RVIDd	2.9	< 3 cm	AV Vmax	1.64	m/s
			RVSP	22	mmHg

REPORT

1. Normal left ventricular size with mild concentric left ventricular hypertrophy. No regional wall motion abnormality at rest. Normal systolic function. Estimated ejection fraction of 65%. Normal diastolic function.
2. Normal valvular structure and function.
3. Normal left atrium.
4. Normal right heart.
5. No pericardial effusion.
6. No thrombus noted.
7. No intra cardiac masses noted.

CONCLUSION: NORMAL LEFT VENTRICULAR SYSTOLIC FUNCTION.



Dr. R. Maharaj

Consultant Cardiologist

ST. AUGUSTINE PRIVATE HOSPITAL
LABORATORY SERVICES
2 - 4 AUSTIN STREET, ST. AUGUSTINE, TRINIDAD
(868) 663 - 7274 EXT. 3005/3006
mikarl@tstt.net.tt

DATE: 07-07-12

PATIENT NAME: YASIN FROST 67-12

DOB: SEX: M

DOCTOR: DR. MICHAEL ROBERTS

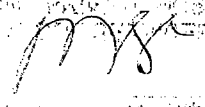
HbA1c Result: 8.5 %

RANGES:

NON DIABETICS: 3 - 6 %

CONTROLLED DIABETICS: 6 - 8 %

POORLY CONTROLLED DIABETICS: > 8%

ST. AUGUSTINE PRIVATE HOSPITAL
LABORATORY SERVICES

07-07-12

ST. AUGUSTINE PRIVATE HOSPITAL
LABORATORY SERVICES
2 - 4 AUSTIN STREET, ST. AUGUSTINE, TRINIDAD
(868) 663 - 7274 EXT. 3005/3006
mikarl@tstt.net.tt

DATE: 07-01-12

PATIENT NAME: YVES ASH

DOCTOR: B. H. RAYSON MD

PT - 10-3

CONTROL - 10-5

INR - 1.80

PTT - 30.7

CONTROL - 30.9

ST. AUGUSTINE PRIVATE HOSPITAL
LABORATORY SERVICES



B. H. RAYSON MD



SAPH-LABORATORY SERVICES

PATIENT'S NAME:

MASW ABU BAKR

REQUESTED BY:

PATIENT'S LOCATION:

ID: 000010218

01-07-12

OVWB

13:37

Patient
Limits 2

WBC	13.5	H	x10 ³ /uL	4.8	10.8
LY	11.3	*L	%	20.5	45.5
MO	1.7	*L	%	5.5	11.7
GR	87.0	*H	%	43.0	65.0
LY#	1.5	*	x10 ³ /uL	1.2	3.4
MO#	0.2	*L	x10 ³ /uL	0.3	0.8
GR#	11.7	*H	x10 ³ /uL	2.2	4.8
RBC	3.81	L	x10 ⁶ /uL	4.20	5.40
h	10.3	L	g/dL	12.0	16.0
hct	31.5	L	%	36.0	47.0
MCV	82.7		fL	81.0	99.0
MCH	27.0		pg	27.0	31.0
MCHC	32.6		g/dL	32.0	36.0
RDW	14.0		%	11.5	15.5
Plt	483.	H	x10 ³ /uL	140.	440.
MPV	6.5	L	fL	7.8	11.0

Blood Culture - C POSITIVE

MAGISTINE PRIVATE HOSPITAL
LABORATORY SERVICES

(F)

ST.AUGUSTINE PRIVATE HOSPITAL
MEDICAL LABORATORY
 2-4 AUSTIN STREET, ST.AUGUSTINE
 TRINIDAD, W.I.
 PHONE (868) 663-SAPH EXT. 3005, 3006
 EMAIL: mikarl@tstt.net.tt

FINAL SAMPLE REPORT

Page: 1

Patient ID: SPH 01/0218
 Patient Name: ABU BAKR, YASIN
 DOB/AGE: 01/01/12 Sex: M
 Comments:

Reported: 01/07/12 14:07
 Doctor:
 Location:

*** LIVER PROFILE ***

TOTAL BILIRUBIN	1.1	mg/dL	0.2 -	1.5
DIRECT BILIRUBIN	0.4	mg/dL	0.0 -	0.4
AST (SGOT)		41 U/L	5 -	34
ALT (SGPT)		56 U/L	0 -	36
ALK. PHOS.		188 U/L	53 -	128
GGT		162 U/L	12 -	64
TOTAL PROTEIN	6.9	g/dL	6.2 -	8.5
ALBUMIN		3.1 g/dL	3.5 -	5.0

*** GENERAL CHEMISTRIES ***

SODIUM	139	mEq/L	133 -	145
POTASSIUM	4.1	mEq/L	3.5 -	5.3
CHLORIDE	105	mEq/L	95 -	108
BUN	12	mg/dL	7 -	18
CREATININE	1.2	mg/dL	0.6 -	1.4
URIC ACID		2.5 mg/dL	3.5 -	7.2
CALCIUM	10.4	mg/dL	8.5 -	10.4

ST. AUGUSTINE PRIVATE HOSPITAL
 MEDICAL LABORATORY
 TRINIDAD, W.I.

 MSc
 Lab) _____

ST. AUGUSTINE PRIVATE HOSPITAL
MEDICAL LABORATORY
 2-4 AUSTIN STREET, ST. AUGUSTINE
 TRINIDAD, W.I.
 PHONE (868) 663-SAPH EXT. 3005, 3006
 EMAIL: mikarl@tstt.net.tt

FINAL SAMPLE REPORT

Page: 1

Patient ID: SPH 01/0230
 Patient Name: ABU BAKR, YASIN
 DOB/AGE: 69 Sex: M
 Comments:

Reported: 01/08/12 07:53
 Doctor:
 Location:

*** LIPID PROFILE ***
 CHOLESTEROL

55 mg/dl 100 - 200

DESIRABLE : < 200 mg/dl
 BORDERLINE : 200 - 239 mg/dl
 HIGH : > 240 mg/dl

TRIGLYCERIDES

98 mg/dl 35 - 160

NORMAL : < 150 mg/dl
 BORDERLINE : 150 - 199 mg/dl
 HIGH : 200 - 499 mg/dl
 VERY HIGH : > 500 mg/dl

HDL

19

PROTECTIVE : > 60 mg/dl
 DESIRABLE : 40 - 59 mg/dl
 HIGH RISK : < 40 mg/dl

LDL (CALCULATED)

17 CALC 50 - 160

VLDL (CALCULATED)

20 mg/dL 0 - 38

HDL RISK FACTOR

2.9 CALC

*** GENERAL CHEMISTRIES ***

ST. AUGUSTINE PRIVATE HOSPITAL
 LABORATORY SERVICES

[Handwritten Signature]

(C) Dr. F. Ramisari, Chem. Path

ST.AUGUSTINE PRIVATE HOSPITAL
MEDICAL LABORATORY
2-4 AUSTIN STREET, ST.AUGUSTINE
TRINIDAD, W.I.
PHONE (868) 663-SAPH EXT.3005,3006
EMAIL:mikarl@tstt.net.tt

FINAL SAMPLE REPORT

Page: 1

Patient ID: SPH 01/0257
Patient Name: ABU BAKR, YASIN
DOB/AGE: 69 Sex: M
Comments:

Reported: 01/09/12 08:42
Doctor:
Location: WEST WING

*** GENERAL CHEMISTRIES ***

SODIUM	141	mEq/L	133 -	145
POTASSIUM	3.9	mEq/L	3.5 -	5.3
CHLORIDE	105	mEq/L	95 -	108
BUN	10	mg/dL	7 -	18
CREATININE	0.9	mg/dL	0.6 -	1.4

ST.AUGUSTINE PRIVATE HOSPITAL
LABORATORY SERVICES

[Signature]
Dr. B. Ramesaran (Chem.Path)

ST CLAIR MEDICAL LAB

PATIENT'S NAME: YASIN ABU BAKR

REQUESTED BY:

PATIENT'S LOCATION: Rm. KATAWANOTU

ID: 000010230

01-08-12

OVWB

10:55

Patient

Limits 3

WBC	17.3	H	x10 ³ /uL	4.8	10.8
LY	12.6	*L	%	20.5	45.5
MO	2.1	*L	%	5.5	11.7
GR	85.3	*H	%	43.0	65.0
LY#	2.2	*	x10 ³ /uL	1.2	3.4
MO#	0.4	*	x10 ³ /uL	0.3	0.8
GR#	14.8	*H	x10 ³ /uL	2.2	4.8
RBC	3.90	L	x10 ⁶ /uL	4.70	6.10
gb	10.7	L	g/dL	14.0	18.0
Hct	30.9	L	%	42.0	52.0
MCV	79.4	L	fL	80.0	94.0
MCH	27.4		pg	27.0	31.0
MCHC	34.6		g/dL	32.0	36.0
RDW	13.8		%	11.5	15.5
Plt	467.	H	x10 ³ /uL	140.	440.
MPV	7.1	L	fL	7.8	11.0

ALSTINE PRIVATE HOSPITAL
LABORATORY SERVICES

(P) _____
S. Perisap, (Chem. Path)

me:

Xarim Abdulken

SINUS RHYTHM
LEFTWARD AXIS
OTHERWISE NORMAL ECG

HR: 68 BPM

Intervals:
RR 883 ms
P 122 ms
PR 160 ms
QRS 100 ms
QT 424 ms
QTc 456 ms

in.
lb.
mmHg

Axis: 46°
P 0°
QRS 51°
T

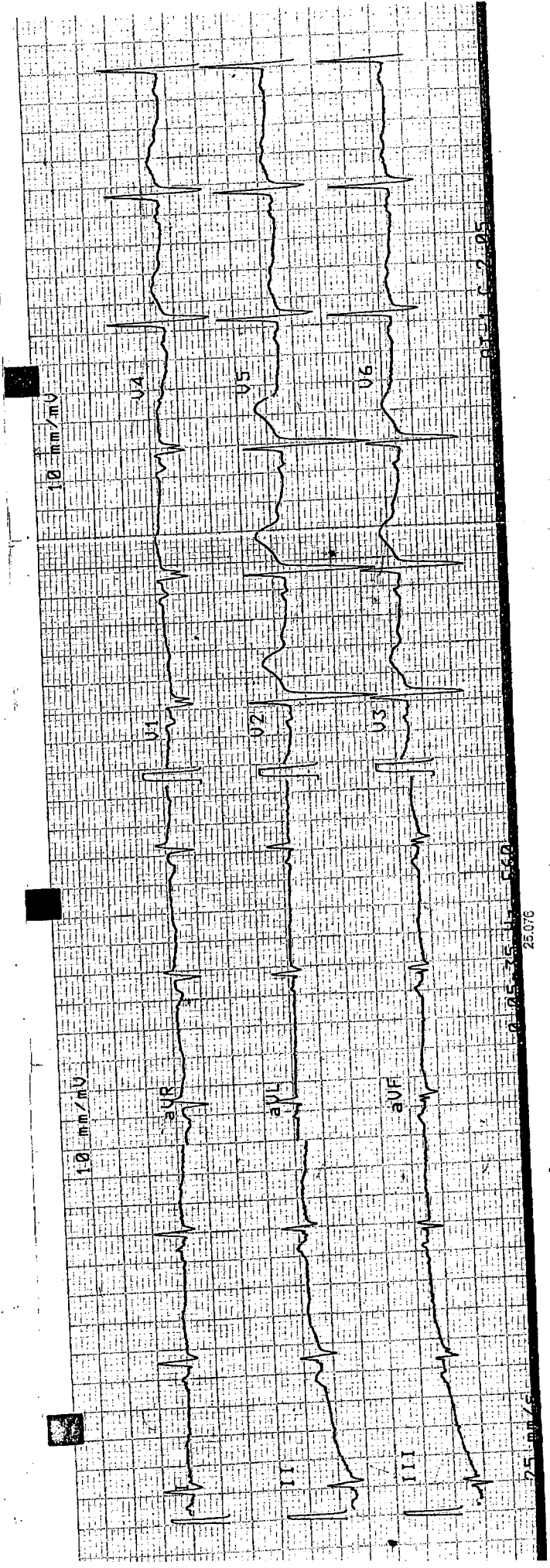
5.70

UNCONFIRMED REPORT

P (II) 0.14 mV
S (U1) -0.44 mV
R (U5) 1.13 mV

AT-1 C 2.05

2.05



25.076

SAPH LABORATORY SERVICES

PATIENT'S NAME: *Yesin Abu Zahr*

REQUESTED BY:

PATIENT'S LOCATION:

ID: 000010257
CVWB

01-09-12
07:57

Patient
Limits 3

WBC	15.0	H	x10 ³ /uL	4.8	10.8
LY	12.0	*L	%	20.5	45.5
MO	6.4	*	%	5.5	11.7
GR	81.6	*H	%	43.0	65.0
LY#	1.8	*	x10 ³ /uL	1.2	3.4
MO#	1.0	*H	x10 ³ /uL	0.3	0.8
GR#	12.2	*H	x10 ³ /uL	2.2	4.8
RBC	3.59	L	x10 ⁶ /uL	4.70	6.10
Hgb	9.2	L	g/dL	14.0	18.0
Hct	29.4	L	%	42.0	52.0
V	81.9		fL	80.0	94.0
MCH	25.5	L	pg	27.0	31.0
MCHC	31.1	L	g/dL	32.0	36.0
RDW	14.0		%	11.5	15.5
Plt	511.	H	x10 ³ /uL	140.	440.
MPV	6.5	L	fL	7.8	11.0

STATE AOSP
LABORATORY 688/1088

[Signature]
Dr. B. Ramsaran (Chem.Path)

Wayne D. Sturge

Attorney-at-Law

Peyton Place
37 Richmond Street
Port of Spain, Trinidad
West Indies

Phone/Fax: (868) 623-8115
Mobile 868-683-5889
email wdslegal@gmail.com

27th August, 2012

The Director of Public Prosecutions
"Winsure" Building
Richmond Street
Port of Spain.

Dear Sir,

Re: Continued Prosecution of Imam Yasin Abu Bakr.

The captioned accused has been indicted for the offence of Sedition and other offences which arose out of a Sermon allegedly given by him on the occasion of Eid ul Fitr in November 2005.

At the commencement of his trial in mid May it was agreed by all including Ms Seetahal for the State that the events of 1990 were irrelevant to the trial and would play no part in the trial, Ms Seetahal even posing questions and giving such admonitions to potential jurors questioned by her.

After calling all of its witnesses and immediately before closing the case for the State, Ms Seetahal at that 11th hour successfully made an application to lead evidence of the accused's participation in the events of 1990. As you are no doubt aware, a retrial was ordered after the jury failed to arrive at a verdict.

The accused attendance was required before the Commission on at least one occasion prior to his trial but through Counsel sought a deferral of his testimony on the basis of adverse pretrial publicity that may have been occasioned by his testimony and also because answers given at the Inquiry may have been used against him at his trial.

The accused from the week starting 4th September is scheduled to appear before the Commission of Inquiry into the 1990 insurrection. The accused is desirous of giving a full account of his participation in the 1990 insurrection for the benefit of the wider public.

The accused (as eager as he is to give testimony at the Inquiry) has been advised that such evidence given by him can and most likely will be used against him at the new trial.

It is incumbent upon me to point out that the accused is being tried for things allegedly said by him during a Sermon. A reading of the trial transcripts will reveal that the accused had Quranic support and support from the "Haddiths" for everything allegedly said (and deemed Seditious by the State) during the Sermon.

I strongly believe that it is in the public interest to hear from the accused the reasons behind the 1990 insurrection as well as other pertinent matters. In light of the great expense to taxpayers to have the Commission of Inquiry and also the great expense attendant with a trial of the accused where there were no victims *per se*, and where the accused was simply giving a Sermon to his flock on an issue directed to an Islamic obligation, I write you to enquire from you whether in your considered view, it is in the public interest to continue this prosecution. **Please be advised that this is not an attempt to influence you but simply to enquire your position having regard to the position you hold.**

I am of the firm view that it would be a great loss to all concerned if the Inquiry closes without the testimony of the accused.

I am to report to Ms Chistlyn Moore-George, (Counsel for the Commission) in the coming days on whatever decision you make regarding the continued prosecution of the accused for the offences charged and so that I can advise the accused on whether or not he should testify at the Inquiry

Yours Respectfully,

Wayne D. Sturge



Wayne D. Sturge

Attorney-at-Law

Peyton Place
37 Richmond Street
Port of Spain,
Trinidad

Phone/Fax: (868) 623-8115
Mobile 868-683-5889
Email wdslegal@gmail.com

29th August, 2012

Mrs. Christlyn Moore-George
Counsel to the Commission of
Inquiry into the 1990 insurrection.
Commission Secretariat
Corner of New and St. Vincent Streets,
Port of Spain.

Dear Madam,

Re: Testimony of Imam Yasin Abu Bakr.

Reference is made to our earlier conversations regarding the matter at caption.

Permit me at the outset to apologize for not providing the Commission with a witness statement within the time stipulated, it simply was not anticipated that the trial (originally estimated to last 3-4 weeks) would have lasted three calendar months. The trial in addition to lasting three calendar months, also involved a myriad of issues both novel and arcane and coupled with the medical condition of the Imam provided no real opportunity to take detailed instructions regarding the events of 1990.

I wish now to formally place on record the position of Imam Yasin Abu Bakr regarding his testimony before the Commission.

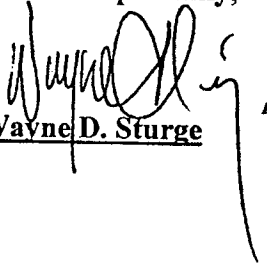
Imam Yasin Abu Bakr acknowledges the intention of the Commission to have him testify before the Commission of Inquiry from the week beginning September 3rd instant. Imam Bakr also acknowledges that he indicated through Counsel and previous correspondence his intention to testify in this enquiry after the conclusion of his trial for Sedition and other offences which arose out of a sermon given on the occasion of Eid ul Fitr 2005.

You would no doubt recall the reasons advanced for seeking a deferral of his testimony, namely that the giving of testimony by him before the determination of his trial would likely generate adverse pretrial publicity both from the testimony itself and from the "snowball" effect of the

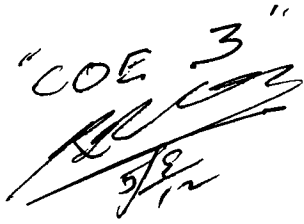
The Imam wishes to indicate that he means no disrespect to the Commission and whilst he is willing to attend, unless and until there is a final resolution of his trial either by a verdict or by the filing of a notice of discontinuance by the Director of Public Prosecutions, the Imam in order to ensure for himself a fair trial will be unable to answer any questions posed to him at this Inquiry.

I would be grateful if the contents of this letter are brought to the attention of the Commissioners.

Yours Respectfully,



Wayne D. Sturge

"COE 3"




COMMISSION OF ENQUIRY
 appointed to enquire into the events surrounding
 the attempted coup in Trinidad and Tobago
 on July 27th 1990

Secretariat Office
 2nd Floor E.F. Telly Paul Building
 Cor. New and St. Vincent Streets
 Port-of-Spain
 Tel: 1-(868)-625-1003; 624-7745, Fax: 1-(868)-625-9154

website: www.1990coe.org
 e-mail - comsec1990@gmail.com

August 30th 2012

Mr. Roger Gaspard SC.
 The Director of Public Prosecutions
 Office of the Director of Public Prosecutions
 Richmond Street
 Port of Spain
CONFIDENTIAL AND URGENT

Dear Sir,

**RE: The Commission of Enquiry into the events surrounding the July 27th 1990
 Attempted Coup d'etat, and the attendance thereupon by Imam Yasin Abu Bakr.**

I am directed by the Commission to communicate with you in respect to the above - captioned matter.

As you may be aware the Commission of Enquiry into the events surrounding the July 27th 1990 Attempted Coup d'etat is in progress and is now engaged in its 12th Session. Imam Yasin Abu Bakr, a person involved in the attempted coup, has been scheduled to give evidence before the Commission from the 3rd September 2012 to the 7th September 2012.

The Commission encloses for your attention and consideration a letter dated the 29th August 2012 (received by it on August 30th. 2012) from Mr. Wayne Sturge, Mr. Bakr's Attorney at Law the contents of which are self explanatory. This letter raises a critical matter in relation to the scheduled hearing and indeed, the further conduct of the Enquiry.

It is to be pointed out that on 2 previous occasions Mr. Bakr was scheduled to attend before the Commission. On the basis of certain representations made to the Commission recorded in Mr. Sturge's said letter and having regard to the relative imminence of the criminal trial referred to therein and upon Mr. Bakr giving an undertaking to attend before the Commission upon the conclusion of the matter of the State v Abu Bakr a/c Lennox

Commissioners: Sir David Simmons Q.C. (Chairman), Sir Richard Cheltenham Q.C., Dr. H. Ali Mohammed, Dr. Eastlyn Mc Kenzie, Mrs. Diana Mahabir-Wyatt

Phillips – Cr. No 75 of 2006 for sedition and other matters, the Commissioners acceded to his request to defer his testimony to the currently scheduled period.

It is a matter of record that the jury failed to return a verdict in the aforementioned matter on August 15th 2012 and Mr. Bakr has now raised the issue of pre trial publicity and/or evidence of bad character as matters of concern which he now proffers as reasons for his disinclination to testify at the enquiry.

The Commission has been provided with a copy of a letter written by Mr. Sturge to your goodself dated 27th. August 2012 inviting you to discontinue the proceedings and/or to give an undertaking that any evidence in relation to the events of July 27th 1990 which Mr. Bakr may give at the Enquiry not be led at any subsequent re- trial. (A copy of that letter is also enclosed for your ease of reference .)

The events surrounding July 27th. 1990 engaging the attention of the Commission are of immense national importance and the evidence of Mr. Bakr in relation to the Commission's Terms of Reference is critical to the Commission fulfilling its mandate and discharging its duties in the public interest.

It is expected that on Monday 3rd September Mr. Bakr will attend the Commission of Enquiry and reiterate and articulate the concerns set out in Mr. Sturge's letter of 29th August 2012 with a view to having his testimony further deferred. It is the intention of the Commission to receive and consider the fullest possible submissions on this matter, and as such the Commission would be pleased to have your comments / submissions on the same before it makes any definitive ruling or adjudication on the issue. In this regard the Commission respectfully requests your attendance (or that of an authorised representative of your Department) at its sitting on **Monday 3rd. September 2012 at 9.30 a.m at the Caribbean Court of Justice, Henry Street, Port of Spain** with a view to assisting the Commission accordingly.

The Commission fully appreciates the shortness of notice given in respect of its request and apologises for any inconvenience caused. However, given the exigent circumstances which have now unfolded the Commission has no alternative but to act with the greatest possible despatch.

The Commission thanks you for your kind cooperation in this matter.

Yours faithfully,



Laraine Lutchmedial, S.C.
Secretary to the Commission

Cc. Mr. Wayne Sturge - Attorney at Law

Commissioners: Sir David Simmons Q.C. (Chairman), Sir Richard Cheltenham Q.C., Dr. H. Ali Mohammed, Dr. Eastlyn Mc Kenzie, Mrs. Diana Mahabir-Wyatt



COMMISSION OF ENQUIRY
 appointed to enquire into the events surrounding
 the attempted coup in Trinidad and Tobago
 on July 27th 1990

Secretariat Office
 Telly Paul Building, 2nd Floor
 Corner of New and St Vincent Streets
 Port-of-Spain
 Tel: 1-(868)-625-1003; 624-7745 Fax: 1-(868)-625-9154

e-mail: comsec1990@gmail.com
 website - www.1990coe.org

September 3rd ,2012

Mr. Wayne D. Sturge
 Attorney at Law
 Peyton Place
 #37 Richmond Street
 Port of Spain

Dear Mr. Sturge,

Re: Commission of Inquiry into the Events surrounding the Attempted Coup d'etat of July 27th 1990 – Attendance Before the Commission of Enquiry.

I am directed by the Commission to communicate with you, in respect of the matter at caption.

Reference is made to your previous correspondence and to your oral indications subsequent thereto given to Commission Counsel that your client would attend today's hearing of September 3rd 2012 in obedience to the summons served on him.

The Commission takes a very dim view that at today's hearing your client did not appear in obedience to the summons, nor did you appear to explain his position. This was exacerbated by the fact that young Counsel Ms Hassina Sheik who purported to hold on your behalf, had absolutely no instructions either from you or your client, and confessed to same, so that the Commission was not afforded any assistance whatsoever in relation to your clients non attendance.

The Commission is of the view especially having regard to the history of your interaction or lack thereof, with the Commission that it is being treated with the utmost disrespect. This is a situation that it is not prepared to tolerate.

Please be advised that the Director of Public Prosecutions on the invitation of the Commission at short notice attended today's hearing and stated inter alia that he was prepared to give an

Commissioners: Sir David Simmons Q.C. (Chairman), Sir Richard Cheltenham Q.C., Dr. H. Ali Mohammed, Dr. Eastlyn Mc Kenzie, Dr. Diana Mahabir-Wyatt

undertaking on behalf of himself and Prosecuting Counsel that any evidence given by your client at the Commission of Enquiry would not be used at his subsequent retrial for sedition and other offences.

In the circumstances the issue of pretrial publicity remains to be resolved and the Commission requests your attendance on September 5th 2012 at 9:30 am to hear from you the explanation for your absence and that of your client from today's sitting, and the fullest possible submissions that you may wish to make on the issue of pretrial publicity, so that the Commission can make an informed decision on this matter as raised by you in your letter of 29th August 2012.

The Commission asks that you treat this matter with the urgency that it deserves.

Yours sincerely,


Secretary to the Commission

Wayne D. Sturge

Attorney-at-Law

*“cot 6”
R/S
5/9/12*

Peyton Place
37 Richmond Street
Port of Spain, Trinidad
West Indies

Phone/Fax: (868) 623-8115
Mobile 868-683-5889
email wdslegal@gmail.com

3rd September, 2012

Secretary to the Commission
Of Inquiry into the 1990
Insurrection.

Dear Madam,

Appearance before Commission of Inquiry

I acknowledge receipt of your letter of September 3rd instant. Permit me to respond by making clear the following matters.

- In April 2007, I was retained by Imam Bakr to appear alongside British Queen’s Counsel Martin Hicks in a criminal trial at the Port of Spain Assize. In June 2012, much to my surprise I was asked to replace Mr. Hicks QC as lead counsel in the aforementioned trial.
- I represent persons charged with criminal offences on a case by case basis, unlike a law firm I do not have standing clients, Imam Bakr is no different.
- Although Imam Bakr has expressed an interest in having me represent him once more at his retrial, I have not been formally retained owing to financial constraints being experienced by Imam Bakr. A letter at the request of Imam Bakr was sent to the Director of Public Prosecutions so that the way may be paved for the testimony of Imam Bakr to be received at the Inquiry.
- I have not been retained by Imam Bakr to represent him at the Commission of Inquiry. Although I have appeared at the Inquiry on a previous occasion and although I have had Ms V Pargass and Mr. N Maraj appear in my stead, such appearances were made in our capacity as Counsel at the Criminal trial seeking to prevent and/or limit the potential prejudice that may have been occasioned to our client by his appearance at the Commission. Our appearances were also in the hope that we would eventually be retained by the Imam to represent him at the Inquiry.
- Despite our best attempts we were unable to make good on our promise to provide the Commission with a witness statement from the Imam. By inculcation and other didactic methods I have come to know that it is the practice in this jurisdiction to have written

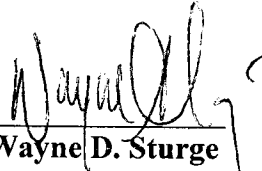
instructions from clients before preparing witness statements. The fact that a witness statement of any kind was not provided can only mean that the Imam up to this point has decided against that course.

- Contrary to what is stated in your letter regarding my lack of communication, I have on many occasions updated Counsel to the Commission Ms Moore-George by email or text message whenever information regarding the accused came my way, be it on the weekend or be it at ungodly hours.
- On Saturday last, it was made clear to me that my services (as far as this Enquiry was concerned) had come to an end. Further confirmation of this came today.
- On Monday 3rd September instant, although not retained for the Inquiry, I asked Ms Hasine Shaikh to attend upon the Commissioners as a matter of courtesy to indicate to the Commissioners the position the accused has chosen to adopt and to apologize for our failure to submit written statements as promised, the reasons for non compliance being obvious.

Having made those matters clear and although I have been properly retained to attend elsewhere, it is my intention to attend upon the Commission following the ultimatum given, I however cannot assist the Commission in any way as I have not been retained by Imam Bakr, this much has been made clear to me by Imam Bakr.

Please be guided accordingly.

Yours Respectfully,


Wayne D. Sturge



**OFFICE OF THE
DIRECTOR OF PUBLIC PROSECUTIONS**

Winsure Building, No. 24-28 Richmond Street
Port of Spain, Republic of Trinidad & Tobago, West Indies

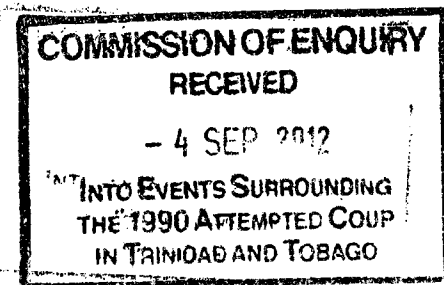
Phone: (868) 625-8737/38, 623-2110, 627-1791

Fax: (868) 625-6341

Email: dpp@dpp.gov.tt

September 3, 2012

Ms. Laraine Lutchmedial S.C
Secretary to the Commission
Commission of Enquiry into 1990 Attempted Coup
Secretariat Office
2nd Floor E.F. Telly Paul Building
Cor. New & St. Vincent Sts.
PORT OF SPAIN



Dear Ms. Lutchmedial

**Re: Commission of Enquiry into the events surrounding the July 27, 1990 Attempted
Coup d'etat and the attendance thereupon by Imam Abu Bakr**

The matter at caption and your letter to me dated 30th August, 2012, refer.

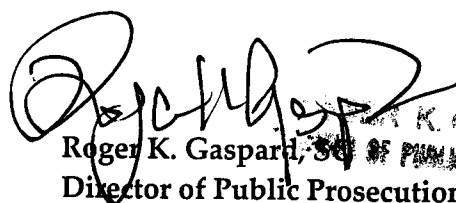
Today, pursuant to a request made to me by the Honourable Commission in your aforesaid letter, I appeared before the said Commission and I made several submissions pertinent to a letter sent to me by Mr. Wayne Sturge, Attorney-at-Law for Imam Yasin Abu Bakr, dated 27th August, 2012 and received at my office on the 29th August, 2012.

In a letter of even date, addressed to Mr. Wayne Sturge, following my earliest intimations and the sagacious advice of the Chairman of the Commission, I reduced into writing the submissions I had made orally.

Please find enclosed herewith a signed copy of my aforesaid letter.

I trust that you will bring same to the attention of the Honourable Commission.

Yours sincerely


Roger K. Gaspard, Director of Public Prosecutions



OFFICE OF THE
DIRECTOR OF PUBLIC PROSECUTIONS

Winsure Building, No. 24-28 Richmond Street
Port of Spain, Republic of Trinidad & Tobago, West Indies

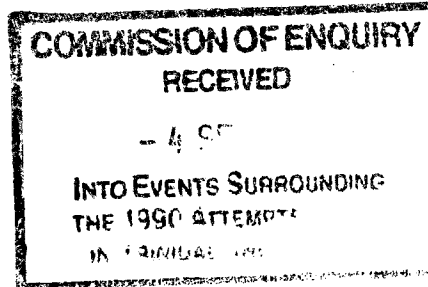
Phone: (868) 625-8737/38, 623-2110, 627-1791

Fax: (868) 625-6341

Email: dpp@dpp.gov.tt

September 3, 2012

Mr. Wayne Sturge
Attorney-at-Law
Peyton Place
37 Richmond Street
PORT OF SPAIN



BY FAX AND POST

Dear Mr. Sturge

Re: Continued Prosecution of Imam Yasin Abu Bakr for Sedition and Other Charges

The captioned matter and your letter to me dated the 27th August, 2012, refer.

Please be advised that I am inclined to the view that owing to the sufficiency of evidence in this matter and to the public interest, the State will maintain its prosecution of your client at the retrial. Thus, the prospect of my discontinuing this matter is a veritable non-starter.

Further, it is my respectful opinion that your anxieties concerning adverse pre-trial publicity, as it might pertain to your client, may be quelled, if the Honourable Commission of Enquiry were to see its way, to have your client's testimony heard 'in camera'. Of course, this is a matter for the sapient determination of the Commission.

Additionally, your concomitant concerns as they relate to the use which may be subsequently made by the State, of your client's testimony at the said Commission, are understandable.


However, may I advise you, categorically, that the State and all agents acting under my express or implied instructions, hereby undertake not to use, at your client's retrial, for any purpose whatsoever, any evidence he gives only to the Commission of Enquiry.

Mr. Wayne Sturge
Re: Continued Prosecution of Imam Yasin Abu Bakr for Sedition and other Charges

2

It may be instructive to note that, pursuant to a request made to me by the Honourable Commission in a letter dated the 30th day of August, 2012, I appeared today before the said Commission and I made submissions which in all material particulars dovetail with the preceding paragraphs of this letter.

Yours sincerely


ROGER K. GASPARD
Director of Public Prosecutions

COE 7
Imam Yasin Abu Bakr

Queen's Park East

Port of Spain

The Commission of Enquiry

Henry Street

Port of Spain

4th September, 2012

Greetings,

I wish to acknowledge receipt of the summons for my attendance before your Commission and the accompanying threat of the peril that awaits me for my failure to attend.

I would like at the outset to reaffirm my willingness to testify before the commission, however, I wish to make the following clear.

