Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

Forde, Amsterdam & Lewis

Lot 77 Hadfield Street

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**INFORMATION FOR COURT USE**

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

**1. TABITHA SARABO-HALLEY, M.P.**

**2. VINCEROY JORDAN, M.P.**

**3. ANNETTE FERGUSON, M.P.**

**4. MAUREEN PHILADELPHIA, M.P.**

**5. GANESH MAHIPAUL, M.P.**

**6. SHEROD DUNCAN, M.P.**

**7. CHRISTOPHER JONES, M.P.**

**8. NATASHA SINGH-LEWIS, M.P.**

Applicants

* and -

1. THE ATTORNEY GENERAL OF GUYANA

2. MANZOOR NADIR, MP, Speaker of the National Assembly of Guyana

3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

**INFORMATION FOR COURT USE**

1. This proceeding is commenced as a:

[ ] Statement of Claim

[**X**] Fixed Date Application

1. This proceeding falls under the High Court’s:

[ ] Appellate Jurisdiction

[ ] Admiralty Jurisdiction

[ ] Commercial Jurisdiction

[ ] Criminal Jurisdiction

[ ] Family Jurisdiction

[**X**] Regular Jurisdiction

1. The proceeding is a(n):

[ ] Admiralty Proceeding in personam

[ ] Admiralty Proceeding in rem

[] Probate Proceeding

[ X] Proceeding for Judicial Review

[X] Proceeding for relief under the Constitution

[X] Proceeding for other Administrative Order

[ ] Proceeding for Administration

[ ] Proceeding commenced under …………………….

[X] Other Proceeding

1. I certify that the above information is correct, to the best of my knowledge.

Dated at Georgetown, Demerara. ………………………………

This day of July, 2022. Signature of Attorney-at-Law

Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

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**FIXED DATE APPLICATION URGENT WITH NOTICE**

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

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Respondents

**FIXED DATE APPLICATION URGENT WITH NOTICE**

**TO THE RESPONDENTS**

**A LEGAL PROCEEDING HAS BEEN COMMENCED** by the Applicants. The claim made by the Applicants is set out in the following pages.

**THIS APPLICATION** will come on for a hearing on ....... day of June, 2022, at......am/pm, at the Supreme Court of the High Court of Judicature, Demerara, before the Hon.................................................

**IF YOU WISH TO OPPOSE THIS APPLICATION**, to receive notice of any step in the application or to be served with any documents in the application, you or an Attorney-at-Law acting for you must forthwith prepare an Affidavit in Defence in **Form 10C** prescribed by the Civil Procedure Rules 2016, serve it on the Applicant’s Attorney-at-Law or, where the Applicant does not have an Attorney-at-Law, serve it on the Applicant, and file it, with proof of service, at a Registry, **AT LEAST (TWO or FOUR, as applicable) DAYS** before the date fixed for the hearing of the application, and you or your Attorney-at-Law must appear at the hearing.

**IF YOU FAIL TO APPEAR AT THE HEARING**, AN ORDER OR JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

**THIS NOTICE OF APPLICATION** has no validity unless it is served on you at least (seven or four, as applicable) days before the date fixed for the hearing of the application.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Registry

Issued by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Where issued: **Victoria Law Court, Supreme Court**

**Building**

TO: **THE ATTORNEY GENERAL OF GUYANA,**

Carmichael Street,

North Cummingsburg,

Georgetown.

TO: **THE SPEAKER OF THE NATIONAL ASSEMBLY,**

Parliament Building,

Georgetown.

TO: **THE CLERK OF THE NATIONAL ASSEMBLY,**

Parliament Building,

Georgetown.

**APPLICATION**

1. **The Applicants make an application for**:
   1. A Declaration that the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 is unconstitutional, null, void and of no legal effect, a breach of the principles of Natural Justice as the Applicants rights as guaranteed under **Article 144 (8)** of the Constitution were infringed.
   2. A Declaration that the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 breached the Audi alteram partem rule as the Applicants were not afforded the right to be before the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion.
   3. A Declaration that any suspension of the Membership of the Applicants from the National Assembly of Guyana on the basis of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 would be unconstitutional, null, void and of no legal effect, a breach of the principles of Natural Justice on the ground and for the reason for the reason that the Applicants were not afforded a right to be heard guaranteed under **Article 144 (8)** of the Constitution.
   4. A Declaration that the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January 2022 and adopted by the said Committee on the 9th day of June, 2022 is unconstitutional, null and void on the ground and for the reason that the Parliamentary Sessional Select Committee of Privileges of the National Assembly made findings adverse to the Applicants without affording the Applicants the opportunity to respond to the said findings and in breach of the principles of Natural Justice, consequently the said Report constitutes a contravention of the Applicants rights as guaranteed under **Article 144 (8)** of the Constitution.
   5. A Declaration that the Parliamentary Sessional Select Committee of Privileges exercised a judicial function in determining whether the Applicant breached the Parliamentary Privileges and made recommendations in this regard in the exercise of the aforesaid judicial function.
   6. A Declaration that Gail Teixeira’s M.P., presentation of the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 to the National Assembly and her subsequent participation and her involvement in and during the deliberations of the said Parliamentary Sessional Select Committee of Privileges on the Privilege Motion rendered the findings of the Parliamentary Sessional Select Committee of Privileges unconstitutional, null and void as the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion cannot be said to be an independent and impartial Tribunal within the meaning of **Article 144 (8)** of the Constitution.
   7. A Declaration that the Members of the Parliamentary Sessional Select Committee of Privileges as constituted to deliberate and did deliberate on the Privilege Motion are not impartial and are biased and are therefore not an independent and impartial Tribunal within the meaning of **Article 144 (8)** of the Constitution.
   8. An Order be made that the Applicants be allowed to perform their duties as Members of the National Assembly until they have been afforded the right to be heard on before the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022.
   9. An Order quashing the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022.
   10. A Conservatory Order, Injunction Order, other Order directed to the Speaker of the National Assembly and the Clerk of the National Assembly from permitting, causing or allowing any consideration of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 pending the hearing and determination of the Fixed Date Application.
   11. A Conservatory Order, Injunction Order or other Order suspending the effect, operation and or validity of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022, pending the hearing and determination of the Fixed Date Application.
   12. A Conservatory Order, Injunction Order or any other Order, suspending any decision, resolution or other determination of whatever nature whatsoever by the National Assembly to suspend the Applicants’ Membership of the National Assembly pending the hearing and determination of the Fixed Date Application.
   13. A Conservatory Order, Injunction Order or any other Order, that the Applicants be allowed to perform their duties as Members of the National Assembly until they have been afforded the right to be heard before the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 pending the hearing and determination of the Fixed Date Application.
   14. Such further or other orders as the Court may deem just.
   15. Costs.
2. **The grounds of the application are**:
3. On the 1st day of September 2020, the Applicants took the Oath of Office and were sworn-in as Members of the National Assembly for the 12th Parliament of the Co-operative Republic of Guyana.
4. On the 29th day of December 2021, they physically attended the 34th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara which commenced at 10:00hrs.
5. At the 34th Sitting of the National Assembly the Natural Resource Fund Bill, (Bill No. 20 of 2021) was listed to be debated and the Applicants were each prepared to make presentation on the said Bill.
6. On the 24th day of January 2022 at 14:00hrs the Applicants physically attended the 35th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara.
7. At the 35th Sitting the Speaker of the National Assembly permitted Minister Gail Teixeira to move a Privilege Motion in the National Assembly where the Applicants were named in the Motion to be referred to the Parliamentary Sessional Select Committee of Privileges of the National Assembly.
8. The Speaker of the National Assembly referred the said Motion to the Parliamentary Sessional Select Committee of Privileges of the National Assembly.
9. Excluding the budget period, the National Assembly sat for 5 sittings after the 29th day of December 2021 and is slated to sit on the 21st day of July, 2022. Of the remaining sittings of 2022 the 37th sitting was Budget Day, the 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th were sittings for Budget debates and consideration of the Budget estimates.
10. A Report of the Parliamentary Sessional Select Committee of Privileges of the National Assembly Committee of Privileges decision was to be submitted to the National Assembly in one month’s time which should have been on the 24th day of February 2022.
11. Minister Gail Teixeira brought the Motion to the National Assembly referring the Applicants to the Parliamentary Sessional Select Committee of Privileges and in her Motion, accused the Applicants of, inter alia, gross disorderly conduct, contempt, and breaches of privileges.
12. Minister Gail Teixeira is also a member of the Parliamentary Sessional Select Committee of Privileges and she participated in all the meetings of the Parliamentary Sessional Select Committee of Privileges. Further, Minister Gail Teixeira was a part of the decision to recommend that the Applicants be suspended from service in the House.
13. On the 1st day of March 2022, the Applicants received a Letter captioned “**Re: Referral to the Committee of Privileges for gross disorderly conduct, contempt, and breaches of privileges in the Assembly**” from the Clerk of the Committee, Ms. Dellon Adams, requesting them to “*show cause*”, in writing, to the Clerk of the National Assembly, by Monday 7th March 2022, why the Committee of Privileges should not recommend to the National Assembly that sanctions be meted out to them.
14. On the 3rd and 4th day of March 2022, the Applicants responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting further information about their alleged gross disorderly conduct, contempt and breaches of privileges, since the motion which referred the Applicants to the Committee of Privileges citing gross disorderly conduct, contempt and breaches of privileges never specified which act of mine constituted gross disorderly conduct, contempt and breaches of privileges.
15. The Applicants are unaware of any act of ours, on the day in question, falling in the category of gross disorderly conduct, contempt, and breaches of privileges and that to the best of my recollection, on the day in question, our posture was no different from all other Members of Parliament who were present in the National Assembly at that time.
16. The Applicants specifically requested that the Committee of Privileges identify to them the Standing Orders or privileges they supposedly violated as this was essential if they were to effectively exercise the opportunity afforded to them to show cause.
17. The Applicants informed the said comm… Only when the alleged violations were sufficiently made known to them will they consequently be able to file a suitable reason as to why sanctions should not be meted to them.
18. The Applicants never received a response to their Letters of request for clarification and further information from Clerk of the National Assembly, the Clerk of the Committee and/or from the Speaker.
19. On Wednesday, 13th Day of April 2022, at the 46th Sitting of the National Assembly of the 12th Parliament of the Co-operative Republic of Guyana, Minister Gail Teixeira moved a Motion to extend the deadline for the submission of the report of the Committee of Privileges to the National Assembly from 24th February 2022 to the 15th of June 2022.
20. The Parliamentary Sessional Select Committee of Privileges met on five (5) occasions. These were on Friday, 18th February 2022, Tuesday, 1st March, 2022, Tuesday, 8th March, 2022, Friday, 3rd June, 2022, and Thursday, 9th June, 2022.
21. On page 5 of the Report there is a sub-heading titled, “8.0 Findings of the Committee,” and the findings as reported are:

“8.1 The Committee's findings were based on video recordings, statements by staff of the Parliament Office and the Arthur Chung Conference Centre, eyewitness accounts by other Members of the House, media reporters and the public, both locally and internationally.

