SENATE  
Tuesday, June 14, 2011  
The Senate met at 1.30 p.m.  

PRAYERS  

[Mr. President in the Chair]  

LEAVE OF ABSENCE  

Mr. President: Hon Senators, I have granted leave of absence to Sen. Prof. Harold Ramkissoon who is out of the country.

SENATOR’S APPOINTMENT  

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO  

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President

TO: DR. LENNOX BERNARD  

WHEREAS Senator Professor Harold Ramkissoon is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, LENNOX BERNARD, to be temporarily a member of the Senate, with effect from 14th June, 2011 and continuing during the absence from Trinidad and Tobago of the said Senator Professor Harold Ramkissoon.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 9th day of June, 2011.”
OATH OF ALLEGIANCE

Senator Lennox Bernard took and subscribed the Oath of Allegiance as required by law.

PAPERS LAID

1. Second report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the San Fernando City Corporation for the year ended September 30, 2003. [The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday)]

2. Annual audited financial statements of the National Broadcasting Network Limited for the financial year ended December 31, 2009. [Sen. The Hon. S. Panday]

3. Annual audited financial statements of the National Broadcasting Network limited for the financial year ended December 31, 2010. [Sen. The Hon. S. Panday]

MINISTRIES, STATUTORY AUTHORITIES AND STATE ENTERPRISES (GROUP 1)
(GREEN FUND)

Joint Select Committee Second Report (Presentation)

Sen. Corinne Baptiste-Mc Knight: Mr. President, I beg to present the Second Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1), on the administration of the Green Fund.

WRITTEN ANSWERS TO QUESTIONS

The following questions were asked by Sen. Pennelope Beckles-Robinson:

Green Fund (Details of)

67. Could the hon. Minister of Housing and the Environment provide the Senate with:
   i. the value of the Green Fund at the end of the first quarter of 2011;
   ii. a list of groups, individuals and/or organizations that received funding from the Green Fund; and
iii. the amount of funding received by the said groups, individuals and/or organizations?

WASA Wells Drilled
(Contractors on)

68. Could the hon. Minister of Public Utilities indicate:
   i. the number of wells drilled by WASA from June 2010 to April 2011 and the cost incurred;
   ii. the list of all the names of the contractors engaged to drill the said wells;
   iii. the number of contractors that have been paid to date for work done under (i); and
   iv. the names of the contractors that were paid?

Contractors Engaged by WASA
(June 2010 to April 2011)

69. Could the hon. Minister of Public Utilities provide the Senate with:
   i. the names of all contractors engaged by WASA for the period June 2010 to April 2011;
   ii. the nature of works these contractors have been engaged to perform; and
   iii. the duration of these contracts and the financial value of each contract?

WASA
(Revenue and Expenditure
June 2010 to April 2011)

78. Would the hon. Minister of Public Utilities indicate the monthly revenue and expenditure of WASA from June 2010 to April 2011?
Expenditure on Schools
(June 2010 to April 2011)

79. Would the hon. Minister of Education provide a list of repairs undertaken to primary and secondary schools for the period June 2010 to April 2011, identifying the name of each contractor and the value of each contract?

Road Improvement Fund
(Moneys paid to Contractors)

80. Would the hon. Minister of Works and Transport please provide this House with a list of all contractors who obtained work and the amount of money paid to each contractor under the Road Improvement Fund for the period June 2010 to April 2011?

Unemployment Relief Programme
(Contracts Awarded)

81. With respect to contracts awarded for projects under the Unemployment Relief Programme (URP) during the period June 01, 2010 to April 2011, could the hon. Minister of Labour and Small and Micro Enterprise Development provide the Senate with the following:

(i) a detailed list of all the contracts awarded on a monthly basis;
(ii) the cost of all the contracts awarded on a monthly basis;
(iii) the scope of works for all the contracts; and
(iv) the names and addresses of all the contractors who were awarded contracts?

Murders Committed for 2011

82. Could the hon. Minister of National Security provide the Senate with the number of murders committed for 2011 and the names of persons killed for the said 2011?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, thank you very much. I wish to announce that the Government of the People’s Partnership is in a position to answer all the questions today. [Desk thumping] At the end of this session, all 82 questions would have been answered. I have them here; all will be answered.
Sen. Beckles-Robinson: Oral and written?

Sen. The Hon. S. Panday: Oral and written. [Desk thumping] On the insistence of the hon. Prime Minister, all questions will be cleared before this session comes to an end.

Mr. President, I have spoken to my friends on the other side and, subject to your approval, I humbly request that the question which touches our visitors be taken prior to the other questions.

**Rent Restriction Act, Chap. 59:50**

(Details to Amend)

65. **Sen. Pennelope Beckles-Robinson** asked the hon. Minister of Legal Affairs:

Could the Minister inform the Senate of the initiatives which are being taken to revalidate and to amend the Rent Restriction Act, Chap. 59:50?

**The Minister of Legal Affairs (Hon. Prakash Ramadhar):** First, let me say how honoured I am to be sitting in your presence in this most august Senate, most honourable colleagues. I thank the Senator for having asked the question to allow me the privilege to be here today.

Mr. President, the first rent restriction legislation passed in this country came in 1933 to safeguard poorer sections of the community from paying exorbitant rents. Between 1938 and 1939, the provisions of the ordinance were extended to cover more areas because of rent increases which had occurred throughout the country.

As a result of these rent increases, an acute housing shortage was created especially in areas like Port of Spain, Arima and Sangre Grande. The situation gave rise to an urgent need for some kind of control mechanism which came in the form of the Rent Restrictions Act which was passed in 1941. The 1941 Act performed the dual function of protecting tenants from indiscriminate and unreasonable increases in rent by their landlords; and, secondly, provided security of tenure for tenants by protecting their right to occupation of the rented premises.

This control of rent was achieved through the establishment of a Rent Assessment Board that was empowered to fix the rents which tenants were required to pay, while the protection of a tenant’s occupation was achieved by limiting the power of the court to make eviction orders.
Mr. President, the Rent Restriction Act, Chap. 59:50 expired in February 2002 with no action by the government then in office to extend its life. In fact, Cabinet, by Minute No. 1312 dated June 01, 2006, agreed that re-enactment of the Rent Restriction Act, Chap. 59:50 should not be pursued.

I do not wish to make political this matter, Mr. President, but the People’s Partnership was not in government at that time and the decision to abandon both the Rent Restriction Act and Rent Assessment Board were decisions of the former administration.

Immediately upon assuming office, one of my first acts as Minister was to instruct that there should be a complete review of the system with a view to ensuring that tenants are not cheated by inflated rental charges and, at the same time, that landlords get a fair return on investments.

It is the firm position of this Government that a free market must be allowed to operate since this is the surest way of ensuring that rents are attractive enough to encourage investment in rental properties and simultaneously ensure that they are competitive and affordable.

In pursuance of this objective, Mr. President, the work is ongoing and it is going on at a rapid pace. Part of the work involves developing a strategy whereby buildings that are made available for rent must meet minimum standards. To this end, a system of grading is being proposed whereby the quality of homes and apartments and the facilities associated therewith will inform the rental charges which will be applied.

The intention is to respect the principle of free market operation while achieving a result that is fair to all parties. Work to develop such a system has already begun and I am proud to say that St. Augustine is being used as a pilot district given its large population of tenants around the main campus of the University of the West Indies.

My Ministry has held discussions with the University of the West Indies and the Ministry of Science, Technology and Tertiary Education and a range of other stakeholders about the establishment of a true university town in which quality, affordable accommodation will be given priority.

At present, the Minister of Science, Technology and Tertiary Education is working to establish a policy framework on the basis of consultations with members of the public to provide rent subsidies to all tertiary students, while a more permanent solution is implemented.
While the University of the West Indies has established mechanisms to register landlords, there are no mechanisms in place to monitor prices, ensure quality accommodation, minimize security anxiety or seek the interest of the landlords and students. The current study will make recommendations in respect of these.

At a wider national level, Mr. President, the Research and Project Management Unit of my Ministry is currently undertaking a study of rental accommodations. Not only does it involve a study of accommodation surrounding tertiary education institutions in the university catchment area of the East-West Corridor, it also seeks to accumulate data on rental issues across all of Trinidad and Tobago. In all of this the view of the population must and will be sought.

While all of this is being done, we are mindful of the need for citizens who are currently involved in rental arrangements, both tenants and landlords, to have recourse where there may be disputes. Notwithstanding the last government’s abandonment of the Rent Restriction Act and of the Rent Assessment Board, persons who feel aggrieved still have recourse to the courts. Indeed, Madam Justice Judith Jones in the matter of Henry Chang v Empire Flats Limited reaffirmed the rights of such persons to seek redress under the Rent Restriction (Dwelling Houses) Act. This Act incorporates some of the key elements of what was contained in the Rent Restriction Act and, therefore, offers some measure of protection. That is not to say, however, that we are by any means satisfied. Quite the contrary!

It is because we are not satisfied that we as a government have taken the steps that I have outlined so far and why we will do whatever is necessary and reasonable to treat with the situation.

I give this Senate and the national community the assurance that this matter is one that is being given priority and, in the not too distant future, we will come back to this Senate with a package that I hope will receive the support of all Senators.

I thank you very much.

Sen. Beckles-Robinson: Mr. President, just a supplemental for the hon. Minister: can you indicate if your Ministry has a time frame for completion of the pilot project in St. Augustine?

Hon. P. Ramadar: We do not have a fixed time frame because the work is ongoing and the enormity of the task is something that we are still trying to put our hands around. Rest assured it is ongoing as fast as it is humanly possible. [Desk thumping]
72. **Sen. Pennelope Beckles-Robinson** asked to the hon. Minister of Arts and Multiculturalism:

Could the Minister indicate:

i. whether the Government of Trinidad and Tobago will be sending a delegation to the 31st Fiesta Del Caribe in Santiago de Cuba;

ii. the number of persons that will comprise the official delegation and the names and designations of these persons;

iii. the programme to be presented at the festival by Trinidad and Tobago; and

iv. the estimated cost of the above-mentioned activity?

**The Minister of Arts and Multiculturalism (Hon. Winston Peters):** Thank you very much, Mr. President. While I am at it, may I take the opportunity to express the same sentiment as my esteemed colleague? This is my first time here in the Senate to answer any question.

As obtains to part (i) of the question, the Government of Trinidad and Tobago has received communications on the 31st Fiesta del Caribe to be held in Santiago de Cuba from July 03—09, 2011. After consultation with several key holders, the Ministry of Arts and Multiculturalism is currently finalizing a proposal on the matter for the consideration of the Cabinet.

The Government of Trinidad and Tobago, therefore, has not yet taken any decision on whether we will be sending a delegation to the 31st Fiesta Del Caribe in Santiago de Cuba. In light of the answer to part (i) of the question, parts (ii), (iii) and (iv), of the question, are not relevant.

1.45 p.m.

73. **Sen. Pennelope Beckles-Robinson** asked the hon. Minister of Housing and the Environment:

Could the Minister indicate:

i. whether Cabinet has approved the privatization of the Forestry Division;
ii. if the answer to (i) is in the affirmative, could the Minister indicate whether his Ministry held consultations with groups or organizations before this decision was taken; and

iii. if the answer to (i) is in the negative, could the Minister indicate whether the privatization of the Forestry Division is under active consideration by the Government?

**The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Thank you very much, Mr. President. Cabinet has taken no decision with respect to the privatization of the Forestry Division.

ii. In view of the reply to part (i) of the question, this part is not applicable.

iii. The privatization of the Forestry Division is not under active consideration by the Government. Thank you very much.

