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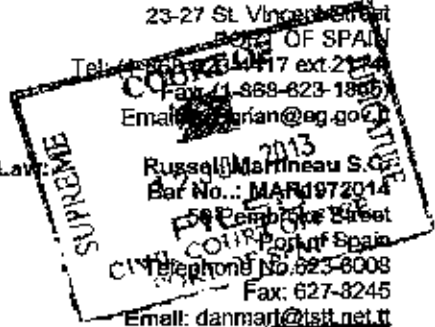
Defendant: K. Rochar: 1st: "K.R.1":2013.07.12:2013.07.12

**Application for an Administrative Order/ Application for Judicial Review**

**Filing Attorneys at Law:**  
Savitri Maharaj  
Bar No. MAS 2007091  
// Chief State Solicitor's Department  
Cabildo Chambers  
23-27 St. Vincent Street  
PORT OF SPAIN  
Tel: (1-868-623-4417 ext 2167)  
Fax: (1-868-623-1865)  
Email: savmaharaj@ag.gov.tt

Stephanie Sobrian  
Bar No. SOS2011187  
// Chief State Solicitor's Department  
Cabildo Chambers  
23-27 St. Vincent Street  
PORT OF SPAIN  
Tel: (1-868-623-4417 ext 2174)  
Fax: (1-868-623-1865)  
Email: sobrian@ag.gov.tt

**Senior Advocate Attorney at Law:**  
Russell Martineau S.C.  
Bar No.: MAR1972014  
59 Campbell Street  
PORT OF SPAIN  
Telephone No: 623-8008  
Fax: 627-8245  
Email: danmart@ist.net.tt  
Rmdanmart1@gmail.com



**Junior Advocate Attorney at Law:**  
Gerald Ramdeen  
Bar No. RAG2000056  
No. 7 Comelio Street  
Woodbrook  
Tel: 624-7327

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

**CLAIM NO. CV 2013-01162**

**BETWEEN  
AFRA RAYMOND**

*Claimant*

**AND**

**THE MINISTER OF FINANCE AND THE ECONOMY**

*Defendant*

\*\*\*\*\*

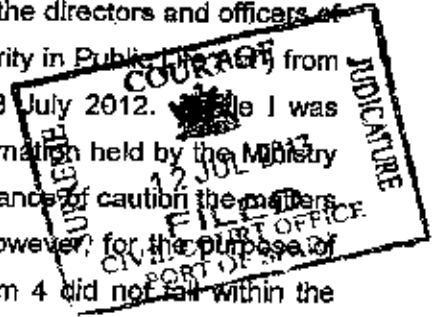
**AFFIDAVIT OF KIMI ROCHARD**

I, **KIMI ROCHARD**, Legal Officer IV at the Legal Department of the Ministry of Finance and the Economy situated at the Eric Williams Financial Plaza, Independence Square Port of Spain, in the Island of Trinidad, make oath and say as follows:-

1. I am a Legal Officer IV at the Legal Department of the Ministry of Finance and the Economy situated at the Eric Williams Financial Plaza, Independence Square Port of Spain (hereinafter referred to as "the Ministry").
2. The facts deposed herein are within my own knowledge as the Legal Officer IV and from information derived from an examination of the files, records and documents of the Ministry and I am duly authorized to depose to this affidavit. I have read the Fixed-Date Claim Form and the Claimant's Supplemental Affidavit which were both filed on the 10 April, 2013. I have also read the Claimant's ex parte application and affidavit which were both filed on the 20 March 2013. I am aware that on the 27 March 2013 the Claimant was granted leave to apply for judicial review in this matter.
3. Since April 2010, I have been employed with the Ministry as a Legal Officer IV. My duties and responsibilities entail dealing with any legal matters which touch and concern the Ministry. This includes reviewing and advising on applications requesting documents and/or information pursuant to the Freedom of Information Act ("the Freedom of Information Act" or "the Act"). Since 2010, I have had to deal with approximately five such applications. I report to the Treasury Solicitor.
4. Generally, all applications under the Freedom of Information Act are forwarded to the Administrative Officer IV, who in turn forwards all applications to the relevant departments in the Ministry for that department to review. The relevant department is determined based on what type of documents and/or information is being requested by the applicant. In the event that there are queries requiring the attention or advice of the Legal Department, applications will be forwarded for the attention of an Officer within that department. ~~Consequently, not all applications are forwarded to the Legal Department for advice.~~ When the Legal Department receives applications, they are reviewed. In the event that it is determined that the documents requested fall within the contemplation of the Act as official documents,

and are not exempt from disclosure under the Act, Officers of the Legal Department may either procure copies of the documents and forward to the Administrative Officer IV for dispatch, or give advice to the effect that documents should be disclosed.