I have no intention of answering any questions at the Enquiry until I am discharged of the matters before the High Court.

Whilst I am grateful for the offer of Mr. Gaspard to have my evidence taken "in camera" and to undertake not to use my evidence at the Enquiry at my retrial, I am not impressed as I have been taught the hard lesson over the years that one must place little faith in the promises of State officials.

Following the events of July 27th 1990, I was given an amnesty and the assurance that I and my brothers would not be prosecuted, the State reneged on that promise.

I was also given the assurance by 2 sitting Prime Ministers that the State would not enforce the civil judgment against me, but less than 2 weeks before the judgment was made Statute barred enforcement proceedings were brought against me.

I was given the assurance by a sitting Prime Minister that the lands at Mucurapo would be regularized only to have that Prime Minister publicly renege on that agreement.

At the beginning of my trial Ms Seetahal gave the clear and unmistakable impression that 1990 would have no place to play in my trial but misled everyone and used the events of 1990 against me.

With that track record, do you really expect me to believe anything coming from the mouth of a State official whose purpose is to imprison me for my religious beliefs? Only a child would believe that. I am being prosecuted for delivering a sermon which had support in the Holy Quran and the Haddiths. I am convinced that the exact sermon could have been delivered by any other Imam without consequence and that the prosecution is malicious and a shamefaced attempt to punish me for 1990 after a failed attempt to do so.

Further, when the time comes for me to testify at the Enquiry, I would be grateful if moneys could be made available for me to retain a lawyer of my choice as I have no faith in either Mr. Singh or Mr. Sinnanan. I know nothing about Mr. Sinnanan and I have read enough about Mr. Singh to know that I will never hire him. It would also be helpful if transcripts of the evidence taken so far be made available so that I can address all issues raised.

It did not escape my attention that your Enquiry proceeded to take evidence before my trial began and if that was not bad enough, during my trial with sensational publicity which could only have served to prejudice me at a time when the jurors were not sequestered. That situation makes me suspicious that you may be much more interested in pursuing your own legitimate agenda and without regard to my right to a fair trial.

In the interim, allow me to make a humble suggestion, whilst Messrs Manning and Panday are still alive it might be helpful to ask them both how they knew to be absent on July 27th. May I also suggest that you enquire of former Government Minister Herbert Atwell whilst he is still alive, details of his short lived interaction with deceased Woman Police Constable, Bernadette James, and to enquire of him whether he could be of any help in telling her story.

Lastly, I have spoken with Mr. Sturge and I have seen the newscast of Monday's sitting. I wish to place on record my absolute horror and disgust with the manner in which Shaikh was treated by the Chairman. I did not ask Miss Shaikh or Mr. Sturge to attend the Enquiry. I informed Mr. Sturge on Saturday that I could not afford his services at this time and thanked him and his team for the work done thus far, I was therefore surprised to see Ms Shaikh attend the Enquiry. I am told that Ms Shaikh attended out of respect. After seeing the disrespect shown to Ms Shaikh and to Mr Sturge in his absence, I feel it necessary to tell you that you cannot expect respect from young people if you rejoice in treating them with the kind of disrespect you have shown to both Ms. Shaikh and Mr.Sturge. Whether you choose to show humility and apologize to both lawyers is a matter for you and your Lord.

May the peace and blessings of Allah be upon you.

Imam Yasin Abu Bakr.

A handwritten signature in black ink, appearing to read 'Y. Bakr.', with a long, sweeping underline that extends to the right.



**OFFICE OF THE
DIRECTOR OF PUBLIC PROSECUTIONS**
Winsure Building, No. 24-28 Richmond Street
Port of Spain, Republic of Trinidad & Tobago, West Indies

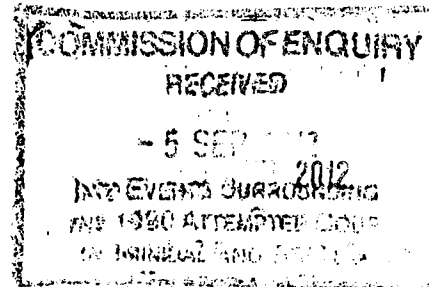
Phone: (868) 625-8737/38, 623-2110, 627-1791

Fax: (868) 625-6341

Email: dpp@dpp.gov.tt

September 5, 2012

Ms. Laraine Lutchmedial S.C
Secretary to the Commission
Commission of Enquiry into 1990 Attempted Coup
Secretariat Office
2nd Floor E.F. Telly Paul Building
Cor. New & St. Vincent Streets
PORT OF SPAIN



Dear Ms. Lutchmedial

RE: Commission of Enquiry into the events surrounding the July 27, 1990 Attempted Coup d'etat and the attendance thereupon by Imam Abu Bakr

The matter at caption and my letter of September 3, 2012, refer.

I appeared before the Honourable Commission on the 3rd September, 2012, at which time I made submissions pertinent to a letter sent to me by Mr. Wayne Sturge, Attorney-at-Law for Imam Yasin Abu Bakr, dated 27th August 2012.

In responding to an invitation by the Chairman, I made submissions with respect to anxieties raised by Mr. Sturge on the issue of adverse pre-trial publicity which may arise if Mr. Bakr were to give evidence at the Commission before his retrial for sedition. I submitted that his testimony could be taken "in camera".


From the subsequent reports in the print and electronic media and from the televised sitting of the Commission on 5th September, 2012, it appears to me that my submissions have not been properly conveyed or received. Doubtless, the fault lies with me for not explaining fully what I meant.

Permit me therefore, to now explain clearly, what my humble submission is in respect of the issue of adverse pre-trial publicity. In my respectful view, the Commission may be able to receive the testimony of Mr. Bakr within its timelines, fulfill its obvious responsibility to publish for the public, the evidence it has received from him and avoid any adverse pre-trial publicity for Mr. Bakr, if it were to receive his testimony "in camera". This does not preclude the Commission from publishing the testimony it has received after his retrial. In fact, my submissions as they pertain to an "in camera" segment of these proceedings contemplate the subsequent (post-trial) publication by the Commission of Mr. Bakr's testimony especially bearing in mind the public's undoubted right to hear from the person who may have been a major protagonist in the Attempted Coup d'etat.

Respectfully, may I indicate that I never wished to be understood to suggest that the public would be kept in the dark in perpetuity with respect to the light that Mr. Bakr may be able to shed on the events of July 1990. I certainly appreciate that the public interest component of this Enquiry is of paramount importance.

I trust that you will bring this letter to the attention of the Honourable Commission.

Yours sincerely


Roger K. Gaspard, S.C.
Director of Public Prosecutions



COMMISSION OF ENQUIRY
 appointed to enquire into the events surrounding
 the attempted coup in Trinidad and Tobago
 on July 27th 1990

Secretariat Office
 2nd Floor E.F. Telly Paul Building
 Cor. New and St. Vincent Streets
 Port-of-Spain
 Tel: 1-(868)-625-1003; 624-7745, Fax: 1-(868)-625-9154

website: www.1990coe.org
 e-mail - comsec1990@gmail.com

September 10th, 2012

Mr. Roger K Gaspard S.C
 Director of Public Prosecutions
 Winsure Building
 No. 24-28 Richmond Street
 Port of Spain

Dear Mr. Gaspard,

**Re: Non-Attendance of Mr. Yasin Abu Bakr at Hearing of
 Commission of Enquiry on 3 September 2012**

I have been directed by the Commission to write to you in respect of the above matter.

Pursuant to its powers under Section 11 of the Commissions of Enquiry Act, Cap.19.01 (The Act), the Commission issued a Witness Summons on 29 August 2012 to Mr. Yasin Abu Bakr to attend the Commission's hearing on 3 September 2012. The said Summons was served on Mr. Abu Bakr personally on 30 August 2012 and conduct money in the amount of \$75.00 was tendered to him. A true copy of the Witness Summons endorsed with the Return of Service is enclosed herewith. The original endorsement of the Return of Service can be provided if you so require it.

By letter dated 4 September 2012 Mr. Abu Bakr, *inter alia*, acknowledged receipt of the said Summons and his awareness of the consequences that could ensue for his failure to obey the Summons and attend the designated hearing. A copy of this letter is also enclosed herewith.

Mr. Abu Bakr did not attend the hearing on 3 September 2012 in answer to the Summons, nor did he attend the hearing of the Commission on 5 September 2012 to offer any explanation for his non-attendance on 3 September 2012.

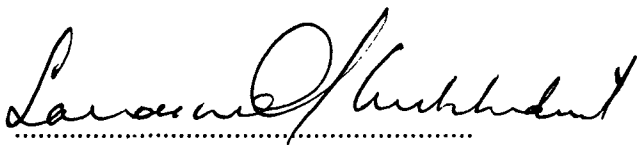
Commissioners: Sir David Simmons Q.C. (Chairman), Sir Richard Cheltenham Q.C., Dr. H. Ali Mohammed, Dr. Eastlyn Mc Kenzie, Mrs. Diana Mahabir-Wyatt

On 5 September 2012 the Commission considered the issue of Mr. Abu Bakr's failure to attend on 3 September 2012 and found that he had advanced no sufficient cause for that failure and, accordingly, was in breach of Section 12 of the Act.

The Commission ruled that in accordance with the provisions of Section 16 of the Act, the matter be referred to you to take such action in respect of this infraction as you may deem appropriate.

I enclose a copy of the transcript of the proceedings of the Commission held on 5 September 2012 in which the ruling of the Commission is recorded (See pages 66 and 67 thereof).

Yours Respectfully,

A handwritten signature in cursive script, appearing to read 'Laraine Lutchmedial', written over a dotted horizontal line.

Laraine Lutchmedial
Secretary to the Commission



OFFICE OF THE
DIRECTOR OF PUBLIC PROSECUTIONS

Winsure Building, No. 24-28 Richmond Street
Port of Spain, Republic of Trinidad & Tobago, West Indies

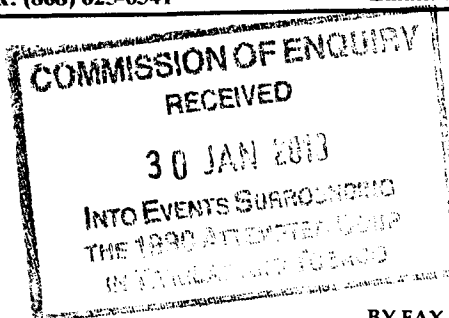
Phone: (868) 625-8737/38, 623-2110, 627-1791

Fax: (868) 625-6341

Email: dpp@dpp.gov.tt

January 29, 2013

Ms. Laraine Lutchmedial S.C
Secretary to the Commission
Commission of Enquiry into 1990 Attempted Coup
Secretariat Office
2nd Floor E.F. Telly Paul Building
Cor. New & St. Vincent Sts.
PORT OF SPAIN



BY FAX AND HAND

Dear Ms. Lutchmedial

Re: Non-Attendance of Mr. Yasin Abu Bakr at hearing of Commission of Enquiry on September 3, 2012

I refer to your letter of September 12, 2012 on the matter at caption, in which you indicated that the Commission had ruled that the matter of Yasin Abu Bakr's failure to attend the hearing of the Commission on September 3, 2012, his having been duly served with a witness summons, be referred to me to take appropriate action in accordance with section 16 of the Commission of Enquiry Act, Chap. 19:01.

That section as you are doubtless aware provides that no proceedings for any penalty under the Act shall be commenced except by the direction of the Director of Public Prosecutions, or of the commissioners. This section continues, "*The commissioners may direct their secretary, or such other persons as they may think fit, to commence and prosecute the proceedings for such penalty.*"

I am of the view that given that the refusal of the witness to attend the hearing of the Commission or offer any "sufficient cause" for doing so, despite being granted additional time to do so, is a matter that the Commission should properly deal with in the maintenance of its own authority and protection of its proceedings; the powers of the Commission granted under the Act being akin to that of the High Court. Failure of any Commission of Enquiry to deal with such matters itself could have the effect of leading to and consolidating an undesirable attitude of disrespect to all such august bodies, in the foreseeable future.

While the Act does contemplate the Director's initiating such proceedings, it seems to be that intervention by the Director would be more appropriate, for instance, in cases of the wilful insulting of the commissioner or secretary or the wilful interruption of the proceedings.

In such instances where direct evidence may be required of these very parties and so as to ensure there is no conflict of interest, it might be prudent for a third party such as the Director to commence criminal proceedings.

Further, as you are aware Mr. Bakr has been indicted on four (4) counts (including sedition and incitement to demand with menaces) at the Criminal Assizes. The retrial has been ordered for the next Assize and it is likely to be fixed, presently, for trial in 2013. In that trial, issues of his involvement in the 1990 Attempted Coup are likely (as in previous trial) to found the basis of an application, by the prosecution, to admit "bad character" evidence of the Accused.

In those circumstances, it might be considered inadvisable if not punitive were the Director to direct charges for this Accused's failure to attend your Commission of Enquiry to testify as to the integral part he played in the very Attempted Coup.

These occurrences must be read in the light of the fact that in the last six (6) years since Mr. Bakr was indicted, no fewer than six (6) applications (all unsuccessful) have been made by the Defence for this trial to be stayed on the basis of prejudicial pre-trial publicity. Were I as Director to direct charges to be laid for his failure to attend your particular Commission, this itself would likely generate a type of publicity that would necessarily provide additional ammunition in the arsenal of the Accused for any such future application, which would be bound to follow.

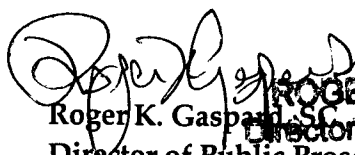
It is also probable that Mr. Bakr would use any such action on my part to seek to demonstrate prosecutorial bias against him and also to seek a stay on this basis-as he sought to do in a preliminary application in the first trial.

In all the circumstances, therefore, I am inclined to the view and I respectfully submit that the Commission would be better advised to itself direct the Commissioner of Police to "commence and prosecute the proceedings" for breach of section 16.

I must confess that this matter has occasioned me much anxiety and has attracted my most careful contemplation.

Permit me also to apologise most profoundly for the tardiness of my response.

Yours sincerely


ROGER K. GASPARD, SC
Roger K. Gaspard, SC
Director of Public Prosecutions
Director of Public Prosecutions



COMMISSION OF ENQUIRY
 appointed to enquire into the events surrounding
 the attempted coup in Trinidad and Tobago
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Secretariat Office
 4th Floor Pembroke Court
 17-19 Pembroke Street
 Port of Spain
 Tel: 1-(868)-625-1003; 624-7745, Fax: 1-(868)-625-9154

website: www.1990coe.org
 e-mail - comsec1990@gmail.com

July 24th 2013

Mr. Yasin Abu Bakr
 #10 Queens Park East
 Port-of-Spain

Dear Mr. Abu Bakr,

**RE: Criticisms, Adverse Statements and / or Allegations made at the Commission
 of Enquiry into the attempted coup which occurred in the Republic of Trinidad
 and Tobago on the 27th day of July, 1990**

Reference is made to the above captioned.

I have been directed by the Commission to communicate with you as follows :-

As you may be aware in accordance with section 15 of the Commissions of Enquiry Act, Chap. 19:01, of the Laws of the Republic of Trinidad and Tobago, on the 6th day of September, 2010, His Excellency, TIMOTHY HAMEL-SMITH, Acting President and Commander-in-Chief of the Republic of Trinidad and Tobago, in the exercise of the powers vested in him under section 2 of the said Act, issued and convened a Commission of Enquiry into the following:

1 To enquire into—

- (i) the causes, nature, extent and impact of the attempted coup, including any contributing historical, social, economic, political and other factors;
- (ii) the underlying purpose and extent of the intention behind the plot that led to the attempted coup;
- (iii) any criminal acts and omissions, including looting which were committed in connection with the attempted coup and the motives and objectives of the perpetrators of such acts or

Commissioners: Sir David Simmons Q.C. (Chairman), Sir Richard Cheltenham Q.C., Dr. H. Ali Mohammed, Dr. Eastlyn Mc Kenzie, Mrs. Diana Mahabir-Wyatt

omissions;

(iv) the identity of any person or any local, regional or international authority, institution, organisation or entity who incited, masterminded, planned, directed, conspired towards, consented to, connived at, acquiesced in, participated in, aided or abetted the carrying out of, had prior knowledge of, or was implicated or otherwise involved in criminal acts or omissions, including looting, which were committed in connection with the attempted coup, and the extent to which any such person, authority, institution, organisation or entity did any such thing or had prior knowledge of, or was implicated or otherwise involved in, any such acts or omissions;

(v) the national security deficiencies and breaches of law that facilitated the attempted coup and the extent to which it was possible to prevent the occurrence of the attempted coup;

(vi) the response and performance of the Government, the Defence Force, the Protective Services and other Essential Services, the Foreign Service and the media during and after the attempted coup;

(vii) all matters pertaining to the negotiation, preparation, execution and the effect of the amnesty and the negotiation of the terms of surrender; and

(viii) the continuing propensities for criminal activity arising from the attempted coup and the correlation, if any; between the attempted coup and the trafficking, supplying and possession of illegal drugs, firearms and ammunition.

2 To make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, in relation to—

(i) the policies, measures, mechanisms and systems that should be put into place to detect, counteract and treat with plots to overthrow the democratically elected Government of Trinidad and Tobago and other acts of treason, terrorism or insurrection;

(ii) the development of the capacity of the Government of Trinidad and Tobago to maintain national security, democratic governance and the protection of the citizens and residents of Trinidad and Tobago and State property in the event of a future occurrence of an attempted coup or other acts of treason, terrorism or insurrection;

(iii) the consequences of any historical, social, economic, political and other factors that may have contributed to the attempted coup;

(iv) the effective co-ordination of responses by agencies responsible for defence, law enforcement, intelligence gathering, the emergency services, the social services, the diplomatic corps, and the media in the event of a future occurrence of an attempted coup or other acts of treason, terrorism or insurrection;

(v) the modernization of legislation pertaining to national security;

(vi) ensuring that victims of the attempted coup and the society as a whole are satisfied that their pain, loss, suffering and damage have been acknowledged, with a view to fostering closure of the events surrounding the attempted coup and with a view to the promotion of individual and community healing in the interests of national development; and

(vii) the prosecution of persons for criminal acts or omissions in connection with the attempted coup.

Evidence has been given at the Commission of Enquiry by certain witnesses during the course of its hearings, aspects of which may amount to criticisms of, adverse statements and /or allegations against you and which in the view of the Commission ought to be communicated to you.

The substance of these criticisms of, adverse statements and /or allegations made against you are set out in the Schedule hereto annexed and marked "A" for your ease of reference.

In the circumstances should you desire to address, respond and / or to answer to any of these criticisms, adverse statements and /or allegations you are hereby invited to appear before the Commission to so do in the event that the Commission considers it necessary to make any finding on the same which will be embodied in its Report.

If you so choose, you are asked to provide the Commission with a written statement prior to your appearance. You are advised that you are entitled to be represented by an Attorney-at-Law of your choice who will be afforded the opportunity to make submissions on your behalf for the consideration of the Commission. You may also call witnesses on your behalf and put other evidence, documentary or otherwise, to meet any of the said adverse statements, criticisms and/or allegations for the consideration of the Commission.

Further, it should also be drawn to your attention that during the course of giving their evidence, members of the Jamaat Al Muslimeen, who participated in the insurrection namely, Messrs. Aki Bua, Shabazz and Ballack, stated on more than one occasion, that you were a key and central figure in the planning and preparation for and execution of the attempted coup and that you moreso than anyone else would be in a position to provide information most relevant to the Commission's Terms of Reference and questions in that regard should be directed to you.

Given your pivotal role in the Attempted Coup of 1990, the Commission is of the view that your personal attendance at the Enquiry to give evidence in relation to the forgoing is not only desirable but essential.

Please be advised that hearings will be conducted during the period **12th – 16th August 2013** and you are asked to communicate with the Secretariat of the Commission to indicate your availability to attend during this period **by Monday 5th August 2013** and every effort will be made to accommodate your reasonable request.

Please be guided accordingly.

SCHEDULE "A"

On the 21st day of January, 2011 Mr. ANR Robinson said to the Commission of Enquiry

1. That you did not want the entire population to benefit from the NAR's plans.
[Transcript: p.26, para 208]
2. That police information suggested that you were involved in drugs to finance your activities and projects [Transcript: p.26, para 109]

On the 3rd day of February, 2011 Mr. Joseph Toney said to the Commission of Enquiry

1. That it was alleged that the Muslimeen were involved in the trafficking of illegal drugs
[Transcript: p.18,19, para 59,65]
2. That information was brought to his attention that you were seizing illegal drugs, not to dispose of them, but to put them of in the hands of others on his behalf.
[Transcript: p.53, lines 2-8]

On the 25th day of January, 2011 Mr. ANR Robinson said to the Commission of Enquiry

1. That the matters the Muslimeen were engaged in required resources and as there was no visible legal sources from which they could have obtained such resources, they were obtained by illegal means. [p.65, lines 12-17]

On the 3rd day of February, 2011 Mr. Joseph Toney said to the Commission of Enquiry

1. That it was told to J. T that Yasin Abu Bakr, at or about the time of the attempted coup, would be taking illegal drugs from one person and passing them on to another who would be his vendor in order to raise funds of one sort or another.
[Transcript: p.53, lines 2-8]

On the 28th day of October, 2011 Mr. Mervyn Guiseppi said to the Commission of Enquiry

1. That you made numerous trips to Libya, a country which was known to provide logistic support to terrorist [Transcript. p.30 lines 22-27]
2. That you were receiving large sums of money from Libya [Transcript p.66 lines 23-24]
3. That you were involved in negotiations in Libya for guns and ammunition [Transcript p. 63 lines 19-22]

On the 7th day of May, 2012 Dr. R Deosaran said to the Commission of Enquiry

1. That you said that the last straw as to why you became rebellious and angry was when the army and police occupied the land and refused to follow the court order to remove. [Transcript p. 21, lines 21-24]
2. That you repeatedly expressed deep grievances against certain sectors of the nation and you would have evoked resentment against these communities [Transcript. P. 36 lines 14-27]
3. That because of your reputation, if interfered with in similar ways, you will respond similarly if not identically [Transcript p. lines 16-20]
4. That your choice of words " there shall be no looting" may have been code for the commencement of looting. [Transcript p. 35, lines 1-18]

On the 4th day of December, 2012 Dr. Deosaran said to the Commission of Enquiry

1. That you threatened the Government and Ministers of the Government, and you sent some of your men to the homes of the Ministers. [Transcript p. 6 lines 4 -22]
2. That you were aware of the disenchantment and that you used this as an opportunity to connect with the nation in order to gather support.
[Transcript p.7, lines 15-25]

3. That you felt that you were being set up by the army and police and consequently decided to take action. [Transcript p. 12, lines 13-14]

4. That you said you would "take them in their sleep" [Transcript p.57 lines 23-27, p.

5. That you have expressed in different ways by threats and speeches and also that you were not afraid to die. [Transcript p. 58 lines 1-11]

On the 30th day of April, 2012 Kala Akii-Bua told the Commission of Enquiry

1. That you began occupying the lands as if it was Muslim lands. [Transcript p.65 – 70]

On the 8th day of December, 2011 Mr. Shabazz said to the Commission of Enquiry

1. That you were the only person together with Bilaal Abdullah who knew everything about the entire issue. [Transcript p. 4 lines 16-19]

On the 5th day of December, 2011 Mr. Mc Comie said to the Commission of Enquiry

1. That when you were taken off the TTT broadcast you threatened him and the staff [Transcript p. 32 lines 4-8]

2. That you informed Mr. Mc Comie you were responsible for the coup. And that you intended to take over the country. [Transcript. p. 33 lines 18 and 21]

3. That you held forums wherein you said whatever you wanted to say which included literal threats [Transcript. p. 50 line 4-9]

4. That you were calling on the army to follow orders which suggested that the majority of same supported you. [Transcript. P. 98 lines 8-10, line 13]

On the 16th day of September, 2011 Brigadier Peter Joseph said to the Commission of Enquiry

1. That sometime in the year 1989 you threatened him. [Transcript p. 40 lines 5 and 7]

On the 28th day of June, 2011 Anthony Smart said to the Commission of Enquiry

1. That you were demanding that you be appointed as the Minister of National Security [Transcript p. 47 lines 20-22]

On the 31st day of October, 2011 Mr. Kala Akii Bua said to the Commission of Enquiry

1. That you planned the Coup d'Etat. [Transcript p. 30 lines 9-11]

On the 4th day of February, 2011 Dr. E Hosein said to the Commission of Enquiry

1. That you made threats to the PNM Government which predeceased the NAR Government and that you may have been influenced by persons whose interest was the welfare of the PNM as opposed to the Welfare of the Muslimeen [Transcript p. 54 lines 16-27, p. 55 lines 1-6]
2. That you subsequently said that the attack on the Government had nothing to do with the land issue. [Transcript p. 55 lines 26-27 and p. 56 lines 1-22]

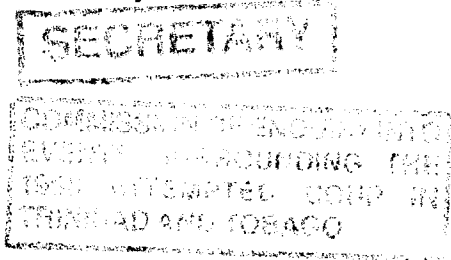
On the 3rd day of February, 2011 Mr. Joseph Tony said to the Commission of Enquiry

1. That you would take the drugs from one person and sell it to another. [Transcript p. 53 lines 2-5]

Yours sincerely,



Laraine Lutchmedial
Secretary to the Commission



APPENDIX 5
List of DVDs

APPENDIX 5

LIST OF DVD'S

1. To remembering a revolution (Information Division)
 2. Trinidad coup 1990 (Media 21)
 3. Highlights of the Coup Crisis (Media 21)
 4. The Crisis (Media 21)
 5. 1990 Coup Footage (T.V 6)
 6. 1990 Cocaine Conspiracy Coup (T.V 6)
 7. 1990 Coup Footage copy 1 (93 minutes) (Information Division)
 8. Jamaat Tape copy 2 (79 minutes) (Information Division)
 9. Documentary 1990 Copy 3 (45 minutes) (Information Division)
 10. Coup Related Material July 1990 (CNMG)
 11. First up Interview Daurius Figueira 02/02/11 (CNMG)
 12. Coup related material July 1990(5 minutes, CNMG)
 13. DVD listing (1) Prime Minister ANR Robinson being interviewed on New York channel 5 Ref: the coup; (2) Audio dub of PM Robinson press conference on first day back to work (Information Division).
 14. Crime watch 10-02-2011- Yasin Abu Bakr's appearance (T.V 6)
 15. BBC Footage 17/1/11.
-

APPENDIX 6

List of Weapons secured by Captain Clarke

APPENDIX 6

*copy 9
R. L. G. G. G.
C. L. G. G. G.
12/19/90*

List of Weapons Secured by Captain Clarke

August, 5 90

Senator Atwell
Minister of Justice & National Security

ARMS AND AMMUNITION SEIZED FROM MEMBERS
OF THE JAMAAT AL MUSLIMEEN

Reference :

A. TTR 19 dated Aug 01 & 04, 1990.

Attached please find lists of the arms and
ammunition taken from the Hostage takers and
found at the Parliament Building and Television
House.

JL THEODORE
Colonel
Chief of Defence Staff

cbs/

<u>Copy No</u>	<u>Distr</u>
1	Senator Atwell
2	* Mr Lance Selman
3	File
4	Spare

cc copy atsl

1 of 1
SECRET

js

Chief of Defence Staff

ARMS AND AMMUNITION

The under mentioned weapons were surrendered to the Trinidad and Tobago Defence Force at the Red House, Port of Spain on August 01, 1990 by members of the JAMAAT AL MUSLIMEEN:-

a. Sturn Ruger 5.56 Rifle	- 1
b. AK 47	- 1
c. M14	- 2
d. M14 Ruger Ranch Rifle	- 33
e. 357 Magnum Revolver	- 10
f. .38 Special Revolver S&W	- 1
g. Beretta 9mm Pistol	- 1
h. Gov't Model 45 Cal Pistol	- 1
j. S&W 9mm Pistol	- 1
k. Fabrique Nat'l 9mm Pistol	- 1
l. Mini UZI (SMG)	- 2

54

2. The under mentioned ammunition was recovered in the same operation.

a. 5.56 mm	- 6,277
b. 7.62 mm	- 14
c. .357 Cal	- 459
d. 9 mm	- 186
e. .38 mm	- 11
f. .45 Cal	- 7
g. Home-made Pipe Grenades	- 9
h. Signal Distress Flares	- 2

Aug , 90

cbs/

A DALIP
Maj
SO Ops & Trg



TO GUARD AND DEFEND

Ref. TTR 19

Headquarters
Trinidad and Tobago Regiment
Port-of-Spain

Telephone 52211

4 August, 1990

Chief of Defence Staff

ARMS AND AMMUNITION

The under mentioned weapons were surrendered to the Trinidad and Tobago Defence Force (TTR) at the Red House, Port of Spain by the JAMAAT AL MUSLIMEEN members on 1 August, 1990.

Sturn Ruger 5.56 Rifle	-	181 67 350	
AK 47	-	06727	
M14	-	Chrome)	No Serial No
		Chrome)	
M14 Ruger Ranch Rifle	-	188-02222	
		188-01953	
		188-01820	
		188-02493	
		188-02482	
		188-02266	
		188-02353	
		188-02084	
		188-02614	
		188-01883	
		188-02306	
		188-02704	
		188-01865	
		188-01813	
		188-02456	
		188-02517	
		188-02240	
		188-02472	
		188-02723	
		188-02442	
		188-02157	
		188-02741	
		188-02416	
		188-02581	
		188-01875	
		188-02191	
		188-02441	
		188-02719	

3 August 1990.

Chief of Defence Staff

ARMS AND AMMUNITION

The under mentioned weapons were surrendered to the Trinidad and Tobago Defence Force on Maraval Road, Port of Spain on August 01, 1990 by members of the JAMAAT AL MUSLIMEEN.

a.	Winchester Model 1300 Defender 12 Gauge 23/4 and 3 ins pump action shotgun	18
b.	Winchester 12 Gauge Mossberg 500A pump action shotgun	11
c.	Ruger Ranch .233 Calibre Rifle	25
d.	U S Carbine 30M1 Rifle	22
e.	Winchester 12 Gauge Mossberg 500ATP shotgun	1
f.	U S Carbine .233 rifle	1
g.	Ruger Mini .233 Rifle	1
h.	Strum Ruger .233 Rifle	1
j.	Universal Hialeah FLA Calibre 30 M1	1
k.	Calibre M900 SMG	1
l.	Magnum .357 revolvers (long Barrel)	6
m.	Magnum .357 revolvers (short Barrel)	3
n.	Colt MK4 Series 80 revolver	1
o.	.22 Calibre pistol	1
p.	HK - 91 (7.62 Auto) Assault Rifle	1

2. The under mentioned ammunition was recovered in the same operation.

a.	.308 Calibre	20
b.	5.56mm	4203

B/F 94
54
148



TO GUARD AND DEFEND

Ref.: TTR 19

Headquarters
Trinidad and Tobago Regiment
Port-of-Spain

Telephone 52211

1 August, 1990

Chief of Defence Staff

ARMS AND AMMUNITION

1. The under mentioned weapons were surrendered to the Trinidad and Tobago Defence Force (TTR) on Maraval Road, Port of Spain from the JAMAAT AL MUSLIMEEN members on 1 August, 1990.

Winchester 12 Guage Mossberg 500A	ID. K416020 K403784 K403795 K401982 K404977
Winchester 12 Guage Mossberg 500ATP	ID. H757345
Winchester Model 1300 Defender 12 Guage 23/4 and 3ins	ID. L2253006 L2244922 L2244813 L2244819 L2253066 L2248637 L2244892 L223299 L2253248 L2253261 L2253347 L2253260 L2232013 L2253064 L2244841 L2084721 L2246106 L2248610
Calico M900	ID. E001101
Ruger Ranch .223 Calibre	ID. 188-02153 188-01828 188-02039 188-02119 188-01993 188-01831 188-02461 188-02336 188-02527 188-02332 188-01841 188-02300

Seven (7) U.S. Carbine .30
One (1) U.S. Carbine .223

Assault Weapon Parts

One (1) HK-91 (7.62 Auto)

ID. A027307 Mag Fed

Ammunition

<u>Model</u>	<u>Quantity</u>
308	20
556	4203
9mm	1418
357RP	353 Silver
Master	440 Gold
303	2865
45	25
44	252
12 Guage Buck	585
12 Guage Steel	120
12 Guage	446
22	11

Sgd GM CLARKE
Captain

APPENDIX 7
Fire Loss Analysis Survey

Exh
"L J"
3/2/13

FIRE REPORTS

RE - 27th JULY 1990

attempted coup

APPENDIX 7

Fire Loss Analysis Survey

Please do not remove
from F.P. office

Chief Fire Officer.

Permanent Secretary, Ministry of Justice & National Security.

30 August 90

Reports on Incidents of Fire in the Port of Spain Area -

July 27 to August 5, 1990:

On the evening of July 27 1990, appliances from Fire Service Headquarters responded to an explosion and subsequent fire at Police Headquarters, St. Vincent Street, Port of Spain. This signalled the beginning of a series of fires continuing from the said date until Sunday August 5, 1990, resulting in heavy fire destruction in and around the city of Port of Spain.

INITIAL RESPONSE:

Upon responding to the blaze at Police Headquarters, firemen were met with conflicting reports as to the nature of the situation, and were forced to discharge their duties under heavy gunfire, giving emphasis to the rescue of approximately one hundred and twenty (120) people who were trapped within the burning building. This was done by unhooking the gate which gave access to the Police Canteen on Edward Street. However, fire personnel were forced to retreat and abandon fire-fighting operations after approximately ninety (90) minutes in the face of life-threatening circumstances. Because of similar situations occurring later into the night around the city, the Fire Service responded but could not expedite fire-fighting operations unless coverage from the armed forces was provided.