**Sen. Beckles-Robinson:** Thank you very much, Mr. President. Can I enquire of the hon. Minister if he can indicate whether Cabinet has taken any decision as it relates to the reorganization of the Forestry Division?

**Sen. The Hon. S. Panday:** With the greatest respect, the reorganization is a different question. All the question had indicated was whether the Government intended to privatize it. That is what we have come to answer here today. There is no intention on the part of the Government to privatize the Ministry, the Forestry Division.

**Sen. Beckles-Robinson:** Mr. President, I know what my question is. I am simply asking the hon. Minister if he is aware, whether privatization is one method of reorganization, but I am asking you if you know whether there is any other decision that Cabinet has taken as it relates to the reorganization of the Forestry Division.

**Sen. The Hon. S. Panday:** I am not aware, as you rightly said. Were you aware? I am not aware.

**Sen. Beckles-Robinson:** Thank you.
Tropical Storm Tomas  
(Relief Activities)

83. Sen. Shamfa Cudjoe asked the hon. Minister of Tobago Development:

With respect to the relief activities in Tobago in the aftermath of Tropical Storm Tomas in 2010, could the Minister inform the Senate:

(i) how many persons were employed or contracted to participate in relief activities;
(ii) what process was used for selecting employees;
(iii) what was the daily rate of payment for engaged workers;
(iv) how many workers have been paid their wages in full as of May 02, 2011; and

(v) what vote/allocation was employed in funding relief and related activities?

The Minister of Tobago Development (Hon. Vernella Alleyne-Toppin):

Thank you, Mr. President. I join my colleagues in saying that it is a privilege and an honour to be here in the Senate with you. This august House will recall that on October 31, 2010, Tropical Storm Tomas swept through Tobago wreaking havoc and destruction in its wake.

Acutely affected by Tomas was the north-eastern side of Tobago. Homes were washed away; houses that remained standing in the aftermath were flooded out, household items, including washing machines and fridges, were swept into the rivers; landslides and landslips and in some cases displaced families were the order of the day.

When the Prime Minister arrived by helicopter and landed at the Cyd Gray Complex, arrived on the same evening—[CrossTalk]

Sen. Panday: The same evening?

Hon. V. Alleyne-Toppin: —in blustery conditions; several times the helicopter pilots had to say maybe we should turn back. In boots and jeans, we walked through the mud and slush as the flood waters ebbed at Renaissance in Roxborough, together with the hon. Dr. Delmon Baker and the minority Leader Mr. Jack. [CrossTalk] The Minister of National Security was also there, the Minister of local Government was also there, and several other Government Ministers.
When the Prime Minister arrived, she was greeted with the sight of a heavily pregnant woman perched on top of two couch seats, stacked one on top the other in an effort to avoid several feet of water raging through her home.

Mr. President, the Ministry of the People and Social Development in collaboration with the Ministry of Housing and the Environment and other Ministries, including, the Ministry of Local Government provided essentials in this relief effort. They responded quickly and distributed relief supplies and brought comfort to all persons adversely affected.

1.50 p.m.

What remained though was a daunting clean-up campaign effort that had to be addressed immediately to avoid a massive sanitation and health risk. Mr. President, as a government ministry and, more so, as the Ministry of Tobago Development, we could not stand idly by and do nothing to assist the people of Tobago in their time of critical need; it is against the very essence of who we are and what the People’s Partnership Government represents. [Desk thumping]

Mr. President, the Prime Minister invited the Chief Secretary to tour the island with her—

Sen. Panday: Respect! That is respect!

Hon. V. Alleyne-Toppin: —in order to organize a campaign effort; a relief effort that was concerted with the central government and the Tobago House of Assembly. The Chief Secretary was contacted through his chief administrator and he refused, he declined, he said he had other plans for the day.

Hon. Senators: Ohooo! Shame! Shame!

Sen. George: Other pressing matters! I see.

Hon. Senators: No respect! [Crosstalk]

Hon. V. Alleyne-Toppin: In answer to the question, Mr. President:

(i) No persons were “employed”, however, 486 persons were mobilized and contracted on a short term basis in several communities located in the north/north-east of Tobago to undertake emergency relief work. These communities included: Mount St. George, Bell Garden, Argyle, Roxborough, Delaford, Louis D’or, Charlotteville, Speyside, L’Aanse Fourmi, Bloody Bay, Parlatuvier, Castara and Moriah. Persons were mobilized
from their own communities by the staff of the Ministry of Tobago Development. They successfully worked in teams over the period November 02, 2010 to January 10, 2011 on relief projects which included the removal of debris and silt from homes and the construction of retaining walls and drains.

(ii) Since there were no employees, it is my respectful view that the question does not apply.

(iii) Contracted community persons were paid a sum calculated on a daily basis at $184 for executing work at the level of a labourer; $213 for work executed at the level of a checker; and $213 for that at the level of a foreman. As at the end of May 2011, all monies for work executed by the contracted community persons were paid.

(iv) Twenty-six contracted persons from the Mount St. George community were paid in full by the Community-based Environmental Protection and Enhancement Programme. The Mount St. George community was not as hard hit as the others and contracted persons were, therefore, not required to execute works over extended hours.

Mr. President, the Community-based Environmental Protection and Enhancement Programme has now found a home in Tobago in anticipation of this kind of relief effort that will be needed; in anticipation of the need to protect the environment of Tobago. [Desk thumping] I should say I am talking about CEPEP.

(v) Relief and related activities which were executed over extended hours during the period November 02, 2010 to January 10, 2011 were funded by the Ministry of Tobago Development under the following vote:

Head 59: Ministry of Tobago Development
Sub Head 02: Goods and Services
Item 001: General Administration
Sub Item 28: Other Contracted Services.

Mr. President, those activities which were executed during standard hours were funded through the Community-based Environmental Protection and Enhancement Programme Company Limited.
Mr. President, I would like to take this opportunity to place on public record my appreciation and heartfelt thanks to all those women and men who gave of their time and energy to ensure that those adversely affected by tropical storm Tomas were assisted in their time of need. I also express appreciation to my colleagues in various ministries including the Ministry of the People and Social Development and the Ministry of Housing and the Environment. I must also express my thanks to the staff of my own ministry, the Ministry of Tobago Development. It is through all of them and their sense of humanity that many were spared the full brunt of Tomas’ devastation. Mr. President, I thank you.

[Desk thumping]

**Sen. Cudjoe:** Thank you, Mr. President, supplemental question, please. If I am not mistaken, you indicated that 400 persons were contracted, because you said they were not employed, they were contracted and, is it correct you said by May 24, 2011, 200-something were paid?

**Hon. V. Alleyne-Toppin:** I would move more slowly. Mr. President, 486 persons were contracted by May, what? [Interuption] May 24? [Interuption] Everybody was paid by May 24.

**Sen. Cudjoe:** Further supplemental, please. You said they were not employed, they were contracted. What is the difference? Can you give clarification, please?

**Sen. Panday:** “You better ask Orville London that one, yuh know.” [Interruptiion and laughter] This is not PNM; they are not hiding anything. [Crosstalk]

**Hon. V. Alleyne-Toppin:** The question said “How many persons were employed” and the answer is saying that I cannot use that term “employed” to mean “contracted persons”. The term “employment” might connote a whole permanent employment and a programme that says you have so much leave, you have so much vacation. That is how you deal with an employee separate from contracted. [Crosstalk] So every question had—[Interruptiion]—No, I am quite capable of answering the question. [Crosstalk] Every question, every part of the question had a different way of describing the people who worked so I answered accordingly. [Desk thumping] One part said “employed”. [Crosstalk and desk thumping]

**Caribbean Airlines Limited**  
(Acquisition of Air Jamaica)

84. **Sen. Shamfa Cudjoe** asked the hon. Minister of Works and Transport:

Would the Minister inform the Senate:
Oral Answers to Questions

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(i) if Air Jamaica has been formally acquired by Caribbean Airlines (CAL);
(ii) if the answer to (i) is in the affirmative, what was the revenue earned by Air Jamaica since Caribbean Airlines assumed management of Air Jamaica to the end of April, 2011;
(iii) how does that revenue compare with revenue earned during the same period in the preceding year when the airline was operated by Air Jamaica;
(iv) what was the expenditure incurred by Caribbean Airlines on the Air Jamaica operations from the date CAL assumed management of Air Jamaica to the end of April 2011; and
(v) how do the expenditure figures compare with those of Air Jamaica over the same period of the preceding year?

The Minister of State in the Ministry of Works and Transport (Hon. Stacy Roopnarine): Thank you, Mr. President, for the opportunity to respond to question No. 84 which reads:

―Would the Minister inform the Senate:
(i) if Air Jamaica has been formally acquired by Caribbean Airlines (CAL);‖

The answer to part (i) is no, Air Jamaica has not been formally acquired by Caribbean Airlines, and in light of the response to part (i) of the question, parts (ii), (iii), (iv) and (v) are not applicable. [Desk thumping]

Mr. President: Any supplemental?

Sen. Cudjoe: No.

Mr. President: I will go to Sen. Beckles-Robinson then.

Government’s Land Use Policy

71. Sen. Pennelope Beckles-Robinson asked the hon. Minister of Food Production, Land and Marine Affairs:

Could the Minister state the Government’s Land Use Policy?

The Minister of Food Production, Land and Marine Affairs (Hon. Vasant Bharath): Thank you, Mr. President. The agency properly charged with the responsibility for the preparation and operationalization of a land use policy in
Trinidad and Tobago is the Town and Country Planning Division, which acts on behalf of the Minister responsible for town and country planning, currently the Minister of Planning, Economic and Social Restructuring and Gender Affairs.

This agency prepared a National Physical Development Plan in 1984 to guide this country’s development. This plan which is available for viewing at the Town and Country Planning Division was based on the following priorities:

(i) that protection of critical areas for soil and water conservation be protected from any other area and should remain under natural cover as active conservation areas;

(ii) agricultural lands with a high capability for production should be allowed for agricultural uses;

(iii) areas suitable for the development of recreational resort complexes were identified. These areas act as a bridge between built and agricultural development as the term “resort use” indicates a mixed pattern of conservation, built, agricultural and recreational development in an area of high amenity value;

(iv) lands already committed to built development were allocated to built uses. However, new lands for built development was based upon capabilities; and

(v) the remaining lands were classified into two groups on the basis of agricultural value. Lands suitable for pasturage, tree crops and silviculture were identified for these uses. The residue of land was allocated to remain under natural cover only where no alternative use seemed feasible in the plan period.

Mr. President, a second national physical development plan is now being prepared, and will take into account Government’s strategic direction and translate these into a spatial document which will identify lands for conservation, lands for agriculture and growth poles for urban and regional expansion. We anticipate a completion date of one year since a consultation commitment is part of the strategy for preparation of policy and plans. This will also have a 20-year time frame as did the 1984 plan.

Notwithstanding the strategic long-term national plan, several local areas and regional plans have been prepared over the years which have been translated into the mapped land use policy which the Town and Country Planning Division uses to guide development of the country. This process will continue. Again, this will
be done in consultation not only with the general public and local stakeholders, but with other Ministries of Government as well.

Mr. President, the Ministry of Food Production, Land and Marine Affairs is currently in consultation with the Town and Country Planning Division to develop a more robust agricultural policy to ensure that the millennium goals of food security and poverty eradication will be achieved. This will be one of the strategic long-term goals for development reflected in the National Physical Development Plan (2012). I thank you, Mr. President.

Mr. President: Supplemental?