The statements by staff of the Parliament Office and the Arthur Chung Conference Centre, are attached in Appendix IV.

8.2 Each Member was written to and asked to "show cause" why sanctions should not be meted out to them. Their responses were received and considered by the Committee.

Copies of the letters sent, and the responses received are attached in Appendix V

8.3 The Committee found that the named Members were in violation of the Standing Orders, established Customs and Practices regarding acceptable behaviour of Members in the Assembly. The Committee determined that an appropriate sanction available that the National Assembly can apply would be suspension from service in the House.”

1. The Standing Order at Section 104 sets out the guidelines for Committees in Parliament to follow when producing a Reports after investigating an event.
2. Standing Order 104 titled Reports from Committees states:

“(1) Every Committee shall, before the end of the Session in which it was appointed, make a report to the Assembly upon the matters referred to it.

(4) A Report or Special Report together with the minutes of any evidence taken before the Committee shall be presented to the Assembly by the Chairperson or any other Member deputed by the Committee and shall be ordered to lie upon the table and be printed without question put.

(9) The report of a Committee may be taken into consideration by the Assembly on a motion “That the report of the Committee on…be adopted.” Such a motion may be moved by any Member after one day’s notice.”

1. In keeping with Standing Order Section 104 (9) this is the Motion that was circulated in the National Assembly.
2. At no time, were we invited to appear before the Committee of Privileges to be allowed a hearing nor were we ever told what action of ours were in violation of established customs and practices regarding acceptable behaviour of Members of Parliament.
3. At its 4th Meeting held on 3rd June 2022, upon consideration of the Complaint and all responses received, the Committee decided to recommend that the Applicants be suspended from the service of the House.
4. It was recommended that the First to the Fourth Named Applicants be suspended for six (6) consecutive sittings of the National Assembly for conducting themselves in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges.
5. The remaining Named Applicants were suspended for four (4) consecutive sittings of the National Assembly for “conducting themselves in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges”.
6. That the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 will be a published record of the National Assembly which will forever inevitably affect the Applicants’ character and reputation.
7. Any suspension will further hinder the Applicants, as Members of Parliament Guyana from representing the people who elected them to sit in the National Assembly and will also cause the Fifth Named Applicants not to sit and function as a Member of the Public Accounts Committee and similarly, all the other Applicants will be prevented from sitting and function as any Member of the National Assembly.
8. That any suspension would prevent the Applicants from entering the precincts of the Parliament of Guyana and deprive them of the opportunity to access the library and other offices of the Parliament of Guyana.
9. That any suspension will deprive the Applicants of their full salaries and of the opportunity to be Representatives of the National Assembly and people of Guyana at National, Regional and International forums.
10. That the Applicants will be rendered subject to consideration for suspension and or suspended from the National Assembly on the basis of a fundamentally flawed Report of the Parliamentary Sessional Select Committee of Privileges.
11. That if the Applicants are suspended they will be excluded from participation in the decision-making deliberations of the National Assembly and excluded from participating in oversight of policies and legislation by the government.
12. The Applicants’ likely suspension is part and parcel of an unconstitutional scheme and/or device to utilise its majority in the National Assembly to silent descent and to reduce the numbers of sitting Parliamentary Opposition Members of Parliament.
13. The Applicants’ likely suspension is meant to weaken them financially with the intention to impair and or hinder the discharge of their responsibilities to our constituency and the wider electorate.
14. That having regard to the conduct of the Parliamentary Sessional Select Committee of Privileges, particularly the absolute disregard of the Applicants’ rights to be heard and to be provided information in relation to the allegations against them, we are of the view that the Parliamentary Sessional Select Committee of Privileges has by its conduct predetermined their guilt.
15. That by the conduct of the Parliamentary Sessional Select Committee of Privileges the Applicants were denied, despite specific request for information relating to the allegations against them and our intent to appear and cross examine witnesses against us, the opportunity to test the veracity of statements made against them and witnesses who would have had evidence adverse to their interests.
16. That the Parliamentary Sessional Select Committee of Privileges consequently denied them the opportunity to present evidence and proceeded to act on evidence not tested.
17. That in the circumstances, we pray that this Honourable Court will be pleased to grant the relief sought in the Notice of Application.
18. **The following documentary evidence will be used at the hearing of the Application**:
    1. **T.S.H 1:** A Certified copy of the Privilege Motion.
    2. **T.S.H 2:** The letter dated 1st March 2022 from the Clerk of the Committee.
    3. **T.S.H 3:** The Letter of Tabitha Sarabo-Halley dated 4th March 2022 to the Clerk of the National Assembly.
    4. **T.S.H 4:** The Letter of the Second Named Applicant 3rd March 2022 to the Clerk of the National Assembly
    5. **T.S.H 5:** The Letter of the Third Named Applicant 6th March 2022 to the Clerk of the National Assembly.
    6. **T.S.H 6:** The Letter of the Fourth Named Applicant 4th March 2022 to the Clerk of the National Assembly.
    7. **T.S.H 7:** The Letter of the Fifth Named Applicant 3rd March 2022 to the Clerk of the National Assembly.
    8. **T.S.H 8:** The Letter of the Sixth Named Applicant 4th March 2022 to the Clerk of the National Assembly.
    9. **T.S.H 9:** The Letter of the Seventh Named Applicant 4th March 2022 to the Clerk of the National Assembly.
    10. **T.S.H 10:** The Letter of the Eighth Named Applicant 3rd March 2022 to the Clerk of the National Assembly.
    11. **T.S.H. 11**: The Motion circulated titled “ADOPTION OF THE REPORT OF THE PARLIAMENTARY SESSIONAL SELECT COMMITTEE OF PRIVILEGES” published on 2022-07-12.
    12. **T.S.H 12:** A copy of the Report of the Committee of Privileges
    13. **Affidavit of** Tabitha Sarabo-Halley, M.P.
19. **A DRAFT OF THE ORDER** that the Applicants seek is attached.

Dated this day of July, 2022.

At Georgetown, Demerara.

…………………………………………….

**Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

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The Registry is located at The Law Courts, Georgetown, Demerara. The office is open to the public between 8:30 a.m. and 3:30 p.m. Mondays to Thursdays and 8:30 a.m. and 2:30 p.m. on Fridays every day except on Public Holidays and on such other days as the Registry is closed.

Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

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**FIXED DATE APPLICATION**

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**NOTICE OF APPOINTMENT OF ATTORNEYS-AT-LAW**

The Applicant, **TABITHA SARABO-HALLEY, M.P.,** has appointed **Mr. ROYSDALE A. FORDE, S.C., Mr. KHEMRAJ RAMJATTAN and Mr. SELWYN A. PIETERS** as Attorneys-at-Law of record.

Dated this day of July, 2022,

At Georgetown, Demerara.

..………. ..……………………………

**TABITHA SARABO-HALLEY, M.P.**

Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

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Filing Attorneys-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

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**AFFIDAVIT OF TABITHA SARABO-HALLEY**

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

**1. TABITHA SARABO-HALLEY, M.P.**

**2. VINCEROY JORDAN, M.P.**

**3. ANNETTE FERGUSON, M.P.**

**4. MAUREEN PHILADELPHIA, M.P.**

**5. GANESH MAHIPAUL, M.P.**

**6. SHEROD DUNCAN, M.P.**

**7. CHRISTOPHER JONES, M.P.**

**8. NATASHA SINGH-LEWIS, M.P.**

Applicants

* and -

1. THE ATTORNEY GENERAL OF GUYANA

2. MANZOOR NADIR, MP, Speaker of the National Assembly of Guyana

3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

**AFFIDAVIT OF** **TABITHA SARABO-HALLEY**

I, **TABITHA SARABO-HALLEY**, of Lot 3382 Caneview Avenue, South Ruimveldt Park, Georgetown, duly make oath and say as follows that:

1. I am an Applicant herein and I make this affidavit on my behalf, and I have been authorised by the other named Applicants to make and swear this affidavit on their behalf.
2. The facts deposed to herein are within my knowledge and are true and correct to the best of my knowledge except where otherwise stated to be on information or belief, in which case I verily believe to be true.
3. On the 1st day of September 2020, I along with the seven other named Applicants, took the Oath of Office and were sworn-in as Members of the National Assembly for the 12th Parliament of the Co-operative Republic of Guyana.
4. On the 29th day of December 2021, we physically attended the 34th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara which commenced at 10:00hrs.
5. The other Applicants and I committed no prohibited act, violated no rules of the National Assembly.
6. At the 34th Sitting of the National Assembly the Natural Resource Fund Bill, (Bill No. 20 of 2021) was listed to be debated and we were each prepared to make presentation on the said Bill.
7. On the 24th day of January 2022 at 14:00hrs we physically attended the 35th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara.
8. At the 35th Sitting the Speaker of the National Assembly permitted Minister Gail Teixeira to move a Privilege Motion in the National Assembly wherein I, and the seven other Applicants, were named in the Motion to be referred to the Parliamentary Sessional Select Committee of Privileges of the National Assembly. That attached and marked as “**T.S.H 1”** is a copy of the Privilege Motion.
9. The Speaker of the National Assembly referred the said Motion to the Parliamentary Sessional Select Committee of Privileges of the National Assembly.
10. Excluding the Budget period, the National Assembly sat for 5 sittings after the 29th day of December 2021 and is slated to sit on the 21st day of July, 2022. Of the remaining sittings of 2022 the 37th sitting was Budget Day the 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th were sittings for Budget debates and consideration of the Budget estimates.
11. A Report of the Parliamentary Sessional Select Committee of Privileges of the National Assembly Committee of Privileges decision was to be submitted to the National Assembly in one month’s time which should have been on the 24th day of February 2022.
12. On the 1st day of March 2022, I, along with the seven other named Applicants received a Letter captioned “**Re: Referral to the Committee of Privileges for gross disorderly conduct, contempt, and breaches of privileges in the Assembly**” from the Clerk of the Committee, Ms. Dellon Adams, requesting us to “*show cause*”, in writing, to the Clerk of the National Assembly, by Monday 7th March 2022, why the Committee of Privileges should not recommend to the National Assembly that sanctions be meted out to us. That attached and marked as “**T.S.H 2”** is a copy of the eight Letters received from the Clerk of the Committee.
13. On the 3rd and 4th day of March 2022, we responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting further information about my alleged gross disorderly conduct, contempt and breaches of privileges, since the motion which referred me to the Committee of Privileges citing gross disorderly conduct, contempt and breaches of privileges NEVER specified which act of mine constituted gross disorderly conduct, contempt and breaches of privileges. That attached and marked as “**T.S.H 3”** is a copy of my Letter of response to the Clerk of the National Assembly dated the 4th March 2022.
14. The Second Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting particulars of his alleged gross disorderly conduct, contempt and breaches of privileges, since to his recollection his posture was no different from all other Members of Parliament who were present in the National Assembly at that time. That attached and marked as “**T.S.H 4”** is a copy of his letter of response to the Clerk of the National Assembly dated the 3rd March 2022.
15. The Third Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., request that he also be provide with particulars of the gross disorderly conduct, contempt and breaches of privileges alleged against him, for him, to send to the Clerk of the National Assembly a detailed response on why he should not be sanctioned. That attached and marked as “**T.S.H 5”** is a copy of his letter of response to the Clerk of the National Assembly dated the 4th day of March 2022.
16. The Fourth Named Applicant responded to Clerk of the Committee of Privileges, Ms. Dellon Adams, stating that he requests that the Committee of Privileges specifically identify for me the Standing Orders or privileges he violated so he could know the case brought against him, and consequently be better prepared for a defence. That attached and marked as “**T.S.H 6”** is a copy of his letter of response to the Clerk of the Committee of Privileges dated the 4th day of March 2022.
17. The Fifth Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A. in a letter captioned **“RE: Purported Referral to the Committee of Privileges for Gross Disorderly Conduct, Contempt and Breaches of Privileges in the National Assembly”** seeking the particulars of his actions on the day in question that constituted gross disorderly conduct, contempt and breaches of privileges.That attached and marked as “**T.S.H 7”** is a copy of his letter of response to the Clerk of the National Assembly dated the 3rd March 2022.
18. The Sixth Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting the particulars of the allegations of gross disorderly conduct, contempt and breaches of privileges against her. That attached and marked as “**T.S.H 8”** is a copy of her letter of response to the Clerk of the National Assembly dated the 3rd March 2022.
19. The Seventh Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., stating that she was oblivious of any such actions of hers portrayed on the day in question. She therefore wrote to the Clerk of the National Assembly for further information relative to the allegations of “gross disorderly conduct, contempt and breaches of privileges,” levelled against her. This will aid in her in providing an informed response, why I should not be sanctioned. That attached and marked as “**T.S.H 9”** is a copy of her letter of response to the Clerk of the National Assembly dated the 6th day of March 2022.
20. The Eighth Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting particulars of further information from her about my alleged gross disorderly conduct, contempt and breaches of privileges, since the motion which referred me to the Committee of Privileges. That attached and marked as “**T.S.H 10”** is a copy of her letter of response to the Clerk of the National Assembly dated the 4th day of March 2022.
21. I, along with the Seven other Named Applicants, are unaware of any act of ours, on the day in question, falling in the category of gross disorderly conduct, contempt, and breaches of privileges and that to the best of my recollection, on the day in question, our posture was no different from all other Members of Parliament who were present in the National Assembly at that time.
22. I, along with the seven other Named Applicants specifically requested that the Committee of Privileges identify for us the Standing Orders or privileges we supposedly violated as this is essential if we are to effectively exercise the opportunity afforded to us to show cause.
23. Only when the alleged violations are sufficiently made known to us will we consequently be able to file a suitable reason as to why sanctions should not be meted to us.
24. I, along with the seven other Named Applicants never received a response to our letters of request for clarification and further information from Clerk of the National Assembly, the Clerk of the Committee and/or from the Speaker.
25. On Wednesday, 13th Day of April 2022, at the 46th Sitting of the National Assembly of the 12th Parliament of the Co-operative Republic of Guyana, Minister Gail Teixeira moved a Motion to extend the deadline for the submission of the report of the Committee of Privileges to the National Assembly from 24th February 2022 to the 15th of June 2022.
26. The Parliamentary Sessional Select Committee of Privileges met on five (5) occasions. These were on Friday, 18th February 2022, Tuesday, 1st March, 2022, Tuesday, 8th March, 2022, Friday, 3rd June, 2022, and Thursday, 9th June, 2022.
27. On page 5 of the Report there is a sub-heading titled, “8.0 Findings of the Committee,” and the findings as reported are:

“8.1 The Committee's findings were based on video recordings, statements by staff of the Parliament Office and the Arthur Chung Conference Centre, eyewitness accounts by other Members of the House, media reporters and the public, both locally and internationally.

The statements by staff of the Parliament Office and the Arthur Chung Conference Centre, are attached in Appendix IV.

8.2 Each Member was written to and asked to "show cause" why sanctions should not be meted out to them. Their responses were received and considered by the Committee.

Copies of the letters sent, and the responses received are attached in Appendix V

8.3 The Committee found that the named Members were in violation of the Standing Orders, established Customs and Practices regarding acceptable behaviour of Members in the Assembly. The Committee determined that an appropriate sanction available that the National Assembly can apply would be suspension from service in the House.”

1. The Standing Order at Section 104 sets out the guidelines for Committees in Parliament to follow when producing a Reports after investigating an event.
2. Standing Order 104 titled Reports from Committees states:

“(1) Every Committee shall, before the end of the Session in which it was appointed, make a report to the Assembly upon the matters referred to it.

(4) A Report or Special Report together with the minutes of any evidence taken before the Committee shall be presented to the Assembly by the Chairperson or any other Member deputed by the Committee and shall be ordered to lie upon the table and be printed without question put.

(9) The report of a Committee may be taken into consideration by the Assembly on a motion “That the report of the Committee on…be adopted.” Such a motion may be moved by any Member after one day’s notice.”

1. In keeping with Standing Order Section 104 (9) this is the Motion that was circulated in the National Assembly. That attached and marked as “**T.S.H 11”** is a copy of the Motion circulated titled “ADOPTION OF THE REPORT OF THE PARLIAMENTARY SESSIONAL SELECT COMMITTEE OF PRIVILEGES” published on 2022-07-12.
2. At no time, were we invited to appear before the Committee of Privileges to be allowed a hearing nor were we ever told what action of ours were in violation of established customs and practices regarding acceptable behaviour of Members of Parliament.
3. At its 4th Meeting held on 3rd June 2022, upon consideration of the Complaint and all responses received, the Committee decided to recommend that we be suspended from the service of the House.
4. It was recommended that the Second, Third and Fourth Named Applicants and I be suspended for six (6) consecutive sittings of the National Assembly for “conducting myself in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges”.
5. The remaining Named Applicants were suspended for four (4) consecutive sittings of the National Assembly for “conducting themselves in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges”.
6. That the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 will be a published record of the National Assembly which will forever inevitably negatively affect Applicants character and reputation and that of the other Applicants.
7. That we will all be rendered subject to consideration for suspension and or suspended from the National Assembly on the basis of a fundamentally flawed Report of the Parliamentary Sessional Select Committee of Privileges.
8. That if we are suspended we will be excluded from participation in the decision-making deliberations of the National Assembly and excluded from participating in oversight of policies and legislation by the government.
9. Our likely suspension is part and parcel of an unconstitutional scheme and/or device to utilise its majority in the National Assembly to silent dissent and to reduce the numbers of sitting Parliamentary Opposition Members of Parliament.
10. That our likely suspension is meant to weaken us financially with the intention to impair and or hinder the discharge of our responsibilities to our constituency and the wider electorate.
11. That having regard to the conduct of the Parliamentary Sessional Select Committee of Privileges, particularly the absolute disregard of our rights to be heard and to be provided information in relation to the allegations against us, we are of the view that the Parliamentary Sessional Select Committee of Privileges has by its conduct predetermined our guilt.
12. That by the conduct of the Parliamentary Sessional Select Committee of Privileges we were denied, despite specific request by us for information relating to the allegations against us and our intent to appear and cross examine witnesses against us, the opportunity to test the veracity of statements made against us and witnesses who would have had evidence adverse to our interests.
13. That the Parliamentary Sessional Select Committee of Privileges consequently denied us the opportunity to present evidence and proceeded to act on evidence not tested.
14. That we are advised by **Mr. ROYSDALE A. FORDE S.C.,** Attorney-at-Law, that the conduct of the Parliamentary Sessional Select Committee of Privileges constitutes a grave material irregularity, and a substantial deviation or departure from constitutional fairness and the principles of Natural Justice.
15. That in the circumstances, I pray that this Honourable Court will be pleased to grant the relief sought in the Fixed Date Application.
16. That we are advised by **Mr. ROYSDALE A. FORDE, S.C.,** and verily believe that the High Court is conferred with the jurisdiction under **Article 153** of the Constitution “to make such Orders, issue such writs and give such directions to prohibit the contravention of any constitutional rights which are being or is likely to be contravened”.
17. That I hereby authorise **Mr. ROYSDALE A. FORDE, S.C.,** Attorney-at-Law, to act as my Attorney at Law and to do all acts and things necessary on my behalf.
18. That our address for service and place of business is at Lot 77 Hadfield Street, Werk-en-Rust, Georgetown, Guyana.
19. That this Affidavit was drawn by **Mr. ROYSDALE A. FORDE, S.C.,** Attorneys-at-Law, on our instructions.