Consequently, on the morning of Saturday July 28 1990 at approximately 0630 hours, Police coverage was provided for appliances responding to the various scenes of fire in and around the city. In this manner personnel of the Fire Service were able to discharge their duties in attempting to arrest the tremendous destruction by fire that had now reached alarming proportions in the city of Port of Spain.

Notwithstanding these constraints, however, effective fire control in the downtown area was eventually established, and personnel were successful in preventing further conflagration. An ongoing sequence of fire calls continued throughout the period under review, and the Fire Service were able to respond to all under the protective coverage of members of the armed forces.

CAUSE AND ORIGIN ANALYSIS:

Intensive investigations into the causes of the fires in downtown Port of Spain were initiated by members of the Fire Prevention Department, and conclusions were that these causes fall under three (3) major categories.

A greater percentage of these fires were suspected to be as a direct result of the looters who ravaged the city amidst the crisis situation. Others were started by the heat transmission of buildings on fire, which could not have been attended to by the Fire Service at the height of the insurgence. A few of the fires are suspected to be caused by patented devices used in initiating various outbreaks. One such device has been referred to the Forensic Science Centre for analysis.

FATALITIES:

During the period under review, many deaths have been reported as a result of the actions of insurgent elements commencing on the evening of Friday July 27 1990. However, as a result of intensive investigations, it is safe to conclude that none of these could be attributed to the direct result of fire or fire-related incidents.

LOSSES:

It is estimated that approximately 116 occupancies in the downtown area suffered extensive fire damage between July 27 and August 5 1990. Total losses as a result is said to be in the vicinity of \$125,663,416.00.

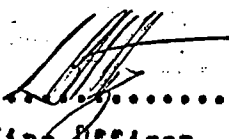
Information on job loss, as a result of the crisis, has not yet been ascertained.

CONCLUSION:

In conclusion, special mention is to be made of the incidents of fire at Trinidad and Tobago Television on Maraval Road and the Jamaat al Muslimeen on Mucurapo Road, which occurred on Monday July 30 and Friday August 3 1990 respectively. While the fire at Trinidad and Tobago Television House (TTT) has been attributed to the exchange of gunfire between the armed forces and insurgents, it is not clear as to the direct cause of the blaze which gutted the Headquarters of the Jamaat al Muslimeen on Mucurapo Road, which had been occupied by members of the Protective Services at the time of the incident.

In compiling this report, the Fire Prevention Section collaborated with the Forensic Science Centre, City Engineer's Office and the Chamber of Industry and Commerce.

Attached hereto are: Appendix A - Fire Loss Analysis Survey; Appendix B - Fire Survey Damage Sheets; Appendix C - Plan of City, indicating affected areas.

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Asst. Chief Fire Officer

APPENDIX 'A'

FIRE LOSS ANALYSIS/SURVEY

Date of Fire	Location	Estimated Loss Damage BUILDING \$	Occupancy	Estimated Loss Damage CONTENTS \$	Cause of fire
27-07-27	Cor. St. Vincent and Sackville Sts.	5,000,000	Police Headquarters	3,000,000	Non-accidental - Bombing
27-07-27	#17, Abercromby Street, P.O.S.	4,000	610 Radio Guardian	4,000	Non-accidental
27-07-27	Cor. (North-west) Queen and Henry Sts.	7,840,000	Patricks Corner Hadeed's Dress Shoppe	2,250,000	Suspected Accidental - Fire Spread
27-07-27	Cor. (North-east)	2,500,000	Ying King Restaurant Mikes Electronics Fabrics Corner Store Habra's Gent Store	750,000	- do -
27-07-27	Cor. (South-west) Queen and Henry Sts.	15,000	Amra House	200,000	Suspected non-accidental
27-07-27	#62, Queen Street, P.O.S.	500,000	Unoccupied	350,000	- do -
27-07-27	#54, Queen Street, P.O.S.	2,400,000	Aboutique Limited	1,000,000	- do -
27-07-27	Queen Street, Port-of-Spain	850,000	Queensway Limited	200,000	- do -
27-07-27	#50, Queen Street, Port-of-Spain	900,000	Marwan Shoe Store Queensway (H'House) City fabric (H'House)	475,000	- do -
27-07-27	Queen Street, Port-of-Spain	540,000	Francis Hadeed Store	1,000,000	- do -
27-07-27	#46, Queen Street, Port-of-Spain	405,000	Laurette's Store	1,500,000	Suspected non-accidental
27-07-27	#44, Queen Street, Port-of-Spain	540,000	Man Hole Store	300,000	- do -
27-07-27	#63/65, Queen Street, Port-of-Spain	3,800,000	G. Mansoor & Sons Ltd. Mansoor Bros. Ltd.	500,000	- do -
				2,500,000	- do -
				2,400,000	- do -

Date of Fire	LOCATION OF BUILDING	Estimated Loss/Damage BUILDING	Occupancy	Estimated Loss/Damage CONTENTS	Cause of Fire
27-28/07/90	#59, Queen Street, Port-of-Spain	1,750,000	Superstar Sports Co.	-	Suspected accidental - Fire Spread
27-28/07/90	Cor. (north-west) Queen and Charlotte Streets	487,000	Modern Business School	500,000	- do -
27-28/07/90	Cor. (south-west)	5,800	Master Cobbler	-	- do -
27-28/07/90	Cor. (north-east)	570,000	Larkin's Prugs	500,000	Suspected accidental
			Bank of Nova Scotia	-	Suspected accidental
			Cafe & Take-Away Eatery	30,000	Suspected non-accidental
			Miff's Dublin's Outfit	20,000	-
			Mi-Tech Electronics Store	250,000	-
			Guest House	50,000	-
27-28/07/90	Cor. (south-eastern)	850,000	Chung Hua & Co. Ltd.	1,000,000	-
27-28/07/90	#40, Queen Street, Port-of-Spain	1,800,000	Jardiner's Bakery	15,000	-
			Top Value Store	167,916	-
			City Fabric and Carnival Craft	3,100,000	-
			Supplies	800,000	-
27-28/07/90	#39, Queen Street, Port-of-Spain	405,000	Just Cloth (Store)	150,000	-
27-28/07/90	#36, Queen Street, Port-of-Spain	540,000	Sun Wal Ass'n Hall	250,000	-
			Builders' Discount Ltd.	800,000	-
27-28/07/90	#34, Queen Street, Port-of-Spain	540,000	Miguel Weiss (Store)	-	-

Date of fire	Location of Building	Estimated Loss/Damage BUILDING	Occupancy	Estimated Loss/Damage CONTENTS	Cause of fire
28/07/90	#32, Queen Street, Port-of-Spain	360,000	Sin Kiu Trading Ltd.	350,000	Suspected non-accidental
30/07/27	#55, Queen Street, Port-of-Spain	3,500,000	Baksh Jewellers' Ltd. Hydia's Gift Shoppe Windsor Store Everything on Sale Ltd. Bank of Commerce Garment Wholesale Store Terry's Security Ltd. Haffie's Video Club Supreme Beauty Saloon	355,000 150,000 200,000 150,000 135,000 100,000 28,000 150,000 100,000	- do - - do - - do - - do - - do - - do - - do -
30/07/28	#45, Queen Street, Port-of-Spain	315,000	R.A. Hodgkinson Ltd.	-	- do -
30/07/27	North/End of Lime ^{east} Plaza, Charlotte St.	4,500	Free Store Limited	7,500	- do -
30/07/28	Charlotte Street, Port-of-Spain	2,400,000	Nagib Elias & Sons Ltd (Elec. Sales and Lumber Yard)	2,000,000	- do -
30/07/27	#18, Charlotte Street, Port-of-Spain	2,000,000	Sushilla's Variety Store Gloria's Tea Shop	1,300,000 15,000	- do - - do -
28/07/90	#18A, Charlotte Street, Port-of-Spain	400,000	Winston General Store	350,000	suspected accidental spread.
28/07/90	#2A, Charlotte Street, Port-of-Spain	750,000	Shopper's Design	650,000	Suspected non-accidental
30/07/28	#54, Charlotte Street, Port-of-Spain	200,000	Royal Bank (T.T.) Ltd.	-	Suspected accidental Fire Spread.
30/07/28	#56 - 60, Charlotte Street, Port-of-Spain	2,400,000	Nagib Elias & Sons General Warehouse	2,500,000	Suspected non-accidental
30/07/28	#68 - 68, Charlotte Street, Port-of-Spain	600,000	Sushilla's Variety Store Faud Mustapha's H'ware Twelve (12) occupiere operating various small craft booths	350,000 200,000 180,000	- do - - do - - do -

Date of Fire	Location	Estimated Loss/ Damage BUILDING	Occupancy	Estimated Loss/ Damage CONTENTS	Cause of Fire
27 - 28:07:28	#70, Charlotte Street, Port-of-Spain Cor. Duke and Charlotte Streets	640,000	V.C. Pino Sino Store	800,000	Suspected non-accidental
27 - 28:07:28	#79, Duke Street, Port-of-Spain	980,000	The Gift Centre (Marvenilla)	700,000	- do -
27 - 28:07:28	#62, Henry Street, Port-of-Spain	1,350,000	Narvani's Store	3,300,000	- do -
27 - 28:07:28	#64, Henry Street, Port-of-Spain	400,000	Jimmy Aboud Warehouse	1,500,000	- do -
90:07:28	#33, George Street, Port-of-Spain	150,000	Baksh Jewellers Store	551,000	- do -
90:07:28	#33, George Street, Port-of-Spain	85,000	Baksh Jewellers Factory	513,000	- do -
90:07:28	Cor. Geo. St. and Ind. Sq., P.O.S.	690,000	John Shing Mar Grocery	125,000	Suspected accidental - Fire Spread (From #32, Queen St.)
90:07:28	Cor. Geo. St. and Ind. Sq., P.O.S.	690,000	Tobago Peace Centre	4,000	- do -
90:07:28	Cor. Geo. St. and Ind. Sq., P.O.S.	690,000	Robbies Fish Centre Grocery	15,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	American Hotel (not operating)	35,000	Suspected non-accidental
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	K.S. Abraham's Garment Store	85,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Yale's Barbering Saloon	35,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Afro-shoedon	15,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Beauty and Hair Saloon	20,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Double 'A' Electrical Ltd.	400,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Photo Sunny Limited	150,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Lumkin's Drugs	180,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Del's Travel Agency	52,500	Susp ted accidental - Fire Spread
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Fantasy (Store)	30,000	Suspected non-accidental
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	West Ind Sports Promotion (Off.)	15,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Surf Tours Ltd. (Travel Agency)	15,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Maurice Parillon (Optometrist)	70,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Freedom Apparel Ltd. (Store)	30,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Island Merchant Ltd. (Office)	15,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Computer Training Agency	100,000	- do -
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	India House Store (Only water damage)	-	do do
90:07:28	448, Independence Sq., Port-of-Spain	1,500,000	Disc Drugs Ltd. (Only water damage)	-	- do -

Date of Fire	Location	Estimated Loss/Damage BUILDING	Occupancy	Estimated Loss/Damage CONTENTS	Cause of Fire
28/07/90	#54, South Quay, Port-of-Spain 52A,	800,000	Young Bros. Ltd.	1,500,000	Suspected non-accidental
28/07/90	South Quay, Port-of-Spain	500,000	The Miramar Hotel Sang Chong & Co. Ltd City Gate Rest. & Bar	80,000 350,000 100,000	- do - - do - - do -
30:07:27	#48, South Quay, Port-of-Spain	2,300,000	Central Trading Post	1,500,000	- do -
30:07:28	Cor. South Quay and George St., P.O.S.	1,900,000	Allum's Supermarket Ltd.	2,000,000	- do -
30:07:27	Ter.(west) South Quay and Duncan St.	200	Ken Johnson (Beer and Wine Retailer)	-	- do -
30:07:27	Cor.(East)	500	Dollar Rescue	300	- do -
30:07:28	#71, South Quay, E.D.R., P.O.S.	-	Easy Cash	-	- do -
30:07:31	#78, South Quay, E.D.R., P.O.S.	-	Anjoda Paper Products Ltd.	100,000	- do -
30:07:28	Cor. Prince and Duncan Sts., P.O.S.	490,000	Superville's Hardware and Liquor Store	250,000	- do -
30:07:29	Eastern Main Road, Laventille	1,000,000	St. Geo. West County Council Automotive Components Ltd Bandag Limited	250,000 200,000 350,000	- do - - do - - do -
30:07:31	#4, Alcazar Street, New Town	800,000	T.T. Advertising, Accounts, Sales, Stores and Carpentry Sections	1,000,000	- do -
30:07:31	#11A, Maraval Road, New Town	400,000	Television House	4,000,000	Suspected accidental - Fire Spread.

Date of Fire	Location	Estimated Loss/Damage BUILDING	Occupancy	Estimated Loss/Damage CONTENTS Cause of Fire
5/18/54	Mucurapo Road, Mucurapo (District Al Muslimeen)	110,000 <u>\$50,570,200</u>	Dwelling House Boutique (water damage only) Grocery (water damage only) <u>TOTAL</u>	75,000/ Not yet ascertained - do - - do - <u>\$64,805,216</u>

Not indicated on location plan of City - Appendix 'C'.

APPEXDIX "A"

PARA. 10

OBSERVATIONS: On arrival at the given address it was observed that three (3) houses at the centre of the cluster were completely engulfed in flames which began spreading rapidly to the surrounding structures. The fire was fanned by a moderate breeze.

Four lines were deployed from 396 Water Tender which was fed by No. 258 Water Tanker and the fire was surrounded and cut off from spreading to nearby buildings. The thirteen wooden houses, mentioned in para 3, were completely destroyed. Approx. 20% damage was done to the other building.

As a result of the fire one hundred and sixteen persons were rendered homeless. A total of twenty four families were involved.

W. Blackman Ag. FSO
for Chief Fire Officer.

W. Blackman Ag. FSO
27/10/92

4 Cook Street, cont'd.Occupants~~Sandra James and four children~~

Apartment	1	Sandra James and four children
"	2	Mahalia Cupid and family of nine
	3	Princess Quashie and one daughter
	4	Peter Quashie
	5	Horace (surname not ascertained)

8 Cook Street, John John -

Value of Building - \$5,000.00

Value of Household Articles 8,000.00

Occupant - Norman Weekes and family of six

10A Cook Street, John John

Value of Building - \$5,000.00

Value of Household articles - 10,000.00

Occupants - Terrance Ferris and family of nine

10B Cook Street, John John

Value of Building - \$4,000.00

Value of Household articles 8,000.00

Occupants - Dexter Harris and family of five

6 Cook Street, John John

Value of Building - \$4,000.00

Value of Household Articles 10,000.00

Occupants - Michael Mohan and family of seven

3A Cook Street, John John

Value of Building - \$4,000.00

Value of Household Articles 5,000.00

Occupants - Gail Joseph and family of seven

6B Book Street, John John

Value of Building - \$10,000.00 - Value of Damage Approx. \$2,000.00

Occupants - Roston Pheonix, wife and three children.

Total Value of Buildings destroyed	- \$67,000.00
" " " Household Articles destroyed	\$134,000.00

A number of Senior Officers headed by the Acting Deputy Chief Fire Officer, Operational were in attendance.

The following is a list of persons rendered homeless by fire
at Ploisance Park and Cook Street on 23rd October, 1992

#22 Six (6) Apts. five occupied.

*Garvin & Claire Hudain *

#2 Gerald * Griffith & Charmian Sylvester
* Six (6) children ages 2yrs - 15yrs.
Estimated losses \$40,000

#3 *Angela & Henry Patrick
Ann Marie Maireau); Gail, G#hea Gibson Rodriguez) Kieron Burton
Gibson

#4 Charlie * Baptiste & daughter Tanasha Trevelen Patrick

#5 Ingrid * Sherwood Wierich H. van *

#24 Two (2) Apts.

(1) Sulta * Sam & four children ✓

(2) Marilyn Blades ✓

#18 also called #20

Arthur Raymond (upstairs) owner *

* (1) Hazel Russel & three children
(Items lost D.P.P.P)

(2) Bernadine * Sherwood Wierich H. van - hospitalized

(3) Gertrude * Campbell & daughter

* Anil Raece, wife & three children

Nadine Nicholson two children ✓

Acho, Jeffery

Est. Losses \$15,000

Cook Street

* Sandra James four children SON: Andy James *

2 Mahalia Cupid, daughter born in home.

3 Princess * Joanne Quashie

4 * Patsy Quashie

5 Hollis Lynch

8 * Norman Wednes & wife Christine Christopher
six children Michelle; Tricia; Alicia; Malinda;

10 - Catherine Ferris Murray ✓

Family of Nine

* TERRENCE FERRIS MURRAY

four children

Est. Damage - \$20,000

11 * Marilyn Harris, Antoinette Harris two children

Nexter Harris one child

16 * Michael Mohan, Zorina Jerry Hussein

Six children (Blended family)

Est. Losses \$20,000

3A ~~Paul~~ Paul Joseph * ✓
Olan... of ...

63 Rosant Phoenix ✓
~~Phoenix~~ wife and three children ✓

53 Anthony Williams wife ✓

Alexander

Sharon Poloy + five children.

- Troy Poloy.
- Teddy.
- Tiffany.
- Tiba.
- Teneka.

Winston Regault ✓

John John: 5 Kais Queens Road

TRINIDAD AND TOBAGO FIRE SERVICE

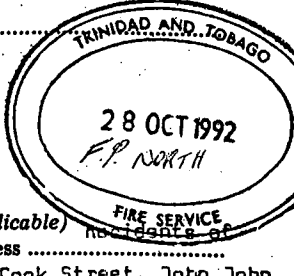
22

HOUSE FIRE

FIRE REPORT

Head Quarters, Port of Spain.

Report No.



Para 1: Date Call Received October 23, 1992. Time Call Received 0307 hrs. Address given by caller Plaisance Road, John John, Port of Spain. Actual address of fire As Above

Para 2: Wind - Strong Average None (Strike out those not applicable) Owner's Name and Address Plaisance Road and Cook Street, John John.

Time Out 0307 1/2 hrs.

Distance of nearest hydrant to fire 75 metres

Appliances: No. 396 Water Tender; 237 Water Tender No. 258 Tanker; 337 Utility No. 385 Utility; 111 Amb. No. 361 Utility

Cause of fire Suspected not accidental

Approximate distance to fire (metres) 1000m

Was water supply sufficient? Yes L.P.M. available A copious amount Quantity of Water used

Para 3: Type of Property involved: A cluster of thirteen (13) small wooden houses and another constructed of hollow clay blocks, wood and galvanized iron sheets - all located at the above addresses.

Para 4: How Extinguished: With a copious supply of water passing through four lines, which were fed by No. 258 Water Tanker with water obtained from a nearby fire hydrant.

Para 5: Description of damage: The thirteen (13) wooden houses were completely destroyed; whilst the other house sustained damage to the flooring; windows and doors.

Table with 3 columns: Appliance Attending, Officer Attending, Sub-Officers Attending. Lists personnel names and roles.

Para 7: 1685; 1782; 1676; 1674; 1852; 1636; 1986; 1561; 1314; 1401; 1421;
Men attending:
1422; 1846; 1828; 1974; 2148; 1189; Afm. Wilson; Afm Singh
.....
Professionals..... Eig teenen (18) Volunteers..... Two (2)

Para 8:

List of casualties (including members of the Service and civilians) with description of injuries and by whom treated.

No 1674 Fireman Roy Mejias sustained slight burns to his right forearm. He was conveyed to hospital by Fire Service Ambulance, to the Port of Spain General Hospital where he was treated and discharged. He returned to the fire scene.

Sharon Holder - scattered burns to the back and cut on left foot - did not seek medical attention

Date 23.10.92 Signed by C. Williamson Rank FSSO

Para 9:

Damage to building \$ Thirteen (13) \$67,000.00.

Damage to Stock \$ Household articles - \$134,000.00.

Insurance particulars of building..... Could not be ascertained

Insurance particulars of stock..... Could not be ascertained

Date 23.10.92 Signed by C. Williamson Rank FSSO

Para 10:

Observations: See attached sheet marked Appendix 'A'.

104
201

FIRE DAMAGE SURVEY SHEET

Date of Call: 27:07:90 Time of Call: 18:07 hours

Address of Incident: Police Headquarters, St. Vincent Street, P.O.S.

Description of Premises: Two-storied barrack type building of 'B' Class construction with Italian-Gothic Design.

Owner(s): Government of Trinidad and Tobago.

* Occupier(s):	Trading As:	Nature of Business:
The State's Police	Trinidad and Tobago	
	Police Service H.Q.	Security

Type of Building 'B' Class Size 70m x 50m No. of Floors Two (2)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that members from the Jamaat Al Muelmeen drove a Bluebird motor-car into Police Headquarters' Entrance on Sackville Street. This vehicle was reportedly loaded with explosives and abandoned by its occupants immediately after which an explosion occurred, resulting in an outbreak of fire to the structure of building.

Casualties: Net yet ascertained.

Fatalities: Net yet ascertained.

Value of Building:	Damage to Building	Percentage	Details of Insurance:
\$6,250,000	\$5,000,000	80%	Not obtained
* Value of Contents	Damage to Contents	Percentage	Details of Insurance:
\$3,750,000	\$3,000,000	80%	Not obtained

N.B. The contents included canteen stocks, furniture, fittings, wireless base and sets, fixtures, exhibits (court), cash, records, documents property of prisoners (personal effects), vehicles, etc., etc.

Cause of Fire: Non-accidental - Explosive materials became active resulting in an explosion, accompanied by fire, thus causing fire-spread to the structural members of the building and its contents.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Fire Date of Call: 90:07:27 Time of Day: 18010 hours

Address of Incident: #17, Abercromby Street, Port-of-Spain.

Description of Premises: Three-storied structure of 'B' Class construction.

Owner(s): The State (Government of Trinidad and Tobago)

* Occupier(s):	Trading As:	Nature of Business:
National Broadcasting Service	610 Radio	Communication (Radio Transmitting)

Type of Building	'B' Class	Size	15m x 20m	No. of Floors	Three (3)
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Type of Incident: Fire

Situation Prior to the arrival of the Fire Service: The Service was not alerted. However, it was reported that members of the Jameat Al Muslimeen attempted to invade the premises but were met with strong resistance from the Station's Security and Staff. Failing in their attempt, some incendiary device was thrown in the Accounts Office, which resultantly ignited. The fire was extinguished by staff, using six (6) Dry Power Extinguishers.

Casualties: N I L

Fatalities: N I L

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$1,400,000	\$4,000	.....	Not obtained
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
\$3,000,000	\$4,000	.....	Not obtained
.....
.....
.....
.....

Cause of Fire: Not accidental.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Sometime between 19:00 hrs on 90 and 09:00 hrs on 90
Date of Call: and 90:07:28 Time of Call: and 09:00 hrs on 90
Address of Incident: Corner (North-western) of Queen and Henry Sts., Port-of-
Description of Premises: Three-storied building of 'B' Class construction with basement
Owner(s): The Aboud's and Hadeed's Families.

* Occupier(s):
a. Jimmy Aboud occupying 3/4 of building Trading As: Patrick's corner (Store and Warehouse) Nature of Business: Commercial
b. J. Hadeed occupying 1/4 of building Trading As: Hadeed's Dress Shop (Store and Warehouse) Nature of Business: Commercial

Type of Building: 'B' Class Size: 30mx25mx16m No. of Floors: Furr. (4)
Type of Incident: Fire

Situation Prior to the arrival of the Fire Service: Heavy looting prevailed generally in the vicinity of the premises and it is not known what particular situation existed prior to the arrival of the Service. However, when the Fire Service was summoned, on its arrival, it was discovered that the building was almost completely destroyed.

Casualties: N I L
Fatalities: N I L

Table with 4 columns: Value of Building/Contents, Damage to Building/Contents, Percentage, and Details of Insurance. Includes entries for \$8,000,000 building damage (98%) and \$2,250,000 contents damage (100%).

Cause of Fire: Suspected accidental - Until further evidence is obtained, it is suspected that there was an electrical fault along high tension wires leading to the building. Subsequent ignition to building took place, resulting in total damage to building and contents by fire. This was reported by Mr. Jim Aboud who claimed to be in the vicinity at the time of fire.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: Between 90:07:27 and 90:07:28 Time of Call: Sometime between 19:00 hrs on 90:07:27 and 10:00 hrs on 90:07:28
Address of Incident: Cor. (North-eastern) of Queen Street and Henry St.
Description of Premises: Two-storied building of 'B' Class construction

Owner(s): Texilina Ltd. (subsidiary of Jimmy Aboud Ltd.)

Table with 3 columns: Occupier(s), Trading As, Nature of Business. Rows include Habre's Gents Store, Mike's Electronic Store, Jimmy Aboud Fabric Cor. (Warehouse), and Yin King Rest.

Type of Building: 'B' Class Fire Size: 16m x 30m No. of Floors: Two (2)

Situation Prior to the arrival of the Fire Service: It was reported that certain occupancies of the building were looted by person(s) unknown and then the building set alight. The Fire Service was summoned but, on its arrival, it was found that the building was completely destroyed.

Casualties: NIL
Fatalities: NIL

Table with 4 columns: Value of Building/Contents, Damage to Building/Contents, Percentage, Details of Insurance. Rows include building value of \$2,500,000 and contents values of \$200,000, \$350,000, and \$1,000,000.

Cause of Fire: Suspected non-accidental.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.
N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

5

Between 90:07:27 and 90:07:27 Between 18:00 hrs on 90:07:27 and 06:30 hrs on 90:07:28
 Date of Call: Time of Call:
 Address of Incident: Cor. (south-western) Queen and Henry Sts., P.O.S. Ansa I
 Description of Premises: Building constructed with four (4) floors and a basement housing multiple occupancies.
 Owner(s): Anthony Sabga.

* Occupier(s): Trading As: Nature of Business:
 Multiple occupancies between the five (5) floors. Various trading names Commercial and other.
 Type of Building 'B' Class Size 30mx35mx20m No. of Floors Five (5)
 Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and was subjected to continuous radiated heat from an adjacent building which was on fire.

Casualties: N I L
 Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insu:</u>
Approx. \$10,000,000	\$15,000	0.15%	Not ascertained
* <u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insu</u>
Not applicable as no fire damage occurred	N I L	-	-

Cause of Fire: Accidental.
 The damage to glass panels and brick work due to radiated heat from adjacent building.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

6

Between 90:07:27 Sometime between 19:00 hrs. on 90:07:27
Date of Call: and 90:07:28 Time of Call: and 09:00 hrs. on 90:07:28
Address of Incident: #82, Queen Street, Port-of-Spain.
Description of Premises: Three-storied structure of 'B' Class construction.

Owner(s): Broadway Properties Limited (John and George Rahael)

* Occupier(s): Unoccupied Trading As: Not Applicable Nature of Business: NIL

Type of Building 'B' Class Size 13m x 30m No. of Floors Three (3)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service Fire from an adjacent building spreaded and engulfed the complete building.

Casualties: NIL

Fatalities: NIL

Value of Building: \$1,800,000 Damage to Building \$500,000 Percentage Approx. 28% Details of Insurance Charlotte and Gatchi Brk&S

* Value of Contents: NIL Damage to Contents NIL Percentage - Details of Insurance

Cause of Fire: Suspected accidental - Fire spread due to radiation emanating from adjacent building.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 27/07/90 and 28/07/90 Time of Call: Between 20:00 hrs on 27/07/90 and 06:30 hrs on 28/07/90

Address of Incident: #54, Queen Street, Port-of-Spain.

Description of Premises: Two storied building of 'B' Class construction

Owner(s): Jimmy Aboud and Family

Occupier(s): Trading As: Nature of Business:

Aboud Aboutique Limited Commercial

Type of Building 'B' Class Size 12m x 23m No. of Floors Two (2)

Type of Incident Fire Situation prior to the arrival of the Fire Service No particulars of situation obtained but, generally within the area, there was considerable smoldering and burning although this building was not directly affected.

Casualties: NIL

Fatalities: NIL

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Row 1: \$6,000,000, \$2,400,000, 40%, Not obtained

Table with 4 columns: Value of Contents, Damage to Contents, Percentage, Details of Insurance. Row 1: \$12,000,000, \$8,000,000, 75%, Not obtained

B. In addition to fire destruction, contents (stock) sustained heavy water damage.

Cause of Fire: Accidental - Fire-spread caused by radiation and conduction of heat and flames of burning building adjacent to the within mentioned premises.

In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Time of Call: 90:07:28 Time of Call: Sometime between 00:01 and 10:00 hrs.
Address of Incident: Queen Street, Port-of-Spain
Description of Premises: Two-storied building of 'B' Class construction.

Name(s): John Rahael

Name(s): John Rahael
Trading As: Queensway Store
(Fabric and Dress Shoppa)
Nature of Business: Commercial

Class of Building: 'B' Class Size: 8m x 30m No. of Floors: Two (2)
Cause of Incident: Fire

History: Prior to the arrival of the Fire Service Fire started in an adjacent building and spreaded to the within mentioned building. The Fire Service was summoned but, on its arrival, the building was almost completely destroyed. Generally within the vicinity, there was heavy rain.

Causes: NIL
Activities: NIL

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$1,000,000	\$ 850,000	85%	Charlotte & Gatcliffe
Value of Contents	Damage to Contents	Percentage	Details of Insurance
\$2,000,000	\$2,000,000	100%	Charlotte & Gatcliffe

Mode of Fire: Suspected accidental - Fire spread.

B. The value of and damage to contents given are based on estimates of value prior to looting.

In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 Sometime between 19:00 hrs on
 Date of Call: and 90:07:28 Time of Call: 90:07:27 and 10:00 hrs on 90:07:
 Address of Incident: #50, Queen Street, Port-of-Spain.
 Description of Premises: Three-storied structure of 'B' Class construction.
 Owner(s): Narwani & Co. Ltd.

* Occupier(s):	Trading As:	Nature of Business:
(a) Ground Floor - Mohan Narwani	Narwani Shoe Store	Commercial
(b) First Floor - J. Rahael	Queensway Ltd. (Warehouse)	Commercial
(c) Second Floor - G. Yussuf	City Fabric (Warehouse)	Commercial

Type of Building: 'B' Class Size 8m X 37m No. of Floors Three (3)

Type of Incident: Fire

Situation prior to the arrival of the Fire Service: It was reported that fire from adjacent burning building spreaded and engulfed the within-mentioned building. When the Fire Service was alerted and responded, the building was almost completely destroyed.

Casualties: N.I.L.
 Fatalities: N.I.L.

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$1,000,000	\$ 900,000	90%	Caribbean Insurance Co \$1,000,000
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
(a) \$ 475,000	\$ 475,000	100%	Caribbean Insurance Co \$ 475,000
(b) \$1,000,000	\$1,000,000	100%	Charlotte & Gatcliffe \$1,000,000
(c) \$1,500,000	\$1,500,000	100%	Charlotte & Gatcliffe \$1-Mn.

Cause of Fire: Suspected accidental - Fire spreaded to the within mentioned building by radiation emanating from adjacent burning building.

* In case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: 03:40 hours
Address of Incident: Queen Street, Port-of-Spain
Description of Premises: Two-storey Building of 'B' Class construction
Owner(s): Francis Hadeed

* Occupier(s): Francis Hadeed Trading As: Francis Hadeed Nature of Business: Commercial

Type of Building 'B' Class Size 7m x 12m No. of Floors Two (2)
Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then set alight by person(s) unknown. The Fire Service was summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L
Fatalities: N I L

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Includes rows for building value (\$600,000) and contents value (\$500,000).

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N. B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

11

Date of Call: ... 90:07:28 Time of Call: ... 03:20 hours.....

Address of Incident: ... Queen Street, Port-of-Spain.....

Description of Premises: ... Two (2) storey building of 'B' Class construction.....

Owner(s): ... The Tommy Family.....

* Occupier(s):	<u>Trading As:</u>	<u>Nature of Business:</u>
The Tommy Family.....	Laurettes.....	Commercial.....

Type of Building 'B' Class Size 5m x 12m No. of Floors Two (2).....

Type of Incident Fire.....

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then set on fire by person(s) unknown. The Fire Service was summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: ... N I L.....

Fatalities: ... N I L.....

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
..\$450,000.....	..\$405,000.....	Approx: 90%	... Not obtained.....

* <u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
300,000.....	300,000.....	100%	... Not obtained.....

Cause of Fire: ... Suspected non-accidental.....

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N. B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

12

Date of Call: 90:07:28 Time of Call: 03:05 hours

Address of Incident: Queen Street, Port-of-Spain.

Description of Premises: Two-storey building of 'B' Class construction.

Owner(s): Unknown

* Occupier(s): Unknown Trading As: The Man Hole Nature of Business: Commercial

Type of Building: 'B' Class Size 7m X 12m No. of Floors Two (2)

Type of Incident: Fire

Situation Prior to the arrival of the Fire Service: It was reported that the building was looted and then set ablaze by person(s) unknown. The Fire Service was summoned and, on its arrival, the building was found to be almost completely destroyed.

Casualties: NIL

Fatalities: NIL

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Row 1: \$600,000, \$540,000, 100%, Not obtained.

Table with 4 columns: Value of Contents, Damage to Contents, Percentage, Details of Insurance. Row 1: \$500,000, \$500,000, 100%, Not obtained.

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given were based on estimated of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Sometime between 00:01 hrs and 08:00 hrs

Date of Call: 90:07:28 Time of Call:

Address of Incident: #63 and 65, Queen Street, Port-of-Spain.