Sen. Beckles-Robinson: Thank you kindly. Mr. President, can I enquire of the hon. Minister whether his ministry has a time frame for the completion of that agricultural policy plan to which he just referred, for which consultations are taking place between his ministry and the Ministry of Planning, Economic and Social Restructuring and Gender Affairs?

Sen. The Hon. V. Bharath: Mr. President, I referred to the fact earlier on in the answer that the completion date is one year henceforth. [Interruption] Yes, the entire plan, yes.

Sen. Beckles-Robinson: Thank you very much.

Sen. The Hon. V. Bharath: You are welcome.

Roxborough and Old Grange Police Stations
(Details of)

85. Sen. Shamfa Cudjoe asked the hon. Minister of National Security:

Could the Minister provide the Senate with details on:

(i) whether there has been any progress made with regard to the Government’s decision on the construction of the Roxborough Police Station and the refurbishment of the Old Grange Police Station in Tobago;

(ii) the Government’s plans with respect to the construction and renovation of police stations in Tobago?

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Thank you, Mr. President. Mr. President and hon. Senators are advised that both the Roxborough and Old Grange Police Stations were among 19 stations that were earmarked for construction under the UDeCott Reconstruction Building
Programme. With the change in government in May 2010, a review of this programme was undertaken by UDeCott which requested that the Trinidad and Tobago Police Service undertake a final review of the programme taking into consideration any changed circumstances with a view to determining whether the programme would remain as currently developed.

Accordingly, the Trinidad and Tobago Police Service is reviewing the service requirements for both stations to ensure that the proposed facilities are fit for the purpose, that is, that they provide officers with the requisite physical environment to effectively undertake these duties within the context of the new 21st Century policing initiative.

This exercise is almost complete and final recommendations are expected to be submitted to the Minister of National Security shortly. Once these proposals are agreed upon, construction of the stations which is estimated to take approximately 12 months each should commence.

With respect to part (ii), apart from those two stations there is no other planned construction of police facilities in Tobago, however, the Trinidad and Tobago Police Service will continue to maintain the existing police stations in Charlotteville, Moriah, Scarborough and Crown Point through its ongoing facilities management programme. It should be noted, that major refurbishment works are expected to be completed at the Scarborough Police Station later this year. [Desk thumping]

Mr. President: Supplemental?

Sen. Cudjoe: Supplemental. Hon. Minister, the last time you gave the answer to this question when Sen. Dr. Wheeler asked it, you said that the decision would have been ready in May and, today, I recognize when you gave the answer you said the decision will be ready soon. Can you tell me how soon is soon, please?

2.05 p.m.

Sen. The Hon. Brig. J. Sandy: Mr. President, let me elaborate on that. Yesterday there was a meeting with the Minister of Housing and the Environment, the Chairman of UDeCott and her team, the Commissioner of Police and his team and the Ministry of National Security and our team. Apart from the recommendations that were made yesterday, we expect to get them officially in the not too distant future.
ANTI-TERRORISM (AMDT.) BILL

Order for second reading read.

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Mr. President, I beg to move,

That a Bill to amend the Anti-Terrorism Act, Chap. 12:01, be now read a second time.

As you may be aware, the Anti-Terrorism Act was first introduced in 2005. The Act criminalizes terrorism and provides for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists assets.

In January 2010, the Anti-Terrorism Act was amended to provide for the criminalization of the financing of terrorism and for related matters. It is timely that a Bill of this nature, which addresses terrorism and its financing, is now before this honourable Senate, given the recent death of notorious terrorist and religious extremist Osama bin Laden.

The news of bin Laden’s death resounded throughout the global community on May 01, 2011. It was a harsh reminder of the infamous day of September 11, 2001. The scourge of destruction, the pain that was experienced and the death of innocent men, women and children will not be soon forgotten by the world. As I am sure you are aware, we in Trinidad and Tobago suffered loss of Trinidadians as well in that situation. These events are a chilling reminder that governments are mandated to protect the people that they serve, from such pain and horror and to take action against any entity or person who encourages terrorism in any form or fashion.

As a former leader in the military and now a prime contact to the Caribbean Action Task Force (CFATF), I am ever cognizant of my responsibility for implementing safeguards to protect our country against terrorism. This is a responsibility that the Government of Trinidad and Tobago and, in particular, your Minister of National Security takes very seriously.

Mr. President, the Bill which is before this honourable Senate today represents a measure to safeguard our country against terrorism, and brings Trinidad and Tobago into further compliance with international standards on the
financing of terrorism. Only four weeks ago, I had the opportunity to make that case for Trinidad and Tobago in Honduras, before the committee of CFATF. I use the term “further compliance with international standards”, because today Trinidad and Tobago can boast of being a party to 12 conventions which address the increasing phenomenon of terrorism. These 12 international conventions are:

I. the 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft, assented to in February 1972;

II. the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, ratified in January, 1972;

III. the 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, assented to in February 1972;

IV. the 1973 Convention on the Prevention of Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, assented to in June 1979;

V. the 1979 International Convention Against the Taking of Hostages, assented to in April 1981;

VI. the 1980 Convention on the Physical Protection of Nuclear Material, assented to in April 2001;

VII. the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, assented to in April 2001;


IX. the 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on any Continental Shelf, assented to in July 1989;

X. the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection, assented to in April 2001;

XI. the 1997 International Convention for the Suppression of Terrorist Bombing, assented to in April 2001;

Our ratification or accession to these conventions highlights Trinidad and Tobago’s commitment to the global anti-terrorism effort; however, in spite of the global response to terrorism during the period 1963—1999, the events of 9/11 brought to the fore the continuing need for the global community to do more to protect the world against the horrors of terrorism and its financing.

Hon. Senators, the Financial Action Task Force’s nine Special Recommendations on the Financing of Terrorism, is indicative of this global response. Eight of these recommendations were adopted by the FATF in 2001, and the ninth in October 2004. You would recall that FATF is the international body which establishes the global standards and measures to be taken by countries to combat money laundering and the financing of terrorism.

Trinidad and Tobago, through its membership in CFATF, is required to implement the FATF 40+9 recommendations. In assessing Trinidad and Tobago’s anti-money laundering and combating the financing of terrorism (AMLCFT) compliance, the FATF identified three strategic AMLCFT deficiencies which they encouraged us to rectify expeditiously. These deficiencies are:

1. implementing adequate procedures to identify and freeze terrorist assets without delay; Special Recommendation III;
2. implementing adequate procedures for the confiscation of funds related to money laundering; Recommendation III; and
3. establishing a full operational and effectively functioning financial intelligence unit, including supervisory powers; Recommendation XXVI.

Since then, this Government has adopted an aggressive and rigorous plan of action to address these deficiencies. It is for this reason that in February 2011, the FIU regulations were laid in Parliament. These regulations instituted mechanisms to ensure that the FIU could effectively fulfil its mandate under the FIU Act and, in particular, give the FIU the legislative teeth to regulate listed businesses as identified in the Proceeds of Crime Act, POCA.

Hon. Senators may recall that this Government came to this very Parliament in April of this year to amend the FIU Act. This was necessary to allow the FIU to exercise its supervisory powers over non-regulated financial institutions and listed businesses. In addition, mere weeks ago, we secured passage of the Bill making trafficking in persons a criminal offence. The heartless monsters who engage in the trafficking of persons, including the trafficking of children, do so at the
expense of the moral fibre of our society. Their aim is to amass wealth through these illegal means. Consequently, by making this offence indicable, this Government is making trafficking in persons a predicate offence to money laundering, thereby sending an unambiguous signal that there would be zero tolerance for money laundering in any of its manifestations.

Pursuant to this Government’s plan of action, the objective of the Bill before you today is to implement measures to identify and freeze terrorist assets without delay, to meet Special Recommendation III of the FATF. Special Recommendation III requires jurisdictions to implement laws and procedures to freeze terrorist assets in accordance with United Nations Security Council Resolutions 1267 and 1373. Resolution 1267 establishes a regime to sanction individuals and entities associated with Al-Qaeda, Osama bin Laden and/or the Taliban wherever located. Through this resolution, the Security Council urges states to freeze without delay the property, funds and other financial assets or economic resources owned or controlled, directly or indirectly, by terrorist entities.

In addition to reinforcing the sanctions under Resolution 1267, Resolution 1373 urges jurisdictions to prohibit their nationals from financing terrorism. It further calls upon states to implement measures to freeze the assets of persons who commit, attempt to commit, participate in or facilitate the commission of terrorist acts.

This Bill will bring domestic legislative framework into accord with Special Recommendation III of the FATF. Please permit me, therefore, Mr. President and hon. Senators, to address you on the salient aspects of this amendment Bill.

Clause 1 of the Bill sets out the short title and reads:

“This Act may be cited as the Anti-Terrorism (Amdt.) Act 2011.”

At clause 3, section 2 of the Anti-Terrorism Act is amended by deleting the existing definition of term “financial institution” and replacing it with the definition of the “financial institution” provided in the Proceeds of Crime Act. The effect of this amendment is to widen the scope of financial institutions which will now be subjected to the provisions of the Anti-Terrorism Act.

Clause 4 is a pivotal amendment, geared towards rectifying the deficiencies in the asset freezing mechanism established by the Anti-Terrorism (Amdt.) Act, 2010. This clause inserts sections 22AA and AB. Section 22AA defines the term “designated entities” as individuals or entities and their associates, designated as “terrorist entities” by the Security Council of the United Nations. This section
also identifies the functions of the FIU in relation to the listing procedure under section 22B of the Anti-Terrorism Act, as amended. In particular, the FIU would be required to maintain and circulate an updated list of designated entities to financial institutions and listed businesses.

In this regard, this is an opportune moment to indicate that in the other place an insertion of a new provision was made at clause 4. This insertion specifies the procedure that must be adopted by financial institutions or listed business when they receive the list of designated entities or the consolidated list.

2.20 p.m.

Clause 4 proposes the insertion of section 22AB, which would mandate financial institutions and listed businesses to make reports immediately to the FIU, where they know or have reasonable grounds to suspect that the designated entity has funds in Trinidad and Tobago.

This amendment intends to introduce a system whereby financial institutions or listed businesses, shall immediately inform the FIU if any person or entity named in either list has funds within their organization. If the financial institution of listed businesses has reasonable grounds to believe that a person or entity named on either list has funds in Trinidad and Tobago, they shall inform the FIU immediately. In such circumstances, the financial institution or listed business is precluded from entering into such transaction without the prior approval of the FIU.

In the other place, Mr. President, clause 4 was also amended by mandating that where a person or entity named on the list attempts to enter into a transaction or continue a business relationship, the financial institution or listed business shall submit a suspicious activity report to the FIU immediately, and shall not enter or continue a business transaction or business relationship with such a person or entity.

Clause 5 of the Bill, Mr. President, proposes a critical amendment to section 22B of the Anti-Terrorism Act as amended. Section 22B empowers the court in certain circumstances to make an order declaring an entity to be a listed entity, and freezing the funds of that listed entity. The amendment at clause 5 of this Bill provides that where an order is served on a financial institution or a listed business pursuant to section 22B, action shall be taken immediately to restrict the availability of funds subject to the order in accordance with the terms of that order.
Clause 6, Mr. President, addresses record-keeping requirements developing and implementing a written compliance programme and monitoring compliance with regulations by a financial institution and listed business.