……………………………………………

**TABITHA SARABO-HALLEY**

Sworn to at Georgetown, Demerara.

This day of , 2022.

BEFORE ME

A COMMISSIONER OF OATHS TO AFFIDAVITS

Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

Forde, Amsterdam & Lewis

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IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

**1. TABITHA SARABO-HALLEY, M.P.**

**2. VINCEROY JORDAN, M.P.**

**3. ANNETTE FERGUSON, M.P.**

**4. MAUREEN PHILADELPHIA, M.P.**

**5. GANESH MAHIPAUL, M.P.**

**6. SHEROD DUNCAN, M.P.**

**7. CHRISTOPHER JONES, M.P.**

**8. NATASHA SINGH-LEWIS, M.P.**

Applicants

* and -

1. THE ATTORNEY GENERAL OF GUYANA

2. MANZOOR NADIR, MP, Speaker of the National Assembly of Guyana

3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

**AFFIDAVIT OF TABITHA SARABO-HALLEY**

**Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

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**ORDER OF COURT**

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

**1. TABITHA SARABO-HALLEY, M.P.**

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3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

Jointly and Severally

**DRAFT ORDER**

**BEFORE THE HONOURABLE MR. /MADAM JUSTICE .**

**MADE THIS DAY OF JULY, 2022.**

**ENTERED THIS DAY OF JULY, 2022.**

Attorneys-at-Lawfor the Applicant.

**Mr. ROYSDALE A. FORDE, S.C.,**

**Mr. KHEMRAJ RAMJATTAN**

**Mr. SELWYN A. PIETERS**

Attorney-at-Lawfor the Respondents.

**ORDER**

**UPON READING the Fixed Date Application dated the day of July, 2022, and filed on the day of July, 2022, and the Affidavit in support of Application sworn to by TABITHA SARABO-HALLEY M.P., dated the day of July, 2022, AND UPON HEARING Counsel for the Applicants.**

**THIS APPLICATION** made by **TABITHA SARABO-HALLEY M.P.,** and on behalf of **GANESH MAHIPAUL M.P., CHRISTOPHER JONES, M.P., SHEROD DUNCAN, M.P., VINCEROY JORDAN, M.P., NATASHA SINGH LEWIS, M.P., ANNETTE FERGUSON, M.P.,** and **ANNETTE FERGUSON, M.P.**, be held on July\_\_\_\_ 2022, was heard this ……… day of July, 2022, at the High Court of the Supreme Court of Judicature of Guyana.

1. THIS COURT ORDERS that the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 is unconstitutional, null, void and of no legal effect, a breach of the principles of Natural Justice as the Applicants rights as guaranteed under **Article 144 (8)** of the Constitution were infringed.
2. THIS COURT ORDERS that the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 breached the Audi alteram partem rule as the Applicants were not afforded the right to be before the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion.
3. THIS COURT ORDERS that any suspension of the Membership of the Applicants from the National Assembly of Guyana on the basis of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 would be unconstitutional, null, void and of no legal effect, a breach of the principles of Natural Justice on the ground and for the reason for the reason that the Applicants were not afforded a right to be heard guaranteed under **Article 144 (8)** of the Constitution.
4. THIS COURT ORDERS that the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January 2022 and adopted by the said Committee on the 9th day of June, 2022 is unconstitutional, null and void on the ground and for the reason that the Parliamentary Sessional Select Committee of Privileges of the National Assembly made findings adverse to the Applicants without affording the Applicants the opportunity to respond to the said findings and in breach of the principles of Natural Justice, consequently the said Report constitutes a contravention of the Applicants rights as guaranteed under **Article 144 (8)** of the Constitution.
5. THIS COURT ORDERS that the Parliamentary Sessional Select Committee of Privileges exercised a judicial function in determining whether the Applicant breached the Parliamentary Privileges and made recommendations in this regard in the exercise of the aforesaid judicial function.
6. THIS COURT ORDERS that Gail Teixeira’s M.P., presentation of the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 to the National Assembly and her subsequent participation and her involvement in and during the deliberations of the said Parliamentary Sessional Select Committee of Privileges on the Privilege Motion rendered the findings of the Parliamentary Sessional Select Committee of Privileges unconstitutional, null and void as the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion cannot be said to be an independent and impartial Tribunal within the meaning of **Article 144 (8)** of the Constitution.
7. THIS COURT ORDERS that the Members of the Parliamentary Sessional Select Committee of Privileges as constituted to deliberate and did deliberate on the Privilege Motion are not impartial and are biased and are therefore not an independent and impartial Tribunal within the meaning of **Article 144 (8)** of the Constitution.
8. THIS COURT ORDERSthat the Respondents do pay the cost of this application in the sum of $..............

.…………………………..

**THE HONOURABLE**

IF YOU FAIL TO COMPLY WITH THE TERMS OF THIS ORDER YOU WILL BE IN CONTEMPT OF COURT AND MAY BE LIABLE TO IMPRISONMENT OR TO HAVE YOUR ASSETS CONFISCATED.

Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

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2022-HC-DEM-CIV-FDA-

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Applicants

* and -

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3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

**ORDER OF COURT**

**Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

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**FORM 11: NOTICE OF APPLICATION – URGENT AND WITH NOTICE**

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

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Respondents

**FORM 11: NOTICE OF APPLICATION – URGENT AND WITH NOTICE**

The Applicants will make an Application to the Court on the day of July 2022, at 9:00 a.m., or as soon after that time as the Motion can be heard, at the High Court of the Supreme Court of Judicature, Georgetown, Demerara before the …………………………………………

PROPOSED METHOD OF HEARING:

In writing with Notice.

1. **The Application is for**:
   1. Pending the hearing and determination of the Fixed Date Application, a Conservatory Order, Injunction Order, other Order directed to the Speaker of the National Assembly and the Clerk of the National Assembly from permitting, causing or allowing any consideration of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022.
   2. Pending the hearing and determination of the Fixed Date Application, a Conservatory Order, Injunction Order or other Order suspending the effect, operation and or validity of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022.
   3. Pending the hearing and determination of the Fixed Date Application, a Conservatory Order, Injunction Order or any other Order suspending any decision, resolution or other determination of whatever nature whatsoever by the National Assembly to suspend the Applicants’ Membership of the National Assembly.
   4. Pending the hearing and determination of the Fixed Date Application, a Conservatory Order, Injunction Order or any other Order be made that the Applicants be allowed to perform their duties as Members of the National Assembly until they have been afforded the right to be heard before the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022.
   5. Such further or other orders as the Court may deem just.
   6. Costs.
2. **The Grounds of the Application are**:
3. On the 1st day of September 2020, the Applicants took the Oath of Office and were sworn-in as Members of the National Assembly for the 12th Parliament of the Co-operative Republic of Guyana.
4. On the 29th day of December 2021, they physically attended the 34th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara which commenced at 10:00hrs.
5. At the 34th Sitting of the National Assembly the Natural Resource Fund Bill, (Bill No. 20 of 2021) was listed to be debated and the Applicants were each prepared to make presentation on the said Bill.
6. On the 24th day of January 2022 at 14:00hrs the Applicants physically attended the 35th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara.
7. At the 35th Sitting the Speaker of the National Assembly permitted Minister Gail Teixeira to move a Privilege Motion in the National Assembly where the Applicants were named in the Motion to be referred to the Parliamentary Sessional Select Committee of Privileges of the National Assembly.
8. The Speaker of the National Assembly referred the said Motion to the Parliamentary Sessional Select Committee of Privileges of the National Assembly.
9. Excluding the budget period, the National Assembly sat for 5 sittings after the 29th day of December 2021 and is slated to sit on the 21st day of July, 2022. Of the remaining sittings of 2022 the 37th sitting was Budget Day, the 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th were sittings for Budget debates and consideration of the Budget estimates.
10. A Report of the Parliamentary Sessional Select Committee of Privileges of the National Assembly Committee of Privileges decision was to be submitted to the National Assembly in one month’s time which should have been on the 24th day of February 2022.
11. Minister Gail Teixeira brought the Motion to the National Assembly referring the Applicants to the Parliamentary Sessional Select Committee of Privileges and in her Motion, accused the Applicants of, inter alia, gross disorderly conduct, contempt, and breaches of privileges.
12. Minister Gail Teixeira is also a member of the Parliamentary Sessional Select Committee of Privileges and she participated in all the meetings of the Parliamentary Sessional Select Committee of Privileges. Further, Minister Gail Teixeira was a part of the decision to recommend that the Applicants be suspended from service in the House.
13. On the 1st day of March 2022, the Applicants received a Letter captioned “**Re: Referral to the Committee of Privileges for gross disorderly conduct, contempt, and breaches of privileges in the Assembly**” from the Clerk of the Committee, Ms. Dellon Adams, requesting them to “*show cause*”, in writing, to the Clerk of the National Assembly, by Monday 7th March 2022, why the Committee of Privileges should not recommend to the National Assembly that sanctions be meted out to them.
14. On the 3rd and 4th day of March 2022, the Applicants responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting further information about their alleged gross disorderly conduct, contempt and breaches of privileges, since the motion which referred the Applicants to the Committee of Privileges citing gross disorderly conduct, contempt and breaches of privileges never specified which act of mine constituted gross disorderly conduct, contempt and breaches of privileges.
15. The Applicants are unaware of any act of ours, on the day in question, falling in the category of gross disorderly conduct, contempt, and breaches of privileges and that to the best of my recollection, on the day in question, our posture was no different from all other Members of Parliament who were present in the National Assembly at that time.
16. The Applicants specifically requested that the Committee of Privileges identify to them the Standing Orders or privileges they supposedly violated as this was essential if they were to effectively exercise the opportunity afforded to them to show cause.
17. The Applicants informed the said comm… Only when the alleged violations were sufficiently made known to them will they consequently be able to file a suitable reason as to why sanctions should not be meted to them.
18. The Applicants never received a response to their Letters of request for clarification and further information from Clerk of the National Assembly, the Clerk of the Committee and/or from the Speaker.
19. On Wednesday, 13th Day of April 2022, at the 46th Sitting of the National Assembly of the 12th Parliament of the Co-operative Republic of Guyana, Minister Gail Teixeira moved a Motion to extend the deadline for the submission of the report of the Committee of Privileges to the National Assembly from 24th February 2022 to the 15th of June 2022.
20. The Parliamentary Sessional Select Committee of Privileges met on five (5) occasions. These were on Friday, 18th February 2022, Tuesday, 1st March, 2022, Tuesday, 8th March, 2022, Friday, 3rd June, 2022, and Thursday, 9th June, 2022.
21. On page 5 of the Report there is a sub-heading titled, “8.0 Findings of the Committee,” and the findings as reported are:

“8.1 The Committee's findings were based on video recordings, statements by staff of the Parliament Office and the Arthur Chung Conference Centre, eyewitness accounts by other Members of the House, media reporters and the public, both locally and internationally.