Description of Premises: Five-storied duplex structure of 'B' Class construct

Owner(s): Mr. Gabriel Mansoor and Catherine Mansoor.

* Occupier(s): Trading As: Nature of Business:

A. (#63) Gabriel Mansoor G. Mansoor and Sons Ltd. Commercial (Textile),...

B. (#65) Catherine Mansoor Mansoor Bros. Limited Commercial (Textile).....

Type of Building 'B' Class Size 15m x 63m. No. of Floors Five (5)..

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and set ablaze by person(s) unknown. The Fire Service was summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L

Fatalities: N I L

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$3.8-Mn.	\$3.8-Mn.	100%	Charlotte and Gatcli for \$4.4-Mn.
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
A. (#63) \$2.5-Mn.	\$2.5-Mn.	100%	\$2.5-Mn. - Charlotte and Gatcliffe.....
B. (#65) \$2.4-Mn.	\$2.4-Mn.	100%	\$2.5-Mn. Charlotte and Gatcliffe.....

Cause of Fire: Suspected non-accidental

N.B. The value of and damage to contents given are based on estimates of value prior to looting. * In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: Sometime between 06:00 hours and 23:59 hou

Address of Incident: #9, Queen Street, Port-of-Spain

Description of Premises: Two-storey Building of 'B' Class construction

Owner(s): Unknown

Table with 3 columns: Occupier(s), Trading As, Nature of Business. Rows include Superstar Sports Co., Modern Business School, and Master Cobbler.

Type of Building 'B' Class Size 30mx10mx15m No. of Floors Three (3)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that fire from adjacent burning building spreaded and engulfed 95% of the first and second floors. No fire damage took place on the ground floor housing Superstar Sports. However, the Master Cobbler was completely destroyed.

Casualties: N I L

Fatalities: N I L

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Includes rows for building value (\$2,500,000) and contents value (\$500,000).

Cause of fire: Suspected accidental - Radiated heat from adjacent burning building.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: 03:00 hours

Address of Incident: Cor. Queen and Charlotte Streets, Port-of-Spain.

Description of Premises: Two-storied building of 'B' Class construction.

Owner(s): Unknown

* Occupier(s): Sylvon Lumkin Trading As: Lumkin Drugs Nature of Business: Commercial

Type of Building: 'B' Class Fire Size 10m x 12m No. of Floors: Two (2)

Situation Prior to the arrival of the Fire Service: It was reported that the building was looted and then set on fire by person(s) unknown. The Fire Service was summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L

Fatalities: N I L

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Row 1: \$650,000, \$487,500, 75%, Not obtained.

Table with 4 columns: Value of Contents, Damage to Contents, Percentage, Details of Insurance. Row 1: \$500,000, \$500,000, 100%, Not obtained.

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N. B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Sometime between 00:01 hr and 12:00 hr

Date of Call: 90:07:28 Time of Call:

Address of Incident: Cor. Queen and Charlotte Streets

Description of Premises: Two-storey building of 'B' Class construction.

Owner(s): Unknown

* Occupier(s): Trading As: Nature of Business:

Bank of Nova Scotia of B.N.S., Queen and
Trinidad and Tobago Charlotte Streets Branch Commercial

Type of Building 'B' Class Size 18m x 8m No. of Floors Two (2)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service Fire started in an adjacent building and, as a result of radiated heat, the Bank suffered scorching to the eastern wall

Casualties: N I L

Fatalities: N I L

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Row 1: \$750,000, 5,000, 0.66%, Not obtained

Table with 4 columns: Value of Contents, Damage to Contents, Percentage, Details of Insurance. Row 1: None of its contents were destroyed by fire.

Cause of Fire: Suspected accidental - Radiated heat from adjacent burning building.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28

Sometime between 1900 hrs on 90:07 and 1000 hrs on 90:07

Date of Call: Time of Call:

Address of Incident: #42, Queen Street, Port-of-Spain.

Description of Premises: Two-storied building of 'B' Class construction.

Owner(s): Robert Mansoor

Occupier(s):	Trading As:	Nature of Business:
Ground Floor (W) Unknown	Cafe and Take-away Eatery	Commercial
Ground Floor (C) Unknown	Ali Doubles' Outlet	Commercial
Ground Floor (E) Emmanuel Joseph	Hi-Tech Electronic Stores	Commercial
Upper Floor - Unknow,	Guest House	Residential

Type of Building 'B' Class Size 7m x 12m No. of Floors Imp. (2)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then set alight by perpetrator(s) unknown. The Fire Service was summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L

Fatalities: N I L

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$600,000	\$570,000	95%	Not obtained
Value of Contents	Damage to Contents	Percentage	Details of Insurance
a. \$ 30,000	\$ 30,000	100%	Not obtained
b. \$ 20,000	\$ 20,000	100%	Not obtained
c. \$250,000	\$250,000	100%	M&M Ins. Brokers
d. \$ 50,000	\$ 50,000	100%	Not obtained

Cause of Fire: Suspected non-accidental

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Sometime between 19:00 hrs on 90:07:2 and 10:00 hrs on 90:07:2

Time of Call: Time of Call:
Address of Incident: Cor. (South-eastern) Queen and Charlotte Sts., P.O.S.
Description of Premises: Two-storied structure of 'B' Class construction

Owner(s): Tom Sing

Occupier(s): Unknown
Trading As: Chung Hua & Co. Ltd., Chinese Store
Nature of Business: Commercial

Type of Building: 'B' Class Size: 20m x 20m No. of Floors: Two (2)

Type of Incident: Fire
Situation Prior to the arrival of the Fire Service: It was reported that the premises were looted and then set alight by perpetrator(s) unknown. The Fire Service was summoned and, on its arrival, it was found that almost the entire building was already destroyed.

Casualties: NIL

Fatalities: NIL

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Includes rows for building value (\$850,000) and contents value (\$1,000,000).

Cause of Fire: Suspected non-accidental.

B. The value of and damage to contents given are based on estimates of value prior to looting.

In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Between 20:00 hrs on 90:07:27
Time of Call: Time of Call: and 12:00 hrs on 90:07:28
Address of Incident: #40, Queen Street, Port-of-Spain.
Description of Premises: A Three floor structure of 'B' Class construction.

Owner(s): Gibra Mansoor

Occupier(s):	Trading As:	Nature of Business:
Floor 'E' Victor Steel	Jardines Brakery (Sales Outlet)	Commercial
Floor 'C' Mrs. Aboud	Top Value	Commercial
Floor 'W' Gheesan Yussuf	CITI Fabric	Commercial
Floor - Gheesan Yussuf	Carnival Craft Supplies	Commercial
Name of Building	'B' Class and W' House of City Fabric	No. of Floors Three (3)
Type of Incident	Fire	Size 7m x 12m

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and set on fire by perpetrator(s) unknown. The Fire Service was summoned and, on its arrival, the building was found almost completely destroyed.

Casualties: N I L
Fatalities: N I L

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$1,800,000	\$1,800,000	100%	Charlotte & Gatcliffe for \$1.8m
Value of Contents	Damage to Contents	Percentage	Details of Insurance
\$ 15,000	\$ 15,000	100%	No insurance
\$ 187,916	\$ 187,916	100%	Charlotte and Gatcliffe for \$187,916
\$3,100,000	\$3,100,000	100%	Charlotte and Gatcliffe for \$3,100,000

Cause of Fire: Suspected non accidental

B. The value of and damage to contents given are based on estimates of value prior to looting.

In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Date of Call: Between 18:00 hrs on 90:0 and 06:30 hrs on 90:0 Time of Call:

Address of Incident: 39 Queen Street, Port-of-Spain.

Description of Premises: Two-storey Building of 'B' Class construction.

Owner(s): Esau Moses

* Occupier(s): Garnet Moses Trading As: Just Cloth (Store) Nature of Business: Commercial

Type of Building 'B' Class Size 7m x 12m No. of Floors Two (2)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then set on fire by perpetrators unknown. The Fire Service was summoned and, on its arrival, it was found that the building was completely destroyed.

Casualties: N I L

Fatalities: N I L

Value of Building: \$450,000 Damage to Building \$405,000 Percentage 90% Details of Insurer Not obtained

* Value of Contents \$800,000 Damage to Contents \$800,000 Percentage 100% Details of Insurer Not obtained

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Time of Call: Between 18:00 hrs on 90:07:27 and 06:30 hrs. on 90:07:28

Date of Call: 36, Queen Street, Port-of-Spain.

Address of Incident: Description of Premises: Two-storey building of 'B' Class construction.

Owner(s): Sun Wai (Chinese) Association.

Table with 3 columns: Occupier(s), Trading As, Nature of Business. Rows include Sun Wai Assoc. (1st Floor) and Unknown (Ground Floor).

Type of Building: 'B' Class Size 7m x 12m No. of Floors Jwp. (2)

Type of Incident: Fire

Situation Prior to the arrival of the Fire Service: It was reported that the building was looted (from the hardware) and then set on fire by persons unknown.

Casualties: N I L Fatalities: N I L

Table with 4 columns: Value of Building/Contents, Damage to Building/Contents, Percentage, Details of Insurance. Includes rows (a) and (b).

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Time of Call: Between 18:00 hrs on 90:07:27 and 06:30 hrs on 90:07:28
 Date of Call: Time of Call:
 Address of Incident: 34 Queen Street, Port-of-Spain
 Description of Premises: Two-storey building of 'B' Class construction
 Owner(s): Anthony Essau Moses

Occupier(s): Miguel Moses Trading As: Miguel Moses (Fabric and Harberdashery Stores) Nature of Business: Commercial

Type of Building: 'B' Class Size: 7m x 12m No. of Floors: Two (2)
 Type of Incident: Fire

Situation Prior to the arrival of the Fire Service: It was reported that the building was looted and then set on fire by persons unknown. The Fire Service was summoned and, on its arrival, the building was found to be almost completely destroyed.

Casualties: N I L
 Fatalities: N I L

Value of Building	Damage to Building	Percentage	Details of Insurance
\$500,000	\$540,000	90%	Not obtained
Value of Contents	Damage to Contents	Percentage	Details of Insurance
\$000,000	\$800,000	100%	Not obtained

Cause of Fire: Suspected non-accidental

In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28
 Between 18:00 hrs on 90:07:27 and 06:30 hrs on 90:07:28
 Date of Call: Time of Call:
 Address of Incident: (Cor. George and) Queen Streets, Port-of-Spain.
 Description of Premises: Two-storey building of 'B' Class construction.

Owner(s): Nooksang Wong & Wong Haung Wong

<u>Occupier(s):</u>	<u>Trading As:</u>	<u>Nature of Business:</u>
Unknown	Sin Kiu Trading	.....
.....	(General Store)	Commercial
.....
.....

Type of Building 'B' Class Size 7m x 12m No. of Floors Two

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then set ablaze by persons unknown. The Fire Service was summoned but, on its arrival, found that the building was almost completely destroyed.

Casualties: N I L

Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$400,000	\$360,000	90%	Risk Management Brokers
.....
<u>* Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$500,000	\$500,000	100%	Risk Management Brokers
.....
.....

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:27 Time of Call: Approx. 22:05 hours
Address of Incident: #55, Queen Street, Port-of-Spain
Description of Premises: Two-storied building of 'B' Class construction housing several occupancies and known as WINDSOR SHOPPING COMPLEX.
Owner(s): K. Mohammed & Bros - Windsor Stores Limited

Table with 3 columns: Occupier(s), Trading As, Nature of Business. Includes Bank of Commerce, Jaffer Khan, Mohammed Bros, Hydar Mohammed, and Kemal Feroze Baksh.

Type of Building 'B' Size 33m x 30m No. of Floors Two (2)
Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the premises were looted and then set on fire by perpetrators unknown. The Service was subsequently summoned and, on its arrival, it was found that the building was in an advanced stage of fire.

Casualties: N I L
Fatalities: N I L

Table with 4 columns: Value of Building/Contents, Damage to Building/Contents, Percentage, Details of Insurance. Includes values for building (\$3.5Mn) and contents (A-E).

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: Time of Call:
 Address of Incident:
 Description of Premises:
 Owner(s):

<u>* Occupier(s):</u>	<u>Trading As:</u>	<u>Nature of Business:</u>
F. Jean Wohner	Supreme Beauty	Commercial
G. Raffle Mohammed	Raffle Video Club	Commercial
H. Terry Mc Cloud	Terry Security Ltd.	Security
I. Kenneth Fleming	Garment Wholesale Store	Commercial and Dwelling

Type of Building Size No. of Floors
 Type of Incident
 Situation Prior to the arrival of the Fire Service

Casualties:
 Fatalities:

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
.....
<u>* Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
F. \$100,000	\$100,000	100%	Consolidated - \$100,000
G. \$250,000	\$150,000	100%	N.E.M. - \$150,000
H. \$20,000	\$20,000	100%	Not obtained
I. \$100,000	\$100,000	100%	Not insured

Cause of Fire:

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a); (b); (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

25

Sometime

Between 00:01 hrs

Date of Call: 90:07:28 Time of Call: to 12:00.....

Address of Incident: #45, Queen Street, Port-of-Spain.....

Description of Premises: Two-storey building of 'B' Class construction.....

Owner(s): Messrs. Superville.....

Occupier(s): Trading As: Nature of Business:

Messrs. Hodgkinson A.A. Hodgkinson.....

..... (Textyle Store)..... Commercial.....

Type of Building 'B' Class Size 8m x 18m No. of Floors Two (2)...

Type of Incident FIRE.....

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and subsequently set on fire by perpetrator(s) unknown.

The Fire Service was summoned and, on its arrival, fire-fighting operations were initiated.

Casualties: N I L.....

Fatalities: N I L.....

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$700,000	\$315,000	45%	Not obtained
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
\$400,000	No sign of contents found in the debris of burnt-out ground floor.	.....	.....
			Not obtained

Cause of Fire: Suspected non-accidental.....

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Sometime between 19:00 hrs. and 23:59 hrs.

Date of Call: 90:07:27 Time of Call:
Address of Incident: North Eastern End of Time Plaza, Charlotte Street, P.O.
Description of Premises: Two-storied Plaza of 'B' Class construction with multiple occupancies.
Owner(s): Mrs. Angela Haddad (of Sunset Bridge, Goodwood Park).

* Occupier(s): Trading As: Nature of Business:
Mrs. Angela Haddad Time Store (Stock-room Commercial
The only one (1) of sixteen (16) commercial occupancies of the ground floor affected by fire. The two (2) occupancies of the upper floor housing the Admin. Office of Time Plaza and a warehouse for the Time Store were not affected by fire.

Type of Building 'B' Class Size 100m x 20m No. of Floors Two (2)
Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then the stock-room (4m x 3m) of Time Store Limited was set on fire by person(s) unknown. The Fire Service was summoned and, on its arrival, fire-fighting operations were instituted, thereby restricting fire damage to a minimum.

Casualties: N I L
Fatalities: N I L

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Includes rows for building value (\$4,500,000) and contents value (\$7,500).

Cause of Fire: Suspected non-accidental.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: 06:02 hours
 Address of Incident: Charlotte Street, Port-of-Spain.
 Description of Premises: Two-storey Structure of 'B' Class construction,
 Owner(s): Nagib Elias Holdings Limited

<u>* Occupier(s):</u>	<u>Trading As:</u>	<u>Nature of Business:</u>
Nagib Elias & Sons Ltd	Nagib Elias Lumberyard	.....
.....	and electrical Sales	.....
.....	outlet	Commercial
.....

Type of Building 'B' Class Size 25m x 50m No. of Floors Two (2)
 Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then set alight by persons unknown. The Fire Service was summoned and on its arrival, observed that the building was almost completely destroyed.

Casualties: N.I.L.
 Fatalities: N.I.L.

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$3,000,000	\$2,400,000	80%	Not obtained
.....
<u>* Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$2,000,000	\$2,000,000	100%	Not obtained
.....
.....
.....

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.
 N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Between 20:00 and 23:00 hrs or

Date of Call: 90:07:27 Time of Call: 90:07:27

Address of Incident: #18, Charlotte Street, Port-of-Spain.

Description of Premises: Two-storied building of 'B' Class construction.

Owner(s): S.S. Hossain.

* Occupier(a):	Trading As:	Nature of Business:
A. Winston Cheng	Sushilla's Variety Store	Commercial (Warehouse)
B. Gloria F. Small	Gloria Tea Shop	Commercial

Type of Building 'B' Class Size 20m x 45m No. of Floors Two (2)

Type of Incident Fire

Situation Prior to the arrival of the fire Service It was reported that the building was looted and set ablaze by person(s) unknown. The fire service was summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L

Fatalities: N I L

Value of Building	Damage to Building	Percentage	Details of Insurance
\$2.Mn.	\$2.Mn.	100%	ALGICO for \$2.Mn.
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
A. 1.3Mn.	\$1.3Mn.	100%	G.T.M. and TATIL for \$1.M
B. \$15,000	\$15,000	100%	No insurance

Cause of Fire: Suspected non-accidental

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Between 20:00 hrs on 90:07:27 and 12:00 hrs on 90:07:28

Date of Call: Time of Call:

Address of Incident: #18A, Charlotte Street, Port-of-Spain.

Description of Premises: Two (2) floor of 'B' Class construction.

Owner(s): Bosie Ramdath Maharaj

* Occupier(s): Trading As: Nature of Business:

.....
Charlie Kong Soo	Winston General Store	Commercial
.....
.....

Type of Building 'B' Class Size 18m x 28m No. of Floors Two (2)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service Fire from an adjacent building (#18) spreaded and engulfed the complete building.

Casualties: N I L

Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$400,000	\$400,000	100%	Risk Management Service for \$400,000
* <u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$650,000	\$650,000	100%	Risk Management Service for \$650,000
.....
.....

Cause of Fire: Accidental - Radiation and conduction of heat and fire from adjacent building ignited the within mentioned premises.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (e), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 27:07:90 and 28:07:90 Between 20:00 hrs on 27:07:90 and 12:00 hrs on 28:07:90
 Date of Call: Time of Call:
 Address of Incident: #24, Charlotte Street, Port-of-Spain.
 Description of Premises: Two-storied structure of 'B' Class construction
 Owner(s): Ramdath Maraj

* Occupier(s): Prindath Ramdhan	Trading As: Shoppers Drugs	Nature of Business: Commercial
.....
.....
.....

Type of Building 'B' Class Size 30m x 16m No. of Floors Two (2)
 Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and set ablaze by person(s) unknown. The Fire Service was summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L
 Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$750,000	\$750,000	100%	Risk Management for \$300,000
* <u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$650,000	\$650,000	100%	Risk Management for \$650,000
.....
.....
.....

Cause of Fire: Suspected non-accidental.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: 28:07:90 Time of Call: Approx. 06:45 hours
 Address of Incident: Charlotte Street, Port-of-Spain.
 Description of Premises: Building of 'B' Class construction with Mezzanine floor
 Owner(s): Vernon Gillette.

<u>* Occupier(s):</u>	<u>Trading As:</u>	<u>Nature of Business:</u>
Royal Bank of	Royal Bank, Charlotte	
Trinidad and Tobago	Street Branch	Commercial Bank

Type of Building 'B' Class Size 15m x 30m No. of Floors One (1)
 Type of Incident Fire
 Situation Prior to the arrival of the Fire Service No particulars obtained.

Casualties: N I L
 Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$1,000,000	\$200,000	20%	Not obtained
<u>* Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
Unknown	Nil	0%	Not obtained

Cause of Fire: Accidental - Fire-spread caused by radiation from fire of adjacent building.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

32

Date of Call: 90:07:28 Time of Call: 06:02 hours

Address of Incident: Charlotte Street, Port-of-Spain

Description of Premises: Two-storey building of 'B' Class construction

Owner(s): Nagib Elias Holdings Limited

* Occupier(s):	<u>Trading As:</u>	<u>Nature of Business:</u>
Nagib Elias & Sons Ltd.	Nagib Elias & Sons	.....
.....	General Hardware	Commercial (Hardware)
.....
.....

Type of Building 'B' Class Size 25m x 50m No. of Floors Two (2)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then set on fire by perpetrators unknown. The Fire Service was summoned and, on its arrival, found that the building was almost completely destroyed.

Casualties: N I L

Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$3,000,000	\$2,400,000	80%	Not obtained
* <u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$2,500,000	\$2,500,000	100%	Not obtained
.....
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.....
.....

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: 06:17 hrs.

Address of Incident: #66/68, Charlotte Street, Port-of-Spain.

Description of Premises: Two-storied building of 'B' Class construction.

Owner(s): S.S. Hossain (American Stores Limited).

* Occupier(s):	Trading As:	Nature of Business:
Gr. Fl. 'N' Winston Cheng	Syphill's Variety Store	Commercial
Gr. Fl. 'S' Faud Mustapha	Faud Mustapha's Hardware	Commercial
Upstairs - See attached	Note on occupiers	Commercial

Type of Building: 'B' Class Size: 20m x 40m No. of Floors: Two (2)

Type of Incident: Fire

Situation Prior to the arrival of the Fire Service: It was reported that the premises were looted and then set on fire by perpetrator(s) unknown. The Fire Service was subsequently summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L

Fatalities: N I L

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$1-Mn.	\$600,000	60%	ALGICO for \$1-Mn.
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
a. \$350,000	\$350,000	100%	Caribbean Ins. Co.
b. \$200,000	\$200,000	100%	N.E.M. Ins. Co. Ltd.
c. \$180,000	\$180,000	100%	Not obtained

Cause of Fire: Suspected non-accidental.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

NOTE ON OCCUPIERS (UPSTAIRS #66/68 CHARLOTTE STREET)

- APT 1 - Vacant
- " 2 - Gloria Barrow
- " 3 - Grata Berkely
- " 4 - Ana Collins
- " 5 - Anne Cyrus
- " 6 - Norma Douglas
- " 7 - Vacant
- " 8 - Vacant
- " 9 - Susan Thomas
- " 10 - Cleopatra Niles
- " 11 - Frank Joel
- " 12 - Metrice Bernard/Nicolls
- " 13 - Arlene Legere
- " 14 - Vacant
- " 15 - Vilma Quow
- " 16 - Allison Simmonds
- " 17 - Vacant

N.B. The above occupiers carried on various businesses at their respective booths (apartments), e.g. hairdressing, shoe repair, dress-making, batik, tailoring and other small craft-shops.

An estimate of losses (contents) for each occupied booth is given at \$15,000. That includes Machinery and Stock.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: 06:17 hours

Address of Incident: #70, Charlotte Street, Port-of-Spain

Description of Premises: Single storey Building of 'B' Class construction

Owner(s): Vernon and Lillian Chin Ping Sing

* Occupier(s):	Trading As:	Nature of Business:
Vernon and Lillian Chin	V.C. Ping Sing Dry Goods	
Ping Sing	Store	Commercial

Type of Building 'B' Class Size 20m x 40m No. of Floors One (1)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the premises were looted and then set on fire by perpetrators unknown. The Service was subsequently summoned and, on its arrival, was found that the building was almost completely destroyed.

Casualties: NIL

Fatalities: NIL

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$ 800,000	\$ 640,000	80%	Not obtained
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
\$ 1,000,000	\$ 800,000	80%	Not obtained

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupencies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:29 Time of Call: 13:32 hours
 Address of Incident: Cor. Duke and Charlotte Streets, Port-of-Spain.
 Description of Premises: Two-storied structure of 'B' Class construction.
 Owner(s): Mohan Narwani

* Occupier(s):	Trading As:	Nature of Business:
M. Narwani	The Gift Centre	Commercial

Type of Building 'B' Class Size 25m x 20m No. of Floors Two (2)
 Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then set on fire by perpetrators unknown. The Fire Service was subsequently summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: NIL
 Fatalities: NIL

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$1,400,000	\$980,000	70%	Caribbean Insurance for \$1.4-Mn.
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
\$700,000	\$700,000	100%	Caribbean Insurance for \$700,000

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.
 N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

36

Date of Call: 90:07:27 Time of Call: 23:59 hours

Address of Incident: #79, Duke Street, Port-of-Spain.

Description of Premises: A two-storied structure of 'B' Class construction.

Owner(s): Mohan Narwani.

<u>* Occupier(s):</u>	<u>Trading As:</u>	<u>Nature of Business:</u>
Mohan Narwani	Narwani's (General Merchandise Warehouse)	Commercial
.....
.....
.....
.....

Type of Building 'B' Class Size 20m x 30m No. of Floors Two (2)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and set alight by person(s) unknown. The Fire Service was summoned and on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L

Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$1,500,000	\$1,350,000	90%	Caribbean Ins. Co.
.....
<u>* Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$3,300,000	\$3,300,000	100%	Caribbean Ins. Co.
.....
.....
.....
.....

Cause of Fire: Suspected non-accidental.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Time of Call: and 12:00 hrs on 90:07:28
Date of Call:
Address of Incident: #62, Henry Street, Port-of-Spain.

Description of Premises: Split Level Building of 'B' Class construction

Owner(s): Nagib Elias

* Occupier(s):	Trading As:	Nature of Business:
Jimmy Aboud	J. Aboud Textile w/House	Commercial

Type of Building 'B' Class Size 9m X 27m No. of Floors 2 (2) Floor (upper split-level floor 9m x 3m)

Type of Incident Fire
Situation Prior to the arrival of the Fire Service It was reported that the premises were looted and then set alight by perpetrator(s) unknown. The Fire Service was summoned and, on its arrival, it was found that the entire building was already destroyed.

Casualties: N.I.L.
Fatalities: N.I.L.

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$ 400,000	\$ 400,000	100%	Not insured
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
\$1,500,000	\$1,500,000	100%	Risk Management Brokers

Cause of Fire: Suspected non-accidental

N.B. The Value of and damage to contents given are based on estimated of value prior to looting.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28
 Date of Call: Time of Call:
 Between 19:00 hrs on 90:07:27 and 10:00 hrs on 90:07:28
 Address of Incident: #64, Henry Street, Port-of-Spain.
 Description of Premises: A split-level structure of 'B' Class construction.

Owner(s): Ishrak and Feizool Baksh

* Occupier(s):	Trading As:	Nature of Business:
Ishrak Baksh	Baksh Jewellers	Commercial
	Retail Outlet	
Feizool Baksh	Baksh Jewellers Factory	Factory

Type of Building 'B' Class Size 40m x 12m No. of Floors (inc. Split-level).
 Type of Incident Fire (2)

Situation prior to the arrival of the Fire Service It was reported that the premises were looted and then set on fire by perpetrator(s) unknown. The Service was subsequently summoned and, on its arrival, it was found that the building was in an advanced stage of fire.

Casualties: NIL
 Fatalities: NIL

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insur</u>
\$150,000	\$150,000	100%	Not insured
* <u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insur</u>
A. \$551,000	\$551,000	100%	G.T.M. for \$525,000
B. \$613,000	\$613,000	100%	Not insured

Cause of Fire: Suspected non-accidental

N.B. The value of and damage to contents are based on estimates of value prior to looting.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Sometime between 00:01 hrs and 10:00 hrs.

Date of Call: 90:07:28 Time of Call:

Address of Incident: #33, George Street, Port-of-Spain.

Description of Premises: A 'B' Class structure consisting of two (2) floors.

Owner(s): Yat Chu Low

* Occupier(s):	Trading As:	Nature of Business:
a. John Shing Mar	John Shing Mar Grocery	Commercial
b. Elma James	Tobago Peas Centre (Vegetable outlet)	Commercial
c. Unknown	Robbies (Fish and Grocery)	Commercial

Type of Building 'B' Class Size 15m x 25m No. of Floors Two (2)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service Fire from adjacent burning building spreaded and engulfed the premises. When the Fire Service was summoned, on arrival, it was found that the building was almost completely destroyed.

Casualties: N I L

Fatalities: N I L

Value of Building:	Damage to Building	Percentage	Details of Insurance
\$ 85,000	\$ 85,000	100%	Not insured
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
A. \$125,000	\$125,000	100%	Not insured
B. \$ 4,000	\$ 4,000	100%	Not insured
C. \$ 15,000	\$ 15,000	100%	Not insured

Cause of Fire: Suspected accidental.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: Approx. 02:20 hours

Address of Incident: Cor. George Street and Independence Square, P.O.S.

Description of Premises: Two-storied Multiple Occupancy Building of 'B'

Class construction.

Owner(s): Amin Abraham

* Occupier(s):	Trading As:	Nature of Business:
(a) K.S. Abraham	American Hotel (Not operating)	Entertainment
(b) K.S. Abraham	K.S. Abraham Garment Store	Commercial
(c) Unknown	Yale's Barbering Saloon	Commercial (Barbering)
(d) Unknown	Afro-Shadom	Commercial (Shoe Repairing)
(e) Unknown	Beauty & Hair Saloon	Commercial (Beauty Culture)

Type of Building 'B' Class Size 24m x 16m No. of Floors Two (2)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the premises were looted and then set on fire by perpetrators unknown. The service was subsequently summoned and, on its arrival, it was found that the building was in an advanced stage of fire.

Casualties: N I L

Fatalities: N I L

Value of Building:	Damage to Building	Percentage	Details of Insurance
.....\$700,000.....	..\$690,000.....	90%	Not obtained
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
(a) ...\$ 35,000.....	..\$ 35,000.....	100%	Not obtained
(b) ...\$ 85,000.....	..\$ 85,000.....	100%	Not obtained
(c) ...\$ 35,000.....	..\$ 35,000.....	100%	Not obtained
(d) ...\$ 15,000.....	..\$ 15,000.....	100%	Not obtained
(e) ...\$ 20,000.....	..\$ 20,000.....	100%	Not obtained

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Date of Call: 28:07:90 Time of Call: Approx. 07:30.
Address of Incident: #48, Independence Square, Port-of-Spain.
Description of Premises: Single Storied Multiple Occupancy Building of 'B'
Class Construction.
Owner(s): Mr. Antar Moses (of Diego Martin).

* Occupier(s):
(a) Anton Abraham Trading As: Double 'AA' Electronics Ltd. Nature of Business: Commercial
(b) Sonny Baldeo Photo Sonny Limited Commercial (Photography)
(c) Selvon Lumkin Lumkin's Drugs Commercial

Type of Building: 'B' Class Size 30m x 15.9m No. of Floors One (1) with galvanize at rear.

Type of Incident: Fire
Situation Prior to the arrival of the Fire Service: It was reported that the premises was looted and then set on fire by perpetrators unknown. The Fire Service was subsequently summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L
Fatalities: N I L

Table with 4 columns: Value of Building/Contents, Damage to Building/Contents, Percentage, and Details of Insurance. Rows include building value (\$1,500,000) and contents values for (a) \$400,000, (b) \$150,000, and (c) \$180,000.

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: Approx. 08:00 hours
Address of Incident: #46A, Independence Square, Port-of-Spain.
Description of Premises: Four-storied Multiple Occupancy Building of 'B'
Class construction
Owner(s): Mrs. Adella Moses - Chevalier and Mr. John Wallis (U.K.)

Table with 3 columns: Occupier(s), Trading As, Nature of Business. Rows include Ground Floor (Dr. Bruno Mitchell), 2nd Floor (Unknown), 3rd Floor (Unknown), and 4th Floor (Mrs. Adella Moses-Chevalier, Del's Travel Agency).

Type of Incident: Fire
Situation Prior to the arrival of the Fire Service: The Fire Service was in attendance at a fire next-door (#48, Independence Square, Port-of-Spain) when it was observed that the fire spreaded to the top (4th floor) of #46A, Independence Square, Port-of-Spain. Fire-fighting operation was initiated and the building was saved.
Casualties: NIL
Fatalities: NIL

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Includes rows for building value (\$1,200,000) and contents value (\$70,000).

Cause of Fire: Accidental - Radiation and conduction of heat and fire from next door (#48, Independence Square) caused ignition of the top (4th floor) (of #46A, Independence Square).

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

43.

Date of Call: 90:08:04 Time of Call: 10:05 hrs
 Address of Incident: India House, Independence Square, Port-of-Spain.
 Description of Premises: A three-storied structure of 'B' Class
 construction housing multiple occupancies.
 Owner(s): Maraj Investments Limited.

<u>Occupier(s):</u>	<u>Trading As:</u>	<u>Nature of Business:</u>
(a) 2nd Floor Unknown	T & T Fantasy (Store)	Commercial
(b) 2nd Floor Unknown	West End Sport Promotions (Office)	Commercial
(c) 2nd Floor Unknown	Surf Tours Ltd. (Travel Agency)	Commercial
(d) 1st Floor - Maurice Perillon	Maurice Perillon (Optometrist)	
(e) 1st Floor Unknown 'B' Class	Freedom Apparel Ltd (Store)	

Size 20m x 30m, No. of Floors Three (3).

Type of Incident: Fire

Situation Prior to the arrival of the Fire Service: It was reported (by one Mr. Best) that two (2) persons (unidentified) were seen running away from the building after throwing some device inside the building, following which an explosion occurred, resulting in fire. The Fire Service was then summoned and they responded.

Casualties: NIL

Fatalities: NIL

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$2,000,000	\$1,500,000	.75%	Caribbean Ins. Co. \$1.
* Value of Contents			
(a) \$30,000	\$30,000	100%	Not obtained
(b) \$15,000	\$15,000	100%	Not obtained
(c) \$15,000	\$15,000	100%	Not obtained
(d) \$70,000	\$70,000	100%	Not obtained
(e) \$30,000	\$30,000	100%	Not obtained

Cause of Fire: Suspected non-accidental - Based on Report prior to arrival of Fire Service and after discounting all possibilities that the fire may have been of an accidental origin

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

cont'd ... page 2

FIRE DAMAGE SURVEY SHEET

Date of Call: Time of Call:

Address of Incident:

Description of Premises:

.....