Clause 8 of the Bill amends section 41 of the Act to empower the Minister to whom responsibility of the FIU is assigned to make regulations under the Anti-Terrorism Act. Most notably, these regulations allow the Minister to prescribe the type of records and the period for which these records should be kept by financial institutions and listed businesses. It also allows the Minister to prescribe the measures that may be taken by a supervisory authority to secure compliance with the Anti-Terrorism Act. These regulations will be subject to a negative resolution of Parliament.

Most notably, Mr. President, in recognition of the serious implications of being designated a listed entity under the legislation clause 8 empowers the Minister with responsibility for the FIU to make regulations. These regulations will prescribe the measures which a financial institution or listed business shall implement to ascertain the identity of persons with whom they are dealing. In addition, the Minister will be empowered to make regulations to address circumstances in which there is insufficient data to identify the applicant or business.

Clause 9 of the Bill, Mr. President, proposes the insertion of section 42(1). This insertion prescribes the penalty for breaches of certain provisions in the Anti-Terrorism Act. Accordingly, in recognition of the seriousness of the offences under section 22AB and 22C(1), (2) and (3) it is proposed that financial institutions and listed businesses are liable on summary conviction to a fine of $500,000 and to imprisonment for two years, and on conviction on indictment, a fine of $2 million and imprisonment for seven years. Further, a financial institution or listed business that fails to comply with the regulations made under section 41, is liable on summary conviction to a fine of $500,000 and to imprisonment for two years.

2.25 p.m.

Mr. President, terrorist groups as Al-Qaida, the Taliban and affiliated groups have ready access to funding from various sources. These sources include States which support terrorist activity, the proceeds from the illicit drug trade and deep-pocket donors sympathetic to terrorist causes. Collectively, these sources provide terrorist organizations with hundreds of billions of dollars per year to execute deadly threats around the world. For example, in 2006 the United States
Department of Treasury assigned nine persons and two entities in Paraguay to the Treasury list of terrorist and terrorist financiers which is akin to the proposed consolidated list.

This action by the United States stifled a major fund-raising channel for Hezbollah operating in the tri-border area of Argentina, Brazil and Paraguay. One of the designated persons on the list is Ali Mohammed Gazan, who helped raise more than $500,000 for Hezbollah from Lebanese businessmen in the tri-border region.

Mr. President, I further ask this honourable Senate to consider the events of October 25, 2009, where in Baghdad, Iraqi bombs were detonated in two vehicles near government buildings where approximately 160 persons were killed, 20 of whom were children and 540 injured. Should we not, against this horrific backdrop, introduce necessary strategies and measures to insulate our beloved nation against these atrocities?

Mr. President, last week in this honourable Senate my learned friend, Sen. Hinds, in his contribution, told us that we ought not to be pleased that at present compared to last year, as far as homicides are concerned, there are 50 or so less homicides in Trinidad and Tobago, or words to that effect. He went on further, much to my dismay, my disappointment, to indicate words to the effect that all it would take is a young man with an AK47 to go down to the Brian Lara Promenade and take care of another 50 or so and that would bring it back to normal. I was disheartened to hear the hon. Senator say that, which is reminiscent of a terrorist, who, in 1990 went on national television and said “doh loot”.

Hon. Senator: True!

Sen. The Hon. Brig. J. Sandy: I sincerely hope that my learned friend, he is not here now, that that was not—

Sen. Al-Rawi: Mr. President, on a point of order, but far be it for me to do this to a man whom I respect so sincerely as Brig. Sandy. May I first enquire; did he say that Sen. Fitzgerald Hinds reminded him of an atrocious statement which caused consequences which are imputing improper motives? [Interruption] Because I would not want to think that my learned senior Brig. Sandy would have said that, if I could just enquire first of all?

Mr. President: If I may, Senator. What I understood, I did not think that he imputed improper motives, let us start there. He did align a statement made by Sen. Hinds with a statement made in 1990 and said they were similar in effect. If,
Senator, and I do not think he went on—but we could check the record—to suggest that Sen. Hinds was a terrorist or imputed those sort of motives to Sen. Hinds, and therefore he fell short, I thought, of imputing motives. He did draw parallels between the statements and I think that was fair comment.

**Sen. Al-Rawi:** I thank you for the clarification and I am sorry to interrupt my learned friend Sen. Brig. Sandy, but I must jealously guard the reputations of everyone in this Senate, Mr. President. [Desk thumping]

**Sen. Panday:** “Doh do us no favour”! “Don’t do us any favour”!

**Sen. The Hon. Brig. J. Sandy:** Thank you very kindly, Mr. President, for understanding exactly what I said. [Desk thumping]

And, Mr. President, might I add, that the high esteem with which I hold every Senator of this honourable Senate [Desk thumping] the thought would not occur, much more to be entertained—

**Sen. Panday:** “Aaah.” [Desk thumping]

**Sen. The Hon. Brig. J. Sandy:**—to refer to any of us as a terrorist. It just would not occur. But I must admit that I was disheartened at the pronouncement of my dear friend, Sen. Hinds.

**Sen. Panday:** And similarity of the statements.

**Sen. The Hon. Brig. J. Sandy:** But in my heart I do not think that that was his intention, but I merely draw the parallel as to what existed in 1990.

Mr. President, the use of a consolidated list is but one strategy to hinder terrorist groups and organizations from receiving funding to carry out their frightful acts. I can continue all day calling inexhaustible lists of names and listed entities that fund terrorist organizations but the conclusion will still be the same. Trinidad and Tobago must join with the international community in addressing this scourge of terrorism in all its manifestations.

Mr. President, in pursuit of that partnership, with not only our Caribbean colleagues, but international colleagues as well, two weeks ago, Cabinet agreed to accept offers extended by the Director of the Department of Public Security of the Organization of American States, (OAS), to the Government of Trinidad and Tobago through the Ministry of National Security, and these include:

1. an offer to provide equipment and software to facilitate the development and execution of a National Public Security Observatory on Crime and Violence in the Caribbean; and
2. an offer to provide one dot peen pin marking machine to assist in the proper identification of firearms and to improve the exchange of information and experiences in the context of combating illegal criminal activities utilizing firearms.

This is in collaboration as well, Mr. President, with the United Nations Office on Drugs and Crime.

Cabinet also authorized the Minister of National Security to enter into an agreement with the General Secretariat of the OAS for the execution of both projects in the interest of complementary crime-fighting mechanisms in the region. The offer is also extended to other countries in the Caribbean like Jamaica, Belize, Grenada, Antigua and Barbuda and St. Kitts.

Mr. President, terrorist financing is the bloodline of terrorism in any jurisdiction and in order to counteract or diminish and finally eradicate terrorist activity, it is necessary to sever the arteries that pump life into the heart of the terrorist organizations. The establishment of sanctions and the implementation of the preventative measures outlined in this Bill are indicative of this Government’s commitment to further comply with the FATF recommendations. These amendments provide proof of our willingness as a Government to move toward global compliance and to build a culture of international cooperation in the fight against terrorism and terrorist financing.

Mr. President, when we attempt to engage practices to curtail and diminish crime in Trinidad and Tobago, it is all of us. We are in this together. If this Government were to be successful in doing so and our colleagues on the other side, as they sometimes say, “We started this and we started it”—I have absolutely no problem with that. I am a Trinidadian and a Tobagonian, I am a patriot and I want what is best for Trinidad and Tobago. [Desk thumping] Might I add, Mr. President, if tomorrow by some miracle or at the end of this year, our serious crimes have dropped drastically, John Sandy would not accept any praise for that. As far as I am concerned, all the praise, all the honour and all the glory go to almighty God. [Desk thumping] I invite my colleagues to understand that.

So, Mr. President, having regard to the foregoing submissions, I commend the Anti-Terrorism (Amdt.) Bill, 2011 to this honourable Senate and most respectfully beg to move.

*Question proposed.*
Sen. Faris Al-Rawi: Thank you, Mr. President for allowing me this opportunity to contribute to a very important debate for the citizens of Trinidad and Tobago.

Mr. President, we are here to discuss the first amendment, sorry, the second amendment to the Anti-Terrorism Act. As the hon. Brig. John Sandy, Minister of National Security properly told us, the Anti-Terrorism Act was laid in 2005. In 2010 we had the amendment to that Act and the marriage of those two pieces of legislation as they became was, firstly, to criminalize terrorism itself in 2005 in a general sense and then, secondly, in 2010 to introduce, in particular, the provisions as they relate to the financing of terrorism. In a broad sense therefore, Trinidad and Tobago took a proper step towards dealing with the holistic issue of terrorism.

Mr. President, terrorism in and of itself is quite a difficult concept to grasp. Indeed, its origins are as old as mankind itself. It was perhaps born in its modern sense in the birth of nihilism hence the word annihilation, starting in the Tzarist Bolshevik Revolutions in Russia, leading to the death in 1881 of Peter Tzar of Russia, and then seeing the birth in particular of the Bolshevik Revolution, Marxism and different forms of expression, in fact, referred to by many philosophers including persons such as Locke, in particular, whose theory was ascribed as an aid to use of radical movements in support of what was then portrayed to be a proletariat position against the bourgeoisie.

Coming out of that, Mr. President, we saw a development of groups who called in aid radical mechanisms to promote their causes. In the modern world and rooted to the Bill that we are dealing with today, we are seeking in particular to deal with United Nations Resolutions from the Orders in Council as they arose there, and I think the numbers are 1267 and 1373, and they relate in particular to dealing with assets for designated entities as it is defined under this particular Bill and as it is rooted to description by the Security Council of the United Nations. They seek to deal in summary with assets of Osama Bin Laden, and in particular of al-Qaida, which in Arabic means “the base”. They are considering it the base of all operations. That is intended to deal with as the hon. Brig. Sandy has told us, a strangle of the lifeblood to terrorism, and that is in particular financing.

2.40 p.m.

My commentary in relation to this Bill—because I have had considerable thought over its range and orientation and intended effect—my commentary is confined I would think to four areas. The first is as it relates to policy considerations which drive this Bill’s creation. Secondly, as it relates to elements of the legislation itself
as the Bill proposes. Thirdly, as it relates, Mr. President, to the issue of operationalization of the legislation; and fourthly, as it relates to intended measures to improve the war against terrorism.

Mr. President, I wish to state at the outset that my name is Faris Husam Salman Hussein Al-Rawi. [Desk thumping] I am a son of Iraq and a son of Trinidad and Tobago. I have been blessed to be multilingual as I speak several languages; I speak Arabic and I speak English, and I have a very first-hand experience as to what it is to be an Arab in today’s world. When I travel, Mr. President, the “random inspections” as it relates to people who have my surname and who look like me, essentially result in four or five hours of secondary inspection in any airport, every time, and that is because of a consequence known as racial profiling. Terrorism, as it is now marketed as an evil of society, is something that has a very interesting effect on those who look like me and who come from the place that I come from. And that is, it has attached to it a derogation of established human and fundamental rights. So whilst it is that we are eager to ensure that terrorist activity does not take place, it is ever incumbent upon us to pay attention to the effects of an overzealous approach towards protection particularly when we contemplate, Mr. President, that the policy articulated by my learned senior Brig. John Sandy, roots itself into international policy.

Sen. The Hon. Brig. Sandy has told us this afternoon, the Hon. Minister of National Security, that the main concern driving this is indeed to look at FATF, the Financial Action Task Force, 40 + 9 recommendations, in particular the aspects of it which require immediacy in action and Trinidad and Tobago’s serious intention to be seen to be doing the right thing in the international context. I think the hon. Brig. Sandy would agree with me if I were to say that, in the local context albeit that he had not articulated it, Trinidad and Tobago is what we call a soft target. Trinidad and Tobago is a developing democracy which is gas rich and oil rich and, Mr. President, in fact our contribution in terms of energy to the United States of America in particular, historically, has ranged between 80 per cent down to 75 and now perhaps 60 per cent, because we found other markets of supply of natural gas in particular to the United States of America.

