

LEGAL NOTICE No. 116

REPUBLIC OF TRINIDAD AND TOBAGO

THE EMERGENCY POWERS REGULATIONS, 1995

ORDER

MADE BY THE MINISTER OF NATIONAL SECURITY UNDER REGULATION 12 OF
THE EMERGENCY POWERS REGULATIONS, 1995

THE DETENTION OF PERSONS ORDER, 1995

WHEREAS—

- (a) it is enacted by regulation 12 of the Emergency Powers Regulations, 1995, that the Minister may, if satisfied with respect to any person that, with a view to preventing him acting in any manner prejudicial to public safety or public order or the defence of Trinidad and Tobago, it is necessary to provide for his preventive detention make an order directing that he be detained and stating concisely the grounds for such detention;
- (b) I am satisfied that with respect to the Honourable the Speaker of the House of Representatives Occah Seapaul that it is necessary to provide for her preventive detention:

Now therefore, in the exercise of the powers thereby conferred on me and of all other powers thereunto me enabling, I do hereby direct as follows:

1. The said the Honourable the Speaker Occah Seapaul shall be detained.

2. The Honourable the Speaker Occah Seapaul shall be detained at her place of private residence located at #9 Mary Street, St. Clair.

3. Without prejudice to regulation 12(2)(c) of the Emergency Powers Regulations, 1995, the said Occah Seapaul shall be entitled with the permission of the Minister of National Security to communicate with such other individuals as he may direct concerning her detention.

4. The grounds upon which this detention order is made are as follows:

- (a) On or about 5th July, 1995 the Honourable the Speaker without lawful authority amended a motion of no confidence put forward in Parliament by the Government.

- (b) The Honourable the Speaker on or about 12th July, 1995 amended the Parliamentary Order Paper to create opportunities for establishing her defence to the said motion of no confidence without lawful authority.
- (c) On or about 12th July, 1995, at a sitting of the House of Representatives, the Honourable the Speaker dismissed the said motion of no confidence without lawful authority and without allowing the elected members of Parliament the opportunity to debate on the said motion.
- (d) On 24th July, 1995, at a sitting of the House of Representatives—
 - (i) the Honourable the Speaker without lawful authority and in breach of the Standing Orders of the House of Representatives arbitrarily refused to rule on a motion for the adjournment of the House of Representatives to a specific date put by a Member of the House of Representatives.
 - (ii) the Honourable the Speaker in breach of the Standing Orders of the House of Representatives and without putting the question to the House of Representatives proceeded to make a ruling on the adjournment of the House to a date proposed by her. The said ruling was made in favour of the minority members of the House of Representatives which said action is contrary to the established principles of democratic Government.
- (e) The Honourable the Speaker on 28th July, 1995 suspended the Member of Parliament for Diego Martin Central, the Leader of Government Business, for a period of six months without lawful authority and has intimated her intention to similarly apply contempt charges against other Government Ministers.
- (f) On 31st July, 1995, the Honourable Member of Parliament for Diego Martin Central was granted a conservatory order by the High Court allowing him to continue to sit in the House of Representatives. The Honourable the Speaker has indicated her intention to disregard on the

next sitting of Parliament, namely Friday, 4th August, 1995; the Order of the High Court by stating that the High Court has no power to interfere in the internal management of the House.

- (g) By her actions outlined in grounds (a) to (f) herein, the Honourable the Speaker has demonstrated her intention and has embarked on a course to fulfil her intentions to utilise her position—
- (i) for her own advantage at the expense of the good government of the Republic of Trinidad and Tobago;
 - (ii) to deliberately and systematically reduce the Government's majority in the House of Representatives to such an extent that an usurpation of the Government's power as the majority elected by the people of the Republic of Trinidad and Tobago is imminent;
 - (iii) to deliberately override and ignore the majority voice in the House of Representatives, that is, the Government of the Republic of Trinidad and Tobago and to carry out her functions as Speaker of the House of Representatives in an arbitrary, capricious and dictatorial manner contrary to the established procedures of a Parliament existing under a democracy.

5. The actions of the Honourable the Speaker are detrimental to peace, order and good government and therefore the safety of the people of the Republic of Trinidad and Tobago.

Made this 3rd day of August, 1995.

J. ECKSTEIN
Minister of National Security