

No. 14668. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 16 DECEMBER 1966¹

N° 14668. PACTE INTERNATIONAL RELATIF AUX DROITS CIVILS ET POLITIQUES. ADOPTÉ PAR L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES LE 16 DÉCEMBRE 1966¹

NOTIFICATION under article 4 (3)

NOTIFICATION en vertu du paragraphe 3 de l'article 4

Received on:

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6 November 1990

6 novembre 1990

TRINIDAD AND TOBAGO

TRINITÉ-ET-TOBAGO

Registered ex officio on 6 November 1990.

Enregistré d'office le 6 novembre 1990.

Note No. 1201

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations presents its compliments to the Secretary General of the United Nations and has the honour to refer to Article 4 of the International Covenant on Civil and Political Rights and wishes to inform the Secretary General of the United Nations that on July 28, 1990 the Acting President of the Republic of Trinidad and Tobago in accordance with the Constitution of the Republic of Trinidad and Tobago (Chap. 1:01) being satisfied:

“that action has been taken or is immediately threatened by persons or bodies of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community of supplies or services essential to life.”

by Proclamation (L.N. No. 140 of 1990) declared the existence of a State of Emergency in the Republic of Trinidad and Tobago. In accordance with Section 10 of the Constitution, the Proclamation was on August 10, 1990 extended by resolution of the House of Representatives for a further period of ninety (90) days (L.N. No. 155 of 1990).

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations as required by Article 4, paragraph 3 of the International Covenant on Civil and Political Rights hereby notifies the Secretary General of the United Nations of the consequent neces-

¹United Nations, *Treaty Series*, vol. 999, p. 171; vol. 1057, p. 407 (rectification of authentic Spanish text); and vol. 1059, p. 451 (corrigendum to vol. 999); for subsequent actions, see references in Cumulative Index No. 17, as well as annex A in volumes 1065, 1066, 1075, 1088, 1092, 1103, 1106, 1120, 1130, 1131, 1132, 1136, 1138, 1141, 1144, 1147, 1150, 1151, 1161, 1181, 1195, 1197, 1199, 1202, 1203, 1205, 1207, 1211, 1213, 1214, 1216, 1218, 1222, 1225, 1249, 1256, 1259, 1261, 1272, 1275, 1276, 1279, 1286, 1289, 1291, 1295, 1296, 1299, 1305, 1308, 1312, 1314, 1316, 1324, 1328, 1329, 1333, 1334, 1338, 1339, 1344, 1347, 1348, 1349, 1351, 1352, 1354, 1356, 1357, 1358, 1360, 1365, 1379, 1387, 1389, 1390, 1392, 1393, 1399, 1403, 1404, 1408, 1409, 1410, 1413, 1417, 1419, 1421, 1422, 1424, 1427, 1429, 1434, 1435, 1436, 1437, 1438, 1439, 1441, 1443, 1444, 1455, 1457, 1458, 1462, 1463, 1464, 1465, 1475, 1477, 1478, 1480, 1482, 1484, 1485, 1487, 1488, 1490, 1491, 1492, 1495, 1498, 1499, 1501, 1502, 1505, 1506, 1508, 1510, 1512, 1513, 1515, 1520, 1522, 1525, 1527, 1530, 1533, 1534, 1535, 1540, 1543, 1545, 1548, 1551, 1555, 1556, 1557, 1562, 1563, 1564, 1567, 1570, 1577, 1578, 1579 and 1580.

¹Nations Unies, *Recueil des Traités*, vol. 999, p. 171; vol. 1057, p. 407 (rectification du texte authentique espagnol); et vol. 1059, p. 451 (rectificatif au vol. 999); pour les faits ultérieurs, voir les références données dans l'Index cumulatif n° 17, ainsi que l'annexe A des volumes 1065, 1066, 1075, 1088, 1092, 1103, 1106, 1120, 1130, 1131, 1132, 1136, 1138, 1141, 1144, 1147, 1150, 1151, 1161, 1181, 1195, 1197, 1199, 1202, 1203, 1205, 1207, 1211, 1213, 1214, 1216, 1218, 1222, 1225, 1249, 1256, 1259, 1261, 1272, 1275, 1276, 1279, 1286, 1289, 1291, 1295, 1296, 1299, 1305, 1308, 1312, 1314, 1316, 1324, 1328, 1329, 1333, 1334, 1338, 1339, 1344, 1347, 1348, 1349, 1351, 1352, 1354, 1356, 1357, 1358, 1360, 1365, 1379, 1387, 1389, 1390, 1392, 1393, 1399, 1403, 1404, 1408, 1409, 1410, 1413, 1417, 1419, 1421, 1422, 1424, 1427, 1429, 1434, 1435, 1436, 1437, 1438, 1439, 1441, 1443, 1444, 1455, 1457, 1458, 1462, 1463, 1464, 1465, 1475, 1477, 1478, 1480, 1482, 1484, 1485, 1487, 1488, 1490, 1491, 1492, 1495, 1498, 1499, 1501, 1502, 1505, 1506, 1508, 1510, 1512, 1513, 1515, 1520, 1522, 1525, 1527, 1530, 1533, 1534, 1535, 1540, 1543, 1545, 1548, 1551, 1555, 1556, 1557, 1562, 1563, 1564, 1567, 1570, 1577, 1578, 1579 et 1580.

sity for the suspension of certain rights protected by the Covenant by the enactment of the Emergency Powers Regulations 1990 (L.N. No. 142 of 1990).

