



COMMONWEALTH OF DOMINICA

HOUSE OF ASSEMBLY
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Victoria Street
Roseau
Commonwealth of Domin

November 25, 2021

Mr. Duncan Stowe
Chairman
Electoral Commission
Jewel Street
Roseau
Commonwealth of Dominica

Dear Sir,

Your November 24th, 2021 response to my letter of November 12th, 2021, in the matter of the responsibility of the Electoral Commission to bar holders of offices of emolument in the service of the State from participating in elections for membership in the House of Assembly, refers.

This is a legal and moral obligation essentially connected with the Constitutional appointment of the Electoral Commission as the independent authority responsible for the conduct of free and fair elections with integrity in the Commonwealth of Dominica.

Where the Electoral Commission refuses to honor this obligation to act against corrupt manipulation of the electoral process, the Commission reduces itself to a farcical instrument of the “No Law; No Constitution” modus operandi of the Roosevelt Skerrit regime, unwilling and unable to conduct free and fair elections with integrity in the Commonwealth of Dominica.

The Commission’s meeting of November 15th, 2021 where “it was not decided to accede” to the request to bar Vince Henderson from contesting the Grandbay bye-election on the ground of disqualification, confirms a most unfortunate dereliction of duty and a squalid betrayal of the public trust.

For the record, I restate the truths and facts of Mr. Henderson’s disqualification for membership in the House of Assembly as the holder of an office of emolument in the service of the State.

The nation’s Constitution [section 32 (5)] and electoral laws [House of Assembly Disqualification Act section 5 (1) and 5 (2)] disqualifies from membership in the House of Assembly persons in the public service, and/or in positions of emolument in the service of the State.

The specific exceptions to such disqualification do not include holders of the office of Ambassador of the Commonwealth of Dominica, which is, for all intents and purposes, an office of emolument - salary, fee, or profit - in the service of the State. Accordingly, as Ambassador, Mr. Henderson is not duly qualified for membership in the House of Assembly.

While confirming the candidacy of Mr. Henderson for the November 25, 2021 Bye-Election, the Prime Minister, on October 28, 2021 and again on November 03, 2021, publicly described Mr. Henderson as a sitting ambassador of Dominica with two foreign service engagements:

“In my capacity as Political Leader of the Dominica Labour Party, I wish to now advise that His Excellency Dr. Vince Henderson, Dominica’s Ambassador to the United Nations and the Organization of American States, has been confirmed as the Labour Party’s candidate for the Grandbay bye-election”.

This can only mean that as far as the Head of Government in Dominica is concerned, Vince Henderson is contesting the Bye-Election for the Grandbay seat in the House of Assembly as an Ambassador of Dominica.

Yet, Mr. Henderson executed the requisite statutory declaration of qualification for election to the House of Assembly in breach of the qualifying criteria for such election provided in our Constitution and electoral laws.

*Form 13. House of Assembly (Elections) Act Ch 2:01
STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE
FOR ELECTION AS A MEMBER OF THE HOUSE OF ASSEMBLY*

I do solemnly and sincerely declare, I do not hold nor am I acting in any office of emolument in the service of the State.

Mr. Henderson therefore made a false or untrue declaration in the nomination process for which he may be criminally liable under the Statutory Declarations Act Chapter 5:53.

I make this declaration conscientiously, believing the same to be true and according to the Statutory Declaration Act Ch 5:53 and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

The STATUTORY DECLARATIONS ACT provides that if any declaration made:

“... is false or untrue in any material particular, the person willfully making the false declaration is liable on summary conviction to a fine of five thousand dollars and to imprisonment for one year”

In response, Vince Henderson states he is duly qualified to be a member of the House of Assembly because he has been serving as Ambassador to the OAS and the US pro bono since February 2019. He claims to be a consultant whose publicly disclosed engagement in this area to date is as coordinator of the construction of a “geothermal domestic plant” in Dominica and Chairman of the Dominica’s

Geothermal Negotiating Team. Geothermal Energy development is service to the State paid for by the resources of the State.

If Mr. Henderson is being paid for whatever work he is doing in geothermal energy development, he is holding an office of emolument in the service of the State.

The fact that he has switched his public service emoluments from salary as an ambassador to salary as geothermal energy development coordinator/consultant while still serving as ambassador, does not remove him from the group of persons disqualified to be members of the House of Assembly because they hold or are acting in offices of emolument in the service of the State.

Acting on behalf of Vince Henderson and the Dominica Labour Party, the Electoral Commission has allowed the electoral process in the Grandbay Bye-election to be compromised by blatant violations of the Constitution and the rule of law. Accordingly, the Courts must be petitioned to declare the participation of Vince Henderson in the Grandbay Bye-Election unlawful, invalid, null and void.

Sincerely yours,



HON. LENNOX LINTON
Leader of the Opposition

CC: Mr. Alick Lawrence – Member of the Electoral Commission
Mr. Wayne James – Member of the Electoral Commission
Mr. Hillary Shillingford – Member of the Electoral Commission
Mr. Ian Anthony – Chief Elections Officer
Mr. Vince Henderson