

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

**San Fernando**

**Claim No. CV 2015-03598**

BETWEEN

**CLINT ATTONG**

Claimant

AND

**P.C. MURRAY MOHAMMED**  
**(Regimental Number 18271)**

First Named Defendant

AND

**P.C. RONNIE EDWARDS**  
**(Regimental Number 17302)**

Second Named Defendant

AND

**THE ATTORNEY GENERAL OF TRINIDAD & TOBAGO**

Third Named Defendant

AND

**PREMCHAND SOOKRAM**

Fourth Named Defendant

**Before the Honourable Mr. Justice Frank Seepersad**

**Date of Delivery:** November 28, 2019.

**Appearances:**

1. Mr A Brazer Attorney-at-law for the Claimant.
2. Mr Ryan Grant and Mr Lamont Attorneys-at-law for the First, Second and Third Defendants.

3. Mr Darren Mitchell Attorney-at-law for the Fourth Defendant.

### **ORAL DECISION REDUCED INTO WRITING**

Before the court for its determination is the Claimant's claim for, *inter alia*, damages for assault and battery and false imprisonment.

1. Essentially the resolution of this matter was fact dependant and the Court had to determine the issue as to whether or not on Saturday October 29, 2011 the Claimant, Clint Attong, was taken forcibly to the Mayaro Police Station. Secondly whether he was assaulted and beaten by two police officers, namely, PC Murray Mohammed, PC Ronnie Edwards and by Premchand Sookram.
2. A portion of the beatings would have occurred, according to the Claimant's evidence, in the presence of another man who was also present in the vehicles.
3. Another issue that the Court had to consider was whether or not PC Mohammed took the sum of \$5000.00 in cash from the Claimant being money that the claimant allegedly had on his person because he wanted to purchase a dog.
4. The Court also had to consider whether or not at the Mayaro Police Station Premchand Sookram gave PC Mohammed a wad of cash.
5. In addition the Court had to determine whether the Claimant was forced to sign a statement at the Mayaro Police Station.
6. The case presented by the parties was diametrically opposed.

**The Claimant's facts:**

7. The Claimant, now 35 years of age, is a safety officer.
8. On October 29, 2011 at approximately 3:30 pm the Claimant had an appointment to meet Mr Premchand Sookram, the Fourth Named Defendant, at Aves Bar at Naparima Mayaro Road, Liberville, Rio Claro to discuss matters concerning his safety and that of Mr Ricardo Mahadeo. They were all employees of RBG Blasting Group Limited.
9. At about the said time whilst waiting opposite Aves Bar, a white Wingroad station wagon travelling along the Naparima Mayaro Road, Liberville, approached and stopped very close to the Claimant. PC Ronnie Edwards, the Second Defendant, then attached to the Mayaro Police Station, exited from the front passenger seat of the said vehicle, placed one hand on its hood and pointed a firearm at the Claimant.
10. PC Murray Mohammed, the First Defendant, who was then attached to the Mayaro Police Station, exited from the left rear passenger seat of the said vehicle, approached the Claimant, scrambled him, took away his two cellular phones and instructed him to turn around and handcuffed him while the Second Defendant was pointing the firearm at him.
11. Both PC Mohammed and PC Edwards then dragged and pushed the Claimant onto the boot of the vehicle. Shortly afterwards, a four door Hilux pickup van, driven by Premchand Sookram, approached the Wingroad station wagon from the rear and stopped. PC Mohammed and PC Edwards dragged the Claimant from the Wingroad and pushed him in a very rough manner onto the right rear passenger seat of Hilux.
12. Whilst travelling in the Hilux PC Edwards told the Claimant that he had a bag of weed awaiting him at the Mayaro Police Station. PC Mohammed continuously punched the Claimant on the left side of his face during the journey. The Claimant's hands were handcuffed and he could not defend himself from the blows. PC Mohammed put his hand in the Claimant's left pants

pocket and took out Five Thousand Dollars. He told him that he was seizing the money. The Claimant never consented to PC Mohammed nor anyone whomsoever to take his money.

