

Ministerial Statement given this 9th day of May, 2023, by The Honourable Dale D. Marshall S.C., MP, Attorney General and Minister of Legal Affairs on the matter of the involvement of the Barbados Police Service in the apprehension of Mr. Brent Louis Thomas, a Trinidad and Tobago national in Barbados on the 5th October, 2022

On the 25th of April last, a decision was given in the High Court of Trinidad and Tobago by Mr. Justice Davindra Rampersad in the matter of *Brent Thomas v The A.G of Trinidad and Tobago and the Director of Public Prosecutions*. In that decision, Justice Rampersad made reference to what he termed the “abduction” of Mr. Thomas in Barbados on the 5th day October of 2022 and later in his decision, the characterized the circumstances attending Mr. Thomas’s return to Trinidad from Barbados, as being unlawful.

The Government of Trinidad and Tobago has appealed the decision of the Court, though it has not appealed the part of the Judge’s decision which dealt with the circumstances surrounding the return of Mr. Thomas to Trinidad.

This matter has been occupying the attention of the public in both Trinidad and Tobago and Barbados and before traveling to attend the FATF meeting last week I requested a full report from the Commissioner of Police on the involvement of the Barbados Police Service in the matter given the negative reference to them in the Judge's decision. The Report of the Commissioner has been received. I have also received reports from the regional bodies which had any involvement in the matter and these two regional bodies are the Regional Security System (the RSS), the CARICOM Implementation Agency for Crime and Security (IMPACS) and from the Ministry of National Security in Barbados

Having received and considered the various reports, I am now able to speak to the country on the matter through this Ministerial Statement.

These are the facts.

First let me make it clear that at no time until just over a week ago, was either the Honourable Prime Minister of Barbados or myself informed of,

or in any other way made aware of, any matter relating to Mr. Brent Thomas. Neither of us were consulted by anyone prior to or at the time when Mr. Thomas was taken from Barbados in October of 2022. The first time that either of us became aware of any of the events relating to Mr. Thomas was after the matter broke in the press in Trinidad just over a week ago. We simply had no knowledge nor involvement in this matter. This is not unusual as these matters are operational, and such requests for surveillance by another law enforcement arm or for arrests of individuals do NOT fall within our purview.

The reports that I have received indicate that on the 4th October, 2022, an approach was made by the Trans National Organised Crime (TNOG) Unit of the Trinidad and Tobago Police Service to the Implementation Agency for Crime and Security, a CARICOM specialist law enforcement agency. As the result of that approach, IMPACS contacted a gazetted officer of the Barbados Police Service. That gazetted officer was informed by IMPACS that Mr. Thomas was a person of interest to the Trinidad and Tobago Police Service and asked if he would speak with a senior member of that Service.

The gazetted member of the Barbados Police Service was then contacted directly by a member of the Trinidad and Tobago Police Service who provided information that Mr. Thomas was the subject of several police warrants and had eluded the surveillance of the Trinidad and Tobago Trans-National Crime Unit. Mr. Thomas was believed to have travelled to Barbados and Guyana.

The Barbados Police Service was further informed by the Trinidad and Tobago Police Service that the subject, Mr. Thomas, was believed to be involved in a significant way in trafficking in illicit firearm and explosives in Trinidad and in the region. The Barbados Police Service was initially requested to establish the whereabouts of Mr. Thomas in Barbados and to keep him under surveillance. Before taking any steps to render the requested assistance, the matter was discussed with the Acting Commissioner of Police who gave certain advice and instructions.

The Barbados Police Service then requested to see the warrants of arrest under which Mr. Thomas was wanted in Trinidad and Tobago. These were

duly provided. Investigations by the Barbados Police Service revealed that the subject of the warrants of arrest, Mr. Thomas, had travelled to Barbados and had checked into a hotel. During the early morning of 5th October, 2022, plain clothes members of the Barbados Police Service, but who also wore ballistics vests with the word "POLICE" emblazoned thereon went to the hotel and proceeded to Mr. Thomas' hotel room and knocked several times. Mr. Thomas came to the door and the Senior Police Officer present identified himself and the other persons present as Police Officers and showed him his Police Certificate of Appointment. On entering the room, a search warrant was executed. Nothing of an illegal nature was found.

The reports indicate that the Senior Police Officer then informed Mr. Thomas that there was a warrant of arrest for him in Trinidad and Tobago and that he was being arrested. Mr. Thomas was then cautioned. Mr. Thomas then said "If Trinidad has a warrant for me, I will go back with you all". Mr. Thomas was then arrested and informed of his right to an attorney.

Later that day, Mr. Thomas was taken by the members of the Barbados Police Service to the Grantley Adams International Airport, where they were met by members of the Trinidad and Tobago Police Service and Mr. Thomas was handed over to their custody.

I have mentioned earlier that there was involvement in the operation by two regional bodies which have both submitted reports. Their reports reveal that on October 5th, 2022 the Regional Security System (RSS), headquartered in Barbados, received a request from the CARICOM Implementing Agency for Crime and Security to transport four (4) Trinidadian police officers from Trinidad to Barbados that evening. The aircraft departed Trinidad at 3:21 pm on October 5th and arrived in Barbados at 4:11 pm. A further request was made to transport the same four (4) police officers and a Trinidadian national back to Trinidad that same evening. The RSS aircraft departed Grantley Adams International Airport at 5:08 pm and arrived at Piarco International Airport at 6:01 pm where the police officers and the Trinidadian national disembarked the

aircraft and it returned to Bridgetown. That Trinidadian national was Mr. Thomas. The coordination of the travel to Barbados of the Trinidad and Tobago Police Service and their return with Mr. Thomas to Trinidad was coordinated fully by CARICOM IMPACS.

Barbados has an Extradition Act, Chapter 189 of the Laws of Barbados, which applies to a large number of criminal offences, including the firearm and other offences for which the warrants of arrest for Mr. Thomas were issued.

I can confirm that no request was made for the extradition of Mr. Thomas.

The Trinidad and Tobago High Court has characterized what transpired in Barbados on October 5th last year in relation to Mr. Thomas as an “abduction”. That is unfortunate language.

From the reports that I have received, I am satisfied that the actions of the Barbados Police Service have fallen somewhat short of applicable legal

norms, such as acting under an extradition request. I, however, cannot associate myself with the description of the actions of the Barbados Police officers as an abduction or as has been elsewhere been described as a kidnapping.

It is evident that the Barbados Police Service sought to assist a sister Police service in a matter which appeared to them to be of a grave and important nature, and especially so, given the scourge of firearm violence that is now a feature in Barbados and across the Caribbean. It is my view that they rendered that assistance without any mental element of criminality that would be associated with an abduction.

To the extent that there may be any legal liability attaching to the actions of the Barbados Police Service Officers, I can assure you that the Government of Barbados will abide by the law and fully respect any decisions of the law courts. The Prime Minister and myself – indeed the Government of Barbados - welcome a full distillation and ventilation of all of the facts surrounding this matter. We reject fully any implication of

involvement and collusion in this matter so as to deny any citizen of CARICOM (or anywhere) else their rights to due process.

Going forward, it will be vital for the region to fully implement the terms of the CARICOM Arrest Warrant Treaty which was agreed to and adopted by CARICOM Heads in July of 2017 and which was ratified by Barbados in April of 2018. All of CARICOM needs to bring this Treaty into full operation in the shortest possible time so that the recurrence of incidents of this kind may be eliminated.