The statements by staff of the Parliament Office and the Arthur Chung Conference Centre, are attached in Appendix IV.

8.2 Each Member was written to and asked to "show cause" why sanctions should not be meted out to them. Their responses were received and considered by the Committee.

Copies of the letters sent, and the responses received are attached in Appendix V

* 1. The Committee found that the named Members were in violation of the Standing Orders, established Customs and Practices regarding acceptable behaviour of Members in the Assembly. The Committee determined that an appropriate sanction available that the National Assembly can apply would be suspension from service in the House.”

1. The Standing Order at Section 104 sets out the guidelines for Committees in Parliament to follow when producing a Reports after investigating an event.
2. Standing Order 104 titled Reports from Committees states:

“(1) Every Committee shall, before the end of the Session in which it was appointed, make a report to the Assembly upon the matters referred to it.

(4) A Report or Special Report together with the minutes of any evidence taken before the Committee shall be presented to the Assembly by the Chairperson or any other Member deputed by the Committee and shall be ordered to lie upon the table and be printed without question put.

(9) The report of a Committee may be taken into consideration by the Assembly on a motion “That the report of the Committee on…be adopted.” Such a motion may be moved by any Member after one day’s notice.”

1. In keeping with Standing Order Section 104 (9) this is the Motion that was circulated in the National Assembly.
2. At no time, were we invited to appear before the Committee of Privileges to be allowed a hearing nor were we ever told what action of ours were in violation of established customs and practices regarding acceptable behaviour of Members of Parliament.
3. At its 4th Meeting held on 3rd June 2022, upon consideration of the Complaint and all responses received, the Committee decided to recommend that the Applicants be suspended from the service of the House.
4. It was recommended that the First to the Fourth Named Applicants be suspended for six (6) consecutive sittings of the National Assembly for conducting themselves in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges.
5. The remaining Named Applicants were suspended for four (4) consecutive sittings of the National Assembly for “conducting themselves in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges”.
6. That the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 will be a published record of the National Assembly which will forever inevitably affect the Applicants’ character and reputation.
7. Any suspension will further hinder the Applicants, as Members of Parliament Guyana from representing the people who elected them to sit in the National Assembly and will also cause the Fifth Named Applicants not to sit and function as a Member of the Public Accounts Committee and similarly, all the other Applicants will be prevented from sitting and function as any Member of the National Assembly.
8. That any suspension would prevent the Applicants from entering the precincts of the Parliament of Guyana and deprive them of the opportunity to access the library and other offices of the Parliament of Guyana.
9. That any suspension will deprive the Applicants of their full salaries and of the opportunity to be Representatives of the National Assembly and people of Guyana at National, Regional and International forums.
10. That the Applicants will be rendered subject to consideration for suspension and or suspended from the National Assembly on the basis of a fundamentally flawed Report of the Parliamentary Sessional Select Committee of Privileges.
11. That if the Applicants are suspended they will be excluded from participation in the decision-making deliberations of the National Assembly and excluded from participating in oversight of policies and legislation by the government.
12. The Applicants’ likely suspension is part and parcel of an unconstitutional scheme and/or device to utilise its majority in the National Assembly to silent descent and to reduce the numbers of sitting Parliamentary Opposition Members of Parliament.
13. The Applicants’ likely suspension is meant to weaken them financially with the intention to impair and or hinder the discharge of their responsibilities to our constituency and the wider electorate.
14. That having regard to the conduct of the Parliamentary Sessional Select Committee of Privileges, particularly the absolute disregard of the Applicants’ rights to be heard and to be provided information in relation to the allegations against them, we are of the view that the Parliamentary Sessional Select Committee of Privileges has by its conduct predetermined their guilt.
15. That by the conduct of the Parliamentary Sessional Select Committee of Privileges the Applicants were denied, despite specific request for information relating to the allegations against them and our intent to appear and cross examine witnesses against us, the opportunity to test the veracity of statements made against them and witnesses who would have had evidence adverse to their interests.
16. That the Parliamentary Sessional Select Committee of Privileges consequently denied them the opportunity to present evidence and proceeded to act on evidence not tested.
17. That any suspension will deprive the Applicants of their full salaries and of the opportunity to be Representatives of the National Assembly and people of Guyana at National, Regional and International forums.
18. The Applicants will contend that they are entitled to the Orders as prayed for.
19. **The following documentary evidence will be used at the hearing of the Application**:
    1. **T.S.H 1:** A Certified copy of the Privilege Motion.
    2. **T.S.H 2:** The letter dated 1st March 2022 from the Clerk of the Committee.
    3. **T.S.H 3:** The Letter of Tabitha Sarabo-Halley dated 4th March 2022 to the Clerk of the National Assembly.
    4. **T.S.H 4:** The Letter of the Second Named Applicant 3rd March 2022 to the Clerk of the National Assembly
    5. **T.S.H 5:** The Letter of the Third Named Applicant 6th March 2022 to the Clerk of the National Assembly.
    6. **T.S.H 6:** The Letter of the Fourth Named Applicant 4th March 2022 to the Clerk of the National Assembly.
    7. **T.S.H 7:** The Letter of the Fifth Named Applicant 3rd March 2022 to the Clerk of the National Assembly.
    8. **T.S.H 8:** The Letter of the Sixth Named Applicant 4th March 2022 to the Clerk of the National Assembly.
    9. **T.S.H 9:** The Letter of the Seventh Named Applicant 4th March 2022 to the Clerk of the National Assembly.
    10. **T.S.H 10:** The Letter of the Eighth Named Applicant 3rd March 2022 to the Clerk of the National Assembly.
    11. **T.S.H 11:** A copy of the Report of the Committee of Privileges
    12. **Affidavit of** Tabitha Sarabo-Halley, M.P.
20. **A DRAFT OF THE ORDER** that the Applicants seek is attached.

Dated this day of July, 2022.

At Georgetown, Demerara.

…………………………………………….

**Mr. ROYSDALE A. FORDE S.C.**

Forde, Amsterdam & Lewis  
Attorneys-at-Law  
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+(592)-227-1656  
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The Registry is located at The Law Courts, Georgetown, Demerara. The office is open to the public between 8:30 a.m. and 3:30 p.m. Mondays to Thursdays and 8:30 a.m. and 2:30 p.m. on Fridays every day except on Public Holidays and on such other days as the Registry is closed.

Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

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IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

**1. TABITHA SARABO-HALLEY, M.P.**

**2. VINCEROY JORDAN, M.P.**

**3. ANNETTE FERGUSON, M.P.**

**4. MAUREEN PHILADELPHIA, M.P.**

**5. GANESH MAHIPAUL, M.P.**

**6. SHEROD DUNCAN, M.P.**

**7. CHRISTOPHER JONES, M.P.**

**8. NATASHA SINGH-LEWIS, M.P.**

Applicants

* and -

1. THE ATTORNEY GENERAL OF GUYANA

2. MANZOOR NADIR, MP, Speaker of the National Assembly of Guyana

3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

**NOTICE OF APPLICATION**

**Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

Forde, Amsterdam & Lewis

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Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

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**AFFIDAVIT OF TABITHA SARABO-HALLEY**

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

**1. TABITHA SARABO-HALLEY, M.P.**

**2. VINCEROY JORDAN, M.P.**

**3. ANNETTE FERGUSON, M.P.**

**4. MAUREEN PHILADELPHIA, M.P.**

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**6. SHEROD DUNCAN, M.P.**

**7. CHRISTOPHER JONES, M.P.**

**8. NATASHA SINGH-LEWIS, M.P.**

Applicants

* and -

1. THE ATTORNEY GENERAL OF GUYANA

2. MANZOOR NADIR, MP, Speaker of the National Assembly of Guyana

3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

**AFFIDAVIT OF TABITHA SARABO-HALLEY**

I, **TABITHA SARABO-HALLEY**, of Lot 3382 Caneview Avenue, South Ruimveldt Park, Georgetown, duly make oath and say as follows that:

1. I am an Applicant herein and I make this affidavit on my behalf, and I have been authorised by the other named Applicants to make and swear this affidavit on their behalf.
2. The facts deposed to herein are within my knowledge and are true and correct to the best of my knowledge except where otherwise stated to be on information or belief, in which case I verily believe to be true.
3. On the 1st day of September 2020, I along with the seven other named Applicants, took the Oath of Office and were sworn-in as Members of the National Assembly for the 12th Parliament of the Co-operative Republic of Guyana.
4. On the 29th day of December 2021, we physically attended the 34th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara which commenced at 10:00hrs.
5. The other Applicants and I committed no prohibited act, violated no rules of the National Assembly.
6. At the 34th Sitting of the National Assembly the Natural Resource Fund Bill, (Bill No. 20 of 2021) was listed to be debated and we were each prepared to make presentation on the said Bill.
7. On the 24th day of January 2022 at 14:00hrs we physically attended the 35th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara.
8. At the 35th Sitting the Speaker of the National Assembly permitted Minister Gail Teixeira to move a Privilege Motion in the National Assembly wherein I, and the seven other Applicants, were named in the Motion to be referred to the Parliamentary Sessional Select Committee of Privileges of the National Assembly. That attached and marked as “**T.S.H 1”** is a copy of the Privilege Motion.
9. The Speaker of the National Assembly referred the said Motion to the Parliamentary Sessional Select Committee of Privileges of the National Assembly.
10. Excluding the Budget period, the National Assembly sat for 5 sittings after the 29th day of December 2021 and is slated to sit on the 21st day of July, 2022. Of the remaining sittings of 2022 the 37th sitting was Budget Day the 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th were sittings for Budget debates and consideration of the Budget estimates.
11. A Report of the Parliamentary Sessional Select Committee of Privileges of the National Assembly Committee of Privileges decision was to be submitted to the National Assembly in one month’s time which should have been on the 24th day of February 2022.
12. On the 1st day of March 2022, I, along with the seven other named Applicants received a Letter captioned “**Re: Referral to the Committee of Privileges for gross disorderly conduct, contempt, and breaches of privileges in the Assembly**” from the Clerk of the Committee, Ms. Dellon Adams, requesting us to “*show cause*”, in writing, to the Clerk of the National Assembly, by Monday 7th March 2022, why the Committee of Privileges should not recommend to the National Assembly that sanctions be meted out to us. That attached and marked as “**T.S.H 2”** is a copy of the eight Letters received from the Clerk of the Committee.
13. On the 3rd and 4th day of March 2022, we responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting further information about my alleged gross disorderly conduct, contempt and breaches of privileges, since the motion which referred me to the Committee of Privileges citing gross disorderly conduct, contempt and breaches of privileges NEVER specified which act of mine constituted gross disorderly conduct, contempt and breaches of privileges. That attached and marked as “**T.S.H 3”** is a copy of my Letter of response to the Clerk of the National Assembly dated the 4th March 2022.
14. The Second Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting particulars of his alleged gross disorderly conduct, contempt and breaches of privileges, since to his recollection his posture was no different from all other Members of Parliament who were present in the National Assembly at that time. That attached and marked as “**T.S.H 4”** is a copy of his letter of response to the Clerk of the National Assembly dated the 3rd March 2022.
15. The Third Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., request that he also be provide with particulars of the gross disorderly conduct, contempt and breaches of privileges alleged against him, for him, to send to the Clerk of the National Assembly a detailed response on why he should not be sanctioned. That attached and marked as “**T.S.H 5”** is a copy of his letter of response to the Clerk of the National Assembly dated the 4th day of March 2022.
16. The Fourth Named Applicant responded to Clerk of the Committee of Privileges, Ms. Dellon Adams, stating that he requests that the Committee of Privileges specifically identify for me the Standing Orders or privileges he violated so he could know the case brought against him, and consequently be better prepared for a defence. That attached and marked as “**T.S.H 6”** is a copy of his letter of response to the Clerk of the Committee of Privileges dated the 4th day of March 2022.
17. The Fifth Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A. in a letter captioned **“RE: Purported Referral to the Committee of Privileges for Gross Disorderly Conduct, Contempt and Breaches of Privileges in the National Assembly”** seeking the particulars of his actions on the day in question that constituted gross disorderly conduct, contempt and breaches of privileges.That attached and marked as “**T.S.H 7”** is a copy of his letter of response to the Clerk of the National Assembly dated the 3rd March 2022.
18. The Sixth Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A. A., requesting the particulars of the allegations of gross disorderly conduct, contempt and breaches of privileges against her. That attached and marked as “**T.S.H 8”** is a copy of her letter of response to the Clerk of the National Assembly dated the 3rd March 2022.
19. The Seventh Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., stating that she was oblivious of any such actions of hers portrayed on the day in question. She therefore wrote to the Clerk of the National Assembly for further information relative to the allegations of “gross disorderly conduct, contempt and breaches of privileges,” levelled against her. This will aid in her in providing an informed response, why I should not be sanctioned. That attached and marked as “**T.S.H 9”** is a copy of her letter of response to the Clerk of the National Assembly dated the 6th day of March 2022.
20. The Eighth Named Applicant responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting particulars of further information from her about my alleged gross disorderly conduct, contempt and breaches of privileges, since the motion which referred me to the Committee of Privileges. That attached and marked as “**T.S.H 10”** is a copy of her letter of response to the Clerk of the National Assembly dated the 4th day of March 2022.
21. That I, along with the Seven other Named Applicants, are unaware of any act of ours, on the day in question, falling in the category of gross disorderly conduct, contempt, and breaches of privileges and that to the best of my recollection, on the day in question, our posture was no different from all other Members of Parliament who were present in the National Assembly at that time.
22. That I, along with the Seven other Named Applicants specifically requested that the Committee of Privileges identify for us the Standing Orders or privileges we supposedly violated as this is essential if we are to effectively exercise the opportunity afforded to us to show cause.
23. Only when the alleged violations are sufficiently made known to us will we consequently be able to file a suitable reason as to why sanctions should not be meted to us.
24. That I, along with the Seven other Named Applicants never received a response to our letters of request for clarification and further information from Clerk of the National Assembly, the Clerk of the Committee and/or from the Speaker.
25. On Wednesday, 13th Day of April 2022, at the 46th Sitting of the National Assembly of the 12th Parliament of the Co-operative Republic of Guyana, Minister Gail Teixeira moved a Motion to extend the deadline for the submission of the report of the Committee of Privileges to the National Assembly from 24th February 2022 to the 15th of June 2022.
26. The Parliamentary Sessional Select Committee of Privileges met on five (5) occasions. These were on Friday, 18th February 2022, Tuesday, 1st March, 2022, Tuesday, 8th March, 2022, Friday, 3rd June, 2022, and Thursday, 9th June, 2022.
27. On page 5 of the Report there is a sub-heading titled, “8.0 Findings of the Committee,” and the findings as reported are:

“8.1 The Committee's findings were based on video recordings, statements by staff of the Parliament Office and the Arthur Chung Conference Centre, eyewitness accounts by other Members of the House, media reporters and the public, both locally and internationally.

The statements by staff of the Parliament Office and the Arthur Chung Conference Centre, are attached in Appendix IV.

8.2 Each Member was written to and asked to "show cause" why sanctions should not be meted out to them. Their responses were received and considered by the Committee.

Copies of the letters sent, and the responses received are attached in Appendix V

8.3 The Committee found that the named Members were in violation of the Standing Orders, established Customs and Practices regarding acceptable behaviour of Members in the Assembly. The Committee determined that an appropriate sanction available that the National Assembly can apply would be suspension from service in the House.”

1. The Standing Order at Section 104 sets out the guidelines for Committees in Parliament to follow when producing a Reports after investigating an event.
2. Standing Order 104 titled Reports from Committees states:

“(1) Every Committee shall, before the end of the Session in which it was appointed, make a report to the Assembly upon the matters referred to it.

(4) A Report or Special Report together with the minutes of any evidence taken before the Committee shall be presented to the Assembly by the Chairperson or any other Member deputed by the Committee and shall be ordered to lie upon the table and be printed without question put.

(9) The report of a Committee may be taken into consideration by the Assembly on a motion “That the report of the Committee on…be adopted.” Such a motion may be moved by any Member after one day’s notice.”

1. That in keeping with Standing Order Section 104 (9) this is the Motion that was circulated in the National Assembly. That attached and marked as “**T.S.H 11”** is a copy of the Motion circulated titled “ADOPTION OF THE REPORT OF THE PARLIAMENTARY SESSIONAL SELECT COMMITTEE OF PRIVILEGES” published on 2022-07-12.
2. At no time, were we invited to appear before the Committee of Privileges to be allowed a hearing nor were we ever told what action of ours were in violation of established customs and practices regarding acceptable behaviour of Members of Parliament.
3. At its 4th Meeting held on 3rd June 2022, upon consideration of the Complaint and all responses received, the Committee decided to recommend that we be suspended from the service of the House.
4. It was recommended that the Second, Third and Fourth Named Applicants and I be suspended for six (6) consecutive sittings of the National Assembly for “conducting myself in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges”.
5. The remaining Named Applicants were suspended for four (4) consecutive sittings of the National Assembly for “conducting themselves in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges”.
6. That the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 will be a published record of the National Assembly which will forever inevitably negatively affect Applicants character and reputation and that of the other Applicants.
7. That we will all be rendered subject to consideration for suspension and or suspended from the National Assembly on the basis of a fundamentally flawed Report of the Parliamentary Sessional Select Committee of Privileges.
8. That if we are suspended we will be excluded from participation in the decision-making deliberations of the National Assembly and excluded from participating in oversight of policies and legislation by the government.
9. Our likely suspension is part and parcel of an unconstitutional scheme and/or device to utilise its majority in the National Assembly to silent dissent and to reduce the numbers of sitting Parliamentary Opposition Members of Parliament.
10. That our likely suspension is meant to weaken us financially with the intention to impair and or hinder the discharge of our responsibilities to our constituency and the wider electorate.
11. That having regard to the conduct of the Parliamentary Sessional Select Committee of Privileges, particularly the absolute disregard of our rights to be heard and to be provided information in relation to the allegations against us, we are of the view that the Parliamentary Sessional Select Committee of Privileges has by its conduct predetermined our guilt.
12. That by the conduct of the Parliamentary Sessional Select Committee of Privileges we were denied, despite specific request by us for information relating to the allegations against us and our intent to appear and cross examine witnesses against us, the opportunity to test the veracity of statements made against us and witnesses who would have had evidence adverse to our interests.
13. That the Parliamentary Sessional Select Committee of Privileges consequently denied us the opportunity to present evidence and proceeded to act on evidence not tested.
14. That we are advised by **Mr. ROYSDALE A. FORDE S.C.,** Attorney-at-Law, that the conduct of the Parliamentary Sessional Select Committee of Privileges constitutes a grave material irregularity, and a substantial deviation or departure from constitutional fairness and the principles of Natural Justice.
15. That we are advised by **Mr. ROYSDALE A. FORDE, S.C.,** Attorney-at-Law, and verily believe that the High Court is conferred with the jurisdiction under **Article 153** of the Constitution “to make such Orders, issue such writs and give such directions to prohibit the contravention of any constitutional rights which are being or is likely to be contravened”.
16. That should the Conservatory Order not be granted the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 will be a published record of the National Assembly which will forever inevitably negatively affect my character and reputation and that of the other Applicants.
17. That also should the Conservatory Orders sought not be granted the Applicants will all be rendered subject to consideration for suspension and or suspended from the National Assembly on the basis of a fundamentally flawed Report of the Parliamentary Sessional Select Committee of Privileges.
18. That we are advised by **Mr. ROYSDALE A. FORDE, S.C.,** Attorney-at-Law that the balance of convenience favours the Orders sought.
19. That we are advised by **Mr. ROYSDALE A. FORDE, S.C.,** Attorney-at-Law that we have a prima facie case with a likelihood of success.
20. That we are advised by **Mr. ROYSDALE A. FORDE, S.C,** Attorney- at-Law and verily believe that in all the circumstances that in order to uphold the adjudicatory authority of the Court in the public interest that it is appropriate for the Court to grant the Conservatory Orders sought in the Notice of Application so that the subject matter of these proceedings can be kept in situ.
21. That we are advised by **Mr. ROYSDALE A. FORDE, S.C.,** Attorney-at-Law and verily believe that the proceedings filed herein are highly meritorious, is in the public interest and is consistent with the Constitutional values enshrined in the Constitution of Guyana.
22. That we further advised by **Mr. ROYSDALE A. FORDE, S.C.,** Attorney-at-Law and verily believe that the proceedings herein establish a prima facie case which has disclosed arguable Constitutional issues.
23. That should the Conservatory Orders not be granted as sought, the Constitution would be breached by the Executive and the National Assembly of Guyana was the financial independence and autonomy assured to the Constitutional Agencies listed in the Third Schedule to the Constitution in the Constitution would be made illusory and disregarded.
24. That we are also advised by **Mr. ROYSDALE A. FORDE, S.C.,** Attorney-at-Law and verily believe that should the Conservatory Orders not be granted, the Constitutional values, of Separation of Powers, independence of Constitutional Agencies, inclusive of financial independence, transparency and good governance would be violated.
25. That the grant of the Conservatory Order would enhance the Constitutional Values and reports of our fundamental rights as granted on the Constitution.
26. That should the Conservatory Orders not be granted the Fixed Date Application will be rendered nugatory.
27. That as we are Members of the National Assembly and that our suspension will severely prejudice the public interest if the Conservatory Orders we seek are not granted.
28. That in the circumstances, we pray that this Honourable Court will be pleased to grant the relief sought in the Notice of Application.
29. That we hereby authorise **Mr. ROYSDALE A. FORDE, S.C.,** Attorney-at-Law, to act as my Attorney at Law and to do all acts and things necessary on my behalf.
30. That our address for service and place of business is at Lot 77 Hadfield Street, Werk-en-Rust, Georgetown, Guyana.
31. That this Affidavit was drawn by **Mr. ROYSDALE A. FORDE, S.C.,** Attorneys-at-Law, on our instructions.

