

Reference: C.N.552.2024.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

TRINIDAD AND TOBAGO: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 31 December 2024.

(Original: English)

“31 December 2024

Your Excellency,

I hereby inform that a state of public emergency has been declared in the Republic of Trinidad and Tobago as at 30 December 2024.

In accordance with Article 4(3) of the International Covenant on Civil and Political Rights, States Parties are required to inform other States Parties, through the Secretary-General of the United Nations, in the event that a state of public emergency is declared as well as the reasons for taking such action.

In this regard, the Permanent Mission of the Republic of Trinidad and Tobago to the United Nations has been requested to forward the enclosed information for your kind attention.

Please accept, Your Excellency, the assurances of my highest consideration.

Sincerely,

(Signed) Dennis Francis
Permanent Representative

Note No. 156

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 with reference to Article 4 of the International Covenant on Civil and Political Rights has the honour to inform that President of the Republic of Trinidad and Tobago, on December 30, 2024 by Proclamation (Legal Notice No. 239 of 2024) declared the existence of a state of public emergency in the Republic of Trinidad and Tobago.

The Permanent Mission wishes to advise that in issuing the Proclamation, in accordance in with section 8(1) of the Constitution of the Republic of Trinidad and Tobago (Chap. 1:01), the President was satisfied:

‘that a public emergency has arisen as a result of the occurrence of action that has been taken, or is immediately threatened, by any person, of such a nature and on so extensive scale, as to be likely to endanger the public safety’

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 necessity for the suspension of certain rights protected by the Covenant by the enactment of the Emergency Powers Regulations 2024 (L.N. No. 240 of 2024),

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 authorised to exercise judicial power;
and
- (d) the right to bail.

is authorized by the above-mentioned Emergency Powers Regulations as follows:

(i) Regulation 14 (1)

‘Notwithstanding any rule of law to the contrary, a police officer may arrest without warrant, any person whom 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 14 (3)

- a. ‘No person shall be detained under the powers conferred by this regulation for a period exceeding forty-eight 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 directions 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 forty-eight hours.’

(iii) Regulation 15, (Schedule, section 2(1) and 3(1))

2. (1) Subject to the provision 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 preventative 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 on 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 17 (1)

‘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 provisions of the Schedule;
- (b) detained under the provisions of regulation 14; 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.’

‘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 traveling except in accordance with permission given to him by such authority or person as may be specified; and
- (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 15 of the Emergency Powers Regulations which refers to persons detained according to the Schedule. Section 7(4) of the 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 Permanent Mission of the Republic of Trinidad and Tobago to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest considerations.

New York – 31 December 2024”

Subsequently, in a communication dated 13 January 2025, the Permanent Mission of Trinidad and Tobago informed the Secretary-General that:

“In accordance with section 9(2) of the Constitution ‘A Proclamation made by the President for the purposes of and in accordance with section 8 shall, unless previously revoked, remain in force for fifteen days’. Under the Proclamation, the State of Emergency is [in] force from 30 December 2024 to 14 January 2025. However, before its expiration, the Proclamation may be extended for three months and thereafter, a further period of three months in accordance with section 10(1) of the Constitution of the Republic of Trinidad and Tobago. It should be noted that the extensions cannot in the aggregate exceed 6 months.”

16 January 2025

A handwritten signature consisting of the letters 'DN' in a stylized, cursive font, with a horizontal line underneath.