Sen. Panday: Forty per cent.

Sen. F. Al-Rawi: It may well be 40 per cent now because of spot trading and more lucrative markets in different fields. But the point is that we are a country
which is rich in resources and short on protection. I will come to that point as it relates to operationalization being my third point. But, Mr. President, in being a soft target the policy prescriptions which we must look at must not only be international in their perspective, but they must also be local in their perspective.

Mr. President, with that in mind I recall and perhaps I will share now, driving across the Iraqi border to Jordan. I think it was in 1993 in the no fly zone, as I would travel every year to visit my family in Iraq. I recall that incredible experience of 23 Tomahawk missiles flying overhead whilst we drove. The car was shaking, the sand was blowing, all traffic had to come to a stop and the United States of America had launched an attack on what we call in Arabic the Mukhabarat which is the Central Intelligence Headquarters in Baghdad.

2.45 p.m.

When I got to Baghdad they had hit 22 missiles at the Mukhabarat, and they had hit one missile at a hotel, and another missile into a residential area in downtown Baghdad. Actually it bombed the house of a lady known as Laila Al-Attar, who was reputed to be very close to Saddam Hussein in those days. My father took me to see the crater of that missile. It was 200 feet deep, by 200 feet wide.

**Sen. Baptiste-Cornelis:** You measured it?

**Sen. F. Al-Rawi:** And I recall by estimation—I am sorry that the hon. Minister of Health seeks to trivialize the fact, and is asking me if I measured it. No, I did not measure it, but I was appalled by the tragedy which it unleashed, because I saw a man standing there who lost every single member of his family, in a nuclear sense, and in an extended sense; he had lost 14 members of his family that day with one missile. I had seen a car engine folded flat like a shiny piece of metal blown nearly 200 feet away.

So, Mr. President, that was to give you a real example of what a local context of terror can look like, and then to anchor it back to the experiences right here in Port of Spain on Frederick Street, when recalcitrant individuals in this society—

**Sen. Panday:** “Mr. Big”!

**Sen. F. Al-Rawi:**—took to bombings on Frederick Street which caused harm, and loss, and tragedy, to our own citizens. That is also exacerbated by the after-effects of treatment to members in the Islamic community after the 1990 insurrection. In fact, we are hearing details of that come again in the recent enquiry into the coup. So Trinidad and Tobago has a very real local perspective as to what terror can look like.
That in context, the question is what do we do from a policy perspective, knowing that it is very well capable that we can overreact, and that it is incumbent in particular upon the legislators here to wear the veil of ignorance that we study as lawyers in looking at concepts of justice to ensure that we take no further a step than we need to take. On that point I wish to deal with the first issue of policy, which I think we must look at as a Senate, and that is we should not so much look at the balancing of rights as we should look at the proportionality or the necessity for the amendments.

In looking at the research which presented itself as material for this debate, I came across in particular several pieces of work, some of which I wish to commend, in fact, to those whose responsibility it is for drafting amendments through the hon. Minister of National Security, and you, Mr. President.

There was a seminal piece of work called “Retreat from Due Process” and that is in the New Law Journal, and the date of it is January 20, 2006.

Secondly, there is a very interesting article by Christopher Michaelsen called “Proportionality Principle Counter-terrorism Laws and Human Rights” and it is a comparison between the German and Australian laws of anti-terrorism. The third is called the “Unbalanced Imagery of Anti-terrorism Policy”, and that is by Stuart Macdonald; and the fourth is “Striking the Right Balance” by Agnes Calamard; and the fifth is, “A Review by Harvard” in its Harvard Law Journal.

There is also an excellent textbook called Civil Liberties and Human Rights by Richard Stone, and that is the Eighth Edition, and it is a publication by Oxford. At chapter 6 of that particular book, permit me to quote the following introduction, under the chapter “Terrorism and human rights”:

“One of the major challenges for modern democracies is posed by terrorism. The threats raised by terrorist activity are very real, but also very difficult to deal with in a proportionate manner. The temptation for governments, wishing to reassure their population that steps are being taken to minimize the threat from an enemy that uses unpredictable means to strike directly at civilian targets, is to take measures which significantly restrict civil liberties and human rights. This is often expressed in terms of balance. We must balance our freedoms against need for security. The analogy is unhelpful. It suggests that governments are entitled simply to reduce human rights if it will lead to a more secure society. Freedom and security are regarded as being of equal value, with one being able to be traded off against the other. This is not acceptable in a society which aspires to democracy, and
the human rights principles which underpin that concept. Rather than ‘balance’, the concept that should be used is one of necessity. The question that should be asked is, given the nature of the threats, what are the minimum steps which are necessary to respond to them. Individual freedom should only be restricted when there is a real and pressing need to do so, not simply when it might be regarded as helpful to the police and security services. Lord Hoffmann in A v Secretary of State for Home Department [2004] UKHL 56,…considering the exceptional powers of detention without trial which were being challenged in that case, expressed the view…

‘the real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these. That is the true measure of what terrorism may achieve. It is for Parliament to decide whether to give the terrorists such a victory’.”

Mr. President, I have chosen, with your permission, to read that excerpt because it drives to the heart of the Bill before us. We are being told by the Government, that it is necessary and critical for us to place the amendments contained in this Bill into the laws of Trinidad and Tobago, but, most respectfully, we have not been told why. We have not been given any statement of fact as it relates to a review of, in particular, the FIU, it having been introduced in 2009 and work having been undertaken in that unit since then. We have not been told why—from a Trinidad and Tobago perspective—we need to amend the laws in the manner that is being suggested now.

Secondly, we have also not been told why we have not been given a review of the performance and undertakings realized in the Proceeds of Crime Act—again, another 2009 legislation inception—nor have we been told of any of the statistics arising relative to the work done by, what was then under the Special Anti-Crime Unit of Trinidad and Tobago in managing the anti-terrorism legislation as it has existed on the books of Trinidad and Tobago laws since 2005.

Now, Mr. President, lest I am accused of being insincere, I wish to take you to the debate in the House of Representatives on February 18, 2005. In particular, I wish to take you to the contributions of the hon. Kamla Persad-Bissessar, the Member for Siparia, then sitting in Opposition. The hon. Prime Minister, as she is now, gave very close attention to the need to particulars and facts in debating legislation and, in particular, the anti-terrorism legislation. This is what the hon. Member had to say, and I read from page 218:
“Mr. Speaker, thank you for allowing me to join this debate. I went through the Hansard and the only thing that the Member did read was the clauses of the Bill with no comments, no elucidations and no explanations about anything within that Bill. With due respect, the Member was very prepared to tell us on this side who is a bad lawyer and who is a good lawyer. We did not need him to read the Bill for us, because every Member of the House had the Bill and members of the public did not have it. What we wanted were his comments.”

She continues:

“…I would like to look at some of those clauses.

The Member said that this Bill was brought here because of international terrorism, and he gave examples of international terrorism,”—much as the hon. Brig. Sandy did in his presentation—“starting with the events of 9/11 in New York this is exactly what...he ...was saying. This Bill has been a paranoia response with respect to the events of 9/11.”

The hon. Member continues at page 219 to say:

“The Member said that clause 4 makes it an offence if a person ‘directly or indirectly provides or makes available financial or other related services intending that they be used, in whole or in part, for the purpose of committing a terrorist act’. If a person is found guilty under clause 4 the penalty is 20 years.

Mr. Deputy Speaker, I submit that the Government, in providing financial assistance through the Community-based Environmental Protection and Enhancement Programme (CEPEP) to criminal elements within the CEPEP and the Unemployment Relief Programme (URP) to buy guns to terrorize the citizenry, the Government is guilty of an offence under clause 4. Give them 20 years for that.”

The hon. Member continued, Mr. President, to complain that there was no form of particulars provided to the Parliament and that we cannot debate legislation without fact. She then moved to a very important point which is the second point of policy for me and, that is, the issue of the legislation itself being brought in the manner that it is now. This Bill, you will note, does not call in aid a section 13 of the Constitution exception to a perceived derogation of rights under sections 4 and 5 of the Constitution. The hon. Member, Kamla Persad-Bissessar, on February 18, 2005 noted, and I read at page 222:
“Mr. Deputy Speaker, I would like to endorse the Member for Couva North who said it very clearly to this House that this Bill needs a special majority, in terms of the legality of it.”

She then goes on, Mr. President, on several other occasions to deal with, and I quote at page 224, for example, her concerns as they relate to whether any legislation under the anti-terrorism realm should be dealt with by way of an exception provided by section 13 of the Constitution, and she had this to say:

“We should not proceed with this statute at all; we should not go forward in keeping this legislation here, because you are going to get ‘knock out’ when you go to the other place but, finally, you will get ‘knock out’ in the public. There is no way that this legislation must be allowed to stand.”

Now, Mr. President, the hon. Kamal Persad-Bissessar, sitting in Opposition as she did then, was not alone in her observations as to whether the anti-terrorism legislation required a certification of more than just a simple majority of the House. In fact, the hon. Wade Mark in the Senate, the hon. Carolyn Seepersad-Bachan in the Senate, the hon. Subhas Panday sitting in the Lower House then, all called in aid section 13 exception. They all noted with great concern, whether the anti-terrorism laws constituted a derogation under the Constitution.

In fact, the hon. Kamla Persad-Bissessar quoted, on that very day in Parliament, the full provisions of section 53 of our Constitution which allows Parliament to make laws in general, save that, it notes that section 54 must be observed as it relates to any perceived derogation of rights under section 4 of the Constitution. The rights, of course, that I speak about under section 4 of the Constitution as you are well aware, Mr. President, have to do with fundamental entrenched human rights as we call it, and the contributions of all of the Members of the United National Congress revolved around how draconian anti-terrorism legislation was, how unnecessary it was in the context of the manner in which it was being brought. They complained bitterly that there were terrible loopholes in the legislation. But in relation to the constitutionality point, it is very noteworthy to reflect upon the amendments taken in 2010, and in 2010—[Interruption]

Sen. Panday: Hon. Senator, could you give way, please? Are you saying then that the PNM, the government then, which passed Act 26 of 2005, was wrong in passing it without a special majority?

Sen. F. Al-Rawi: Mr. President, I thank my learned senior, Sen. Panday, for his observations, because he has anticipated the very point I was coming to in the
debate of 2010. I was about to—hopefully I will provide the elucidation on that point for my learned colleague—point to the fact that in 2010, the contributions of the hon. Attorney General, Mr. John Jeremie SC then, pointed out that the People’s National Movement in government then, considered that a three-fifths majority was necessary to pass the legislative amendments that were being recommended to implement the provisions to deal with the financing of terrorism.

In fact, the hon. Attorney General then, Mr. Jeremie SC, pointed out that the People’s National Movement took pains to err on the side of caution and, in particular, reflected upon the case of *Horncastle*, which was decided in December 2009, which caused a potential issue for consideration as to whether the constitutionality of a Bill would be affected by not being passed by a three-fifths majority. Mr. President, the Attorney General pointed out—the hon. John Jeremie SC—that it was for that reason of concern as to the need for a three-fifths majority that the recommendation was, and the Bill in 2010 was passed with a three-fifths majority.