5. In or around May to June, 2012, the Claimant's application under the Freedom of Information Act dated the 8 May 2012 ("the said application") sent under cover of a letter dated 11 May, 2012 from the Claimant's attorney, Mr. Kingsley Walesby, was passed to me to review and to advise on whether the documents requested should be disclosed. I reviewed the said application and did legal research on same. In July 2012, I sought further clarification in respect of item 4 of the said application (that is to say with respect to "Copies of all declarations filed by the directors and officers of CL Financial Limited and its subsidiaries under the Integrity in Public Life Act) from legal advisors to the Ministry. I received a reply on 23 July 2012. While I was certain the information requested in item 4 was not information held by the Ministry in connection with its functions, I felt that out of an abundance of caution the matters raised should receive the Ministry's further attention. However, for the purpose of the Claimant's said application, my views were that item 4 did not fall within the Ministry's scope of work and were not in the possession of the Ministry.



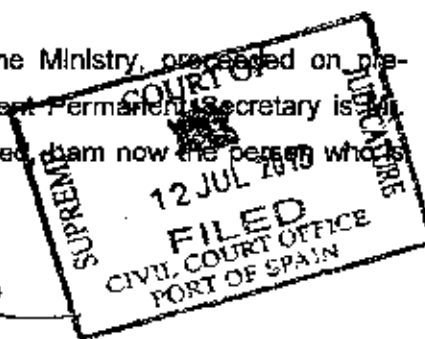
- 6. I drafted an advice dated the 30 July, 2012 based on my research and then passed the advice to the then Permanent Secretary of the Ministry, Ms. Alison Lewis, through the Treasury Solicitor. Thereafter, the letter dated 14 August, 2012 ("A.R.3" of the Claimant's affidavit filed on 20 March, 2013) was sent out to the Claimant by the Ministry. While I was working on the said advice, the Claimant's letter dated 11 June, 2012 ("A.R.2") was passed to me.
- 7. On the 14 September 2012 I saw that the Express Newspaper had published an article titled "CL Financial Bailout – call for order" authored by the Claimant in which the contents of the Ministry's letter dated the 14 August 2012 were made public.
- 8. The Claimant's attorney's letter dated 21 December, 2012 ("A.R.4") did not come to my attention until after this court matter begun. I am not aware if Ms. Alison Lewis saw the said letter.

- 3
9. On the 20 March 201~~2~~<sup>3</sup>, an email from the Deputy Solicitor General at the Ministry of the Attorney General, Ms. Carol Hernandez, was forwarded to me. That email referred to a letter dated the 6 March, 2013 and informed me that the Honourable Attorney General had instructed that Counsel be retained in respect of the matter. I had not, at that time, seen the letter of the 6 March 2013 nor did I receive a copy of the same.
  10. On the basis of that instruction, on the 22 March 2013 I forwarded all of the documents in my possession relevant to the Claimant's said application to the Solicitor General. At that time I did not know that the letter dated the 6 March 2013, referred to in the email of the Deputy Solicitor General, was a pre-action protocol letter. It was not until the 15 April 2013, when I received a memorandum from the Honourable Minister of the Ministry indicating that a case management conference had been listed that I called the Claimant's attorney and asked him to fax all of the relevant documents to me.
  11. On the 15 April, 2013, the Claimant's attorney faxed over a bundle of documents to me which included the pleadings in this matter. The bundle included copies of the pre-action protocol letter; the Claimant's ex parte application filed on 20 March 2013; the order of the court dated 27 March, 2013 granting leave to the Claimant to apply for judicial review; and the Claim Form and supplemental affidavit filed on 10 April, 2013. I then made copies of the documents and sent them immediately to the Attorneys identified by the Ministry of the Attorney General, pending formal instructions from the Ministry.
  12. In or around the end of March, 2013, I received a copy of a letter dated the 18 March, 2013 from the Claimant enclosing a second application requesting information pursuant to the Freedom of Information Act. A copy of the said letter and application is now shown, exhibited and marked as "K.R.1". The second application requested: - "Details of the creditors of CL Financial – in particular EFPA holders - to include the identities of those who have been repaid as well as details of the dates of those repayments and the amount received."

13. I was in the process of reviewing the Claimant's application of the 18 March 2013 when I received the bundle of documents from the Claimant's attorney mentioned in paragraph 11 above and I realized that the Claimant had initiated court proceedings in this matter on the 20 March 2013. I forwarded that application of the 18 March 2013 to Counsel instructed in this matter for their attention.

14. In my recollection, the Claimant has made Freedom of Information Act applications on three occasions in which he requested information in respect of CL Financial and such applications were made on the 22 December 2010, 8 May 2012 and recently on 18 March 2013. In any event, CL Financial Ltd. is a private company and is not a public authority under the provisions of the Freedom of Information Act.