Derogation from the rights protected by Article 9 of the Covenant, namely the right: (a) to liberty and security of person; (b) not to be subjected to arbitrary arrest or detention; (c) to be brought promptly before a judge or officer authorized to exercise judicial power; (d) the right to bail; is authorized by the above-mentioned Emergency Powers Regulations as follows:

(i) *Regulation 16 (1)*

“Notwithstanding any rule of law to the contrary, a police officer may arrest without warrant any person who he suspects has acted or is acting or is about to act in a manner prejudicial to public safety or to public order or to have committed or is committing or is about to commit an offence against these Regulations; and such police officer may take such steps and use such force as may appear to him to be necessary for affecting the arrest or preventing the escape of such person.”

(ii) *Regulation 16 (3)*

“No person shall be detained under the power conferred by this regulation for a period exceeding twenty-four hours except with the authority of a magistrate or of a police officer not below the rank of Assistant Superintendent on either of whose direction such person may be detained for such further period, not exceeding seven days as in the opinion of such magistrate or police officer, as the case may be, is required for the completion of the necessary inquiries, except that no such direction shall be given unless such magistrate or police officer, as the case may be, is satisfied that such inquiries cannot be completed within a period of twenty-four hours.”

(iii) *Regulation 17, (Second Schedule, Sections 2 (1) and 3 (1))*

“2.1 Subject to the provisions of paragraph 4, 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:

(a) Directing that he be detained; and

(b) Stating concisely the grounds for such detention, so however, that no defect of any kind in such statement shall invalidate the order.”

“3.1 Any person in respect of whom a detention order is in force may be arrested without warrant by any police officer and may be detained in such place and under such conditions as the Minister may from time to time direct, and shall, while so detained be deemed to be in lawful custody.”

(iv) *Regulation 19 (1) (a), (b) and (c)*

Notwithstanding any rule of law to the contrary, but subject to these Regulations, no bail shall be allowed in the case of any person:

“(a) In respect of whom a detention order is in force under the provision of the Second Schedule; or

(b) Detained under the provisions of regulation 16; or

(c) Charged with an offence, if it is shown to the satisfaction of the magistrate that it is reasonably apprehended that the person arrested is likely to engage or to incite persons to engage in the commission of breaches of the peace or of any other offence against the person or property or against these Regulations, or any Orders, instructions or directions made thereunder.”

The right to liberty of movement and freedom to choose one's residence protected by Article 12 of the Covenant has been derogated from by curfew restrictions on movement and travel imposed by virtue of Regulation 4 (1), (b), (c), (d), (e) and (f) of the Emergency Powers Regulations:

4.1 Until Orders made by the President under regulation 3 otherwise provide, the Commissioner of Police is hereby authorized to exercise the following powers:

“(b) To impose on any person any restrictions in respect of his employment or business, in respect of his place of residence, and in respect of his association or communication with other persons;

(c) To prohibit any person from being out of doors between such hours as may be specified, except under the authority of a written permit granted by such authority or person as may be specified;

(d) To require any person to notify his movements in such manner, at such times, and to such authority or person as may be specified;

(e) To prohibit any person from travelling except in accordance with permission given to him by such authority or person as may be specified;

(f) To require any person to quit any place or area or not to visit any place or area.”

The right of the accused to be present at the hearing of a case against him (Article 14, paragraph 3 of the Covenant) is derogated from by Regulation 17 of the Emergency Powers Regulations which refers to persons detained according to the Second Schedule. Section 7 (4) of the Second Schedule states as follows:

“(a) The Tribunal may exclude the detainee or any other person from the said proceedings in the event of his misconducting himself by so interrupting them as to render their continuance in his presence impracticable; and

(b) Any such proceedings may be held in the detainee’s absence if, in the opinion of the Tribunal, it is unreasonable to require his presence thereat on account of his illness or for any other cause.”

The right of peaceful assembly protected in Article 21 of the Covenant has been derogated from by Emergency Powers Regulation 7 (1):

“Except with the prior permission in writing of the Commissioner of Police, the grant of which shall be in his discretion, no person shall hold or take part in any public march or in any public meeting.”

Under Regulation 7 (2), the following meetings have been exempted from the prohibition on the holding of public meetings and marches as provided in Regulation 7 (1):

“1. Religious services or meeting helds under the authority of the head of any religious denomination or of the Salvation Army.

2. Educational classes and recreation in schools or other educational institutions.

3. Bona fide cinematograph, musical and theatrical entertainments, dancing, beauty competitions or other similar cultural shows.

4. Bona fide horse racing, cricket, football, hockey, polo, water polo, basket ball, netball, tennis, boxing, athletics, swimming and other bona fide sports.

5. Meetings organised by or on behalf of any bona fide youth organization which is not organized for any political purpose or is not connected with any political organization.”

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations wishes to avail itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest consideration.

Port-of-Spain, 15 August 1990