Owner(s):

* Occupier(s):	Trading As:	Nature of Business:
f) 1st Floor - Unknown	Island Merchants Ltd. (Office)	Commercial
g) 1st Floor - Unknown	Computer Training Agency	Institutional
h) Ground Floor - Mr. Maraj	India House Variety Store	Commercial
i) Ground Floor - Unknown	Disc Drugs (Store)	Commercial

Type of Building Size No. of Floors

Type of Incident

Situation Prior to the arrival of the Fire Service

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Casualties:

Fatalities:

Value of Building:	Damage to Building	Percentage	Details of Insurance
.....
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
(f) \$ 15,000	\$ 15,000	100%	Not obtained
(g) \$ 100,000	\$ 100,000	100%	Not obtained
(h) Not affected by fire	Only water damage suffered
(i) Not affected by fire	Only water damage suffered

Cause of Fire:

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* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Date of Call:
Between 18:00 hrs. on 90:07:27 and 06:30 hrs. on 90:07:28 Time of Call:
Address of Incident: #54, South Quay, Port-of-Spain.
Description of Premises: Two-storey Structure of 'B' Class construction.
Owner(s): Unknown

* Occupier(s): Unknown
Trading As: Young Bros. Ltd.
Nature of Business: Commercial

Type of Building 'B' Class Size 30m x 30m No. of Floors Two (2)
Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was first looted and then set alight by person(s) unknown. The Fire Service was summoned and, on its arrival, it was found that the building was almost completely destroyed.

Casualties: N I L
Fatalities: N I L

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Includes rows for building value (\$800,000) and contents value (\$1,500,000).

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Between 90:07:27 and 90:07:28 Between 18:00 hrs. on 90:07:27 and 06:30 hrs. on 90:07:28
Date of Call: #52/52A, South Quay, Port-of-Spain
Address of Incident: Two-storey Building of 'B' Class construction
Description of Premises: Sang Chong and Co. Limited
Owner(s):

Table with 3 columns: Occupier(s), Trading As, Nature of Business. Rows include John Miller (The New Miramar Hotel), Sang Chong Family (Sang Chong & Co.), and Peter Morales (City Gate Restaurant).

Type of Building: B Class Size 40m x 25m No. of Floors Two (2)

Type of Incident: Fire
Situation Prior to the arrival of the Fire Service: It was reported that the occupancies of (a) and (b) above were looted and then set alight by perpetrator(s) unknown.

Casualties: NIL
Fatalities: NIL

Table with 4 columns: Value of Building/Contents, Damage to Building/Contents, Percentage, Details of Insurance. Rows show values for building and contents (a, b, c).

Cause of Fire: Occupancies (a) and (b): Suspected non-accidental. Occupancy (c): Suspected accidental (fire-spread by conduction and direct burning emanating from adjacent and upper occupancies).

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting, where applicable



FIRE DAMAGE SURVEY SHEET

Sometime between 18:00 hours and 23:59 hours.

Date of Call: 90:07:27 Time of Call:

Address of Incident: #48, South Quay, Port-of-Spain.

Description of Premises: Single-storey Building of 'B' Class construction

Owner(s): Narinedath Sant

<u>* Occupier(s):</u>	<u>Trading As:</u>	<u>Nature of Business:</u>
N. Sant	Central Trading post	Commercial
.....
.....
.....

Type of Building 'B' Class Size 40m x 15m No. of Floors One (1)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the building was looted and then set ablaze by persons unknown. The Fire Service was summoned and, on its arrival, it was found that the building was well alight.

Casualties: N I L

Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$2,500,000	\$2,300,000	92%	Comprehensive Brokers Limited
<u>* Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$1,500,000	\$1,500,000	100%	NEMWILL INS. LTD.
.....
.....
.....

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

47

Date of Call: 90:07:28 Time of Call: 07:00 hours
 Address of Incident: Cor. George Street and South Quay
 Description of Premises: Two-storey Building of 'B' Class construction
 Owner(s): Mc Enearney Alstons Group of Companies

<u>* Occupier(s):</u>	<u>Trading As:</u>	<u>Nature of Business:</u>
Mc AL Group	Allum's Supermarket	Commercial
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Type of Building: 'B' Class Size: 40m x 20m No. of Floors: Two (2)

Type of Incident: Fire

Situation Prior to the arrival of the Fire Service: It was reported that the building was looted and then set alight by person unknown. The Fire Service was summoned and, on its arrival, found that the building was almost completely destroyed

Casualties: N I L

Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$2,000,000	\$1,900,000 .....	.95%	TAJIL
<u>* Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$2,000,000	\$2,000,000	100%	TAJIL
.....
.....
.....

Cause of Fire: Suspected non-accidental

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* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b); (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

48

Fire Date of Occ: 90:07:27 Time of Occ: Sometime between 19:00 hrs and 23:59 hrs. Address of Incident: Cor. South Quay and Duncan Street, Port-of-Spain. Description of Premises: A single storey building of 'B' Class construction. Owner(s): Agoatini Bros. Ltd.

* Occupier(s): Ken Johnson Trading As: Ken Johnson, Beer and Wine Retailer Nature of Business: Beer and soft drink retail outlet.

Type of Building 'B' Class Size 15m x 20m No. of Floors one (1) Type of Incident Fire Situation Prior to the arrival of the Fire Service The Service was not informed of the fire. However, on our investigation, it was reported that the building was looted and then attempts were made to burn same by person(s) unknown.

Casualties: NIL Fatalities: NIL

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Row 1: \$100,000, \$200.00, .2%, Not obtained

Table with 4 columns: Value of Contents, Damage to Contents, Percentage, Details of Insurance. Row 1: There was no damage to contents by fire.

Cause of Fire: Suspected non-accidental - Information from Mr. Ken Johnson revealed that looters ignited an old tyre in close proximity of the front door, causing same to ignite. The fire was subsequently extinguished by employees.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly. N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Sometime between 19:00 hrs. and 23:59 hrs.

Fire: 90:07:27 Time of Day: 20:21
Date of Occ: 90:07:27 Time of Day: 20:21
Address of Incident: South Quay and Duncan Street, Port-of-Spain.
Description of Premises: A Split Level Structure with maximum of two (2) floors.
Owner(s): S.S. Hossain.

* Occupier(s): S.S. Hossain
Trading As: Dollar Rescue
Nature of Business: Commercial

Type of Building: 'B' Class Size 75m x 50m No. of Floors Two (2)
Type of Incident: Fire
Situation Prior to the arrival of the Fire Service: The Brigade was not summoned but it was reported on our investigation that the building was looted and then attempts were made to burn same by person(s) unknown.

Casualties: NIL
Fatalities: NIL

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Includes rows for building value (\$5-Mn) and contents value (\$900,000).

Cause of Fire: Suspected not accidental.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N. B. The value of contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: 18:10 hours
Address of Incident: #7, South Quay, Port-of-Spain.
Description of Premises: Two storied building of 'B' Class construction.
Owner(s): Unknown

* Occupier(s): Trading As: Nature of Business:
... Unknown ... Easy Cash ... Commercial ...

Type of Building 'B' Class Size 8m x 10m No. of Floors JWP (2)
Type of Incident Fire
Situation Prior to the arrival of the Fire Service
Looting was evident and no other particulars of situation was obtained.

Casualties: NIL
Fatalities: NIL

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Row 1: \$650,000, NIL, 0%, Not obtained.

Table with 4 columns: Value of Contents, Damage to Contents, Percentage, Details of Insurance. Row 1: Unknown, Negligible, 0%, Not obtained.

Cause of Fire: Suspected non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Sometime between 13:15 hrs
and 13:45 hrs.

Date of Call: 31/7/90 Time of Call:
Address of Incident: #7, South Quay, Port-of-Spain.
Description of Premises: Single-storied structure of 'B' Class construction
with Mezzanine Floor (One-third part of Warehouse Complex).
Owner(s): Alfred Galy

* Occupier(s): Tradino Ast Nature of Business:
Mrs. Jean Powell Anjoda Paper Products
Limited Manufacturing.

Type of Building 'B' Class Size 30m x 45m No. of Floors One (1) with Mezzanine

Type of Incident Fire
Situation Prior to the arrival of the Fire Service It was reported (by the owner) that there was rampant looting at the building on 27th and 28th July, 1990, but at the time of the fire, all that was noticed by Security personnel next-door at N.H.A. was some smoke emanating from the building. The fire service was summoned and, on its arrival, fire-fighting operations were initiated.

Casualties: ..
Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$1,666,666	N I L	N I L	Entire warehouse Complex insured with Charlotte's
<u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$1,400,000	\$100,000	7.14%	Insured with Gatcliff for \$5.
	Damage to the above contents includes actual fire damage to (a) control panel and electrical system of Guillotine (b) two (2) work tables, (c) a vehicle and (d) fire and water damage to eight (8) pallets of packaged paper (stationery).		Caribbean Ins. Co. Ltd

Cause of Fire: Suspected non-accidental (maliciously set to burn).

N.B. The value of contents given are based on estimates of value prior to looting.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:28 Time of Call: 11:28 hours

Address of Incident: Cor. Prince and Duncan Streets, Port-of-Spain.

Description of Premises: Flab 'B' Class constructed building.

Owner(s): Mr. Edward Superville (U.S.A.) (property mortgated with N.C.B. Trust).

* Occupier(s):	Trading As:	Nature of Business:
Joseph Superville	Superville's Hardware	Commercial
	and Liquor Store	

Type of Building 'B' Class Size 40m x 30m No. of Floors One (1)

Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that the premises were looted and then set on fire by perpetrators unknown. The Service was subsequently summoned and on arrival, it was found that the building was in an advanced stage of fire.

Casualties: N I L

Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$500,000	\$490,000	98%	TATIL (Broker A. Pantin)
* <u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$250,000	\$250,000	100%	TATIL (Brokers A. Pantin)

Cause of Fire: Suspected Non-accidental

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:29 Time of Call: approx. 9:00 hours
Address of Incident: Eastern Main Road, Laventille
Description of Premises: Two-storied building of 'B' Class construction.
Owner(s): Neal & Massy Holding Limited.

Table with 3 columns: Occupier(s), Trading As, Nature of Business. Rows include County Council (Governmental), Neal & Massy Limited (Commercial), and Unknown (Commercial).

Type of Building: 'B' Class Size: No. of Floors: Two (2)
Type of Incident: Fire

Situation Prior to the arrival of the Fire Service: It was reported that the downstairs premises were looted and then set alight by perpetrator(s) unknown. The Fire Service was summoned later and, on its arrival, the building was found almost completely destroyed.

Casualties: N I L
Fatalities: N I L

Table with 4 columns: Value of Building, Damage to Building, Percentage, Details of Insurance. Rows show \$1,000,000 value and damage, 100% percentage, and 'Not obtained' insurance details.

* Value of Contents, Damage to Contents, Percentage, Details of Insurance. Rows (a) \$250,000, (b) \$200,000, (c) \$350,000, all 100% damage, 'Not obtained' insurance.

Cause of Fire: Suspected non-accidental.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

N.B. The value of and damage to contents given are based on estimates of value prior to looting.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:31 Time of Call: 10:25 hours
 Address of Incident: #4, Alcazar Street, Newtown, Woodbrook.
 Description of Premises: Two-storied structure with adjoining single-storied structure, both of 'B' Class construction.
 Owner(s): The State (T'ad and T'go Government).

* Occupier(s): Trading As: Nature of Business:
 T&T Television T&T Television, Commercial
 Advertising Accounts
 Sales, Stores and
 Carpentry

Type of Building 'B' Class Size 30m x 25m Two (2)
 30m x 10m No. of Floors One (1)
 Type of Incident Fire

Situation Prior to the arrival of the Fire Service It was reported that there was heavy gunfire taking place between members of the Jamaat Al Mualimeen and the State's Security Forces, when the building was suspectedly ignited as a result of the cross-fire.

Casualties: N I L
 Fatalities: See attached Note.

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$ 800,000	\$ 800,000	.100%	.CP&FIRE.....
* <u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$ 1,000,000	\$ 1,000,000	.100%	.CP&FIRE.....

Cause of Fire: Suspected ignition from gunfire. Fire-spread due to Fire Service's inability to gain immediate access to burning building because of the impending danger of continued cross-fire.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

FATALITIES

N O T E

The bodies of two (2) members of the Jamaat Al Muslimeen were discovered among the ruins of premises after they surrendered to the Defence Forces.

However, it is not ascertained whether the deaths were as a direct result of the fire (i.e. the Jamaat Al Muslimeen's members having perished in the fire).

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:07:31 Time of Call: 10:25 hours

Address of Incident: Maraval Road, Port-of-Spain.

Description of Premises: Two-storied structure of 'B' Class construction.

Owner(s): The State (Government of Trinidad and Tobago).

<u>Occupier(s):</u>	<u>Trading As:</u>	<u>Nature of Business:</u>
T&T Television	Television House	Communication
		(Televising)

Type of Building	'B' Class	Size	30.5m x 30.5m	No. of Floors	Two (2)
Type of Incident	Fire				

Situation Prior to the arrival of the Fire Service: There was a fire at T.T.T's building on Alcazar Street, which was as a result of a cross-fire between the Muslimen and the State Security Forces. The fire then spreaded to the rear of Television House where the canteen (on the upper floor) and Studios were (on the lower floor) are situated.

Casualties: N I L
 Fatalities: N I L

<u>Value of Building:</u>	<u>Damage to Building</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$2,000,000	\$ 400,000	20%	COLFIRE
<u>Value of Contents</u>	<u>Damage to Contents</u>	<u>Percentage</u>	<u>Details of Insurance</u>
\$10,000,000	\$4,000,000	40%	COLFIRE

Cause of Fire: Suspected accidental - Fire-spread due to radiation.

In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b); (c) and (d) accordingly.

FIRE DAMAGE SURVEY SHEET

Date of Call: 90:08:04 Time of Call: 09:10
 Address of Incident: Mucurapo Road, Mucurapo.
 Description of Premises: Two-storied Building of 'B' Class construction
 Owner(s): Jamaat-Al Muslimeen

* Occupier(s):	Trading As:	Nature of Business:
1. Imam Yasin Abu Bakr	Dwelling	Residential
2. Jamaat-Al Muslimeen	Boutique (Ground Floor)	Commercial
3. Jamaat-Al Muslimeen	Grocery (Ground Floor)	Commercial

Type of Building 'B' Class, Size 10m x 15m, No. of Floors Two (2)
 Type of Incident Fire
 Situation Prior to the arrival of the Fire Service First floor engulfed in flames.

Casualties: N I L
 Fatalities: N I L

Value of Building	Damage to Building	Percentage	Details of Insurance
\$200,000	\$110,000	55%	Not obtained
* Value of Contents	Damage to Contents	Percentage	Details of Insurance
A. \$ 75,000	\$ 75,000	100%	Not obtained
B. Suffered no fire damage. Only water damage.			
C. Suffered no fire damage. Only water damage.			

Cause of Fire: Not yet ascertained. Investigations are continuing.

* In the case of a multiplicity of occupiers/occupancies please letter and refer to them as (a), (b), (c) and (d) accordingly.

APPENDIX 8
General Hospital Report

With Compliments

Vijay

APPENDIX 8

THE TRINIDAD AND TOBAGO COUP OF JULY 1990 : A UNIQUE DISASTER

General Hospital Report

Vijay Naraynsingh FRCS FACS, Marlene Sukhdeo MB.BS,
Richard Spann MB.BS, Neil Khan MB.BS,
Deneash Ariyanayagam FRCS.

Dept of Surgery,
General Hospital, Port Of Spain,
Trinidad

ABSTRACT

The coup of July 1990 was a very unique disaster. It lasted 6 days and brought an unprecedented number and variety of injuries to General Hospital, Port Of Spain. Of the 187 surgical admissions, 170 were coup-related; 107 were due to gunshots. The demands on the staff, accident and emergency department, wards, operating theatres, laboratory and x-ray services required extraordinary effort to cope with these needs. A competent team of workers, relevant to the specialties involved, should be involved in the planning and delivery of care for such a disaster.

INTRODUCTION

A thunderous explosion that shook most of Port of Spain at 6.00 pm on July 27, 1990 announced the beginning of 6 days of surgical activity unprecedented in the medical history of Trinidad and Tobago. In fact, this young nation had secured a unique place in history since it was the first time that a Parliament, complete with Prime Minister, Deputy Prime Minister, Minister of National Security and other representatives, had been taken hostage by a group of 40 rebels. In addition, Television House was invaded by 72 Muslimeen who held 26 workers hostage. The timid political silence that followed was broken only by the loud sound of explosions and sharp gunshot blasts. North Trinidad became a lawless sea of looters that broke through wood, glass, concrete, iron - anything that stood between them and the property of others. What could not be removed was smashed and destroyed, the building was often set on fire. Cars, vans, trucks and even buses were loaded with loot and taken away. The articles ranged from sophisticated computers, to fridges, cash registers, bath tubs, toilet bowls, groceries, cloth, jewelry - even toothpaste and tulum. Some looters fought each other while police attempted to control the situation with gunshots. The resulting injuries would make heavy demands on the surgical services at a time when we were supposed to be addressing the potentially catastrophic medical consequences of an armed takeover.

When six days later, Abu Bakr and his 113 Muslimeen

followers walked out of Parliament and Television House, bare hands raised heavenward in apparent unconditional surrender, guns cold and lifeless at their feet, a still shocked nation stared in utter disbelief. When the dust and smoke cleared over a ravaged Port of Spain, the dead and injured outnumbered any previous unnatural disaster witnessed in Trinidad and Tobago.

This study examines several areas :

- (i) the number and types of injuries seen at hospital
- (ii) the mortality
- (iii) the difference between these and regular civilian injuries
- (iv) the management of such a disaster including areas such as staff, equipment, drugs, transport, communication, planning, as well as casualty, ward and operating theatre requirements.

MATERIALS AND METHODS

* - Three doctors at General Hospital, Port of Spain kept daily records of casualty attendance, treatment, admissions, planning, staffing, types of injuries for the days July 27 - August 1, 1990. In addition, patients were interviewed to assess their activities at the time of injury (ie looting, accident, bystander, etc.).

RESULTS

(i) ACCIDENT AND EMERGENCY (A & E)

Over the 6-day period 560 patients were seen. Of these 302 were admitted to the wards, 250 were treated and discharged and 8 died in the department (Table 1). Of those 250 treated and discharged from Accident and Emergency, 54 were related to the coup.

(ii) COUP RELATED OUT PATIENTS (Treated and discharged in A & E Department)

Of the 54 cases treated and discharged, 23 were due to cuts by glass (while looting from show cases, stores etc.), 10 from blunt trauma in fights, 8 gunshots, 3 chops/stabs and 11 others (fall etc.).

(iii) SURGERY DEPARTMENT

Of the 302 hospital admissions, 187 went to the Department of Surgery. 170 of these were related to the coup (Table 2).

(iv) TYPES OF INJURIES ADMITTED TO SURGERY

Of the 170 coup-related admissions to surgery, 107 were due to gunshots. Chops/stabs accounted for sixteen, motor vehicular accidents 12, cuts with glass 8, while falls, fights etc. accounted for the remaining 27 (Table 3). Many of the gunshot wounds were grotesque - of a type and extent

not seen in usual civilian life. Many of the fire-arms used during this period delivered high-velocity shots that produced extensive injuries.

(v) MORTALITY

The coup resulted in a total of 24 deaths. 15 of these died at hospital, 7 in the Accident and Emergency Department and 8 after admission (Table 4).

(vi) TYPE OF PERSON INJURED

Of the 231 related injuries (170 admitted, 54 treated and discharged and 7 dead in Accident and Emergency), 133 were looters, 28 by-standers, 12 police and army personnel, 17 civilians (during attack), 2 Muslimeen and 39 unknown (Table 5).

(vii) STAFF

Numerous doctors, nurses, attendants, radiographers, technicians and security officers stayed in hospital for prolonged periods - well beyond the call of duty. There was an average of about 18 nurses and 12 doctors in the Accident and Emergency Department at any time, with more available within the hospital compound if needed. The orthopaedic, anaesthetic and general surgery staff remained in hospital since the curfew limited movement for about 20 hours of the day. Catering for the staff (food, refreshments etc.) was very inadequate, especially during the first 3 days.

(viii) WARDS

The wards were rapidly cleared of all patients who could possibly go home to vacate beds for the anticipated increased intake. Arrangements were made for separate accommodation of politicians and Muslimeen if that became necessary. Some beds were available for medical staff who voluntarily stayed in hospital for the crisis.

(ix) OPERATING THEATRES

All 4 main operating theatres were fully staffed and equipped so that they could function simultaneously if required. In fact, at any one time during the crisis, the maximum number in use reached up to three.

(x) ACCIDENT AND EMERGENCY DEPARTMENT

Apart from the increased staffing provided, several other contingency measures were effected. More laryngoscopes, oral airways, ambubags, oxygen, endotracheal tubes, tracheostomy tubes, chest tubes, surgical instruments, IV fluids, drip sets, angiocaths, splints and bandages were brought into the department and carefully laid out. Corridors were cleared and the department was always in readiness. All patients with serious injury were treated immediately. Surgeons frequented the department much more than usual and senior Accident and Emergency staff were always in attendance.

(xii) TRANSPORT

Because public transport was not available and curfew limited the hours that workers could move about, special transport arrangements had to be made. In addition, gas stations were closed. The public transport buses, Water and Sewerage authority vehicles and ambulances assisted tremendously in moving staff to and from work. They left specified designated sites at specific times and this ensured an effective movement of staff to and from hospital. A major problem, however, was the use of ambulances by the protective services for patrolling/transporting their personnel. This made an ambulance a potential target of attack by rebels. In fact, one ambulance carrying health workers was shot at and bears the bullet hole as evidence.

(xii) PLANNING AND COPING

Planning and coping with the disaster was definitely the weakest area. This is due to :

- (a) inadequacies in the disaster plan itself.
- (b) failure to effect several aspects of the disaster plan.
- (c) inadequate communication between the hospital and disaster areas.
- (d) the unique nature of the disaster itself.

(a) INADEQUACIES OF THE DISASTER PLAN ITSELF

The disaster plan had several deficiencies with respect to the coup. No provisions existed for mobilisation of health

care workers during a curfew. In this case, although the coup took place on July 27, 1990, only 3 curfew passes were available for the entire medical staff by July 29, 1990. On August 2, 1990 one day after the hostages were released, curfew passes were made available for most of the doctors! Also, no provisions were made for keeping masses of health care workers at the institution for prolonged periods of time.

(b) FAILURE TO EFFECT SEVERAL ASPECTS OF
THE DISASTER PLAN ITSELF

The plan includes consultation with and involvement of the heads of surgery, anaesthetics and accident and emergency (among others). It is interesting that in a disaster of this nature, such individuals were not actively involved in planning on a day to day basis.

(c) INADEQUATE COMMUNICATION BETWEEN THE HOSPITAL AND
DISASTER AREAS

During the 6-day period, the hospital staff was put on RED ALERT on 5 occasions. On no occasion was the RED ALERT called off! Communication was further restricted by the Muslimeen invasion of Television House and damage to one radio station. Medical staff as well as the public were very poorly informed about what was happening.

(d) UNIQUE NATURE OF THE DISASTER ITSELF

In most disasters a single major calamity occurs (eg. crash, hurricane etc.) and resources are mobilised to deal with it. In this case, the disaster was drawn out over 6 days. It therefore had to involve planning to manage, feed and accommodate large numbers of staff for a prolonged period (since at any time a mass of casualties could come in). Plans also had to be made to deal with the rebels, and keep them separate from the politicians if mass casualties occurred in the Red House. Does triage operate differently for a politician and Muslimeen rebel ?

DISCUSSION

The coup of July 27, 1990 has several unique aspects that impact on health care workers. These are as follows :

The large number of injured patients and the different nature of injury (from that obtaining in regular civilian work) require specific attention.

A disaster plan must have sufficient flexibility to enable it to function even in such bizarre situations as the coup. The need to cater for large numbers of health care workers for prolonged periods of time has to be addressed. The possibilities for transporting people without transport, gas and within limits of a curfew have to be examined.

People "centrally" involved in caring for the injured must

be involved in the planning at all stages. It is difficult to imagine that in a disaster of this nature, no general surgeon, no orthopaedic surgeon, no anaesthetist, nor even the head of Accident and Emergency department, were actively involved in the planning on a daily basis. It is recommended that such individuals should be part of a coherent team that manages the disaster.

Specific ethical issues need to be addressed. Does a Member of Parliament/Minister who has a major injury that needs surgery take precedence over a rebel who has an even more severe injury that needs urgent attention? Is the system of triage different? Who gets the limited supply of expertise, blood and operating theatre time?

Communication is often cited as a major problem in disaster preparedness. The coup demonstrated that we need to improve our communication. None of the 5 RED ALERTS were called off. Thus, health care workers waited on several occasions, cleared operating theatres, assembled staff etc. and ON THEIR OWN called off the RED ALERT since no further information came through.

There was a coup in Grenada; Trinidad followed. In the region now shown to be prone to both natural and unnatural disasters, effective flexible disaster planning has to be instituted.

TABLE 1

ACCIDENT & EMERGENCY DEPARTMENT

DATE	27/7	28/7	29/7	30/7	31/7	01/8	TOTAL
TOTAL NO SEEN	43	152	115	83	123	44	560
ADMITTED	36	63	71	34	73	25	302
DISCHARGED	7	87	40	47	50	19	250
DEATH	0	2	4	1	1	0	8

TABLE 2

ADMISSIONS

	27/7	28/7	29/7	30/7	31/7	1/8	TOTAL
ADMISSION TO	27	53	45	23	19	20	187
SURGERY							
COUP RELATED	24	52	44	22	17	11	170
ADM.							
COUP RELATED	6	15	16	8	3	6	54
CAS RX							
COUP RELATED	30	67	60	30	20	17	224
TOTAL							

TABLE 3

INPATIENT INJURY

GUNSHOT	107
M V A	12
CUT-GLASS	8
CHOP/STAB	16
FALLS, FIGHTS ETC.	27

TABLE 4

TWENTY FOUR DEAD

LOCATION	NUMBER
General Hospital, Port Of Spain	15 (Gunshots)
Red House	7 (2 Police, 1 Muslimeen, 4 others)
TTT	1 (Muslimeen)
Police Headquarters	1 (Sentry)

TABLE 5

TYPE OF PERSON INJURED

231 CASES

LOOTERS	133
BYSTANDERS	28
POLICE/ARMY	12
MUSLIMEEN	2
CIVILIAN	17
UNKNOWN	39

APPENDIX 9

List of Muslimeen Members
in the Red House

APPENDIX 9

LIST OF MUSLIMEEN MEMBERS IN THE RED HOUSE

1. Adnan Al Adil
2. Abdul Naim
3. Abdu Jami
4. Batal Abdul Alim
5. Arman Abdul Samad
6. Abdul Bari
7. Abdulah Mohammed
8. Abdul Quari
9. Sabir Abdur Rasheed
10. Adil Ghani
11. Abdul Hakim
12. Abdul Jabbar
13. Jomo Abdul Aziz
14. Abdeen W Muhammad
15. Naim Ali
16. Nazeer Khan
17. Taalib Abdul Hakeem
18. Sakin Abdul Whab
19. Abdul Jihab
20. Abass Abdullah
21. Andy Williams
22. Kwesi Attiba
23. Bilaal Abdullah
24. Yasin Abdul Ali
25. Muhammad Abdul Wudud
26. Tambai Ali Mayu
27. Usama A. Phillips

28. Feroze Shah
 29. Abdul Khabir
 30. Sadiy Alrazi
 31. Kibwe Attiba
 32. Jameel Abdullah
 33. Saleem Michael John
 34. Abdul Rasaeed
 35. Naim Rashad
 36. Abu Sulaiman
 37. Riad Ali
 38. Abdul Quadir Muhammad
 39. Daud Al Jihad
 40. Umar Bin Malik
 41. Abasi Jawad
 42. Ansar Abdul Karim
-

APPENDIX 10

List of Muslimeen Members in
Trinidad and Tobago Television (TTT)

APPENDIX 10

LIST OF MUSLIMEEN MEMBERS IN TRINIDAD AND TOBAGO TELEVISION (TTT)

1. Vergil Khan
2. Dennis Simon
3. Peter Joseph
4. Patient on Stretcher
5. Hackmut Ali
6. Kalimu Abdulah Muwakil
7. Olive Iniehia Elle
8. Kalajh Ackibuar
9. Ansill Mohammed
10. Kalli Khan
11. Ghifari Abuca
12. Bernard Blanch
13. Loris Valla
14. Michael Bernard
15. Garvin Gillan
16. Ishmelle Ali
17. Claton Nicholas
18. Abdool Akille
19. Winston Nikky
20. Akille Kareem Abdool
21. Berton Robertson
22. Rahille Ali
23. Auldwin Wilch
24. Clyde Thomas
25. Diangelo Garcia
26. Patrick Roland
27. Kevin Joseph
28. Celwin Thompson
29. Abdool Khan
30. Neil Mc Fallan

APPENDIX 10

31. Caspa Glasgoo
32. Lloyd Quamie
33. Ferozik Ususof
34. Andrew Banyo
35. Client Missif
36. Hamjal Berajal Razak
37. Clint Moses
38. Nigel Braxon
39. Collin Nelson
40. Olivere Nicholas
41. Rusheed Latiff
42. Vanban Phillip
43. John Beny Long
44. Farook Abdool
45. Kenrick Mitchell
46. Jerry Allen
47. Neville Peza
48. Roy Auttley
49. Glenroy Bevrey
50. Mickey Neptune
51. Paul Vitney
52. Garsh Wackdool Abdool
53. Hiron Best
54. Curtis Prescott
55. Zakkibider
56. Thomas Lenson
57. Victor Dailey
58. Darrel Jsmes
59. Curt Walker
60. Patrick Simmons
61. Gaston Witshore
62. Juis

APPENDIX 10

63. Brent Busby
 64. Barry Watson
 65. Ronald Melville
 66. Roger Henry
 67. Andrew Banoo
 68. Andy Thomas
 69. Abu Bakr
 70. Hasan Anyabwile
-

APPENDIX 11

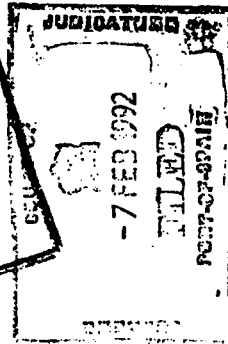
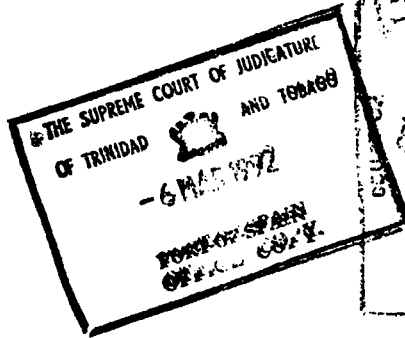
Document - re:
Hon. Arthur Napoleon Raymond Robinson's Resignation

APPENDIX II ^{175/12} ^{Trinity}
1990

Your Excellency President (Ag) Carter

I do hereby and with
immediate effect tender my
resignation as Prime Minister
of Trinidad and Tobago.

R. N. R. Robin



APPENDIX 12

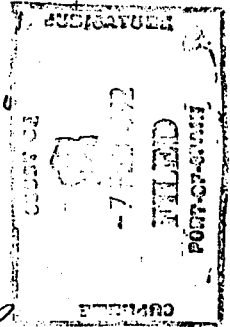
Document - re: Mr. Winston Dookeran
as Acting Prime Minister

APPENDIX 12

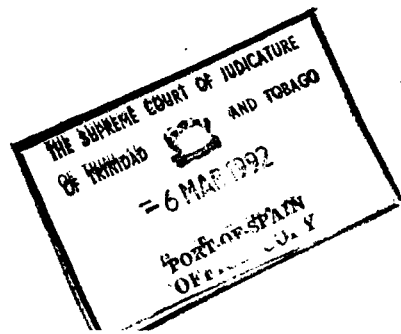
25th. July 1990

Your Excellency President (Ag.) Carter

We the undersigned members of Parliament do hereby undertake to support MR. WINSTON DOUCERAN as the Prime Minister of Trinidad and Tobago upon the resignation of Prime



Minister A.N.R. Roberts		
Joseph Lacey	Demetrius W. Johnson	William Kamath
A.N.R. She	Gloria Henry	Lalaine
John Campbell	W. S. Johnson	
John	Wilson Richardson	
John	Car A. C.	
Manuel Hoar	John	
Mark G. G. G.	Raymond Sabathine, Esq.	



APPENDIX 13

Document - re: Major Points of Agreement

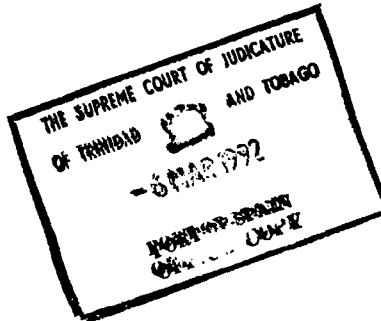
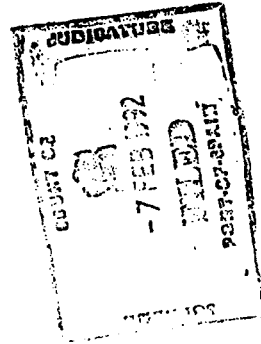
MAJOR POINTS OF AGREEMENT APPENDIX 13

(1) MR. ROBINSON WRITES LETTER OF RESIGNATION TO THE PRESIDENT AND MAKES APPROPRIATE STATEMENT

(2) ALL PARLIAMENTARIANS INCLUDING MR. ROBINSON SIGN A LETTER SUPPORTING MR. DOCKERAN FOR PRIME MINISTER.

(3) GENERAL ELECTIONS TO BE HELD IN 90 days

(4) MR. DOCKERAN WILL LEAVE CHAMBER WITH LETTERS AND GO TO



PRESIDENT WITH CANON CLARKE.