15. Ms. Alison Lewis, the Permanent Secretary of the Ministry, proceeded on pre-retirement leave on the 28 June, 2013. The present Permanent Secretary is Mr. Vishnu Dhanpaul. Since Ms. Alison Lewis has retired, I am now the person who is most familiar with this matter at the Ministry.



SWORN TO at 106 Duke Street, Port of Spain on the 12<sup>th</sup> day of July, 2013.)

*[Handwritten signature]*

Before me,

*Carolyn Joseph*  
Commissioner of Affidavits.

*Carolyn Joseph*  
COMMISSIONER OF AFFIDAVITS

**FILED ON BEHALF OF THE DEFENDANT HEREIN**

Defendant: K. Rochard: 1st: "K.R." 2013.07:12:2013.07.12

THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CLAIM NO. CV 2013-01162

BETWEEN

AFRA RAYMOND

*Claimant*

AND

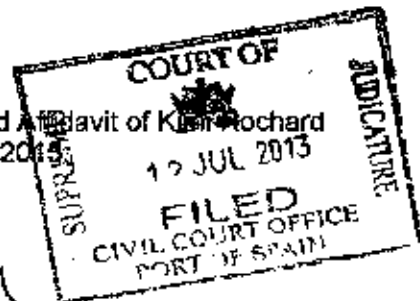
THE MINISTER OF FINANCE AND THE ECONOMY

*Defendant*

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"K.R.1".

This is the exhibit marked "K.R.1" referred to in the prefixed Affidavit of Kelvin Hochoy sworn before me this 12<sup>th</sup> day of July, 2013.



*Carolyn Joseph*  
.....  
Commissioner of Affidavits

*Carolyn Joseph*  
COMMISSIONER OF AFFIDAVITS

Afra Raymond  
EMROND HOUSE  
#111 Oxford Street,  
Port-of-Spain  
625 6230/678 9802  
[afrraymond@gmail.com](mailto:afrraymond@gmail.com)

18<sup>th</sup> March 2013

Attention – Ms. Alison Lewis  
The Ministry of Finance & the Economy,  
Eric Williams Financial Complex  
Brian Lara Promenade  
Port-of-Spain

Dear Sirs,

**Freedom of Information request**

I have attached for your attention a completed form, as required by S.13 of the Freedom of Information Act, detailing the requested information in relation to the CL Financial bailout.

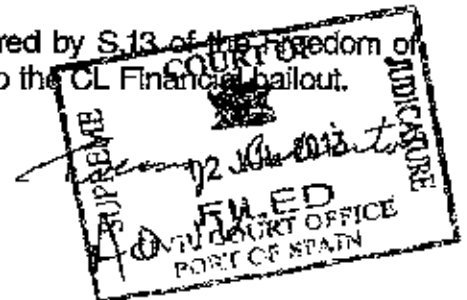
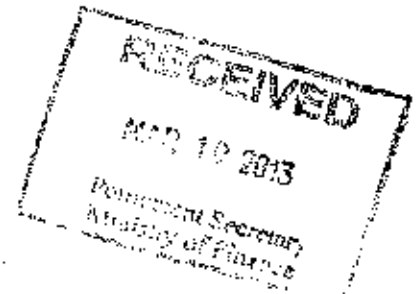
I await your early, positive reply.

Thank You.

Afra Raymond



[www.afrraymond.com](http://www.afrraymond.com)



M  
2013/03/21

(Pursuant to section 19)

- 1. Name of Public Authority: Ministry of Finance and the Economy
- 2. Name of Applicant: Afra Raymond
- 3. Address of Applicant: EMROND HOUSE, #11 Oxford Street, Port-of-Spain or www.afaraymond.com
- 4. Telephone Number of Applicant: 625 6230 or 678 9802 or afraraymond@gmail.com

5.	Doc. No.	Description of Document Requested	Form of Access
	1.	Details of the creditors of CL Financial - in particular EFPA holders - to include the identities of those who have been repaid as well as details of the dates of those repayments and the amounts received.	Hard copy and Soft Copy
	2.		
	3.		

[Note: Applicants shall identify the document(s), or provide sufficient information to enable an officer/employee of the public authority who is familiar with the relevant documents, to identify the document(s), to identify the document(s) with reasonable effort.  
Continue on a separate page if necessary.

Subject to the provisions of this Act, access to a document may be granted by supplying a printed copy and/or by making it available for inspection or, if appropriate, by supplying a copy of a tape, disk, film or other material containing the information, by supplying a transcript of such tape, disk, film or other material or by making arrangements for the hearing or viewing of such tape, disk, film or other material.

6. Assuming that all documents requested are exempt documents, give the Document Number of the documents described above of which you would like to have access to an edited version, if possible.

The making of this request is free of charge, but where access to a document is to be given in the form of a copy (printed or otherwise), the applicant shall be required to pay the prescribed fee.

Date of Application: 18th March 2013

Signature of Applicant: 