Mr. President, I ask you to note on that point, that the Bill was passed in 2010 by—forgive me. The report in the *Hansard* of Tuesday, January 19, 2010 showed: 15 Members of the PNM voted aye in favour of the Bill; nine Members voted yes on the Independent Bench; and the hon. Wade Mark, Dr. Adesh Nanan, Dr. Kernahan, Mr. M. F. Rahman, Mrs. Lyndira Oudit and Dr. Gopaul-Mc Nicol, all abstained. No support for this particular piece of legislation. What concerns me is that we have a Government now sitting in power, which is on the *Hansard* record as beating the legislation to no end, the 2010 amendments which are directly relevant to the Bill—because this Bill proposes, substantially, amendments to the introduction in Part III A of the parent Act, the 2005 Act, as it relates to financing of terrorism, but this “Government” was at pains not to support the legislation. They complained bitterly about the constitutionality of it, they complained bitterly about the involvement of the Attorney General in the legislation, and they complained bitterly that they could not be invited to consider amendments which they thought were unnecessary without facts being presented.

So when I learned that this debate was coming in the Lower House as it did and that it would meet us in this Senate, I took careful note to observe the proceedings in the Lower House and, in particular, the wrap-up of my learned colleague, Sen. Brig. John Sandy, to see whether any of the concerns that they addressed in 2005 and in 2010 would be addressed in the very legislation which they have the ability to amend now. But you know what, Mr. President? Not a single amendment of the type recommended by them as they sat in Opposition is reflected in this Bill, or in any of the contributions in the Lower House.
Mr. President, it is conspicuous to note, in particular, that the amendments in this Bill proposed—and if I may stick a pin in the argument for one moment. I wish to complain bitterly to the Leader of Government Business in this House, that having as much time as he does on his hands with the very capable assistance of those who helped him in bringing legislation onto the table, we must do better than to have Senators trawling through papers to try and connect the dots between the 2005 parent Act, the 2010 amendments and the 2011 amendments. [Desk thumping]

3.05 p.m.

It was a desperate attack on our sensibilities, Mr. President. Because when you are considering the fact, in the context that I have put it, of the need for care and caution, and of not going more than necessity asks you to go in passing amendments on anti-terrorism laws in particular, it can never be apposite to good legislation to have people trying to figure out the context within which the amendments are proposed. We have repeated time and time again that the Government has to come better and follow the example of John Jeremie, in particular, when he was Attorney General, and put at least track-changed documents for us to consider so we can see the legislation in its full context. [Desk thumping]

Mr. President, removing that pin and coming back to the Bill, I ask you to note in particular that clause 4 of the Bill as it relates to section 22AA and 22AB being inserted into the 2010 amendments as they were inserted into the 2005 amendments, they call, in particular, in 22AB(c), for an operation of Executive authority without reference to the Judiciary in the first instance and without reference to the Parliament in the second instance, insofar as financial institutions or listed businesses have to obtain prior approval to continue the transaction or business.

Mr. President, it is well open to a sensible attorney to take the point that this amendment derogates from the right to property, and that amendments of this type are important to be considered in the context of the constitutionality of passing it without a three-fifths majority, as I openly state we should do. You see, it can be argued that section 22AB does interfere with one’s right to property, and this has, in fact, been recognized in recent dicta, and I wish to refer you to the case of Ahmed and others v Her Majesty’s Treasury; al-Ghabra v Her Majesty’s Treasury and R. (Youssef) v Her Majesty’s Treasury. It is a 2010 judgment found at UKSC 2, and the judgment was delivered in the Supreme Court by Lord Phillips, Lord Hope, Lord Rodger, Lord Walker, Lady Hale, Lord Brown and Lord Mance, and that is on January 27, 2010.
Mr. President, in particular, it was recognized in that case—and I should say that that case dealt squarely with terrorism, sanctions, freezing of funds and economic resources, and they dealt with the resolutions to give effect to the Orders in Council of the United Nations, and those are in fact the same 1267 and 1373 that we are dealing with today. It is a case which I strongly recommend to everyone who has the sensibility to trawl through a thick judgment, but in particular, insofar as in that particular case, they struck down statutory instruments passed under the United Nations Act in England which offended the fundamental human rights of persons, but the observation as it related to property is that which I wish to point you to because that is the point.

Mr. President, in dealing with the issue of property, the judgment referred to the fact that freezing of finances constituted an effectual freeze on property.

3.10 p.m.

Secondly, that it was something which reached beyond the person to whom the order related, and they said in particular that it in fact extended to prejudice persons’ families, and that the case in fact brought us—and this deals with freezing of finances as a result of legislation very similar to this—as the court called it face to face with the kind of issue that led to Lord Atkins’ famously powerful protest in the case of *Liversidge v Anderson*. That is a 1941.3 All England Report. In particular, the quotation there recommended was that:

“We are entitled to be proud that even in extreme national emergency”—that was in World War II—“there was one voice—eloquent and courageous—which asserted older, nobler, more enduring values: the right of the individual against the state; the duty to govern in accordance with law; the role of the courts as guarantor of legality and individual right; the priceless gift, subject only to constraints by law established, of individual freedom…”

Mr. President, a lot has been said about the constitutionality of reaching in, to the type of measures which this Bill seeks to secure, and the simple point is that there is ample dicta available to us to reflect upon, which suggests that if we wish this law to stand the scrutiny of our courts, that we must invoke the aid of a three-fifths majority, and I humbly recommend that to the Government in considering this legislation.

It is also important to observe the fact that we are dealing with contributions which affect a recommendation of operationalization. This Bill is a Bill which
interacts with several other pieces of legislation. You will recall that the People’s National Movement, in 2009, brought the FIU legislation onto the table. It brought it in conjunction with the Proceeds of Crime Act and it brought it in particular with regulations which were laid to deal with the management of money laundering issues. But this particular Anti-Terrorism Act, as it was dealt with in 2010, was the fourth piece of legislation brought to the Senate, in fact, first, as being part of a package of legislation.

The Chief Justice is on record in complimenting in his opening speech of the Law Term 2010, the last Attorney General for having done an excellent job in increasing the number of judges on the Bench and also in providing funding and improvements in the criminal justice system, and in considering the holistic approach to the legislation, it is important to remember that this Act does not only concern terrorism by itself, but relies for assistance squarely in the Bill, on the Financial Intelligence Unit.

We heard Sen. The Hon. Brig. Sandy tell us in his policy statement that the FIU regulations are, in essence, effective; that this Government has given legislative teeth; that in April amendments to the FIU were brought and that the Government is to be further complimented for having brought the Trafficking in Persons Bill, et cetera.

What is a very large elephant in this room is that the Attorney General begged us, as a Senate, to pass the amendments in April, under the promise that the amendments to the FIU would come, because he acceded and recognized, under the complaint of the entire Independent Bench and the Opposition Bench, that the amendments which were brought in February and April of this year, to the FIU Act—I cannot use the word “rubbish”. I think it would be unparliamentary—did not achieve a proper measure of efficacy. [Interruption]

**Sen. Hinds:** You have my permission, use it.

**Sen. F. Al-Rawi:** It could never be said that the FIU has been given teeth, or that the Proceeds of Crime Act has been given teeth. It could never be said. And we are here debating legislation on anti-terrorism, which relies for its operationalization, on the use of the FIU. But what is the state of the FIU? Do you know what the state is? The state of the FIU is that we have a director who is not yet appointed, whilst there are advertisements for a director afoot right now by the PSC. We have no review of the legislation in satisfaction of section 28 of the FIU,
Anti-Terrorism (Amndt) Bill

Tuesday, June 14, 2011

[SEN. AL-RAWI]

2009 Act [Desk thumping], which was supposed to come one year after it was laid. We witnessed a scandal on February 07, the day before the legislation should have been properly ventilated, some nonsensical amendments coming to this Senate. We saw the tweaking of two words and a cross-reference fit. That was the review which the People’s Partnership engaged in.

Then in April, we saw the exercise trying to avoid negative listing, otherwise known as blacklisting of Trinidad and Tobago, and the Attorney General got the full cooperation of this entire Senate in a charade, because he very well knows and the Government knows that the legislation which was brought for amendments to the FIU in 2010, does not hold water and that the FIU is not being effectively run.

We have not heard, in answer to the cry by the hon. Kamla Persad-Bissessar when she was in Opposition, of the facts of how many people are employed by the FIU, what their work is, what they are doing, what their success record is and how many more people are going to populate it. We have heard none of that, but yet we are here dealing with legislation which is going to be collected in the books of Trinidad and Tobago. But, how is it going to be operationalized? Respectfully, are we here simply to fulfil another dancer on the stage promised? I find it very interesting that every clip of the Government shown now on television, has to do with somebody dancing on stage in a yellow shirt or a white shirt. Respectfully, they are dancing in the Senate as well. We are not seeing effective measures come to this Parliament which are meaningful. [Desk thumping]

Let me give you an example of that. This Bill purports to deal with tightening aspects of money laundering. It purports to deal with corruption because, as Sen. The Hon. Brig Sandy told us, this Bill is to ensure that predicate offence is provided for money laundering in any form, and corruption is a part of that. So, what has this Government done in relation to legislation on corruption?

We saw in February of this year, another exercise in a waste of time; a so-called legislative proposal brought forward for a joint select committee. And what happened? It was debated ad nauseam in this House and in the Lower House. No joint select committee has been appointed. Nothing has happened. We are entirely reliant upon, it seems, a retrofit of the role of the Attorney General into being a prosecutor as they used to be in years gone by. The DPP is no longer consulted in relation to issues, it seems. It is left entirely for the Attorney General as the Chief exonerator or persecutor, it seems, to conduct all affairs and any complaint of corruption. [Interruption]
Sen. Hinds: Terrorist!

Sen. F. Al-Rawi: Mr. President, I want to point you, on the issue of corruption and its relevance to this Bill, to the fact that the English legislation, the Anti-Terrorism Crime and Security Act 2001, Chap. 24, has built into it several sections, one of which deals with, in Part XII, Bribery and Corruption. The law, in relation to anti-terrorism is that you can have terrorist financing facilitated by bribery and corruption. [Desk thumping] It is in every case, it is in every legal journal and it is in the laws, the anti-terrorism laws of many jurisdictions and in particular the United Kingdom.

What do they deal with in the United Kingdom? They deal with bribery and corruption, foreign officers, et cetera, committed outside the United Kingdom and a presumption of corruption not to apply. We have the United National Congress, a base of operation it itself for the coalition; and I remind you that the word for base in Arabic is al-Qaida. So, we have a base of operation and that has not passed any legislation on anti-corruption. Mr. President, am I to watch my time?

Mr. President: You have two more minutes.

Sen. F. Al-Rawi: Of original time. They have not dealt with the anti-corruption legislation. What we have seen instead are many public utterances of the use of, in particular, civil law remedies to deal with—and the one that concerns me is—the statements in the newspapers; that there is to be a pursuit of the last Prime Minister of this country. Let me get it clear, if any laws have been broken they must be dealt with, but I must join with the United National Congress’ comments when they were in Opposition; that the Attorney General must be careful to stay in his place. [Desk thumping] What did the United National Congress have to say in relation to that? In particular the remarks of the now Speaker of the House as he then sat as the Leader of Opposition Business in the Senate, former Sen. Wade Mark said, I quote from page 13 of his Hansard contribution on Monday, January 18, 2010:

“I raise this in my opening to set the stage for my contribution. I want to serve notice on this Government that we intend to circulate comprehensive amendments to ensure that the rights of the citizens are not abridged, violated or in any way affected by legislation of the type that we have before us.”

That is the 2010 same amendments that we are dealing with now; that legislation.