LEO BEF VIGYER TO BE

RELEASED SIMULTANEOUSLY FOR TREATMENT.

5. MR. DOBERMAN UPON HIS APPOINTMENT

SECURES AN AMNESTY FOR ALL

THOSE INVOLVED IN INSURRECTION

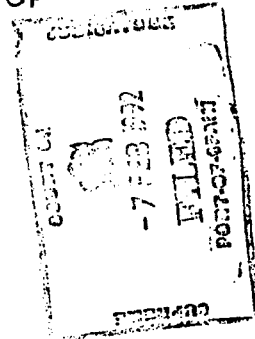
BETWEEN 5.30 pm. Friday 27th

July 1990 and RESOLUTION OF

MATTER.

AMNESTY DOCUMENT TO BE

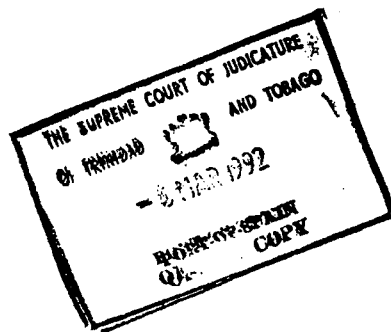
PREPARED BY PRESIDENT.



6. MR. DOBERMAN AND CANON CLARKE

RETURN WITH AMNESTY PAPERS.

ALL to be freed

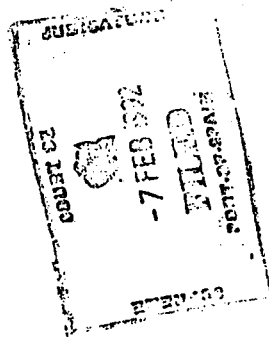
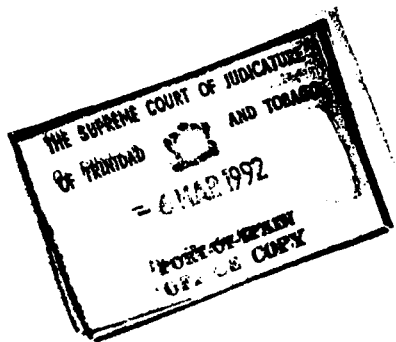


Document - re: No Foreign Intervention

NO FOREIGN INTERVENTION

WE, THE UNDERSIGNED PARLIAMENTARIANS WHO ARE NOW AT THE RED HOUSE DIRECT THAT NO FOREIGN INTERVENTION BE REQUIRED OR ALLOWED IN OUR AFFAIRS WHICH WE ARE CONFIDENT WE CAN RESOLVE.

A. R. Brown
Jennifer M. John
Joseph Toney
Robert [unclear]
R. [unclear]
Gloria Henry
Selwyn Richardson
Edw. A. [unclear]
Marilyn B. [unclear]
D. [unclear]
John A. [unclear]
Kilwin [unclear]
J. [unclear]
Emmanuel [unclear]



APPENDIX 15
Amnesty Document

APPENDIX 15

TRINIDAD AND TOBAGO

I, Joseph Emmanuel Carter as required of me by the document headed Major Points of Agreement hereby grant an amnesty to all those involved in acts of insurrection commencing approximately 5.30 pm on Friday 27th July 1990 and ending upon the safe return of all Members of Parliament held captive on 27th July 1990.

This amnesty is granted for the purpose of avoiding physical injury to the Members of Parliament referred to above and is therefore subject to the complete fulfilment of the obligation safely to return them.

Dated the 28th day of July, 1990.

JUDICATURE
-7 FEB 1992
FILED
PORT-OF-SPAIN

.....
JOSEPH EMMANUEL CARTER
Acting President

THE SUPREME COURT OF JUDICATURE
OF TRINIDAD AND TOBAGO
-6 MAR 1992
PORT-OF-SPAIN
OFFICE COPY

Office of the President
Received
25 SEP 1990
St. Ann's

APPENDIX 16

Lease of Lands to Jamaat-al-Muslimeen

APPENDIX 16

Noted & Entered

Lease of Lands to Jamaat-al-Mushimeen

*28-05-98
OK*

TRINIDAD AND TOBAGO



REGISTERED NO. 6176 OF 1998

REGISTERED ON 25TH MARCH, 1998

This Deed was prepared by me,

PETER A. WHARTON,
48 Abercromby Street,
Port of Spain.
Attorney-at-Law.

THIS DEED OF LEASE made the 17th day of March, in the Year of Our Lord One Thousand Nine Hundred and Ninety-Eight between THE MAYOR, ALDERMEN, COUNCILLORS AND CITIZENS OF THE CITY OF PORT OF SPAIN a body corporate constituted under the provisions of the Municipal Corporations Act No. 21 of 1990 with its place of business situate at City Hall 2-4 Knox Street, in the City of Port of Spain, in the island of Trinidad (hereinafter called "the Corporation" which expression shall where the context so admits include the reversioner for the time being expectant upon the determination of the term hereby created) of the One Part and YASIN ABU BAKR, KIBWE ATIBA, HASAN ANYABWILE, KALA AKII BUA, SADIQ AL RAZI, LORRIS BALLACK, SHEIK TARIQ and ISHMEAL ALI the lawful Trustees of JAMAAT AL MUSLIMEEN of 1 Mucurapo Road, in the City of Port of Spain, in the Island of Trinidad (hereinafter called "the Lessees" which expression shall where the context so admits include their executors, administrators and assigns) of the Other Part.

WHEREAS by Section 123 of the Municipal Corporations Act No. 21 of 1990 it is provided *inter alia* that it shall be lawful for the Corporation with the consent and under the Seal of the President of the Republic of Trinidad and Tobago but not otherwise to sell and demise any land vested in it.

AND WHEREAS the President of the Republic of Trinidad and Tobago has consented to the Lease hereby intended to be granted as evidenced by the paperwriting hereto annexed and marked "A".

NOW THIS DEED WITNESSES as follows:

1) That in consideration of the rent hereinafter reserved and of the covenants and conditions on the part of the Lessees hereinafter contained and to be performed and observed the Corporation HEREBY DEMISE unto the Lessees ALL AND SINGULAR that piece or parcel of land situate at Mucurapo, in the City of Port of Spain, in the Island of Trinidad more particularly described in the schedule hereto (hereinafter called "the Demised Premises") TO HOLD the same unto the Lessees for the term of Twenty-Five (25) Years (hereinafter called "the term hereby granted") from the First day of March, One Thousand Nine Hundred and Ninety-Eight determinable nevertheless as hereinafter provided YIELDING AND PAYING therefore during the said term the Yearly rent of SIX THOUSAND DOLLARS (\$6,000.00) by equal/approximate monthly payments of FIVE HUNDRED DOLLARS (\$500.00). For the remainder of the said term the rent shall be subject to review every Five (5) Years. The rent in respect of each month of each of the said term is to be paid in advance on the first day of each and every month during the continuance of the term hereby granted the first of such monthly payments to be made on the execution of these presents.

2) THE LESSEES HEREBY COVENANT with THE CORPORATION as follows:-

- 1) To pay the rent reserved and any increase therein on the days and in the manner hereinbefore provided without any deduction whatsoever.
- 2) At all times during the term hereby granted to pay and discharge all rates and taxes, charges, duties, assessments, impositions

and outgoings whatsoever which are now or may at any time hereafter be charged, assessed or imposed upon or in respect of the Demised Premises or any part thereof or any house, building or other structure erected or standing thereon or upon the owner or occupier in respect thereof.

- 3) To execute and carry out within Six (6) Months from the date of these presents at their own cost and expense all such works on the Demised Premises as may be required by the City Engineer and/or the Medical Officer of Health of the Corporation or Local Authority to be executed and carried out and which shall have been notified to the Lessees in writing as a condition to the granting of these presents.
- 4) Within Two (2) Years of the grant or assignment of this Lease or the damage or destruction in whole or in part of any building thereon (excluding any unauthorised building) to erect or complete the erection of such building upon the Demised Premises in accordance with approved plans, elevations and specifications thereof and in compliance with all terms, conditions and restrictions imposed by all relevant authorities.
- 5) To maintain and keep in good and substantial repair and in a clean and sanitary condition the Demised Premises and all buildings and structures which are now standing or may at any time during the term hereby granted be erected thereon and all additions and/or alterations which may be made thereto and all fixtures therein.
- 6) If the Demised Premises be unfenced or not fenced to the satisfaction of the Corporation so soon as may be after the execution hereof to erect along each boundary of the Demised Premises which fronts or abuts on any street or streets a fence of such material and height and in such position as the Corporation shall prescribe and keep such fence in good and substantial repair, order and condition and maintained, cleansed and amended in every respect at all times during the continuance of the term hereby granted.

- 7) Not to use wood, metal sheeting or any other such sheeting for the construction of such fences or gates.
- 8) Not to erect or build or permit to be erected or built on the Demised Premises any building, boundary, fence or other structure or make or permit to be made any additions and/or alterations to any buildings thereon except in accordance with plans, elevations sections and specifications previously approved in writing by the Corporation and to obtain any necessary planning consents and permissions from any Local and/or other Authority having a right to grant such requisite consents and permissions.
- 9) Not to make or maintain or suffer or permit to be made or maintained any internal or external structural alteration or addition whatsoever in or to the buildings for the time being on the Demised Premises unless for the purpose of remedying and making good any defect therein.
- 10) To keep in repair and cleanse all yards, drains, roadways, ditches, watercourses and appurtenances on the Demised Premises.
- 11) Not to form any refuse, dump or scrap heap on the Demised Premises or in any alleys whether adjoining the Demised Premises or elsewhere and not to store or permit to be deposited or stored any refuse or waste on any part of the Demised Premises or in any alleys as aforesaid and to keep the Demised Premises clean, tidy and free from litter.
- 12) Not to store any noxious, dangerous, offensive, combustible, inflammable or explosive substances or goods on the Demised Premises or in any building or structure thereon.
- 13) To permit the Corporation and its duly authorised officers, agents and/or servants or any other person or persons authorised by it with or without workmen and others at all convenient hours to enter into or upon the Demised Premises and/or any building or structure thereon to examine and inspect the condition thereof and upon written notice being given to the Lessees by the Corporation or left by the Corporation

at the Demised Premises and at the cost and expense of the Lessees to commence and diligently proceed to rectify amend and make good any repairs or defects specified in such notice within such time as may be prescribed in such notice PROVIDED HOWEVER that in case of default by the Lessees the Corporation may re-enter upon the Demised Premises and make and execute all necessary and proper preparation and amendment thereof and the cost thereof and any monies expended by the Corporation for that purpose shall be a debt from the Lessees to the Corporation on demand and be forthwith recoverable as liquidated damages.

- 14) Not at any time during the term hereby granted (except with the express permission, consent or licence of the Corporation under the Seal of the Corporation and subject to such terms, conditions and restrictions as may be specified in such permission, consents or licence) to carry on or permit or suffer to be carried on in or upon the Demised Premises or any part thereof or any building or buildings erected and standing thereon any trade or business or permit the same to be occupied or used as a barrack or for any illegal or immoral purpose or in any other manner than for religious cultural and related purposes.
- 15) Not to do or permit to be done in or upon the Demised Premises or any building or structure erected thereon or any part thereof anything which shall or may be or become a nuisance, annoyance or cause damage danger, disturbance or inconvenience to the Corporation or tenants of the Corporation or the occupiers of any adjoining or neighbouring property.
- 16) Not to assign, sublet, underlet, part with possession or otherwise dispose of the Demised Premises or any part thereof without the consent in writing of the Corporation first had and obtained such consent not to be unreasonably withheld.
- 17) To comply with any bye-laws, regulations and statutes for the time being in force and with all reasonable regulations made by the Corporation from time to time for the management of the Demised Premises.

- 18) To pay to the Corporation all costs, charges and expenses which may be incurred by it in abating any nuisance on or arising from the Demised Premises and executing all such works as may be necessary for abating such nuisances in obedience to any notice served by it on any public Authority.
- 19) Not to affix, erect, place or permit to be affixed, erected or placed upon the Demised Premises or any building or other structure at any time standing thereon or upon any part thereof without the proper written consent of the Corporation and hoarding placard, poster or signpost for the purpose of exhibiting any advertisement or notice of any description whatsoever except those advertising the selling or letting of the Demised Premises.
- 20) Within Thirty (30) Days of the transmission of any interest under this Lease or derivative of it or the execution of any document dealing with such interest to produce to and submit to the Corporation a certified copy of the Deed (or a true copy of the original so certified by the Attorney-at-Law for the transaction) or other document evidencing or effecting such dealing or transmission and with such reasonable registration fee as the Corporation may require.
- 21) To pay all administrative costs and all other fees incurred by the Corporation attendant upon or incidental to every application made by the Lease for any consent, approval or licence required by this Lease or made necessary whether the same be granted or refused or proffered subject to any qualification or condition or whether the application be withdrawn.
- 22) To indemnify the Corporation, its servants, and/or duly authorised agents in respect of all losses, claims, demands, actions or proceedings whatsoever arising out of or by reason of the use of the Demised Premises for the purposes hereinbefore defined or in respect of any works, matters or things authorised by these presents or arising out of any act or omission whatsoever of the Lessees whether by themselves, their servants or agents.

- 23) Not to make any encroachment upon any adjoining or neighbouring property and to take all necessary steps to prevent any encroachment upon the Demised Premises and forthwith to give notice to the Corporation of any attempted encroachment and at the cost of the Lessees to do all such things as may be reasonably required by the Corporation for the purpose of preventing or discontinuing the making of any such encroachment.
- 3) THE CORPORATION HEREBY COVENANTS WITH THE LESSEES that the Lessees paying the rent hereinbefore reserved and observing and performing the several covenants, conditions and stipulations on their part herein contained shall peaceably hold and enjoy the Demised Premises during the continuance of the term hereby granted without any interruption by the Corporation or any person rightfully claiming under or in trust for the Corporation.
- 4) PROVIDED ALWAYS AND IT IS HEREBY AGREED AND DECLARED between the parties that:
- 1) If the yearly rent hereby reserved or any part thereof shall at any time be in arrear and unpaid for a period of Fourteen (14) Days after the same shall have become due (whether legally or formally demanded or not) or if the Lessees shall at any time fail or neglect to perform or observe any of the covenants, conditions or agreements herein contained and on their part to be performed and observed then and in any such case it shall be lawful for the Corporation or any person or persons duly authorised by it in that behalf to re-enter into and upon the Demised Premises or any part thereof in the name of the whole and thereupon this lease shall absolutely determine but without prejudice to any right of action or remedy of the Corporation in respect of any antecedent breach of any of the covenants by the Lessees herein contained.
 - 2) If the Lessees shall at any time fail or neglect to pay and discharge any property rates, taxes, charges or assessments

whatsoever which are now or may at any time hereafter be charged assessed or imposed upon or in respect of the Demised Premises or any part thereof or any building or other structure erected or standing thereon or upon the owner or occupier in respect thereof for a period of Two (2) Years after becoming payable (whether formally or legally demanded or not) or if any covenant on the part of the Lessees shall not be paid, performed or observed or if the Lessees shall be adjudicated bankrupt or have a receiving order made against them or if the Lessees being a Company shall go into liquidation whether voluntary or otherwise or if the Lessees shall call a meeting of creditors or enter into any agreement with such creditors for liquidation of their debt then and in any one of such cases happening it shall be lawful for the Corporation or any person or persons duly authorised by it in that behalf to re-enter into or upon the Demised Premises or any part thereof in the name of the whole and thereupon this Lease shall absolutely determine but without prejudice to any right of action or remedy of the Corporation in respect of any antecedent breach of any of the covenants by the Lessees herein contained.

- 3) If the Lessees shall be desirous of taking a new lease of the Demised Premises for a further term of Twenty-Five (25) Years to commence from and after the expiration of the term hereby granted and shall at least Three Calendar Months before the expiration of such term signify their desire by a notice in writing to the Corporation and if at the time of the giving of such notice there shall not be any existing breach of any of the covenants and conditions herein contained and on the part of the Lessees to be paid, performed and observed the Corporation shall at the cost of the Lessees grant to the lessees a new lease of the Demised Premises for a further term of Twenty-Five (25) years commencing from and after the expiration of the term hereby granted at such revised rent as the Corporation may determine such rent being not less than the rent chargeable at the expiration of the Lease or such revised rent as the Corporation may determine and payable in the manner provided herein and subject in all respects to the same

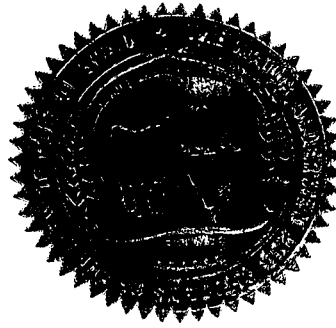
- 4) All buildings upon the Demised Premises shall be removable by the Lessees at any time within Three (3) Months next before the expiration of the term hereby granted or any extensions thereof and the Lessees shall immediately after such removal level the Demised Premises and put the same in such condition as the Corporation may require.
- 5) Any demand for payment or notice required to be served hereunder shall be deemed to be properly and sufficiently served on the Corporation if delivered at or forwarded by registered post to the City Clerk of the Corporation and on the Lessees if delivered either to the Lessees or to any person acting as their agent in respect of the Demised Premises or if forwarded by post to the Demised Premises or left addressed to the Lessees at or on the Demised Premises or at the last known place of business of the Lessees. A notice sent by post shall be deemed to have been served Three (3) Days after the date of posting.
- 6) In these presents where the context so admits:-
 - a) the Singular shall include the Plural;
 - b) the Masculine shall include the Feminine;
 - c) where there are two or more persons included in the expression "the Lessees" covenants expressed to be made by the Lessees shall be deemed to be made by them jointly and severally.

IN WITNESS WHEREOF the Corporation has caused its Common Seal to be hereunto affixed the 17th day of March, One Thousand Nine Hundred and Ninety-Eight and the Lessees have hereunto set their hands the 17th day of March, One Thousand Nine Hundred and Ninety-Eight.

THE SCHEDULE ABOVE REFERRED TO

ALL AND SINGULAR that certain piece or parcel of land comprising Three Acres, Four Roods and Seventeen Perches or One Point Five Two Zero

Three Hectares situate at Mucurapo in the City of Port of Spain in the Island of Trinidad known and assessed as No. 1 Mucurapo Road and bounded on the North partly by the Mucurapo Road and partly by the Bournes Road Ravine on the South by a sewerage Trunk Main Reserve twenty-three point three-eight metres (23.38M) wide on the East by a Road Reserve Thirteen point Seven metres (13.7M) wide and on the West partly by the Bournes Road Ravine and partly by the Sewerage Trunk Main Reserve twenty-three point three-eight metres (23.38M) wide and which said parcel of land is shown coloured pink on the plan hereto annexed and marked "X".



The Common Seal of THE MAYOR,
ALDERMEN, COUNCILLORS AND CITIZENS
OF THE CITY OF PORT OF SPAIN was
hereunto affixed by JOHN RAHAEL- Mayor
who hereto subscribed his signature
in the presence of:

)
)
) *John Rahael*
)

Mary Gumbright
Christine Taylor
City Hall
Prince Street
Port of Spain

)
)
) And of me, *[Signature]*
[Signature]
Attorney at Law.

SIGNED AND DELIVERED by the)
within-named YASIN ABU BAKR)
KIBWE ATIBA, HASAN ANYABWILE)
KALA AKII BUA, SADIQ AL RAZI,)
LORRIS BALLACK, SHEIK TARIQ and)
ISHMEAL ALI as and for their)
respective acts and deed in the)
presence of)

Yasin Abu Bakr
Hasan Anyabwile
Ishmeal Ali
Sadiq Al Razi
Ballack
Sheik Tariq
And of me, *Shahid Samy*

Handwritten notes:
18 No. 106 Duke Street
Port of Spain

P. Ashmore Wharton
Attorney at Law.

I, MARY GOBINSINGH Clerk/Typist of City Hall, Knox Street, in the City of Port of Spain, in the Island of Trinidad, do hereby make oath and say that I was personally present together with PETER ASHMORE WHARTON, Attorney at Law on the 17th day of March, 1998 at Port of Spain, as aforesaid, and did then and there see JOHN RAHAEL, the Mayor, Aldermen, Councillors and Citizens of the City of Port of Spain (hereinafter called "the Corporation") and one of the parties to the within-written Deed purporting to be a Deed of Lease (hereinafter called "the said Deed") made between the Corporation of the One Part and YASIN ABU BAKR, KIBWE ATIBA, HASAN ANYABWILE, KALA AKIIBUA, SADIQ AL RAZI, LORRIS BALLACK, SHEIK TARIQ and ISHMAEL ALI (hereinafter called "the Lessees") of the Other Part affix the Common Seal of the Corporation to and sign the said Deed; and that the Seal so affixed is the proper Seal of the Corporation; and that the signature and writing "JOHN RAHAEL" under the said Seal set and subscribed at the foot of the said Deed is of the true and proper handwriting of the said JOHN RAHAEL; and I further make oath and say that the signatures "P.A. WHARTON" and "MARY GOBINSINGH" also at the foot of the said Deed set and subscribed as those of the witnesses to the execution thereof by the said JOHN RAHAEL are respectively of the true and proper handwritings of the said PETER ASHMORE WHARTON and of me this deponent.

SWORN to at No. 106 Duke Street,)
Port of Spain, Trinidad, this)
25th day of April 1998.)

Before me,

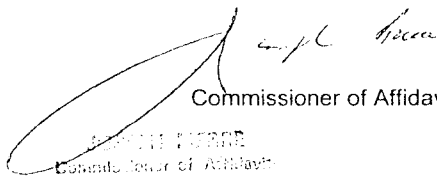
Mary Gobinsingh
James ...
Commissioner of Affidavits.

I, FRANKLYN GORDON HARPER of 48 Abercromby Street, Port of Spain, in the Island Trinidad, Proprietor, make oath and say that I was personally present together with PETER ASHMORE WHARTON, Attorney at Law on the 17th day of March, 1998 at Port of Spain, as aforesaid, and did then and there see YASIN ABU BAKR, KIBWE ATIBA, HASAN ANYABWILE, KALA AKII BUA, SADIQ AL RAZI, LORRIS BALLACK, SHEIK TARIQ and ISHMAEL ALI, the lawful Trustees of the JAMAAT AL MUSLIMEEN (hereinafter called "the Lessees") one of the parties to the foregoing deed purporting to be a Deed of Lease and made between THE MAYOR, ALDERMEN, COUNCILLORS AND CITIZENS OF THE CITY OF PORT OF SPAIN (hereinafter called "the Corporation") of the one part and the said Lessees of the other part sign and deliver the same as and for their respective acts and deed and that the signatures "Y.A. BAKR", "K. ATIBA", "HASAN ANYABWILE", "KALA AKII BUA", "SADIQ AL RAZI", "L. BALLACK", "SHEIK TARIQ" and "ISHMAEL ALI" at the foot of the said deed subscribed are of the true and proper handwriting of the said YASIN ABU BAKR, KIBWE ATIBA, HASAN ANYABWILE, KALA AKII BUA, SADIQ AL RAZI, LORRIS BALLACK, SHEIK TARIQ and ISHMAEL ALI and that the signature "FRANKLYN G. HARPER" also to the said deed subscribed as those of the witnesses attesting the due execution of the same in manner aforesaid by the said YASIN ABU BAKR, KIBWE ATIBA, HASAN ANYABWILE, KALA AKII BUA, SADIQ AL RAZI, LORRIS BALLACK, SHEIK TARIQ and ISHMAEL ALI are of the true and proper handwriting of me this deponent and of the said PETER ASHMORE WHARTON.

SWORN to at No. 106 Duke Street,)
 Port of Spain, Trinidad, this 25th)
 day of March 1998.)

Before me,

Commissioner of Affidavits.

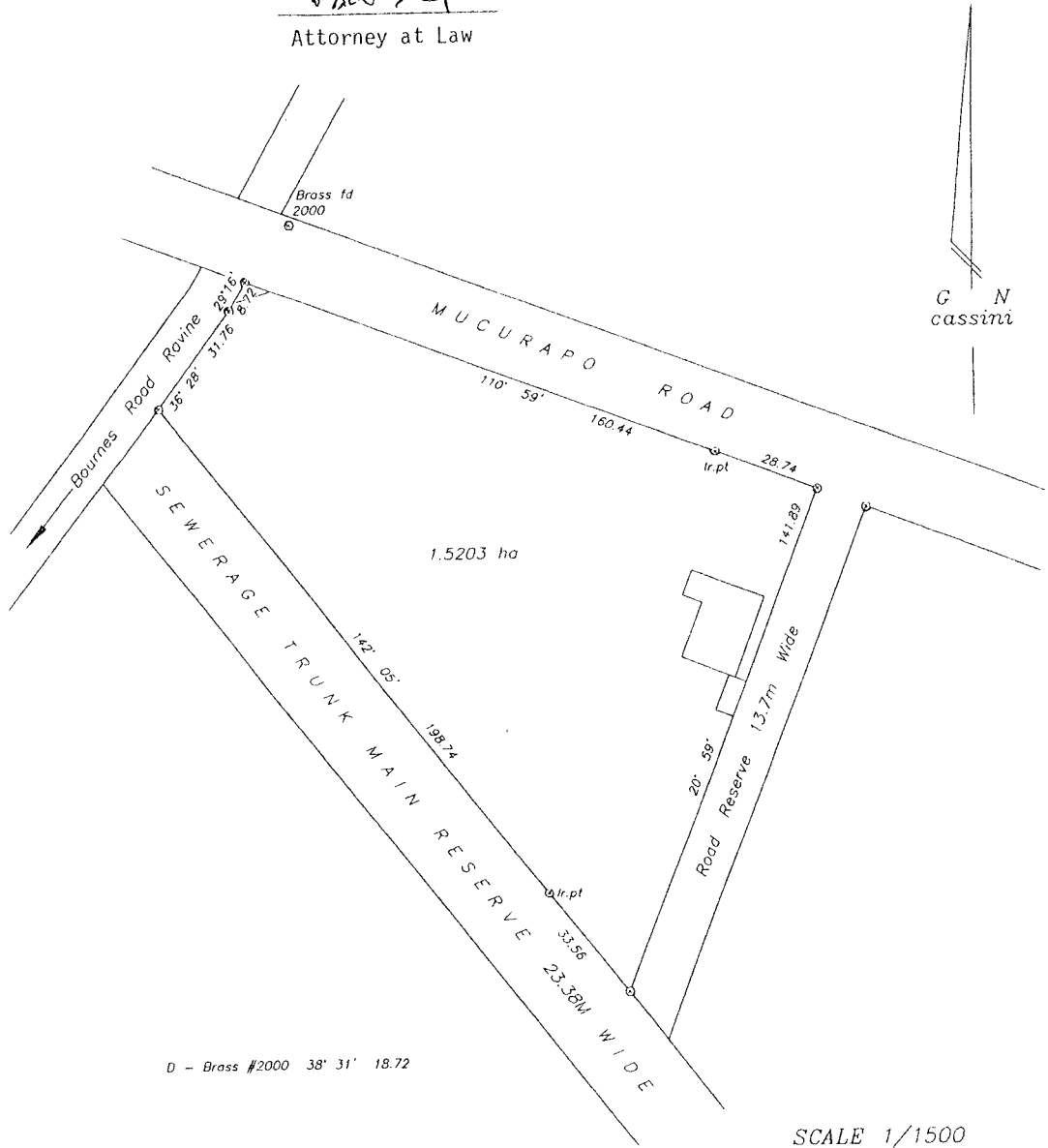


FRANKLYN GORDON HARPER
 Commissioner of Affidavits
 106 Duke Street
 Port of Spain, Trinidad

This is the plan marked "X" referred to in deed of lease dated the 17th day of March, 1998.

Cadastral Sheet A.20.E. 13D
3b
City of Port of Spain
County of St. George

P. S. G. L.
Attorney at Law



D - Brass #2000 38° 31' 18.72

SCALE 1/1500

Note: If found in each corner except where otherwise stated

Distances are in metres

PLAN of a Parcel of land coloured Pink in the City of Port of Spain- **ESLIE AKUM LUM**
Licensed Land Surveyor
2c Deré St., Port of Spain
Phone: 625-3280

Containing one point five two zero three hectares
Surveyed by me with due authority in July 1983 for

Checked by The Port of Spain City Corporation

Entered..... *Es. J. Akum Lum*

Land Surveyor, Trinidad & Tobago *4th March* 1998

POSCC1

"A"

This is the consent marked "A" referred to in the hereto prefixed deed of lease dated the 17th day of March, 1998.

REPUBLIC OF TRINIDAD AND TOBAGO

[Signature]

Attorney at Law

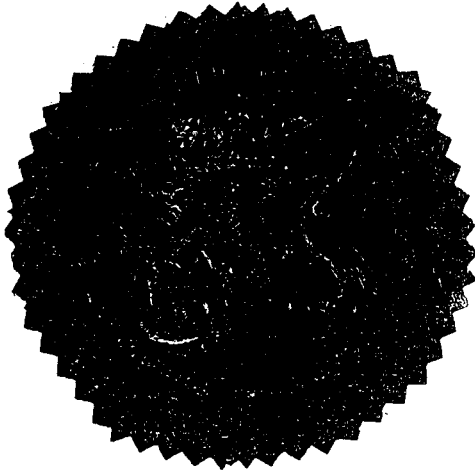
CONSENT to lease of lands by the Corporation under section 123 of the MUNICIPAL CORPORATIONS ACT No. 21 OF 1990.

WHEREAS by section 123 of the Municipal Corporations Act No. 21 of 1990, it is among other things provided that it shall be lawful for the Corporation with the consent of the President under the Seal of the President of the Republic of Trinidad and Tobago but not otherwise to sell and alienate any land vested in them and to demise any such land;

And whereas the Corporation desirous of demising certain land vested in them and hereinafter described, and have applied for my consent to such demise;

Now, therefore, I, HOOR MOHAMED HASSANALI
President, do hereby consent to the lease by the Mayor, Aldermen and Citizens of the City of Port-of-Spain of the land vested in the Corporation and situate in the said City known as No. 1 Mucurapo Road, Port of Spain
to the Jamaat Al Muslimeen for religious, cultural and related
purposes.

for a term of twenty-five years, with the option of renewal for a further term of twenty-five years, at the revised rental, which is to be reviewed initially after a period of five years and every five years thereafter.



Given under my Hand and the Seal of the President of the Republic of Trinidad

and Tobago this eighteenth day of October 1993.

Hoor Hassanali

President

G.P., Tr./To.-J 2609-10- /93

JAMAAT AL MUSLIMEEN of 1 Mucurapo Road, in the City of Port of Spain, in the Island of Trinidad (hereinafter called "the Lessees" which expression shall where the context so admits include their executors, administrators and assigns) of the Other Part.

APPENDIX 17

List of Persons Providing Written Memoranda

APPENDIX 17

LIST OF PERSONS PROVIDING WRITTEN MEMORANDA

1. Mr. Feroose Ali
 2. Ms. Catherine Ali
 3. Mr. Ghiffari Almulhtar (Alias Davy de Verteuil)
 4. Ms. Sharon Bradshaw
 5. Mr. Keith A Clarke – (Sacred Heart Foundation)
 6. Mr. Bertram Dookeran
 7. Mr. J.G. Furness Smith
 8. Mr. Dominic Gonzalez
 9. Mr. Isaac Jurawan
 10. Mr. Charles Kong Soo
 11. Mr. Jack Manazer
 12. Mr. Kenneth Manchouck
 13. Mr. Arthur L Mc Shine
 14. Mr. Carlton Boiselle Smith
 15. Mr. Vitti Furlonge-Kelly
 16. Ms. Arjune Teeluck
 17. Ms. Ann Maria Mora
 18. Ms. Annette Wiltshire
 19. Mr. Lars Johnson
 20. Mr. Emrol Gould
 21. Mr. Arthur Sanderson
 22. Mr. Israel B Khan
 23. Ms. Jagdaye Jassie Singh
 24. Mr. Anthony Timothy
 25. Ms. Alva Viarruel
 26. Mr. Patrick Taylor (On behalf of his father, Mr. Leonard Taylor)
-

Report from Valuation Division, Ministry of Finance

APPENDIX 18

Commissioner of Valuations

Handwritten notes:
"RH 1"
4/1/67
2012
copy to Commissioner

The Permanent Secretary, Ministry of Planning & Mobilization

22nd January, 91

Acquisition of Land at Mucurapo

Report from Valuations

I refer to the memorandum from the Director of Surveys to you dated 16th January, 1991 on the above-mentioned subject-matter - a copy of which was sent to me on 18th January, 1991 - and to our discussion of this matter held on 17th January, 1991, and forward herewith my Report and Valuation on this matter, which is self-explanatory.

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Commissioner of Valuations

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COMMISSIONER OF VALUATIONS

REPORT AND VALUATION

ACQUISITION OF LANDS AT MUCURAPO

LOCATION: The subject property is situated on the southern side of Mucurapo Road immediately west of the Mucurapo Junior Secondary School. (more specifically identified on the plan relating to Survey Order 72/90).

DESCRIPTION: The site, said to comprise 1.5203 hectares, is trapezoidal in shape, flat, naturally well-drained and has a frontage of approximately 160 metres along the Mucurapo Road. Standing on the site is a large concrete structure together with the ruins of some other buildings.

SERVICES: All services are available to the site.

ASSUMPTION:

- (1) It has been assumed that planning permission for residential and/or commercial/industrial purposes would be available.
- (2) It has been assumed that good freehold title is available and that there are no onerous or unduly restrictive covenants attached to the land.
- (3) It has been assumed that vacant possession is available.
- (4) No account has been taken in this valuation of any building standing on the site.

VALUATION: Evidence of the market suggests that the sum of ONE MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00) is a fair estimate of the current open market value of the unencumbered freehold interest in the subject parcel of land.