13. When the Claimant was pushed into the Hilux Sookram called someone and said, "Ricardo we have carried out the instructions we have done the job".
14. Upon arrival at the Mayaro Police Station, the Claimant was taken inside the station. Whilst in the yard of the Mayaro Police Station they met another police officer who accompanied them into the station.
15. The Claimant was then taken into a secluded room in the station where PC Mohammed began beating him about his body with a blue PVC WASA hose. The officer they met at the yard of the police station and Sookram took turns beating the Claimant with a similar hose. During this time, PC Edwards sat on a desk and looked on.
16. Sookram then took off his leather slippers and struck the Claimant on his face telling him that he would have to sign a statement. The Claimant was also ordered by PC Edwards to take off all of his clothing and squat in the presence of other prisoners which he obeyed. PC Edwards threatened that he would inflict violence on the Claimant if he did not sign a document.
17. Sookram gave PC Mohammed a wad of money which was fastened with a rubber band. The Claimant was then taken into another room. He then wrote something on a paper, placed a firearm on the table and made death threats to the Claimant and his family. The Claimant then signed the document.
18. PC Edwards then returned to the Claimant the Two Hundred and Two Dollars, the two cellular phones and a bank card which were taken from him. PC Mohammed did not return the Five Thousand Dollars.

19. Around 8:30 pm to 9:00 pm that same day the Claimant was subsequently released from the Mayaro Police Station without any charges being laid against him. The Claimant then proceeded to the Princes Town Police Station to make a report. He was then told to make a complaint to the Police Complaints Authority which he did.

20. The Claimant also suffered personal injuries for which he sought medical attention. For the purposes of the issues before the Court, the quantum of damages will not be addressed by this Court but rather be assessed by a Master depending on the findings of this Court.

**The Defendant's case:**

21. It was denied that either officer left the station at the material time and it was pleaded that PC Mohammed was the sentry on duty at the Mayaro Police Station on October 29, 2011 and that he never left the station. It was further asserted that the Claimant came voluntarily to the station, he made a report and was interviewed and then left the station.

**Analysis:**

22. The Burden of proof rests on the Claimant to establish on a balance of probabilities that he is entitled to the relief sought.

23. The Court had the benefit of seeing and hearing both the Claimant and his witness Mr. Jones. The Court formed the unshakable view that both gentlemen were witnesses of truth as they engendered in the Court a feeling that they were persons of candour and the Court considered the fact that their testimony was consistent and characterised by air of plausibility.

24. The Court also considered what was pointed out to be the material contradictions between the Claimant's evidence before this Court and what he said in the documentation which

formed part of the supplemental bundle, in relation to the report he made to the Rio Claro Police Station and found that there was no inherent contradiction which served to undermine the credibility of his testimony.

25. Whether he said that he was put in the trunk of the vehicle or as he said in his witness statement, "in the rear of the vehicle", at the end of the day this was a Wingroad vehicle, not a typical vehicle where there is a separation between the trunk compartment and the passenger cabin. In response to a question posed by this Court, the witness said categorically that when he referred to the rear of the vehicle he was not referring to the passenger seats of the vehicle.
26. The other material aspect of contradiction which was highlighted during the process of cross examination, was the nature of the injuries as recorded in the medical certificate adduced by the Claimant. The Claimant's evidence was that he was struck several times on his face and had swelling to his face. This assertion was supported by Jones as he testified that around 7:45 pm on the evening of October 29, 2011, he picked up the Claimant and observed swelling on his face.
27. The Court noted that the medical examination took place after 12:00 am on the morning of October 30, 2011. Substantial time would have elapsed from when Jones would have made his observations at 7:45 pm.
28. The Court felt that it was entirely plausible and/or probable in the circumstances to conclude that the swelling could have gone down and was no longer visible at the time that the medical examination took place.
29. There was also an issue as to whether or not the Claimant left the station in a taxi or whether he left in Jones' vehicle. The Court accepted the Claimant's explanation about flagging down

a vehicle which he thought was working taxi on that route but same turned out to be car driven by “fat boy” also known as Jones.