“Whilst we in the United National Congress are opposed to all forms and manifestations of terrorism we, like the United Nations, would ensure that
there is a balance between the human rights of the citizenry and the struggle on the part of the state in its fight against terrorism...

We have a lot to say about the role of the Attorney General in this piece of legislation; plenty. We do not want you to be there. We are proposing that you be removed, because you are a political animal; not in that strict sense. He is an individual; a human being, but I am being figurative and metaphoric. We do not want the Attorney General to be involved in matters involving the human rights and fundamental freedoms of the citizens of this country. I will bring legislation right from within Caribbean, where the Attorney General has no role, except in extradition proceedings. It is the Director of Public Prosecutions who is responsible for these matters.”

Mr. President, he is saying. Sen. Wade Mark, then that—[Interruption]

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [Sen. F. Hinds]

Question put and agreed to.

3.25 p.m.

Sen. F. Al-Rawi: [Desk thumping] Thank you, Mr. President. The hon. Wade Mark continues to say:

“We are asking—there is need for safeguards in the legislation. We are not seeing the safeguards in the legislation. What we are seeing is PNM mongoose gang...”

I did not know that that was quite parliamentary, that is at page 33. He is saying that there is no role for the Attorney General. And what are we saying about the Attorney General as it relates to my point? I am saying that in dealing with corruption which is an aspect of anti-money laundering and anti-terrorism rooted in legislation—because the Proceeds of Crime Act is tied into this Act; the FIU which deals with money laundering is tied into this Act; all of these procedures, Mr. President, relate to corruption. But instead of persecuting and threatening litigation on the outside there, what we have is no real teeth, in allowing the Director of Public Prosecutions to carry out his role.

So, Mr. President, we have to be concerned to make an improvement of our own legislation. I thought that the Government was coming with improvements to the legislation. I thought that the hon. Subhas Panday—I am sure he will be the
next speaker to rise for the Government, because he had much to say about how unpalatable this anti-terrorism legislation is. He did not even vote for it, the same legislation—he did not vote for it. Neither he nor the hon. Vice-President of the Senate, neither of them voted for it. How could that be the case, and then come here today without the amendments that they said were critical and required?

Mr. President, there are a few issues that also intersect with anti-corruption and bribery. That would take me, in fact, to the operationalization and implementation of the Act. Because what we do know is that the Special Anti-Crime Unit—like it, hate it, criticize it, say whatever you want about it as the then Opposition now Government did—I stand by the point that it was lawfully instituted, properly articulated, in need of some better form of definition, but certainly not and never illegal. But what we do know is that the Special Anti-Crime Unit was the body to carry out the anti-terrorism work and the financial intelligence work, and much work was done by them. So where are the reports?

The Prime Minister is the Chairman of the National Security Council, the hon. Brig. Sandy, Minister of National Security is on that Council, so where are the reports? Did they go out when we dismissed all of SAUTT without compensation yet? Were they ferreted out by two unknown Israeli men, Mr. President? I do not mean to be churlish or insincere in those comments, but in light of the UNC’s—then in Opposition—comments as to the need for facts; where are the facts? How are we putting this into operation when we do not know the status of the FIU? Because this Opposition, the PNM is on record as saying that everybody is interim. We have an interim CEO for WASA; [Desk thumping] we have an interim passing through position for the FIU, we have an interim national intelligence agency to be created. [Desk thumping] We have interim measures for border security and patrols to come about, [Desk thumping] but we have no concrete articulation of policy. Core policy has to be articulated by way of facts, Mr. President. [Interruption]

Mr. President: Senators, allow Sen. Al-Rawi to complete.

Sen. F. Al-Rawi: Much obliged. Thank you, Mr. President. It is important for us to remember that implementation of the legislation calls in aid the use of security forces in this country, and in particular the use of border control and it is not acceptable for the citizens of Trinidad and Tobago, having just dealt with a Finance (Supplementary Appropriation) Bill last week, and to have heard about the cost of national security as it relates to banking the two helicopters that have
just arrived, it is not open to us to accept less than we paid for or bargained for, and we paid for and are probably going to have to pay for the OPVs, Mr. President. [Desk thumping] In cancelling the OPVs you have one issue, the other issue is, what is its alternative? [Desk thumping]

We have an amorphous statement as to what the alternative is. We know we got two helicopters commissioned, now landed here, we had a launching for it—I regret I missed it. We have two helicopters still under the badge “N” for November which is an American registration not yet under the label “NY”, “Niner Yankee” as they call it, been the Trinidad and Tobago registration. So we know they cannot fly in Trinidad and Tobago yet. We know that the hangar for those helicopters has not yet been outfitted. We know that they are two of four to come which were meant to be landed onto OPVs, so that you could operationalize anti-terrorist activities, in particular, as they relate to offshore platforms, but we do not have that. What we have are two helicopters grounded for now; they need an air-conditioned hangar to operate; that has not been constructed yet. But what else do we have in terms of border security and protection against anti-terrorism? We have two C26 aircraft both of which are in an unworthy state, two operational; I think one operational, bad corrosion.

Sen. Panday: Two!

Sen. F. Al-Rawi: Two now! Mr. President, we know that in 2008 the recommendation of the National Security Council was for replacement of the C26 aircraft by the Dash 8; and for incorporation of the training and ground staff by Air Caribbean Airlines, so that the Air Guard could become self-sufficient. But we do not have that as yet, and I know that the hon. Brig. Sandy has just come into the saddle and I respect him as a gentleman, but I would like him to enquire as to what better measures we can take to ensure that our Air Guard is in a better shape of operation for the sake of us all.

Mr. President, it is critical for the Government of Trinidad and Tobago to tell us how we are going to control our borders as a soft target, as I told you in my introduction, we are. It is not acceptable that the heavy investment which we have seen in the oil and gas sector should be left open to attacks, because Trinidad and Tobago is on record in the international community in not so positive a light.

In this very Chamber in 1990, the Prime Minister of Trinidad and Tobago was shot, the Attorney General was shot, half of Port of Spain was burnt down, and we
had the Jamaat al-Muslimeen, the university of Muslims visit us in town. We are on record in the international community—I remember as a young man watching CNN talk about it. We are on record as having convictions in the United States, in New York, for plots as they relate to bombings by Muslims from Trinidad and Tobago. We are on record as it relates to corruption allegations of senior persons in the Cabinet and Government of Trinidad and Tobago. Now, I ascribe to the fact that you are innocent until proven guilty and I would not say more about that, what I am saying is that there is a perception.

So Trinidad and Tobago has got to step forward and be serious about its operationalization, Mr. President. And part of its operationalization means that we must pay attention to the costs of operationalization and by that it is conspicuous to note that the Bill recommends that listed businesses, and financial institutions which are badly regulated by the 2010 FIU mismatch which we saw in April in this House, and which the Government must come back on—and I trust the Attorney General as a man of his word to come back here and deal with it properly. But what we have seen is that the cost factor as recommended by the Bill is that you must keep documents by way of the regulations as the Minister can prescribe that you keep documents and materials.

The experience in the United Kingdom—and the BBC is on record as dealing with this as are other agencies—is that cost factor by Internet service providers (ISPs) is significant in relation to the maintenance of material and information, Mr. President. So we have got to keep our eye on the ball, there is a cost factor to the dismissal of SAUTT officers, there is a cost factor to the cancellation of the OPVs, there is a cost factor to the operationalization of helicopters which cannot land at sea, and which must return to base, in terms of man hours and other issues. We have to pay attention to that.

Mr. President, I know I have a very short time ahead of me and I wish to drill to one last point, and that is as it relates to where I began to the implementation in the new section 42, I believe it is. And that prescribes for the introduction of offences in section 42(2) and in particular there is a recommendation where a company commits an offence under section 22AB, that you can have a conviction basically whether or not the company has been prosecuted or convicted.

I will say more in committee stage, but my point is that on the principle of proportionality—and that is actually anchored in judicial review mechanisms as well—that is too far-reaching a step for us to move. We do not know why we
must have that. What is the burning need in our legislative desire to introduce a clause like that? We must remember, Mr. President, that we are essentially taking a definition of a designated entity by the United Nations Security Council, and we are to act with that.

Mr. President, you know that England is on record as saying that it has apologized for its action on Iraq in particular, where no weapons of mass destruction were found, where millions of people were killed in the course of armed conflict. Ten thousand persons per hospital per month dead; 135,000 persons killed in one bombing raid alone. We have to be careful that we take laws that are apposite to our best interests [Desk thumping] and that we allow a scrutiny for ourselves and on that point the Bill recommends negative resolution for regulations.

The case I just quoted, the Ahmed v HM Treasury is very careful in pointing out to us that we should err in fact on the side of positive resolutions; that we should have affirmative resolutions; forgive me, the ability as a Parliament to interrogate in particular measures which go to infringe human rights. I think it is important to acknowledge that other countries deal with affirmative resolutions, other countries have sunset legislation clauses and other countries call in aid parliamentary oversight in a very meaningful way: (a) by affirmative resolution and (b) by way of reports and debates from special select committees, and we need to err on the side of caution as a developing democracy, Mr. President.

I think I have over-exceeded my time marginally. I thank you for indulging me in my contribution. I wish to say that I support in general the policy of tightening the laws, I think we need to pay attention to the detail of it, so that we take laws which are necessary to our purpose and not simply trump and follow suit, as we say in Trinidad and Tobago, to what the international realm is doing, because we can satisfy FATF and CFATF by operationalizing faster rather than legislating faster, Mr. President. I thank you, Mr. President. [Desk thumping]

3.40 p.m.

Sen. Elton Prescott SC: Thank you very much, Mr. President, for permitting me to take part in this debate. I am very reluctant to embark on this debate for many reasons. Firstly, I condemn the failure or refusal of the Government to provide the Senate with, what I understand is called a track-change document. [Desk thumping] There must exist some 21st Century method somewhere to put all of this into one document so that those of us who give of our time freely to serve the country will not find the activity crippling.
I have spent quite a considerable amount of time just putting together bits and pieces. I have a compendium of documents and I must now try to sort them all out in order to arrive at a good sense position to present as part of this debate. If it is that it is a mere misstep on the part of Government on this occasion, then I join those who have called on them in the past, in future to assist us by providing us with something that we can read.

Mr. President, the Bill before us is like a weight that we are being asked to throw in the graveyard of civil liberties that we are creating. [Desk thumping] We have been reacting to events both here and abroad in very strong, sometimes draconian, ways and our best reaction is to dig away at civil liberties each time and, as we give up the first and the second and the third, we know that the day will come when we will regret that we have not stopped and said: is it necessary to have done this?

This particular amendment is really based upon a number of others: the Proceeds of Crime Act, the Financial Institutions Act, the Anti-Terrorism Act; all of which have in them sentences of imprisonment, burdens on citizens; citizens who are sometimes going about their business, sometimes naively but they are placing burdens on them which, invariably a member of society will fall afoul of without even realizing there is law against it.

That brings me to my point. The Constitution offers protection, due process of law, to all of us, and I make bold to say that due process of law must be interpreted to include allowing citizens the facility of being able to research the law, access the law and understand the law. This series of laws that we have allowed to pass, over these past few years, cannot be found in one place and it is people who, when you read the Anti-Terrorism Act, are engaged in charitable causes, who put money into religious organizations, these are the persons who will find themselves committing offences under these laws and eventually being unable to explain their circumstances, except to say, “I did not know what the law was”, and granted that we all know and say glibly that ignorance of the law is no excuse, but this facilitates the ignorance. This makes it possible for all of us to be ignorant of the law, and I really do regret that we are allowing this to happen.

