



TRINIDAD AND TOBAGO GAZETTE

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APPOINTMENT OF THE COMMISSION OF ENQUIRY INTO THE ATTEMPTED COUP WHICH OCCURRED ON
27TH JULY, 1990

(The Commissions of Enquiry Act, Chap. 19:01)

IN ACCORDANCE with section 15 of the Commissions of Enquiry Act, Chap. 19:01, of the Laws of the Republic of Trinidad and Tobago, notice is hereby given that 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 the following Commission:

REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency TIMOTHY HAMEL-SMITH,
Acting President and Commander-in-Chief of the Republic of
Trinidad and Tobago.

TIMOTHY HAMEL-SMITH
Acting President

Greetings:

To: Sir DAVID ANTHONY CATHCART SIMMONS, KA, BCH, Q.C.
Dr. the Honourable Sir RICHARD LIONEL CHELTENHAM, KA, Q.C., JP
Dr. HAFFIZOOL ALI-MOHAMMED
Dr. EASTLYN KATE MCKENZIE
Mrs. DIANA MAHABIR-WYATT

WHEREAS by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter called “the Act”) it is provided, *inter alia*, that the President may whenever he shall deem it advisable issue a Commission appointing one or more Commissioners and authorizing such Commissioners or any quorum of them to enquire into any matter in which an enquiry would in the opinion of the President be for the public welfare:

And whereas the President on the advice of Cabinet has deemed it advisable and for the public welfare that Commissioners be appointed to enquire into the events surrounding the attempted coup which occurred in the Republic of Trinidad and Tobago on 27th July, 1990 (hereinafter referred to as “the attempted coup”) and to make such findings, observations and recommendations arising out of its deliberations as the Commission may deem appropriate, and for this purpose to issue a Commission pursuant to the Act with the following terms of reference:

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;

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APPOINTMENT OF THE COMMISSION OF ENQUIRY INTO THE ATTEMPTED COUP WHICH OCCURRED ON
27TH JULY, 1990—CONTINUED

- (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.

NOW THEREFORE, I, TIMOTHY HAMEL-SMITH, Acting President as aforesaid, in exercise of the power vested in me by section 2 of the Commissions of Enquiry Act, Chap. 19:01, do hereby issue this my Commission appointing Sir David Anthony Cathcart Simmons, Dr. the Hon. Sir Richard Lionel Cheltenham, Dr. Haffizool Ali-Mohammed, Dr. Eastlyn Kate McKenzie and Mrs. Diana Mahabir-Wyatt, Commissioners to hold the enquiry into the matters aforesaid;

AND I DIRECT that you, Sir David Anthony Cathcart Simmons shall be the Chairman of the said Commission.

AND I FURTHER DIRECT that you, Sir David Anthony Cathcart Simmons, Dr. the Hon. Sir Richard Lionel Cheltenham, Dr. Haffizool Ali-Mohammed, Dr. Eastlyn Kate McKenzie and Mrs. Diana Mahabir-Wyatt, forthwith proceed at such places and times as may be convenient with due diligence and dispatch to enquire into the matters aforesaid and to report to me in writing upon the said matters within four (4) months after the conclusion of the enquiry and to give your findings, observations and recommendations thereon and to furnish me separately with a full statement of the proceedings of the Commission and the reasons leading to the conclusions at which you have arrived;

AND I FURTHER DIRECT that the enquiry shall be held in public but that you the Commissioners shall nevertheless be entitled, in your discretion, to sit in private or to exclude any particular person or persons from your sittings for the preservation of order, for the due conduct of the enquiry or for any other reason;

AND I FURTHER DIRECT the Commissioner of Police to detail police officers to attend upon the Commissioners to keep them safe and to preserve order during the proceedings of the Commission, to serve summonses on witnesses and to perform such duties as the Commissioners shall direct;

AND I FURTHER DIRECT that a quorum shall consist of three (3) Commissioners;

AND I CHARGE AND COMMAND all public officers and all loyal citizens of the Republic of Trinidad and Tobago in their several places and according to their several powers and abilities that they be abiding and assist you the Commissioners without fear in the execution of this your Commission;

AND I DO HEREBY APPOINT Laraine Lutchmedial to be the Secretary of the said Commission;

AND this my Commission shall be continued subject to any alteration or revocation thereof until you have finally reported.

Given under my Hand and the Seal of the President of the Republic
of Trinidad and Tobago at the Office of the President,
St. Ann's, this 6th day of September, 2010.

Dated this 7th day of September, 2010.

A. LEUNG WOO-GABRIEL
Secretary to Cabinet