……………………………………………

**TABITHA SARABO-HALLEY**

Sworn to at Georgetown, Demerara.

This day of , 2022.

BEFORE ME

A COMMISSIONER OF OATHS TO AFFIDAVITS

Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

Forde, Amsterdam & Lewis

Lot 77 Hadfield Street

Werk-en-Rust, Georgetown

Guyana

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IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

**1. TABITHA SARABO-HALLEY, M.P.**

**2. VINCEROY JORDAN, M.P.**

**3. ANNETTE FERGUSON, M.P.**

**4. MAUREEN PHILADELPHIA, M.P.**

**5. GANESH MAHIPAUL, M.P.**

**6. SHEROD DUNCAN, M.P.**

**7. CHRISTOPHER JONES, M.P.**

**8. NATASHA SINGH-LEWIS, M.P.**

Applicants

* and -

1. THE ATTORNEY GENERAL OF GUYANA

2. MANZOOR NADIR, MP, Speaker of the National Assembly of Guyana

3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

**AFFIDAVIT OF TABITHA SARABO-HALLEY**

**Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

Forde, Amsterdam & Lewis

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Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

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**ORDER OF COURT**

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

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3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

Jointly and Severally

**DRAFT ORDER**

**BEFORE THE HONOURABLE MR. /MADAM JUSTICE .**

**MADE THIS DAY OF JULY, 2022.**

**ENTERED THIS DAY OF JULY, 2022.**

Attorneys-at-Lawfor the Applicant.

**Mr. ROYSDALE A. FORDE, S.C.,**

**Mr. KHEMRAJ RAMJATTAN**

**Mr. SELWYN A. PIETERS**

Attorney-at-Lawfor the Respondents.

**ORDER**

**UPON READING the Fixed Date Application dated the day of July, 2022, and filed on the day of July, 2022, and the Affidavit in support of Application sworn to by TABITHA SARABO-HALLEY M.P., dated the day of July, 2022, AND UPON HEARING Counsel for the Applicants.**

**THIS APPLICATION** made by **TABITHA SARABO-HALLEY M.P.,** and on behalf of **GANESH MAHIPAUL M.P., CHRISTOPHER JONES, M.P., SHEROD DUNCAN, M.P., VINCEROY JORDAN, M.P., NATASHA SINGH LEWIS, M.P., ANNETTE FERGUSON, M.P.,** and **ANNETTE FERGUSON, M.P.**, be held on July\_\_\_\_ 2022, was heard this ……… day of July, 2022, at the High Court of the Supreme Court of Judicature of Guyana.

1. THIS COURT ORDERS an Order Quashing the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022.
2. THIS COURT ORDERS a Conservatory Order, Injunction Order any other Order directed to the Speaker of the National Assembly and the Clerk of the National Assembly from permitting, causing or allowing any consideration of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 pending the hearing and determination of the Fixed Date Application.
3. THIS COURT ORDERS a Conservatory Order, Injunction Order or other Order suspending the effect, operation and or validity of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022, pending the hearing and determination of the Fixed Date Application,.
4. THIS COURT ORDERS a Conservatory Order, Injunction Order or any other Order, pending the hearing and determination of the Fixed Date Application, a suspension of any decision, resolution or other determination of whatever nature whatsoever by the National Assembly to suspend the Applicants’ Membership of the National Assembly.
5. THIS COURT ORDERS a Conservatory Order, Injunction Order or any other Order, pending the hearing and determination of the Fixed Date Application, that the Applicants be allowed to perform their duties as Members of the National Assembly until they have been afforded the right to be heard before the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022.
6. THIS COURT ORDERSthat the Respondents do pay the cost of this application in the sum of $..............

.…………………………..

**THE HONOURABLE**

IF YOU FAIL TO COMPLY WITH THE TERMS OF THIS ORDER YOU WILL BE IN CONTEMPT OF COURT AND MAY BE LIABLE TO IMPRISONMENT OR TO HAVE YOUR ASSETS CONFISCATED.

Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

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**Form 56: NOTICE OF CLAIM FOR AN ADMINSTRATIVE ORDER**

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

CONSTITUTIONAL AND ADMINISTRATIVE DIVISION

2022-HC-DEM-CIV-FDA-

BETWEEN:

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Applicants

* and -

1. THE ATTORNEY GENERAL OF GUYANA

2. MANZOOR NADIR, MP, Speaker of the National Assembly of Guyana

3. SHERLOCK E. ISAACS, Clerk of the National Assembly

Respondents

**NOTICE OF CLAIM FOR AN ADMINSTRATIVE ORDER**

The Applicants, **TABITHA SARABO-HALLEY** and on behalf of **GANESH MAHIPAUL M.P., CHRISTOPHER JONES, M.P., SHEROD DUNCAN, M.P., VINCEROY JORDAN, M.P., NATASHA SINGH LEWIS, M.P., ANNETTE FERGUSON, M.P.,** and **ANNETTE FERGUSON, M.P.**, issued a claim for an Administrative Order on the day of July, 2022 for:

* 1. A Declaration that the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 is unconstitutional, null, void and of no legal effect, a breach of the principles of Natural Justice as the Applicants rights as guaranteed under **Article 144 (8)** of the Constitution were infringed.
  2. A Declaration that the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 breached the Audi alteram partem rule as the Applicants were not afforded the right to be before the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion.
  3. A Declaration that any suspension of the Membership of the Applicants from the National Assembly of Guyana on the basis of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 would be unconstitutional, null, void and of no legal effect, a breach of the principles of Natural Justice on the ground and for the reason for the reason that the Applicants were not afforded a right to be heard guaranteed under **Article 144 (8)** of the Constitution.
  4. A Declaration that the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January 2022 and adopted by the said Committee on the 9th day of June, 2022 is unconstitutional, null and void on the ground and for the reason that the Parliamentary Sessional Select Committee of Privileges of the National Assembly made findings adverse to the Applicants without affording the Applicants the opportunity to respond to the said findings and in breach of the principles of Natural Justice, consequently the said Report constitutes a contravention of the Applicants rights as guaranteed under **Article 144 (8)** of the Constitution.
  5. A Declaration that the Parliamentary Sessional Select Committee of Privileges exercised a judicial function in determining whether the Applicant breached the Parliamentary Privileges and made recommendations in this regard in the exercise of the aforesaid judicial function.
  6. A Declaration that Gail Teixeira’s M.P., presentation of the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 to the National Assembly and her subsequent participation and her involvement in and during the deliberations of the said Parliamentary Sessional Select Committee of Privileges on the Privilege Motion rendered the findings of the Parliamentary Sessional Select Committee of Privileges unconstitutional, null and void as the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion cannot be said to be an independent and impartial Tribunal within the meaning of **Article 144 (8)** of the Constitution.
  7. A Declaration that the Members of the Parliamentary Sessional Select Committee of Privileges as constituted to deliberate and did deliberate on the Privilege Motion are not impartial and are biased and are therefore not an independent and impartial Tribunal within the meaning of **Article 144 (8)** of the Constitution.
  8. An Order be made that the Applicants be allowed to perform their duties as Members of the National Assembly until they have been afforded the right to be heard on before the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022.
  9. An Order quashing the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022.
  10. A Conservatory Order, Injunction Order, other Order directed to the Speaker of the National Assembly and the Clerk of the National Assembly from permitting, causing or allowing any consideration of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 pending the hearing and determination of the Fixed Date Application.
  11. A Conservatory Order, Injunction Order or other Order suspending the effect, operation and or validity of the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022, pending the hearing and determination of the Fixed Date Application.
  12. A Conservatory Order, Injunction Order or any other Order, suspending any decision, resolution or other determination of whatever nature whatsoever by the National Assembly to suspend the Applicants’ Membership of the National Assembly pending the hearing and determination of the Fixed Date Application.
  13. A Conservatory Order, Injunction Order or any other Order, that the Applicants be allowed to perform their duties as Members of the National Assembly until they have been afforded the right to be heard before the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 pending the hearing and determination of the Fixed Date Application.
  14. Such further or other orders as the Court may deem just.
  15. Costs.