Commissioner of Valuations

DATED: 21/1/91

Richard J. H.
CERTIFIED CORRECT
COMMISSIONER OF VALUATIONS

Permanent Secretary—Ministry of Planning and Mobilization (ATTN: MR. C. GREAVE

January 16th 91

Acquisition of Land at Mucurapo

Enclosed are copies of two letters from the Permanent Secretary, Ministry of Justice and National Security dated December 28th, 1990 and January 10th, 1991.

The parcel of land in question is shown coloured on the attached Survey Plan and comprises 1.5203 hectares.

In the case of compulsory acquisition, the purpose for which the land is to be used has to be specified (Section 4 of the Land Acquisition Act bears this out- "The President may authorize the Commissioner of State Lands to do any work on the land connected with the use to which the land is intended to be put on acquisition.") The public purpose was stated in the letter dated December 28th 1990.

Further requirements usually are-

- a) The comments of the Town and Country Planning Division.
- b) The estimated cost of Valuation.
- c) The approval of Cabinet.
- d) The approval of both Houses of Parliament.
- e) Publication in the Trinidad and Tobago Gazette.

The approval of Cabinet must first be obtained before the process of Acquisition by Private Treaty is commenced.

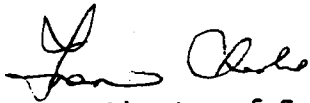
After receiving the approval of Cabinet the following steps will be necessary-

- a) Negotiations between the City Council and the Commissioner of Valuations/Property Management Unit. (with understanding that payment be made three months after an agreement on the price);
- b) The approval of the agreed price by Cabinet;
- c) The preparation and execution of the Deed of Conveyance (i.e. date of payment.)

(2)

I will like to recommend that the State acquires the parcel by Private Treaty because of the urgency with which the parcel is required. In giving this advice, I am assuming that there will be no problems associated with the negotiations between the City Council and the State.

I await your urgent advice on this matter.



Ag. Director of Surveys

c.c. Permanent Secretary
Ministry of Justice and National Security

Richard J. H.
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COMMISSIONER OF VALUATION

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2



MINISTRY OF JUSTICE AND
NATIONAL SECURITY
KNOX STREET
PORT-OF-SPAIN

DATEJanuary...10...1991.....

Director of Surveys,
Red House,
Port of Spain.

ag

Dear Sir,

Acquisition of Lands at Mucurapo.

I have to refer to our discussion on the telephone this morning on the subject matter and to the earlier letter to you dated 28th December, 1990 from my predecessor.

It is hereby confirmed that the Ministry of Justice and National Security requires the portion of land located at No. 1 Mucurapo Road (bounded on the north by the Mucurapo Road, on the south by the Sewer Trunk Main Reserve, on the west by the Bournes Road Ravine and on the east by the Road Reserve) as set out in Survey Order No. 72 of 1990 and now vested in the City Council.

I should be grateful if you will initiate the necessary steps for the acquisition of the said portion of land as a matter of urgency. The Honourable Minister of Justice and National Security has approved of the proposed acquisition for the purpose indicated. In this connection, please see the attached copy of a letter to His Worship the Mayor of Port of Spain dated 8th January, 1991.

I should be grateful if you would also send me today a copy of your latest Survey Plan of the subject area.

Yours faithfully,

[Signature]
Permanent Secretary.

Encl.



Richard [Signature]
CERTIFIED CORRECT
COMMISSIONER OF VALUATIONS

January 8, 1991.

His Worship
The Mayor of Port of Spain
Alderman Augustus Williams,
City Hall,
Port of Spain.

Dear Mr. Mayor,


Acquisition of Lands at Mucurapo.

I have to refer to discussions on the above subject between Your Worship and my predecessor Mr. Reynold Fernandez and Colonel R. N. Brown, Chief of Defence Staff, Trinidad and Tobago Defence Force.

In keeping with those discussions I now confirm Government's intention to acquire the property numbered as No. 1 Mucurapo Road as well as certain adjacent areas which may also be vested in the Port of Spain Corporation.

Pending the acquisition of the subject lands, I am to request as a matter of extreme urgency, the approval of the Port of Spain Corporation to enter on the subject lands and to construct the planned facilities. The Director of Surveys will be asked to survey the area in order to more precisely identify the areas to be acquired.

Yours faithfully,


Permanent Secretary.

Ricardo
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COMMISSIONER OF VALUATIONS

*Mr. ...
901231*

*623-5352
by ...*



(1)

MINISTRY OF JUSTICE AND
NATIONAL SECURITY
KNOX STREET
PORT-OF-SPAIN

DATEDecember..28...1990....

Director of Surveys,
Red House,
PORT OF SPAIN.

Dear Sir,

The Ministry requires a portion of land at No.1 Mucurapo Road as set out in the attached Survey Order No.72 of 1990 now leased to the City Council bounded on the north by the Mucurapo Road and South by the Sewer Trunk Main Reserve, West by the Bournes Road Ravine, East by the Road Reserve to be acquired for the purpose of constructing a base for the Defence Force and to facilitate a transfer of personnel from Camp Ogden which have been deemed unsuitable for continuing use as a military base.

Could you proceed to initiate the necessary steps for the acquisition of the said portion of land at the earliest please.

Yours faithfully,

[Handwritten Signature]
Permanent Secretary.



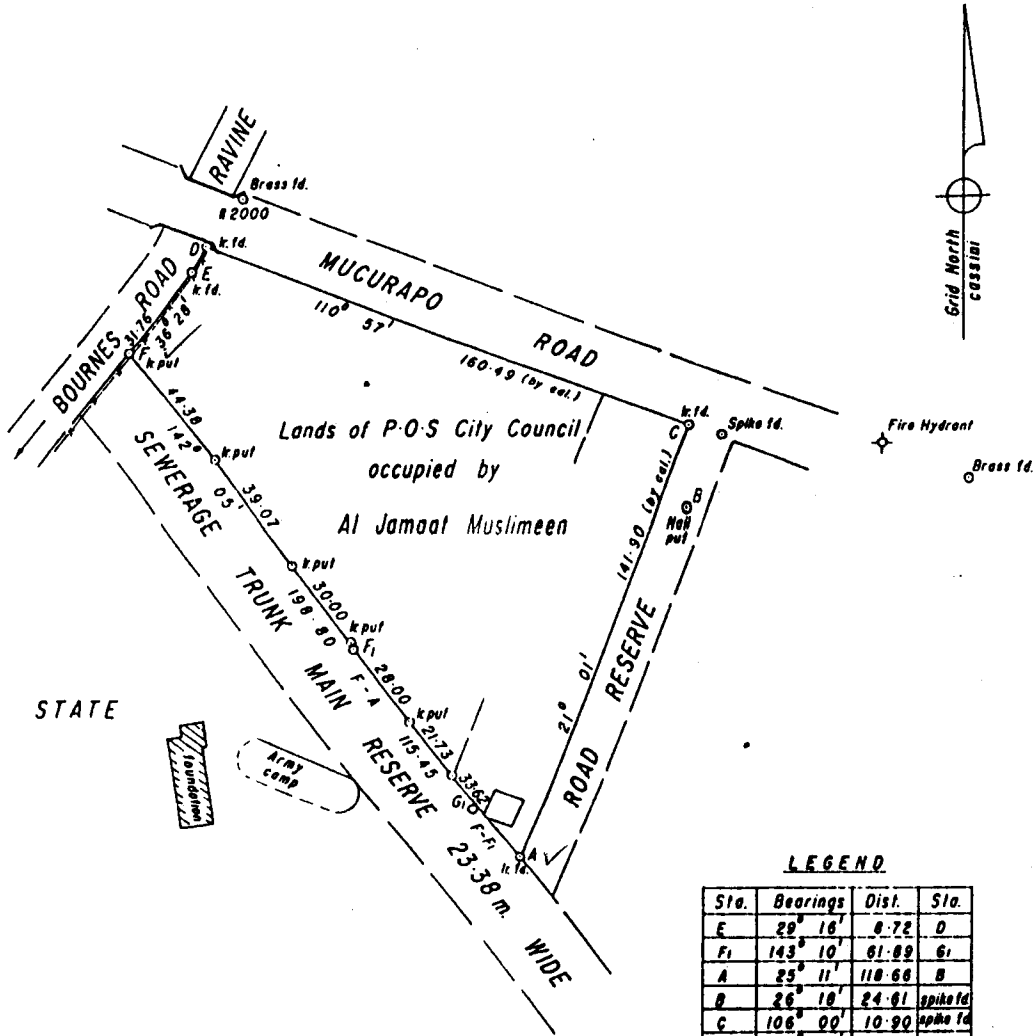
Mr. ...
CERTIFIED COPY

COMMISSIONER OF VALUATION

SURVEY ORDER No. 72/90
 L. & S. 4/1/78

Cadastral Sheet 130/37b
 City Ward of Port-of-Spain
 County of St. George

Vide :- Bks. 1143:117 & 1180:20



LEGEND

Sta.	Bearings	Dist.	Sta.
E	29° 16'	8.72	D
F1	143° 10'	61.89	G1
A	25° 11'	118.68	B
B	26° 18'	24.61	Spkto Id
C	106° 00'	10.90	Spkto Id
Spkto Id	100° 09'	77.94	Brass Id
Brass Id	291° 30'	242.28	Brass Id
Brass Id	216° 30'	18.72	D
Brass Id	291° 14'	29.30	Fire Hydrant

Approved
[Signature]

Director of Surveys
 90-05-70

Bearings are Cassini grid based on solar observations.

Note: To obtain compass bearings add/subtract

SCALE 1:2000

Distances are in metres

PLAN of a Parcel of land coloured

in the City Ward of Port-of-Spain

Containing

Surveyed by me, with due authority in May 23rd & 24th 1990 for a redefinition of boundary line A-F.

Checked by *[Signature]*
 90-05-29

[Signature]

Entered on

Land Surveyor, Trinidad & Tobago. 29th May 1990.

Reviewed for
CERTIFIED CORRECT

12

67

STATUS OF TENURE OF LANDS-AT

NO. 1 MUCURAPO ROAD

Dictated by
CERTIFIED CORRECT
CERTIFIED CORRECT

COMMISSIONER OF LANDS

1. On 12th January 1968 the Permanent Secretary, Ministry of Local Government and Social Welfare (SW:16/3/4 dated 12/1/68) wrote to the General Secretary of the Islamic Missionary Guild, Mr. M.K. Hoesin in response to an earlier communication addressed from the Guild to the Prime Minister on the subject 'Application for the grant of Crown Lands for the establishment of an Islamic Cultural Centre'.

2. The Permanent Secretary advised that Government agreed that a parcel of land comprising not more than 1 acre situated on the finges of Port of Spain should be made available to the Islamic Missionaries Guild of the Caribbean and South America for the purpose of establishing an Islamic Cultural Centre, on terms and conditions to be agreed upon. It was further suggested that the Guild should endeavour to locate a suitable site and forward an application for such site to the Ministry of Agriculture, Lands and Fisheries for consideration.

3. The letter SW:16/3/4 dated 12th January 1968 was copied to the Sub Intendant of Crown Lands, the Permanent Secretary, Ministry of Agriculture, Lands and Fisheries and Permanent Secretary, Ministry of Industry and Commerce.

4. Acting upon earlier suggestion from the Permanent Secretary, Ministry of Local Government and Social Welfare in his letter of 12th January 1968 the Guild identified a parcel of land for a site on Long Circular Road and made written representations for its acquisition to the Ministry of Agriculture, Lands and Fisheries. Since there were several other applications for land in that area by other bodies evidenced in Minute dated 6th February 1968), the Chief Town Planner was approached to prepare a layout of the area, prior to the granting of any leases.

5. The Chief Town Planner identified an area comprising 1.3 acres for the siting of the Centre and initially suggested inter-alia that the entire frontage along Long Circular Road be reserved for similar activities (Letter dated 11th April 1968 refers).

6. The Permanent Secretary, Ministry of Agriculture, Lands and Fisheries sought the recommendations of the Sub Intendant of Crown Lands on the terms and conditions of the granting of a lease and the acreage of land suggested for reservation. This information was submitted by memo L&S(4/1/78) dated 14th May 1968. The Secretary of the Guild was duly informed by Lands and Surveys of the terms and conditions of the lease of land (L&S)4/1/78 dated 22nd June 1968. I confirmed acceptance of the offer as proposed by letter dated 24th June 1968. Subsequent to this and after the commencement of grading the site the Guild opted to return the land to the state on the grounds that it was of the view that the major portion of the land was practically useless and such grading if continued would pose a danger to the property of the U.S. Ambassador on the southern most side on the hilltop.

7. The Permanent Secretary, Ministry of Agriculture, Lands and Fisheries informed the Sub Intendant of State Lands by memo dated 2nd August 1968 that representatives of the Guild and Town and Country Planning were discussing an alternative site for the Centre.

8. In a Note for Cabinet PD 68 No. 306 dated 9th November 1968, the Minister of Planning and Development acknowledged that Cultural and Voluntary Organizations had from time to time been submitting applications for parcels of land in Port of Spain to Guild Headquarters and that in response to these representations suggestions were prepared for the establishment of a Regional Park. It was envisaged that this would become the proto type of similar parks and recreation centres throughout the country. The specific facilities provided in each area would vary depending on the needs of the region and the social and cultural emphasis desired.

9. On the basis of the proposals in this Note Cabinet, therefore agreed in principle to the following by Minute No. 2596 PD(68)306 dated 5th December 1968:

- a) that a Regional Community Park should be developed in West Port of Spain, as proposed in the Note;

Pictured in
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COMMISSIONER OF LANDS
/3.....

- b) that the organizations and facilities mentioned in the Note, namely - the Islamic Cultural Centre, Senior Secondary School, Junior Secondary School, Athletic Field - floodlit; St John Ambulance Brigade, proposed Boy Scouts Headquarters, Girl Guides Headquarters, Community Organizations, Community Theatre and Labour College - should be allocated sites in the proposed Regional Community Park;
- c) the lands belonging to the Crown and to the Port Authority covering approximately 10 acres of the area selected for development of the proposed Community Park should be deeded to the Port of Spain Corporation;
- d) lands comprising approximately 10.7 acres should be accepted by the Crown from the Port of Spain Corporation in exchange for the lands referred to at (c) above;
- e) The Director of Surveys should undertake immediately a survey of the entire area earmarked for the proposed Community Park and should early demarcate the lands referred to at (c) and (d) above to be exchanged between the Crown and the Port of Spain Corporation;
- f) all other lands belonging to the Crown in the proposed Community Park area should be handed over to the Port of Spain Corporation;
- g) the Port of Spain Corporation should be entrusted with the administration of the proposed West Port of Spain Regional Community Park.

Cabinet further agreed, in principle, that a condition of the lease of any lands in the proposed Community Park area to community organizations should be that those organizations would lend their services to the development and management of sporting facilities in the Community Park area and assist in the development and training of youths in the region.

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COMMUNITY DEVELOPMENT
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Richard
CERTIFIED CORRECT

COMMISSIONER OF VALUATIONS

10. Even prior to the above Cabinet agreement the Permanent Secretary, Ministry of Planning and Development had submitted summary proposals for consideration to the Mayor, Port of Spain City Corporation by letter dated 9th November 1968. The proposals contained suggested changes in the ownership pattern of plans for the Regional Community Park for consideration by the Corporation. An indication was given in that communication that approval for the transfer of lands, not owned by the Crown to the Port of Spain Corporation to facilitate the administering of all lands for the Community Park by the Corporation, would be sought from Central Government. The Port of Spain Corporation was informed of the Cabinet decision by the Permanent Secretary, Ministry of Local Government and Social Welfare.

11. By letter dated 23rd January 1969 Mr. M.K. Hossain, General Secretary of the Guild was advised by the Permanent Secretary, Ministry of Planning and Development that government was willing to offer to the Guild a site at Muourapo lands. He was also advised that the said letter served as the authority for the Guild to enter the land and to carry out any works necessary for the construction of the Centre. The date of this letter in fact preceded acceptance by the Port of Spain Corporation of the proposals put forward by the Permanent Secretary, Ministry of Planning and Development for the development of the Park. The proposals were agreed to by the Port of Spain Corporation on 30th January 1969 and are recorded under Item 51 of the Minutes of that meeting and conveyed to the Permanent Secretary, Ministry of Planning and Development by letter 158/1969 M - 582/68 dated 5th February 1969.

12. The premises at No. 1 Muourapo Road was inspected by the City Assessor's Department on 26th September, 1969 and the site was reported to have been vacant. The Corporation undertook an alternation in the valuation of premises described at No. 1 Muourapo Road on 22nd October 1969. The premises was assessed at an annual rateable value of four hundred and eighty dollars (\$480.00).

Pursuant towards a lease to the site on Muourapo Road, the Guild was granted permission by the Corporation to commence work on City Council Lands.

During 1970 a letter of complaint dated 28th April 1970 signed by a private citizen was forwarded to the Chief Town Planner. The writer drew attention to the erection of a concrete structure at No. 1 Muourapo Road and alleged that approval had not been conveyed by the Port of Spain

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COMMISSIONER OF VALUATION

13. The lawful requirements for the erection of a concrete structure on the site at No. 1 Muourapo Road, are as follows:-

1. Submission of plans to the Port of Spain Corporation.
2. Outline approval of plans by Director of Town and Country Planning.
3. Detailed approval of plans by Port of Spain Corporation after inspection by the Public Health, City Engineer and City Assessor's Departments.

Additionally, the Director of Surveys (former Commissioner of Lands) is the only authorised agent empowered (under the State Lands Act) to enter into an agreement for the sale or lease of state lands, subject to approval of the President of the Republic.

In the case of No. 1 Muourapo Road, the Port of Spain Corporation would serve in the roles of land owner and local authority in respect of approval of such plans. (Chapter 12 No.4 Part III Section 36 of the Port of Spain Corporation laws refers).

14. The payment of rates to the Corporation are made against the property and not against persons occupying the site. Chapter 39 No. 1 Part V Sections 87 and 93 provides for the collection of rates and taxes by the Corporation on rateable hereditaments - any dwelling house, shed, and any other building and the lands on which the same are built, erected or standing; for the institution of triennial valuations on the first year of every three year period and the entry of such payments into the House Rate Book. Churches, Chapels, places of public worship, schools, hospitals, private and public asylums and quarters occupied by staff are exempt from payment of such rates.

Rates and taxes have been made to the Port of Spain Corporation against No.1 Muourapo Road under the name Islamic Missionary Guild on a regular basis between 1970 and 1990, inclusive.

15. By memo dated 28th October 1969 the Sub Intendant of State Lands wrote to the Permanent Secretary, Ministry of Agriculture, Lands and Fisheries recommending that consideration of a lease to the Islamic Missionaries Guild be rescinded. This and other communications written to the Department in 1970 resulted in no further consideration of a lease to the Guild at that site. Alternative offers were then made.

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COMMISSIONER OF VALUATIONS

16. One site, suggested by the Guild in a letter dated 5th December 1979 on the then Princess Margaret Highway, south of National Brewery was not favourably considered by the Director of Town and Country. Efforts to identify a site on the Eastern Main Road along the east-west corridor also proved futile. Another site, between Caroni and Frederick Settlement was also considered.

17. In 1977 an Inter-ministerial Committee on the West Port of Spain Regional Park recommended to Cabinet - that the entire 47 acres available for such development be considered in planning the layout of facilities and consideration be given to providing alternative accommodation for the Islamic Missionary Guild and the Greek Orthodox Church either on the portion of the site not earmarked for sporting facilities in the layout plan or elsewhere. This proposal was agreed to by Cabinet on 5th May 1977 re Minute No. 1164.

18. Throughout 1970 - 1977 filling in of the site at Mucurapo Road was being proceeded with. The Guild was advised by letter dated 5th November 1977 from the Port of Spain Corporation that no further construction work on the site should be proceeded with. Despite this letter of warning several permanent and unauthorised structures continued to be erected on the site.

19. Apart from the fundamental issue of the legal status of occupancy at No. 1 Mucourapo Road, other questions have arisen out of this period, that is to say 1978 onwards, pertaining to the identification of members of the Islamic Missionary Guild. This, however, has no relevant bearing on the issue of land tenure.

20. It is appropriate, however, for purposes of this exercise that some discourse be provided on this

Yasin Abu Bakr, the present leader of the Jamaat-Al-Mullimeen returned to Trinidad from Canada on November 25th, 1978 after residing in that country for several years. Upon returning, he set about establishing a muslim community at Richplain in Diego Martin, where he lived. This community is no longer functioning. The following year, 1979, members of the Jamaat-Al-Mualimeen which was then led by Halim Sabur, a mall vendor by trade, became affiliated to the Islamic Missionary Guild of the Caribbean

In 1982, in pursuit of the further development of Islam, the Jamaat-Al-Muslimeen, the Al Mahaurideen Bilaal Abdullah and the Dar-Ul-Islam Movement led by Abdul Haqq both of which were made up of predominantly African membership, were merged. The merger adopted the name Jamaat-Al-Muslimeen and installed Yasin Abu Bakr as its leader.

Throughout 1982 Abu Bakr enjoyed growing support from among the collective membership and continued to gain increasing influence. In July of 1983 differences arose leading to open dissension within the ranks ... 7 elders including Halim Sabur opposed the involvement of the organisation in a plot to overthrow the Government of TRinidad and Tobago by armed revolution. This disagreement led to the departure of the elders and their families from premises at No.1 Muourepo Road, leaving Yasin Abu Bakr in full control of the community that was based there.

The Guild, under Halim Sabur's leadership subsequently purchased a site of land in Kelly Village, Caroni; over 6 acres in area and constructed a Centre valued at \$1.8 million. This Centre which today includes library facilities, workshop, bookstore, school and sporting facilities, was officially opened on 14th August, 1984.

21. Throughout 1984, officials of the Anjuman-Sumat-Ul-Jamaat Association (ASJA), the parent body of the Guild, made representations to the Minister of Community Development to have the land at No.1 Muourepo Road deeded to that body. The Association explained that the Islamic Missionaries Guild of the Caribbean and South America had succeeded from it due to differences. The Association was then referred to His Worship, The Mayor of Port of Spain to have the matter pursued.

22. The attention of the Port of Spain Corporation had, by then been drawn to the fact that excavation work was in progress at the much-disputed site on Muourepo Road which was still being occupied by certain members of the Islamic Faith despite the fact that the Guild had given up occupancy. As a result of this development, the Corporation initiated attempts to regularize the land tenure of the occupants.

23. On June 19, 1984 the City Clerk wrote to Mr. Yasin Abu Bakr, Imam of the Masjid Al Muslimeen and Madreesa, drawing attention to the followings:-

- i) that the name of his organisation was not listed on the rent roll of the Corporation as a registered tenant or lessee;
- ii) that it did not appear that a formal application had been made by that organisation, namely; "The Jamaat Al Muslimeen" for a lease or tenancy agreement in respect of a parcel of land;
- iii) that the Corporation was considering the offer of a lease of a suitable lot at Muourapo of adequate size to meet the Organisation's requirements under terms and conditions to be decided upon by the Council and subject to the consent of the President being obtained to the grant of such lease;
- iv) that excavation work on the lands in question should be discontinued pending the settlement of title to the land.

24. The Jamaat Al Muslimeen, however, failed or refused to successfully negotiate its status of tenure in accordance with the foregoing guidelines provided by the Corporation. Additionally, a permanent green and white main building has been illegally erected on the site and construction work had commenced on a new structure to the west of the existing main building. These developments were in contravention of Section 192 Chapter 39 No.1 of the Port of Spain Corporation Ordinance.

25. A notification to this effect was served on Yasin Abu Bakr, leader of the Jamaat Al Muslimeen Community by Superintendent Kerr of the Trinidad and Tobago Police Service. The notification sought to restrain Abu Bakr from continuing work in default of which he would face prosecution in 14 days. Construction work continued despite the issue of notice by the Port of Spain Corporation. On January 4, 1985 on the instruction of the City Clerk, Yasin Abu Bakr was served a High Court Writ.

Ric Jared Jr.
CERTIFIED CORRECT

COMMISSIONER OF VALUATION

26. The writ sought to restrain members of the Jamaat-Al-Muslimeen from entering, crossing or erecting any structure, building or otherwise on the said lands comprising 17 acres, 2 roads, 0 perches; and from possessing any of these lands; the writ also claimed damages for trespassing and prohibited the Jamaat-Al-Muslimeen from erecting or continuing to erect any building thereon and construction on the north-west side of the illegally completed main building, painted green and white. The unit claimed to further and other relief and costs.

27. In response to this ^{writ} Unit, Yasin Abu-Bakr advised Inspector Kerr that he did not recognise the Courts of the land. As a result of his failure to comply with Court Order 5927 Yasin Abu-Bakr was committed to prison for 21 days for contempt of Court and the Port of Spain Corporation was empowered to demolish and/or remove forthwith the columns, steel beams and construction carried out on the north-west of the completed illegal structure painted green and white. He was also ordered to pay the cost of proceedings certified fit by Counsel.

28. Between 1985 and 1990 the Jamaat-Al-Muslimeen continued to occupy premises at No. 1 Mucurapo Road and to effect payment of house rates and land taxes, annually under the name "Islamic Missionary Guild".

29. In 1990, once again the attention of the Port of Spain Corporation was drawn to the fact that construction work was again in progress at No.1 Mucurapo Road. A notification dated April 18, 1990 and signed by the City Engineer was dispatched to the owner/builder, advising that the construction of unauthorised buildings south/west of the unauthorised mosque in addition to unauthorised buildings already constructed on the eastern, western and southern sides of the mosque and that the work was being executed without the approved plan. Such action was contrary to building regulations and the owner/builder was therefore required to cease all works within 14 days of receipt of such notice or face prosecution.

30. Based on information obtained, the new building which was being constructed, was to have housed a secondary school; the funding of which was being facilitated by the World Islamic Call Society and local muslims affiliated to the Jamaat-Al-Muslimeen. On 21st April 1990 the Commissioner of Police through his agents, members of the Trinidad and Tobago Police Service occupied the unfinished building referred to in the City Engineer's Notice.

Attested
CERTIFIED CORRECT

Synopsis of Construction of Buildings and
Administration of In-House Activities at
Jamaat-Al-Muslimeen from 1983 onwards:

REGISTRAR OF VOUCHERS

31. After Yasin Abu Bakr assumed leadership of the Jamaat-Al-Muslimoon in 1983, the community proceeded to expand its missionary role in enlistment of new members, to widen its in-house services and operations and expand its infrastructure to facilitate this growth.

32. Construction work ushered in full-time residential facilities, schools, places of worship, a well-stocked supermarket, a garment factory equipped with three industrial-type sewing machines where men and women's clothing and school uniforms are sewn. A well-appointed mosque was constructed and formally opened on 7th May 1985. In its present form, the Jamaat-Al-Muslimeen constitutes a commune - the smallest administrative district in a country, distinguishable by a body of people living in the same place under the same laws and enjoying collective ownership (sic) and use of property. Provision for such activity was not made under the projected land use plan of the area.

APPENDIX 19

Persons charged with the Attempted Coup

APPENDIX 19

PERSONS CHARGED WITH THE ATTEMPTED COUP

1. Jamaat Al Muslimeen
2. Lennox Phillip - otherwise called Yasin Abu Bakr
3. Richard Bradshaw - otherwise called Bilaal Abdullah
4. Carton Alexander - otherwise called Kwesi Atiba
5. Anthony Faultin - otherwise called Ahmad Ali
6. Dominic Bethelmy - otherwise called Daud Al Jihad
7. Earl Wiltshire - otherwise called Salim Abdullah Muwakil
8. Lance Small - otherwise called Olive Enyahooma-EI
9. Feroze Shah
10. Andy Thomas - otherwise called Abullah Omowale
11. Edward Bosland - otherwise called Kibwe Atiba
12. Hyron Best - otherwise called Jamal M. Shabazz
13. Sadiq Al Razi
14. Randolph Mills
15. Andrew Bynoe
16. Abdool Assim Khan
17. Horace Phillip - otherwise called Hamza Razzak
18. Reginald Harley - otherwise called Yaish Abdul Wahid
19. Marceline Winston Irish - otherwise called Abdun-Nur Ishmael-Amin
20. Beville Marshall – otherwise called Hassa Anyabwile
21. Earl Richards - otherwise called Abdul Hakim
22. Junior Neptune - otherwise called Abdul Jabbar
23. Cyril Rivers - otherwise called Jomo Abdul Aziz
24. Derrick Joseph - otherwise called Abdeen W. Muhammad
25. Naieem Ali
26. Nazeer Khan

27. William Phillip - otherwise called Taalib Abdul Wahab
28. Trevor George - otherwise called Sakin Abdul Wahab
29. David Calder - otherwise called Abu Jihad
30. Burton Robinson
31. Mikey Neptune
32. Steve Mcfarlene - otherwise called Abdul Kareem
33. Kevin Joseph - otherwise called Yusuf Ali
34. Victor Daly
35. Glenroy Belgrave
36. Colin Nelson - otherwise called Rakim Kareem
37. Oliverio Nicholas
38. Bernard Blache
39. Cochisse Michael Bernard
40. Lorris Ballack
41. Adrian Watts - otherwise called Akila Kareem
42. Gaston Wiltshire
43. Barry Watson
44. Curtis Prescott
45. Kirk Walker - otherwise called Abdel Haakeem Dhu-L-Fiqar
46. Kenwyn Gaston - otherwise called Abass Abdullah
47. Andy Williams
48. Anthony Smith - otherwise called Tasin Abu Ali
49. Selwyn Ellis - otherwise called Muhammed Abdul Wudud
50. Isam Ali Mayu
51. Austin Phillips - otherwise called Usama A. Phillips
52. Abdul Kabir
53. David John - otherwise called Jameel Abdullah
54. Michael John - otherwise called Saleem Michael John
55. Joseph Daniel
56. Selwyn Junior Thompson - otherwise called Jamal Adul Malik
57. Roger Quow – otherwise called Ayyoub Yasin

58. Brent Busby
59. Jackie Conrad Keshwah - otherwise called Raymond Francis
60. Clarence Missette
61. Ronald Melville
62. Jerry Alleyne
63. John Berry Long
64. Neville Keizer
65. Darryl James
66. Sheldon Marshall - otherwise called Arshad
67. Valmon Phillip - otherwise called Ahmad Abdulla
68. Paul Grindley - otherwise called Akeem Amen Jamall
69. Patrick Simmons
70. Caspar Glasgow - otherwise called Omowale Abdullah Babaka
71. Bernard St.John - otherwise called Adhan Al-Adil
72. Bertram George - otherwise called Abdul Nami
73. Collin Morris - otherwise called Adb Jami
74. Kelvin Strawn - otherwise called Batal Abdul Ahim
75. Abdul Bari
76. Abduh Mohammed
77. Abdul Quadir
78. Kevin Gonzales - otherwise called Sabir Abdur Rasheed
79. Clive Lewis - otherwise called Adil Ghani
80. Joseph John - otherwise called Yusuf Yahya
81. Cleto Nicholas
82. Winston Nickey - otherwise called Aadul Khali
83. Ishmael Ali
84. Clyde Thomas - otherwise called Ishmael Yusuf
85. Patrick Roland
86. Aldwyn Lynch - otherwise called Hakim Jamat
87. Deangelo Garcia
88. Nigel Braxton

89. Clint Moses - otherwise called Jabal A. Nusa
 90. Rasheed Latiff
 91. Tonne Mitchell
 92. Moumouni Sorgh
 93. Davy De Verteuil - otherwise called Chifari Al Mukkhta
 94. Trevor Constantine - otherwise called Kala Akil-Bua
 95. Carlyle David - otherwise called Abdul Radheed
 96. Naeem Rashad
 97. Abu Sulieman
 98. Steve Chanicka - otherwise called Riad Ali
 99. Mark Jackson - otherwise called Abdul Qadir Muhammad
 100. Kenyon Bissessar - otherwise called Umar Bin Malik
 101. Abasi Jawad
 102. Henley Tyson - otherwise called Ashar Abdal Karim
 103. Arman Abdul Samad
 104. Roy Ottley - otherwise called Isa Nantambu Oresa Mohammed
 105. Richard Bristol - otherwise called Abdul Aquil
 106. Nigel Pemberton - otherwise called Zaki Aubida
 107. Lloyd Quamimie
 108. Raheem Ali
 109. Nazim Mohammed
 110. Khalique Khan
 111. Martin Williams - otherwise called Basil Muhammed
 112. Farouk Abdool
 113. Garvin Gillar
 114. Roger Williams
 115. Dareen Gene
-

APPENDIX 20

Comparative Ranks
of Defence Force Officers who testified

APPENDIX 20

COMPARATIVE RANKS OF DEFENCE FORCE OFFICERS WHO TESTIFIED

1990	AT TIME OF TESTIFYING
Col. Joseph Theodore	Brigadier-General
Col. Ralph Brown	Major-General
Lt. Col. Carlton Alfonso	Brigadier-General
Lt. Col. Hugh Vidal	Colonel
Capt. Kenneth Maharaj	Major General
Capt. George Clarke	Colonel
Capt. Anthony Phillips-Spencer	Colonel
Capt. David Nagessar	Major
Lt. Gary Griffith	Captain (National Security Advisor)
Major Peter Joseph	Brigadier
Commander Richard Kelshall	Rear Admiral
Cadet Officer Neal Alexis	Captain

APPENDIX 21

Parliamentarians and
others held hostage at Red House

APPENDIX 21

PARLIAMENTARIANS AND OTHERS HELD HOSTAGE AT RED HOUSE

1. Hon. Arthur N. R. Robinson
 2. Mr. Winston Dookeran
 3. Mr. Leo D Vignes
 4. Mr. Selwyn Richardson
 5. Mr. Joseph Toney
 6. Mr. Selby Wilson
 7. Mr. Rawle Raphael
 8. Mrs. Jennifer Johnson
 9. Mr. Kelvin Ramnath
 10. Mr. Trevor Sudama
 11. Mr. John Humphrey
 12. Miss Gloria Henry
 13. Mr. Eden Shand
 14. Mr. Raymond Palackdharrysingh
 15. Mr. Anselm St. George
 16. Dr. Emanuel Hosein
 17. Mr. Martin Thompson
 18. Mr. Reynold Fernandes
 19. Mr. Mervyn Assam
 20. Sgt. Raymond Julien - TTPS
-

APPENDIX 22

Persons held hostage at
Trinidad and Tobago Television (TTT)

APPENDIX 22

PERSONS HELD HOSTAGE AT TRINIDAD & TOBAGO TELEVISION (TTT)

1. Mr. Glenville Kissoon
 2. Mr. Lancelot Sergeant
 3. Mr. Lloyd Rochel
 4. Mr. Jones P Madeira
 5. Mr. Verne Bernette
 6. Mr. Gideon Hanoomansingh
 7. Mr. Richard Thomas
 8. Mr. Dominic Kalipersad
 9. Mr. Larry Carr
 10. Mr. James Kissoon
 11. Mr. Buddy Andrews
 12. Mr. Richard Purcell
 13. Mr. Andre Gellineau
 14. Mr. Jasmalludin Soonath
 15. Mr. Suresh Kewall
 16. Mr. Clyde L'Orielhd
 17. Mr. Henson Bovell
 18. Mr. Noel Simeon
 19. Civilian who visited TTT to view Programme
 20. Civilian who visited TTT to view Programme
 21. Mr. Raoul Pantin
 22. Mr. Raoul Borde
 23. Mr. John James
 24. Mr. Selwyn Smith
 25. Mr. Nestor Hernandez
 26. Anthony Berment
 27. Ricardo James
 28. Hugh Pierre
-

CHAPTER 12

FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

TOR 2 (i) and (ii) TOR 2 (iv) and 2 (v)

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CHAPTER 12

FINDINGS, OBSERVATIONS AND RECOMMENDATIONS RELATING TO –
THE POLICIES, MEASURES, MECHANISMS AND SYSTEMS THAT SHOULD
BE PUT IN PLACE TO DETECT, COUNTERACT AND TREAT WITH PLOTS
TO OVERTHROW THE DEMOCRATICALLY ELECTED GOVERNMENT OF
TRINIDAD AND TOBAGO AND OTHER ACTS OF TREASON, TERRORISM
OR INSURRECTION- ToR 2(i)

AND

THE DEVELOPMENT OF THE CAPACITY OF THE GOVERNMENT OF
TRINIDAD AND TOBAGO TO MAINTAIN NATIONAL SECURITY,
DEMOCRATIC GOVERNANCE AND THE PROTECTION OF THE CITIZENS
AND RESIDENTS OF TRINIDAD AND TOBAGO AND STATE PROPERTY IN
THE EVENT OF A FUTURE OCCURRENCE OF AN ATTEMPTED COUP OR
OTHER ACTS OF TREASON, TERRORISM OR INSURRECTION – ToR 2(ii)

AND

THE EFFECTIVE CO-ORDINATION OF RESPONSES BY AGENCIES
RESPONSIBLE FOR DEFENCE, LAW ENFORCEMENT, INTELLIGENCE-
GATHERING, THE EMERGENCY SERVICES, THE SOCIAL SERVICES, THE
DIPLOMATIC CORPS, AND THE MEDIA IN THE EVENT OF A FUTURE
OCCURRENCE OF AN ATTEMPTED COUP OR OTHER ACTS OF TREASON,
TERRORISM OR INSURRECTION – ToR 2(iv)

AND

MODERNISATION OF NATIONAL SECURITY LEGISLATION – ToR 2(v)

A. *INTRODUCTION*

12.1 The Commission of Enquiry has combined its observations and recommendations under these three Terms of Reference since it appears to the Commission that they are inter-related. At the outset, we wish to make the following points:

- (i) We owe a great debt of gratitude to a number of witnesses who are highly experienced and expert in security matters. They readily shared their experiences and expertise with us. Owing to the sensitive nature of many of the matters discussed by these witnesses, their evidence was necessarily taken *in camera*. In the circumstances, those witnesses are not identified in this Chapter.