Examination of Defendants’ evidence

30. Having found out that the Claimant and Jones were both credible witnesses, the Court examined the Defendant’s evidence. The Fourth Defendant, Sookram, accepted that he knowingly gave false responses to Sergeant Harper who had conducted an investigation based on reports which the Claimant made to the Police Complaints Authority and the Police Standards Bureau.

31. He said at the time he had no legal advice but then accepted that he was aware that he had an option to say nothing. How is the Court to treat with his evidence? Firstly, based on the Court’s observations of the witness, the Court did not, unlike that the Claimant and his witness, form the view that he was a witness of truth. Secondly, the Court joined issue with his deliberate deceptive responses to Sergeant Harper and the contradictions between what he stated in that report and in his witness statement and Defence. The Court next considered the evidence of PC Mohammed. PC Mohammed denied that he ever left the police station on the day in question and said he was the sentry at the material time.

32. After the trial started a supplemental list of documents was filed and same included the statements which were given to Sergeant Harper (14459) in the conduct of his inquiry as to whether any criminal offences occurred on October 29, 2011.

33. PC Mohammed, under cross examination, indicated that he would have been stationed to sentry duty on the day in question by Officer Frank who was the Senior Officer in charge of the police station. Officer Frank in his statement to Sergeant Harper indicated that there was period of time on the day in question when he observed that PC Mohammed and PC Edwards were not, contrary to what PC Mohammed said in his witness statement, present on the Mayaro Police Station compound.

34. In addition, Officer Ramkissoon (18454) on Saturday September 13, 2014 gave a statement to Sergeant Harper and in that statement he indicated that he, not PC Mohammed, was the sentry attached to the Mayaro Police Station on October 29, 2011. He further indicated that he had observed a white, 4 door, pick-up van drive into the police station compound and park and saw PC Edwards and PC Mohammed alight the vehicle. He identified PC Mohammed, not only by name, but by regimental number 18271 .PC Mohammed confirmed before this Court that the aforesaid number was his regimental number.

35. Officer Ramkissoon also said that PC Edwards and PC Mohammed, having alighted the vehicle, did so in the presence of two civilians whom he had never seen before and they all entered the station. This statement from Ramkissoon materially contradicted the evidence given by PC Mohammed in so far as he asserted that he was the sentry and that he never left the station on that day.

36. A third police officer who was attached to the Mayaro Police Station namely W.P.C Jack 18400 also gave a statement addressed to the ASP Professional Standards Bureau and in her statement she said that the station was under the supervision of Officer Frank and that she performed charge room duties on that day. She indicated that PC Edwards and PC Mohammed were on duty and at one point somewhere around 4pm they left the station on foot.

37. While the Court was cognisant that substantial time would have elapsed from when this incident occurred in 2011, the Court considered the fact that the statements of Officer Ramkissoon and WPC Jack were given in 2014. The Court also noted that Officer Frank's statement to the Sergeant was done on September 13, 2012 which was roughly one year after the incident occurred on October 29, 2011.

38. The Court weighed PC Mohammed's evidence as against the statements contained in the agreed bundle of supplemental documents and found as a fact that on the October 29, 2011,



at the request of the Fourth Named Defendant, Premchand Sookram, the Claimant went to the vicinity of Aves Bar. The Court found as a fact that having gotten there he was subsequently taken into the Wingroad vehicle against his will by PC Edwards and PC Mohammed in the presence of the Fourth Named Defendant and another man.

39. PC Edwards did not file a witness statement before this Court and the Court also noted that he declined to give to Sergeant Harper a statement as to the material facts in relation to the incident pointing out that since it was a criminal investigation, he had nothing to say.