**NATURE OF CLAIM**:

1. On the 1st day of September 2020, the Applicants took the Oath of Office and were sworn-in as Members of the National Assembly for the 12th Parliament of the Co-operative Republic of Guyana.
2. On the 29th day of December 2021, they physically attended the 34th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara which commenced at 10:00hrs.
3. At the 34th Sitting of the National Assembly the Natural Resource Fund Bill, (Bill No. 20 of 2021) was listed to be debated and the Applicants were each prepared to make presentation on the said Bill.
4. On the 24th day of January 2022 at 14:00hrs the Applicants physically attended the 35th Sitting of the National Assembly of the 12th Parliament of Guyana at the Arthur Chung Conference Centre, Liliendaal – East Coast Demerara.
5. At the 35th Sitting the Speaker of the National Assembly permitted Minister Gail Teixeira to move a Privilege Motion in the National Assembly where the Applicants were named in the Motion to be referred to the Parliamentary Sessional Select Committee of Privileges of the National Assembly.
6. The Speaker of the National Assembly referred the said Motion to the Parliamentary Sessional Select Committee of Privileges of the National Assembly.
7. Excluding the budget period, the National Assembly sat for 5 sittings after the 29th day of December 2021 and is slated to sit on the 21st day of July, 2022. Of the remaining sittings of 2022 the 37th sitting was Budget Day, the 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th were sittings for Budget debates and consideration of the Budget estimates.
8. A Report of the Parliamentary Sessional Select Committee of Privileges of the National Assembly Committee of Privileges decision was to be submitted to the National Assembly in one month’s time which should have been on the 24th day of February 2022.
9. Minister Gail Teixeira brought the Motion to the National Assembly referring the Applicants to the Parliamentary Sessional Select Committee of Privileges and in her Motion, accused the Applicants of, inter alia, gross disorderly conduct, contempt, and breaches of privileges.
10. Minister Gail Teixeira is also a member of the Parliamentary Sessional Select Committee of Privileges and she participated in all the meetings of the Parliamentary Sessional Select Committee of Privileges. Further, Minister Gail Teixeira was a part of the decision to recommend that the Applicants be suspended from service in the House.
11. On the 1st day of March 2022, the Applicants received a Letter captioned “**Re: Referral to the Committee of Privileges for gross disorderly conduct, contempt, and breaches of privileges in the Assembly**” from the Clerk of the Committee, Ms. Dellon Adams, requesting them to “*show cause*”, in writing, to the Clerk of the National Assembly, by Monday 7th March 2022, why the Committee of Privileges should not recommend to the National Assembly that sanctions be meted out to them.
12. On the 3rd and 4th day of March 2022, the Applicants responded to the Clerk of the National Assembly, Mr. Sherlock Isaacs, A.A., requesting further information about their alleged gross disorderly conduct, contempt and breaches of privileges, since the motion which referred the Applicants to the Committee of Privileges citing gross disorderly conduct, contempt and breaches of privileges never specified which act of mine constituted gross disorderly conduct, contempt and breaches of privileges.
13. The Applicants are unaware of any act of ours, on the day in question, falling in the category of gross disorderly conduct, contempt, and breaches of privileges and that to the best of my recollection, on the day in question, our posture was no different from all other Members of Parliament who were present in the National Assembly at that time.
14. The Applicants specifically requested that the Committee of Privileges identify to them the Standing Orders or privileges they supposedly violated as this was essential if they were to effectively exercise the opportunity afforded to them to show cause.
15. The Applicants informed the said comm… Only when the alleged violations were sufficiently made known to them will they consequently be able to file a suitable reason as to why sanctions should not be meted to them.
16. The Applicants never received a response to their Letters of request for clarification and further information from Clerk of the National Assembly, the Clerk of the Committee and/or from the Speaker.
17. On Wednesday, 13th Day of April 2022, at the 46th Sitting of the National Assembly of the 12th Parliament of the Co-operative Republic of Guyana, Minister Gail Teixeira moved a Motion to extend the deadline for the submission of the report of the Committee of Privileges to the National Assembly from 24th February 2022 to the 15th of June 2022.
18. The Parliamentary Sessional Select Committee of Privileges met on five (5) occasions. These were on Friday, 18th February 2022, Tuesday, 1st March, 2022, Tuesday, 8th March, 2022, Friday, 3rd June, 2022, and Thursday, 9th June, 2022.
19. On page 5 of the Report there is a sub-heading titled, “8.0 Findings of the Committee,” and the findings as reported are:

“8.1 The Committee's findings were based on video recordings, statements by staff of the Parliament Office and the Arthur Chung Conference Centre, eyewitness accounts by other Members of the House, media reporters and the public, both locally and internationally.

The statements by staff of the Parliament Office and the Arthur Chung Conference Centre, are attached in Appendix IV.

8.2 Each Member was written to and asked to "show cause" why sanctions should not be meted out to them. Their responses were received and considered by the Committee.

Copies of the letters sent, and the responses received are attached in Appendix V

* 1. The Committee found that the named Members were in violation of the Standing Orders, established Customs and Practices regarding acceptable behaviour of Members in the Assembly. The Committee determined that an appropriate sanction available that the National Assembly can apply would be suspension from service in the House.”

1. The Standing Order at Section 104 sets out the guidelines for Committees in Parliament to follow when producing a Reports after investigating an event.
2. Standing Order 104 titled Reports from Committees states:

“(1) Every Committee shall, before the end of the Session in which it was appointed, make a report to the Assembly upon the matters referred to it.

(4) A Report or Special Report together with the minutes of any evidence taken before the Committee shall be presented to the Assembly by the Chairperson or any other Member deputed by the Committee and shall be ordered to lie upon the table and be printed without question put.

(9) The report of a Committee may be taken into consideration by the Assembly on a motion “That the report of the Committee on…be adopted.” Such a motion may be moved by any Member after one day’s notice.”

1. In keeping with Standing Order Section 104 (9) this is the Motion that was circulated in the National Assembly.
2. At no time, were we invited to appear before the Committee of Privileges to be allowed a hearing nor were we ever told what action of ours were in violation of established customs and practices regarding acceptable behaviour of Members of Parliament.
3. At its 4th Meeting held on 3rd June 2022, upon consideration of the Complaint and all responses received, the Committee decided to recommend that the Applicants be suspended from the service of the House.
4. It was recommended that the First to the Fourth Named Applicants be suspended for six (6) consecutive sittings of the National Assembly for conducting themselves in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges.
5. The remaining Named Applicants were suspended for four (4) consecutive sittings of the National Assembly for “conducting themselves in a gross disorderly, contumacious, and disrespectful manner, and repeatedly ignoring the authority of the Assembly and that of the Speaker, and thereby committing contempt and breaches of privileges”.
6. That the Report of the Parliamentary Sessional Select Committee of Privileges on the Privilege Motion - 24th January, 2022 and adopted by the said Committee on the 9th day of June, 2022 will be a published record of the National Assembly which will forever inevitably affect the Applicants’ character and reputation.
7. Any suspension will further hinder the Applicants, as Members of Parliament Guyana from representing the people who elected them to sit in the National Assembly and will also cause the Fifth Named Applicants not to sit and function as a Member of the Public Accounts Committee and similarly, all the other Applicants will be prevented from sitting and function as any Member of the National Assembly.
8. That any suspension would prevent the Applicants from entering the precincts of the Parliament of Guyana and deprive them of the opportunity to access the library and other offices of the Parliament of Guyana.
9. That any suspension will deprive the Applicants of their full salaries and of the opportunity to be Representatives of the National Assembly and people of Guyana at National, Regional and International forums.
10. That the Applicants will be rendered subject to consideration for suspension and or suspended from the National Assembly on the basis of a fundamentally flawed Report of the Parliamentary Sessional Select Committee of Privileges.
11. That if the Applicants are suspended they will be excluded from participation in the decision-making deliberations of the National Assembly and excluded from participating in oversight of policies and legislation by the government.
12. The Applicants’ likely suspension is part and parcel of an unconstitutional scheme and/or device to utilise its majority in the National Assembly to silent descent and to reduce the numbers of sitting Parliamentary Opposition Members of Parliament.
13. The Applicants’ likely suspension is meant to weaken them financially with the intention to impair and or hinder the discharge of their responsibilities to our constituency and the wider electorate.
14. That having regard to the conduct of the Parliamentary Sessional Select Committee of Privileges, particularly the absolute disregard of the Applicants’ rights to be heard and to be provided information in relation to the allegations against them, we are of the view that the Parliamentary Sessional Select Committee of Privileges has by its conduct predetermined their guilt.
15. That by the conduct of the Parliamentary Sessional Select Committee of Privileges the Applicants were denied, despite specific request for information relating to the allegations against them and our intent to appear and cross examine witnesses against us, the opportunity to test the veracity of statements made against them and witnesses who would have had evidence adverse to their interests.
16. That the Parliamentary Sessional Select Committee of Privileges consequently denied them the opportunity to present evidence and proceeded to act on evidence not tested.
17. That in the circumstances, I pray that this Honourable Court will be pleased to grant the relief sought in the Notice of Application.
18. That in the circumstances, the Applicants pray that this Honourable Court will be pleased to grant the relief sought in the Notice of Application.

On the day of July, 2022.

………………………………………………

Filing Attorney-at-Law: **Mr. Roysdale A. Forde, S.C**

**Mr. Khemraj Ramjattan**

**Mr. Selwyn A. Pieters**

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