- (ii) We were made aware of a number of reports previously submitted to the Government on aspects of security policy and the Trinidad and Tobago Police Service. We have no intention of trying “to re-invent the wheel” and we have not seen it as our function to offer critiques of those reports.

- (iii) In making observations and recommendations, we are conscious that the subjective opinions of the witnesses can sometimes assume such prominence in their thinking as to outweigh a broader and more objective rationalization.

- (iv) We have departed from the customary format of the Chapters of this Report to lend greater emphasis to

observations and recommendations and, accordingly, we have reduced citations of evidence to a minimum.

Short Historical Background

12.2. When the events of 27 July, 1990 occurred, there were no properly functioning and coordinated security agencies in Trinidad and Tobago. There was a Minister of National Security and a National Security Council (NSC). But the NSC existed in name and on paper only. It did not function.

12.3. Special Branch was responsible for the Intelligence-gathering on behalf of the State. However, Special Branch was its own "republic". Though an arm of the Police Service, it did not see itself as being accountable to the Commissioner of Police. It determined, as a matter of culture and tradition, not to share information/Intelligence with any other agency, not even with the Defence Force. The arrangements for Intelligence-gathering were loose and haphazard.

12.4. That the then Head of Special Branch could testify that he never met with the Prime Minister before the attempted coup, speaks eloquently to the attitude of this agency to its duties and its sense of responsibility.

12.5. It seems to the Commission that, in 1990, no one recognised that there was a need for an Intelligence Community that worked co-operatively and in a formal manner. The concept that information, in the context of intelligence-gathering, is more powerful when it is shared was either unknown or ignored. There were agencies or departments of Government which gathered information but, since it was not shared, its value was not properly exploited.

Agencies Created after 1990

12.6. No detailed analysis of the events of 1990, from the perspective of the security agencies, appears to have been carried out to determine what were the deficiencies and what remedial action was necessary. Since 1990, several security agencies have been created.

(A) The National Security Secretariat

12.7. After 1995, the National Security Council (NSC) functioned. It comprised the Prime Minister (Chairman), the Minister of National Security, the Attorney General and one other Minister. It was and remains the principal policy-making body. And the Cabinet conferred on it a large measure of autonomy by delegating to the NSC final decision-making authority in most matters of security.

12.8. In early 1995, the NSC established a Secretariat, answerable to the Prime Minister, but working on a day-to-day basis with, and often through, the Ministry of National Security. The purpose of the Secretariat was to provide a unified structure into which the various other security agencies would make a contribution to Intelligence-gathering.

12.9. The structure of the Secretariat allowed for information flow from all sources to be put together in order to create a national Intelligence picture. Essentially, the Secretariat was a coordinator and, where gaps existed in Intelligence, the Secretariat was tasked to fill those gaps. An Advisory Committee including Heads of the Protective Services and the Head of Special Branch was an important part of the structure.

12.10. One of the key mandates of the Secretariat was to advise the Executive branch of Government of any trends in certain activities inimical to the interests of the State and the likelihood of certain types of activity threatening the security of the State to allow appropriate policy and operational decisions to be taken.

12.11. Reports from agencies were submitted, meetings were held, information was shared and discussed, analyses were done and a final product was sent to the NSC. The Secretariat serviced the NSC in much the same way as

the Cabinet Secretariat serviced the Cabinet. After assessment and analysis were done, the Secretariat prepared a National Intelligence Report for submission to the Prime Minister. The Prime Minister decided whether the Report should be referred to the NSC. Over time, the Secretariat has expanded its establishment and refined its operations. We received no concerns about its present functioning.

(B) The Security Intelligence Agency (SIA)

12.12. About the same time as the creation of the Secretariat, a new agency came into being. The Security Intelligence Agency (SIA) was established specifically to focus on electronically-collected Intelligence. In the vocabulary of Intelligence, it was “a closed source”, i.e. gathering Intelligence covertly.

12.13. In its original conceptualisation, the SIA was intended to be civilianised and not populated by persons recruited from the Protective Services. The Cabinet decision which agreed to the establishment of the SIA did not envisage a continuing role for Special Branch in Intelligence-gathering. Special Branch was to be subsumed under the SIA which would have primary responsibility for collecting Intelligence. Special Branch’s focus would be VIP protection, and screening applicants for work permits, citizenship and similar matters.

12.14. As it turned out, however, even after the creation of the SIA, Special Branch was not divested of its Intelligence-gathering function. Nevertheless, the SIA was the primary Intelligence agency and sent its reports to the Secretariat for processing together with products from other agencies such as Customs, Defence Force, Special Branch and any others that were relevant. The Secretariat chaired meetings of the representatives of all the agencies and produced reports for the NSC.

12.15. The SIA had no legislative basis although we were told that it was acknowledged that there should be statutory support for it and it was believed that legislation was being drafted.

12.16. The approach to restructuring the Intelligence systems was incremental. That was understandable having regard to the need for careful screening of personnel and the cost implications inherent in setting up a technology-based organisation intended to function on a 24/7 basis.

12.17. At the time of preparing this Report, the SIA has been re-named the National Intelligence Agency (NIA).

(C) The Strategic Services Agency (SSA)

12.18. This Agency was originally called the Office of Strategic Services. It was a department of the Ministry of National Security and was established in 1993. Its focus was on drug trafficking and its creation was a response to the requirements of two International Conventions. The SSA was established by the Strategic Services Agency Act, Chapter 15:06.

12.19. There was a sort of merger of the SSA and the SIA in so far as the Director of the SIA was appointed Director of the SSA, apparently in anticipation of a merged entity. However, the two entities continued to function separately. In October 2011, the Director of the SSA and the person in charge of the SIA were one and the same. We were told that a consultant was engaged to develop a new structure for the two entities.

(D) The Special Anti-Crime Unit of Trinidad and Tobago (SAUTT)

12.20. SAUTT began its operations in 2005/2006 as an entity within the Ministry of National Security pending the required legislation. Its Director was a member of the Advisory Committee to the NSC. This Committee comprised the Heads of the Protective Services and other agencies relevant to security. SAUTT was initially a response of the Government to a worrying spate of kidnappings

and its establishment was announced by the Prime Minister, Mr. Patrick Manning, during one of his Budget speeches.

12.21. Brig. Peter Joseph (as he then was) was appointed to head SAUTT. The staff of the Unit included personnel from the Military, the Police and the Coast Guard. One witness stated that –

“SAUTT was not an organisation that was welcomed by most arms of the security structure because it was seen to be doing things that other people were already doing and there was a perceived duplication of effort.”

This criticism was supported by the comment:

“There continued to be the creation of agencies every time there seemed to be a political need to be seen to be doing something but without examining and rationalising what you already had. Every time there was a need to do something, they created something without going to the Police Service.”

12.22. The incidence of crime was increasing and the Police seemed unable to cope. The view was expressed to the Commission that greater attention and resources needed to be given to the Police Service and law enforcement generally, as well as the criminal justice system.

12.23. SAUTT did not usually interact with the Secretariat. It saw itself as a separate entity and tended to develop apart from the rest of the Intelligence Community. It had a direct link to the Executive. The compensation packages for its staff also caused dissatisfaction among the other players in the

Intelligence Community as did the fact that SAUTT had the ability to hand-pick personnel from other agencies.

12.24. The evidence is that SAUTT was “an operational entity and not really an Intelligence agency although they were doing Intelligence work to service operational and tactical responses.” They had certain target areas.

“They were dealing with kidnapping and serious and organised crime. So there was an element of duplication. SAUTT reaped commendable success in the reduction of crimes of kidnapping from an annual number of approximately 50 to 7. The Unit also tackled gun-running and built up contacts in key areas.”

12.25. Before concluding this review of the security agencies established after 1990, we need to say a word about another agency, the Joint Operations Command Centre (JOCC) which was established in 1997.

(E) JOCC/National Inter-Agency Coordinating Centre

12.26. JOCC, an initiative of Rear Admiral Richard Kelshall, was re-christened the National Inter-Agency Coordinating Centre. Originally, this Centre was conceived as a physical space to allow for bringing into the Intelligence Community all of the players to conduct joint operations, joint responses and to improve the level of Intelligence. The Centre was co-located with a Radar Centre.

12.27. In its early operations, the Centre's orientation was towards maritime activity and interdiction but Intelligence was received from all sources. Full implementation of the work of the Centre was precipitated by a land exercise involving the JAM "who were beginning to spread their wings on the land at Mucurapo. It was tried and tested on that occasion and worked extremely well", according to a witness. The Centre was also conceptualised as a "Crisis Management Centre" since such a facility was not in existence in 1990.

12.28. There were difficulties in having the Centre operate maximally. "Admiral Kelshall had a very hard time getting representation from the operational entities". Its efficiency was retarded by several problems which included interpersonal relationships, personal agendas being pursued, the quest for dominance, and similar matters where the human element predominated over the interests of the organisation.

12.29. Soon after 2001, the Centre "became less vibrant with Admiral Kelshall's departure from its leadership". We understand that the Centre and the Radar Centre are now under the control of the Defence Force.

12.30. That brief survey of some of the several agencies created after 1990 highlights, in our view, the need for proper rationalization of the security

agencies in Trinidad and Tobago. We were not made privy to the present thinking of the Government but we set out hereunder a number of observations and recommendations in the hope that the Government may find some merit in them. Based on the evidence tendered to us, the Commission is of opinion that the entire national security architecture of Trinidad and Tobago needs to be revisited as we set out below.

The Police Service

12.31. Before detailing our recommendations, we think it necessary to make certain observations in respect of the Police Service. With respect to crime, it was represented to us that law enforcement, specifically the Police Service, needs to be made more professional and “brought into the 21st Century”. The Police Service complained that SAUTT and the SIA had all the necessary equipment whereas the Police were lacking.

12.32. One weakness of the Police Service, revealed during the spate of kidnappings, was that information and Intelligence within the different units of the Service were not centralized, so that there could be proper processing, evaluation and efficient dissemination. However, an attempt has been made to rectify this situation by establishing and operationalising a Criminal Intelligence Unit. This is thought to be a positive innovation since, ultimately, Intelligence

has to be translated into law enforcement. It was the view of witnesses that, by 2009, the SIA, as the principal Intelligence Agency, became more involved in providing Intelligence for tactical and direct operational responses, as opposed to formulating policy on strategic Intelligence.

12.33. Special Branch as a department of the Police Service has continued to perform its several functions and we highlighted its mandate in Chapter 7.

REVISITING THE NATIONAL SECURITY ARCHITECTURE

OBSERVATIONS AND RECOMMENDATIONS

12.34. The years since 1990 have spawned a relentless upward spiralling of crime impacting adversely on the sense of security of the people and threatening the stability of the Republic. New forms of criminality have emerged since 1990 and there is reason to believe that international organised crime has taken root. Trafficking in illegal narcotic substances and trafficking in illegal firearms, have the potential to undermine democratic governance and corrupt public officials. Worst of all, the loss of human life that is a consequence of high levels of murder, is a wanton waste of human resources.

12.35. Our observation is that the responses of successive Governments have been sporadic and *ad hoc*, suggestive of a kind of “knee-jerk” reaction to particular, disquieting situations. The Commission makes specific recommendations below at (1) to (33).

(1) Reevaluation of National Security and Intelligence Agencies

12.36. We respectfully *recommend* that the entire national security architecture should be revisited. We are mindful that there have been several studies and reports prior to this Commission of Enquiry which, if properly approached and analysed, together with the empirical evidence available from the agencies mentioned above, can produce an appropriate security architecture for Trinidad and Tobago.

12.37. We are also satisfied that there is no need to import expertise from abroad. There exists in Trinidad and Tobago, a sufficient number of persons, whose knowledge, experience, expertise and sense of patriotism, imbue them with the appropriate credentials to develop a security framework for their country that is relevant to meet the challenges of crime and security effectively.

(2) Legislation for National Security Council and Secretariat

12.38. The National Security Council and Secretariat should be put on a legislative basis to ensure their more effective functioning and to lend authority to their decisions.

(3) National Security Operations Centre

12.39. No National Security Operations Centre existed in 1990. We are of opinion that such a centre, as a focal point for all arms of the security and Intelligence community, would greatly enhance the capability of the State to respond to emergencies. It would provide the ultimate communications platform among the various security agencies and be the agency to issue National Security Alerts when necessary.

(4) Rationalisation of SIA, SSA and SAUTT

12.40. There needs to be rationalisation of entities such as SIA, SSA and SAUTT. One agency should be created from these three. Duplication of effort was evident when these three agencies were in operation. Moreover, the relationship of such agencies to the Police Service needs to be carefully thought out to ensure that there is no duplication of function and effort and that lines of

authority and command are clear. The objective should be to establish a symbiotic and collaborative relationship among the agencies.

12.41. The Commission accepts and supports the view that specific units/entities should be established to target specific types of criminal activity, e.g. drugs and arms trafficking. The Commission also accepts that Intelligence-gathering is indispensable to success in the war against crime. Thus, such anti-crime structures that are finally developed should have Intelligence-gathering capabilities. But all Intelligence-gathering should be coordinated and shared through the aegis of the Secretariat of the NSC.

(5) National Intelligence Superstructure

12.42. The Commission received strong recommendation that it is necessary to rationalize the disparate agencies which provide Intelligence and consolidate them into one composite authority in the nature of a national security superstructure. This body should have its own staff and a compensation package designed to attract "the brightest and best" analysts and operatives. The appointment of the Head of this organisation should be made by the President on the advice of the Prime Minister after written consultation with the Leader of the Opposition.

This superstructural organisation should, as far as practicable, be comprised of civilians, duly polygraphed and specially trained. Recruitment of personnel from the Military and/or Police should be avoided. Analysts should be assigned to target particular objects of attention, e.g. arms trafficking, drug trafficking and gangs but be 'cross-trained' in the event of unavailability of personnel.

12.43. The Commission is of the view, however, that the operations and modalities of such an over-arching structure should be carefully thought out to avoid undue bureaucracy, infiltration, corruption and cross-contamination.

(6) Heads of Security Meetings

12.44. The issues of tasking and coordinating within the security structures require attention. The NSC will often only be able to give approval to or guidelines for action or response. Who carries out a particular task and who co-ordinates action or response may become problematic.

12.45. We *recommend* that Meetings of Heads of Security should be institutionalised, perhaps convened every two weeks. These Meetings would require the attendance of the Heads of the Protective Services, Customs, Immigration and Prisons. They should be chaired by the Minister of National

Security. It is important to involve the Prisons. Indeed, consideration should be given to making the Prisons an Intelligence Cell. Prisoners plan criminal activity from within the confines of a Prison and often disclose information about previous criminal activities during their incarceration.

12.46. Subcommittees of the Heads of Security can be formulated and tasked to deal with specific issues and then pass information to the requisite executing Unit or report back as the situation requires. We are of the view that proper tasking and coordinating are critical to the success of operations.

12.47. The objective of Heads of Security Meetings is the involvement of every key Intelligence actor on the national stage with key analysts in order to have, at all times, a comprehensive picture of the national situation.

(7) Legislation

12.48. Appropriate legislation should be enacted to govern the operations of any of the entities established to function as security or Intelligence agencies.

(8) Direct Action Task Force

12.49. In respect of operational matters, we recommend the creation of a Direct Action Task Force (DATF) as a first response or first strike Unit under the

command of the Commissioner of Police. The DATF's role would involve direct intervention in areas or situations of potential or actual criminal activity.

(9) Crisis Management Centre and Information Management Centre

12.50. One of the deficiencies in the security arrangements in 1990 was the absence of a central body to manage the crisis occasioned by the attempted coup. There was also no Central Emergency Plan.

12.51. The case for a Crisis Management Centre is overwhelming. It is axiomatic that such a Centre should exist. Allied to such a Centre should be an Information Management Centre to coordinate and disseminate information to the media and the public. Were it not for 610 Radio in 1990, the public would have been at an even greater disadvantage than they were in 1990. And the media arrangements at the Holiday Inn Hotel left much to be desired. There seemed to have been a reluctance on the part of the local media to make use of the Holiday Inn facility. On the other hand, the foreign media did not appear to have any inhibitions.

(10) The Police Service and Law Enforcement

12.52. Policing crime in Trinidad and Tobago today seems comparable to walking up an escalator going downwards. It seems as though the Police Service

is unable to respond to the challenge of contemporary crime effectively. Violent crime seems to be an everyday occurrence. Drugs and guns are at the centre of much of Trinidad and Tobago's crime problem.

12.53. Crime and the fear of crime have reduced the quality of life for most of the population. Crime is one societal phenomenon about which every individual seems to have his/her own explanation and solution. But there is no single explanation of crime. International criminological evidence still holds to the view that criminality is best explained on the basis of multi-factor theories.

12.54. If the starting point is that a variety of factors may predispose to crime, then surely the response to crime must be multifaceted. Many of us have our own ideas of what will work to reduce crime. However, the international evidence shows that only a limited number of strategies have proven successful in the fight against crime.

(11) Specific Targeted Law Enforcement Strategies

12.55. So far as law enforcement is concerned, the following have been shown by the *Lawrence Sherman Report, 'Preventing Crime: What Works, What*

Doesn't, What's Promising', and other studies to actually work in reducing offending:

- Strengthening the resources of law enforcement agencies;
- Diversifying Police strategies, for example, by establishing neighbourhood watches; increasing the mobility of the Police; and adopting strategies of community policing and problem-oriented policing.
- Assisting the public in situational crime prevention through public education;
- Modernising the administration of justice and the penal system;
- Continuing research, evaluation and analysis to inform anti-crime strategies.

12.56. The Commission therefore recommends that the resources of the Police Service be strengthened in the following areas, mentioned at (a) to (d) below:

(a) Technological Resources

12.57. The pace of moving from a paper-based system to an electronically-based system should be accelerated. A contemporary state-of-the-art telecommunications system should be installed and contemporary fingerprint, biometric and Intelligence technologies should be acquired.

(b) Human Resource Development

12.58. The Commission is aware that policing is no longer seen as an attractive profession to many of today's youth. But the quality of recruits has to be improved by enhancement of the terms and conditions of Police Officers. Commensurately, however, the entry level for enlistment in the Service is too low; three 'O' Level passes or their equivalent: If terms and conditions are enhanced, it is probable that enlistment in the Service will be more attractive to a better-educated recruit.

12.59. Provision should be made to permit the recruitment of an appropriately qualified officer directly at the level of Assistant Superintendent upon condition that the officer undergoes relevant overseas training.

(c) Training and Curriculum Change

12.60. The top management of the Police Service should be exposed to regular training opportunities abroad to bolster professionalism. A state-of-the-art Training Institute for Police Officers should be built in central Trinidad.

12.61. The curriculum at the Police Training College should be redesigned to lay greater emphasis on training for policing with a heavier concentration on teaching relevant law. The military aspect of Police training should be de-emphasised; for example, foot drill and rifle drill. We were told that "60% of a Police recruit's training is foot drill and military stuff". This should be counterbalanced by more training in the use of side arms and the weapons specific to particular aspects of Police work.

(d) Mechanical Resources

12.62. The mobility of the Police Service is a critical factor in proactive and reactive policing. The Government must ensure that the visibility of the Police is always high. This requires the provision and availability of vehicles to serve and reassure the public as well as to protect them.

(12) Diversification of Police Strategies

12.63. "Community policing" has replaced the former nomenclature 'Resident Beat Officer'. Essentially, community policing promotes interaction with communities and seeks to find solutions for problems as defined by the communities. "Problem-oriented policing" is practised by many Police Forces in England and the USA.

12.64. The Commission was heartened to learn that the Police Service is actively pursuing these two types of contemporary policing which have been shown to work. No resources should be spared to ensure that these types of policing are seriously and constantly pursued.

(13) Encouraging Situational Crime Prevention

12.65. Criminal activity can be prevented by manipulating the physical environment in order to reduce opportunities to commit crime. This is an approach to crime control that is termed Situational Crime Prevention. One way of achieving this result is by providing the public with information or education about crime prevention methods so that they can work effectively with others in the community. Another method involves the offering of incentives to

businesses to encourage the implementation of physical measures designed to curb crime.

12.66. Properly organised situational crime prevention has been shown to be a most cost-effective method of reducing crime.

(14) Continuing Research, Evaluation and Analysis to Inform Anti-Crime Strategies

12.67. The Police Service should ensure that a Unit of Crime Policy and Analysis, staffed with criminologists and statisticians, develops and uses high quality information, advice and evaluation to assist the Ministry of National Security and criminal justice agencies in preventing and reducing crime.

12.68. However, because the prevention and reduction of crime are complicated and involve a certain amount of "cross-fertilisation", the Crime and Policy Analysis Unit will be obliged to work in conjunction with other Ministries of Government.

(15) Deployment of Police Officers

12.69. The Commission is not in a position to recommend an increase in the personnel of the Police Service. Indeed, too often the cry of the uninformed

is 'Get More Police'. The Commission cautions that the first exercise that should be undertaken in considering the optimum strength of the Police Service is to analyse the total security personnel available in Trinidad and Tobago and, thereafter, analyse whether the deployment of such personnel is efficacious or whether better results could not be achieved by different deployment. In any event, the Commission *recommends* that deployment of Police Officers be constantly kept under review.

(16) Anti-Corruption Unit

12.70. It was represented to the Commission that corruption within the Police Service compromises its effectiveness and contributes to a loss of confidence in the Police Service among the public. The Police Service must put in place strategies and systems to counter corruption. The Commission *recommends* the establishment of a Unit specifically selected to monitor and investigate corruption within the security agencies generally.

THE DEFENCE FORCE

(17) Removal from Camp Ogden

12.71. All witnesses agreed that the Defence Force's Headquarters at Camp Ogden are not congruent with the needs of a contemporary Defence

Force. We were told that it has long been recognised and accepted that a new location should be found for the Defence Force. Accordingly, we see no value in enumerating the reasons why the Defence Force should be moved from Camp Ogden. Those reasons were advanced to the Commission persuasively and we therefore *recommend* that the Government take the necessary action to ensure that there is no inordinate delay in causing the Defence Force Headquarters to be relocated. 1990 exposed some of the limitations of Camp Ogden but, 23 years later, Camp Ogden is exactly where it was 23 years before.

(18) Legislation Relating to the Military

12.72. It was represented to the Commission that the legislation relating to the Military is archaic or deficient in many respects. For example, subsidiary legislation to be made under the *Defence Act* has, in fact, not been made. Thus, the Defence Force is required to use British Manuals of Military Law (Parts I, II and III) to assist in solving problems arising under the *Defence Act*.

12.73. There are no Regulations specific to the Army, the Air Wing or the Coast Guard and resort is had to the relevant British Army, Air Force and Navy Regulations. This is wholly inconsistent with an independent Trinidad and Tobago.

12.74. Where the *Defence Act* requires the creation of Rules of Procedure, Boards of Enquiry Rules and Detention Rules, none exists. Use is therefore made of the Queen's Regulations. The Army Act, 1955 is out of date. No legislative basis exists for enlisting Reservists to lend assistance in times of emergency.

12.75. When the Defence Force was originally established, the spread and fear of communism were given as the *raison d'être* for that Force. The threat of communism disappeared in the early 1990s. Today's threats to the security of State are drugs, illegal firearms and international organised crime. The Commission therefore recommends that, having regard to the changed nature of contemporary crime and security issues, there should be an analysis and evaluation of the role and function of the Defence Force to determine whether its role and function should not involve deeper collaboration with the civil power. No comprehensive legislation exists to provide for joint operations between the Military and the Police. It is vital that the circumstances under which, and the manner in which, the Military is empowered to act in aid of the civil power be clearly defined and legislated.

(19) Working Party to Modernise Legislation

12.76. There are a number of retired senior officers and Commanders of the Defence Force who wish to offer their country the benefit of their expertise

and experience. Accordingly, the Commission *recommends* that a Working Party comprising persons such as those mentioned, and assisted by a draftsman from the Chief Parliamentary Counsel's Chambers, be appointed to prepare drafts of amendments to primary legislation and drafts of necessary subsidiary legislation.

(20) Deployment of the Military

12.77. The Police have an aversion to going on operations in the forests and bush. They are not trained to undertake such exercises. On the other hand, the Military are trained for such tasks. We *recommend* that the Military be directed, as a matter of policy, to spend more time "in the bush" where there is information/Intelligence about the erection of camps and illegal activities.

(21) Establishment of Think Tanks

12.78. Both the Military and the Police Service would do well to establish "Think Tanks" on an ongoing basis, including retired Heads of the Protective Services and retired senior officers. These times in Trinidad and Tobago require "All Hands on Deck". There exists a significant number of retirees from the Protective Services who are willing and able to share their expertise, experience

and institutional memories with currently serving officers. A mechanism should be created to use the talents of these officers in a productive way.

(22) Cadet Corps and Servol

12.79. Some witnesses alluded to widespread indiscipline among the youth. It was suggested to the Commission that Cadet Corps should be established in all Government secondary schools and there should be concerted efforts to expand the Servol, Boy Scout and Girl Guide Movements in all schools. We recommend that these suggestions be analysed to determine their viability and the obvious cost implications.

THE CUSTOMS AND EXCISE DEPARTMENT

12.80. Historically, the Customs and Excise Department was a revenue collection agency. At this point of the 21st Century, the functions, operations and objectives of this Department have moved beyond revenue collection. More and more the Department has become a border security agency.

12.81. In this new incarnation, the department must be well-resourced and well-equipped, as set out below.

(23) Scanners and Anti-Corruption Unit

12.82. We *recommend* that state-of-the-art scanners be installed at all legal ports notwithstanding that the bulk of contraband enters the State through illegal ports. In addition to scanners, we recommend that a special independent Anti-Corruption Unit be established within the Customs and Excise department. Its responsibility will be to monitor, investigate and identify the activities of corrupt and rogue elements within the department. However, Government may consider whether it is preferable to establish separate independent Anti-Corruption Units for the Police Service and the Customs and Excise department, as we recommend, or whether it would not be more efficacious to establish one over-arching body.

(24) Vacancies

12.83. We *recommend* that the vacancies at entry level and senior levels of the Customs and Excise department be filled as a matter of urgency to satisfy the personnel needs of the department. However, it seems to us that the basic qualifications at entry level should be raised to at least the equivalent of 'A' Level with a view to improving the quality of staff.

(25) Psychometric and Polygraphic Testing and Financial Disclosure

12.84. Staff of all security agencies should undergo psychometric and polygraphic testing prior to recruitment and during their employment. In addition, we recommend that staff of all security agencies should be made to disclose their assets and liabilities on a biennial basis. If necessary, appropriate legislation should be enacted to achieve these objectives.

(26) CCTV Equipment for Car Parks of Prisons

12.85. Bearing in mind that we received evidence that the prisons ought to be considered part of the national security framework of the country, we recommend that, if not already installed, CCTV equipment be placed at the car parks of all prisons to ensure exterior surveillance of those facilities.

(27) Development and Promulgation of a Disaster Preparedness Plan

12.86. One of the deficiencies in 1990 was the absence of a Disaster Preparedness Plan. The General Hospital suffered because of this *lacuna* in arrangements for crises. We *recommend* that such a Plan covering hospitals and other medical facilities be developed and promulgated.

(28) Architectural Plans and Drawings of Certain Buildings

12.87. The architectural plans and drawings of certain buildings considered vulnerable, such as Parliament, President's House, Police and Defence Force Headquarters, Prime Minister's residence and office, should be copied and kept in a secure and secret place and copies should reside at the Headquarters of the Defence Force and the Police Service. In 1990 there were no architectural drawings of the layout of Parliament to assist the Protective Services. Fortunately, the Acting President was very familiar with the layout of Parliament by reason of his experience of Parliament as both Clerk and President of the Senate, and he was able to assist a soldier in hastily drawing a sketch of the layout of the Parliament.

(29) Transmitter Sites and Essential Services

12.88. Legislation should be enacted to make it mandatory that all transmitter sites and essential services have security on a 24/7 basis.

SOCIAL AND ECONOMIC POLICIES

12.89. We do not think that we are competent to make specific recommendations for the development of social and economic policies. These

are matters of a political nature and best articulated by political parties. However, the social and economic conditions of 1990 did create a climate of dissatisfaction, discontent and disaffection among large sections of the population. The resultant societal disequilibrium may have led Imam Abu Bakr to believe that he would receive popular support for his adventure. Societal instability can express itself in internal threats to democratic governance.

12.90. We took note of the views of witnesses, during the public hearings, that –

- some parts of Trinidad and Tobago, at the time of writing this report, are still without running water and electricity. However, it became clear that these deficiencies applied mainly to areas where there are illegal squatting communities.
- the matter of race is still an issue in the Republic.

(30) Regional and International Cooperation

12.91. We *recommend* that the Government of Trinidad and Tobago take urgent steps to accede to the Treaty establishing the Regional Security System (RSS). The collaboration between the security and law enforcement agencies for

the 2007 Cricket World Cup shows that the capability exists within the Commonwealth Caribbean to design and execute successful anti-crime strategies and operations.

12.92. Having regard to evidence from more than one person that Venezuela is the primary source of guns entering Trinidad and Tobago, the Commission recommends that the Government of Trinidad and Tobago seeks to develop a Memorandum of Understanding with the Government of Venezuela for closer co-operation in the fight against illegal firearms and drugs.

(31) Regulation of Sea Craft Leaving and Entering the Country

12.93. Such legislation as currently exists should be revisited with a view to modernising the same and providing a comprehensive regime for the monitoring and recording of all sea craft entering or leaving the territorial waters of Trinidad and Tobago. Information so garnered or obtained should be readily accessible to all agencies involved with national security.