40. Based on the documentary evidence before it in the form of the statements from Officer Frank, Officer Ramkissoon and Officer Jack, the Court rejected the evidence proffered by the First Named Defendant PC Mohammed.

41. The Court noted that a Defence was filed on Edward's behalf by the State but although at the time of the filing of the Defence the State obtained instructions from Edwards, no evidence on his behalf was forthcoming nor was any explanation advanced. The Court considered the dicta of the then Madame Justice Rajnauth-Lee in **Sieunarine v Doc's Engineering Works (1992) Limited, HCA No. 2387 of 2000** where the court stated as follows:

“(1) In certain circumstances, a court may be entitled to draw adverse inferences from the absence or silence of a witness who might be expected to have material evidence to give on an issue in an action.

(2) If a court is willing to draw such inferences, they may go to strengthen the evidence adduced on that issue by the other party or to weaken the evidence, if any, adduced by the party who might reasonably have been expected to call the witness.

(3) There must, however, have been some evidence, however weak, adduced by the former on the matter in question before the court is entitled to draw the desired inference; in other words, there must be a case to answer on that issue. If the reason for the witnesses' absence or silence satisfies the court, then no such adverse inference may be drawn. If, on the other hand, there is such credible explanation given, even if it is not wholly satisfactory, the potentially detrimental effect of his/her absence or silence may be reduced or nullified."

42. This Court was prepared in this case to draw adverse inferences from the fact that PC Edwards declined to give evidence. His evidence would have been material in assisting the Court with its resolution of the factual issue as to whether or not both officers left the station at the material time.
43. The Court found as a fact that the Claimant was taken against his will into the Wingroad vehicle and that in the Wingroad vehicle, he was beaten. The Court further found as fact that the Claimant was subsequently taken to the Mayaro Police Station in a pickup van, as recorded in the statement of P.C. Ramkissoon.
44. The Court noted with disquiet the fact that there were no station diary entries in this matter even in relation to the Claimant's presence at the police station. This fact was noted by Sergeant Harper who, by way of memorandum dated September 17, 2014 which was annexed as bundle 25 to the Defendant's supplemental list of documents, addressed to the attention of the Assistant Commissioner of Police, Police Standards Bureau, at page 2 thereof said "I also perused the report and routine diaries at the Mayaro Police Station to Saturday 29<sup>th</sup> October 2011 and noted that there was no record of Clint Attong's presence at the Mayaro Police Station on that day however the records were very consistent with the account of the general events which occurred at the Mayaro Police Station on the day as described by Clint Attong".

45. Based on the opinion expressed by Sergeant Harper it is therefore more likely than not that the Claimant did not walk into the station and that he was there for the time period that he says he was. Sergeant Harper recognised that the Claimant had details of circumstances which unfolded at the Mayaro Police Station which he could not have known unless he was there at the material time when the events unfolded.
46. The Court further found as a fact that at the Mayaro Police Station the Claimant was beaten with a blue PVC WASA hose as outlined at paragraph 8 of his Amended Statement of Case. The Court in addition found that Sookram, took off his leather slippers and struck the Claimant on his face telling him he had to sign a statement.
47. The Court rejected in its entirety the evidence given by PC Mohammed that the Claimant voluntarily signed a statement at the station saying that he had voluntarily attended the station. The Court noted the appearance of the signature which was appended to the foot of that statement. It was very shaky and uneven and the Court did not accept the explanation advanced by Mohammed that the signature appeared that way because the desk was rough. The court felt that it was more likely than not that the signature looked as if it was written by someone who was traumatized.
48. Having rejected PC Mohammed's evidence, the Court accepted the Claimant's evidence and found as a fact that he had the sum of \$5000 cash on his person and that PC Mohammed took, without justification, this cash from the Claimant at the Mayaro Police Station.
49. The Court also accepted the Claimant's evidence that at the police station the Fourth Named Defendant, a civilian, Premchand Sookram, handed to PC Mohammed a wad of cash. The Court felt that it was probable to conclude that this money was presumably given as payment for the assistance that was provided to him by having the Claimant brought into the police station as Sookram was upset with the Claimant and he did not want his job to be put in

jeopardy in light of the messages which the Claimant complained about and had recorded on his cell phone.

50. The Court also found as a fact that the Claimant was taken up by Jones at around 7:45 pm that evening and transported away from the Mayaro Police Station.

51. Accordingly, the Court formed the view that the Claimant discharged the evidential burden of proof placed upon him and is entitled to the reliefs sought in the statement of case.

52. The factual matrix which unfolded and the fact finding which the Court engaged instilled in this Court a sense of grave disquiet and alarm. It is appalling that to date no disciplinary action has been taken against PC Mohammed. Even more appalling is the fact that no decision has been taken as to whether or not to charge this Officer with criminal offences, particularly the offence of kidnaping and robbery.

53. This Court therefore directs the Registrar of the Supreme Court to send the transcript of these proceedings and this Court's judgement to the Director of Public Prosecutions and to the Commissioner of Police for the DPP's determination as to whether criminal charges should be instituted against PC Murray Mohammed and PC Ronnie Edwards and for the Commissioner to determine whether disciplinary charges in accordance with this Court's detailed directive and analysis of the law in the recently decided case **Trevor King et al v The Attorney General CV2015-03383** should be engaged.

54. This Court is shocked that an Officer could have behaved in the manner in which this Court has found that PC Mohammed behaved on the October 29, 2011. The Court is also concerned that such an officer is now attached to the Special Investigations Unit of the Trinidad and Tobago Police Service.

55. It is evident that there is not only a war which is unfolding by criminals on the streets of this Republic but there is clearly a war waging within the Police Service where there are some errant, dishonest and criminally inclined police officers who are bringing the service into disrepute and who are causing irreparable harm and damage to the public's confidence in the police service. Consequently the war against crime has to be fought both internally and externally.

56. The Court is also of the view that the Director of Public Prosecutions and the Commissioner of Police need to look into the circumstances involving the Fourth Named Defendant, Premchand Sookram, to make a determination as to why a civilian would have paid to a police officer money on the October 29, 2011 to engage in the behaviour which Mohammed and Edwards engaged in on that particular day.

57. Given that the Ministry of National Security continues to get a significant share of tax payer's money in the national budget and having noted that TTPS has gotten an increase of funds, the use of technology has to be readily embraced. Every police station in this country should have working and operational CCTV cameras so that there can be constant monitoring and recording of all the events which unfold at police stations. Every officer who leaves a police station should be outfitted with a body camera so that there can be a simultaneous recording of their behaviour and interaction with members of the public.

58. Such systems would protect both the public and the police officers.

59. For the reasons outlined the Court hereby issues the following orders:

**Orders:**

60. There shall be judgment in favour of the Claimant against the Defendants for damages for assault and battery which was occasioned upon the Claimant on October 29, 2011 at Rio Claro/Naparima/Mayaro Main Road and at the Mayaro Police Station.

61. The court declares that the claimant was falsely imprisoned for a period of 5 hours and the defendants shall pay to the claimant damages for false imprisonment for a period of 5 hours.
62. The quantum of damages is to be assessed by a Master in Chambers.
63. The Court is also of the view that the Master ought to consider the award of aggravated and exemplary damages.
64. PC Mohammed is to repay to the Claimant, within 48 hours of this Court's decision, the sum of \$5000.00 in Trinidad and Tobago Currency with interest accruing thereon at the rate of 3% per annum from the date of the filing of the claim form herein on October 28, 2015 until the date of this judgement.
65. The defendants shall pay to the Claimant costs to be calculated on a prescribed cost basis based on the quantum of the assessed damages.

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**FRANK SEEPERSAD**  
**JUDGE**