Mr. President, if we look at the amendment—and it is in bits and pieces all over the place—you will note that among the acts that constitute a terrorist act will be the financing of certain religious causes or charitable causes by people who themselves are engaged in those kinds of pursuits. There is more to it than that, of course. It all has to be with an attempt to cause mayhem, et cetera; but to make a contribution to a charitable cause by some entity that has a religious name may
well be what any ordinary citizen would do. You are carried away by the rhetoric of the religious organization and you make a financial contribution and you may well find that you have contravened the Anti-Terrorist Act.

When, therefore, we find, as we now do, that in the amendment to these Bills, the Anti-Terrorism (Amrdt.) Bill, that it is proposed that section 42 should be introduced, a person may find himself committing an offence of failing to comply with a directive that he must bring to the attention of the authorities the name of somebody with whom he has business dealings, that person could be convicted on indictment, fined $2 million and imprisoned for seven years; or, if he has interest in a company, whether by way of being an officer or a director and has remained silent to the point where it can be said that he acquiesced in the commission of the offence, such a person could find himself imprisoned.

Section 42 will say: where a company commits an offence under this Act and any officer, director or agent of the company who directed, authorized, assented to or acquiesced in the commission of the offence; or to whom any omission is attributable is a party to the offence and is liable on summary conviction or on conviction on indictment to a fine of two million dollars or imprisonment for seven years whether or not the company has been prosecuted or convicted.

It beggars belief that we should be presenting such a provision at this time and hastening to have it passed this evening. I listened closely to the Minister who seems to have vacated the chair briefly. No imperatives have been told to us, which constrain us to bring about a resolution of this Bill this evening. [Desk thumping] None whatsoever! In short, if we were to put this into the next parliamentary session, it will not affect anybody’s relation with any international body—to the best of my knowledge—unless we hear differently from the Minister. So why are we being asked to go through all this documentation to achieve some undescribed objective? It really does not sit well with me and I am apparently allowed to say these things in this Chamber and so I say them.

Mr. President, invariably, when an incident occurs internationally, whether it is a tragedy or some exciting event, you must hear a Trinidadian name included. I do not know why. If there is an earthquake in Mexico, there is a Trinidadian involved. If a bomb goes off in Croatia, some Trinidadian is going to be there. A Trinidadian name is a name you will find anywhere. What is more is that the names of some of our more important citizens are very similar to citizens of other countries who are today achieving global recognition by reason of the fact that they come from some middle eastern or some other country.
In short, if I may go directly to the point, if you have a Muslim name in Trinidad, you are likely to find yourself in the immigration line in some country and be taken out of the line on the basis that your name is “X”. That person may well find himself in this situation if he turns up in one of those capital cities. Immigration officers are not necessarily the brightest people alive. They have specific questions they must ask you and they will look at your countenance and determine whether you are likely to be a terrorist or not, if you are named Faris Al-Rawi, Salman Hussein and something else. Forgive me prostituting the name. If your name should be one of those, the chances are that if you arrive in another city and if you are dressed a certain way—and that could include either end of the spectrum; if you are too dressed, you attract attention and if you are underdressed, you certainly will attract attention—you may find yourself being dragged out and interrogated and pushed through the mill because that is your name.

Let us look at it the other way. This amendment says that you are required when you are provided with the list of designated “entities,” I think is the word, to say who among them is doing business with you. So that if the name Faris Al-Rawi appears on your list, why should you think that such a person is involved in terrorist activity? Why should you think that the one to whom they are referring is the one you know in Trinidad? He could be anybody. So, you cannot conduct business in the leisurely way that we have been doing.

I know we are no longer virgins; but I would like to think that if Faris is on my list of persons with whom I have business, I do not have to be on the lookout for his name on some list of designated entities and call him up and ask him if he is the fellow they are talking about, just so that international police will not come to my door? The thing is, if they discover that the Faris I know, who is on my list is not the same Faris on their list, the chances are I would have already spent all my money trying to defend myself getting some high-priced lawyer, like the man who sits next to him in this Parliament.

Perhaps, since the Minister has not told us what pressures him into this haste, perhaps he should go away and ask himself: is this what we really want? There seems to be no reason why we cannot do it in a leisurely fashion. Nobody “ain’t” coming to blow up Trinidad this weekend, I think.

I am going to be very short as a consequence. I think that in a society that has a proper respect for the rights and freedoms of its members, its individuals, this particular piece of legislation, coming as it does as an amendment to a more substantive piece of legislation, ought to be looked at more closely and, more
importantly—and I am very supportive of what Sen. Al-Rawi has said—it appears to me that this is the kind of legislation, which, like Act No. No. 2 of 2010, needs a three-fifths majority. As things stand at the moment, I am unlikely to be contributing to that.

Thank you very much.

**Sen. David Abdullah:** Thank you very much, Mr. President. I have listened carefully to what Sen. Prescott, SC has said. I am sure that my colleagues and so on will be able to give the kind of legal response to Senior Counsel. I am not going to attempt to interpret the law and get into a debate on the fine points of the law with either Senior Counsel or Sen. Al-Rawi, though I am sure that I might know as much law as him. We will debate that in another place.

What I do want to say is that this particular amendment—and I do think that the general concerns of Senators with respect to the nature of some of the legislation dealing with anti-terrorism must be of concern to all citizens. However, I think that the issue before us is the specific amendments that this Bill seeks to bring about to the existing law, the parent Act that was passed in 2005 and the amendment to that which was passed in 2010.

This Bill before us this afternoon seeks to bring in line some of the other pieces of legislation that this Parliament passed over the last few months and, in particular, legislation pertaining to the Financial Intelligence Unit. So, to be consistent with other legislation, to ensure that the relevant sections of other pieces of legislation are themselves aligned to the Anti-Terrorism Act as it was amended by Act No. 2 of 2010, these amendments now are required. That is simply the Government’s intention to ensure that the i’s are dotted and the t’s are crossed, and to ensure, therefore, that the FIU can perform all of the functions that are necessary for it.

**3.55 p.m.**

I should make the point that it is very interesting that Senators on the opposite side seem to have absolutely no qualms at all about the original 2005 law being passed without a special majority. The 2010 one, yes, was passed with a three-fifths, but certainly not the 2005. So it is interesting to have found out whether Sen. Al-Rawi would have spoken as a citizen then. Yes? [Interruption]

**Sen. Al-Rawi:** Much obliged to my learned friend for giving way. Perhaps, I could clarify, Mr. President. The explanation given—and I could only give the explanation that I read from the hon. John Jeremie SC then—was that because of
the *Horncastle* judgment the 2005 legislation can pass with a push. But because the operationalization aspect on the financing issues drilled a little bit deeper, it was for that reason that they felt that the three-fifths majority was required specifically as it related to the amendments in section 22, et cetera, under the new (3)(a). So I, myself, had some concerns. I could tell you, with whether a three-fifths majority was needed in 2005, but the explanation given then was the *R v Horncastle*, having gone the way it did—because there was a potential that it could not have done, and it may very well have resulted in the need for that legislation to have been dealt with otherwise.

**Sen. D. Abdulah:** Well thank you very much, Sen. Al-Rawi. I am glad to hear that you had concerns in 2005, as well, and you are now expressing them. Somewhat late, if I may say so to express them now, some six years afterwards, but I am glad that you did say it. [*Interruption*]

**Sen. Al-Rawi:** I am here now.

**Sen. D. Abdulah:** Well yes, as a citizen, as a citizen. I was about to complete my sentence when you stood. I said as a citizen, I do not think you expressed it at that time. So—[*Crosstalk*]

**Sen. Deyalsingh:** He did.

**Sen. D. Abdulah:** Okay, fine. If he did, that is fine. But I did not hear him say so just now: the Senator did not say so now, that he said then in 2005.

Let me make the point, Mr. President, that it is very clear that the issue of terrorism, and so on, is a major concern. There are legal definitions of terrorism which have largely been driven by the international protocols, as the Minister so correctly pointed us to in his moving of this particular Bill.

Of course, there is a political understanding of what terrorism is or is not, certainly when we see acts of violence against civilians, women and children, elderly persons, and so on, whoever those acts of violence are committed by, we have to condemn them as being terrorism. One, therefore, has to recognize that there are some states that are quite guilty of terrorism even when they say that they are not, and they are democratic. But acts of violence against women and children are not to be accepted or tolerated by any right-thinking citizen anywhere in the world because we cannot engage in such acts against innocent people and then seek to build civilization. That goes counter to any notion of the development of civilization and of proper human behaviour of one against another.
So we must be concerned about terrorism. Certainly for my part, speaking personally, Mr. President, I take the broad view on defining terrorism in that political way, in terms of acts of violence against innocent civilians as distinct from those acts that are carried out in the context of openly declared warfare and so on.

4.00 p.m.

Really in that regard, terrorism is about actions by cowards; people who would—because of the superiority of their force, their arms and their weaponry at particular points in time—carry out violence against others and, in particular, against unarmed civilians and those who are most vulnerable.

We are aware that post 9/11, this issue has been driven internationally, and is one of the challenges of states, and small states such as Trinidad and Tobago, in the global environment to address that international dynamic as it is proceeding. But I want to shift—having said that, Mr. President—a moment to address a matter that while related to myself, in particular, has major implications for the citizens of Trinidad and Tobago, and that was an act that was committed by the last regime or under the watch of the People’s National Movement just a few years ago.

I want to quote from an article of the *Sunday Express* on May 29, 2011. the headline says: “Impacs gets orders to spy on McLeod, Abdulah”, and the article which was written by Akile Simon referred to an interview with a particular source in Kingston, Jamaica, who was a senior official of this regional organization called IMPACS and this is what—I just want to quote some of it, because it is directly related to the issue of terrorism, and I want to point out the very serious danger, the abuse of power that the last regime was engaged in. He said—well let me quote to be careful:

“Interviewed in Kingston, Jamaica, the source said he was very concerned when he received instructions from a senior official at Impacs to monitor the movements of McLeod…”

That is Errol McLeod, now Minister of Labour, Small and Micro Enterprise Development—

“And Abdulah from RIFC’s headquarters on Victoria Avenue, Port of Spain.”

The RIFC, Mr. President, is the Regional Information Fusion Centre; one of two sub-agencies of the Caricom Implementation Agencies for Crime and Security
(IMPACS), and they were spying on the Minister of Labour, Small and Micro Enterprise Development, hon. Errol McLeod, he was not then—and Sen. David Abdulah—not then—2009/2010. It went on to say, and this is now a quote:

“He said, ‘The improper use of the database was to monitor the political opponents of the Patrick Manning regime…These people (certain individuals at Impacs) were clearly supporters of the PNM…just listening to them speak.

‘David Abdulah was on our list and Errol McLeod was also on our list. They were being looked at as terrorists…”

And that is why I introduce this, Mr. President, because the specific term “terrorist” was used in this particular article, and that is what I had a problem with. He went on to say:

“He said Intelligence reports…” [Interruption] It is discombubulating you, Sen. Hinds, no doubt. It continues:

“He said intelligence reports indicated Abdulah and McLeod had planned protest action during the Summit of the Americas in April 2009, ‘and there were also recommendations to arrest Abdulah and McLeod.”

And the article went on and so on. [Interruption] Thank you, Mr. President. I am not actually disturbed by Sen. Hinds who often comes in late to this Chamber and enters like a raging bull; enters like a raging bull or “a bull in a China shop” as he was referred to in an article by a particular columnist in the Express of Sunday last. Perhaps his “bull in ah China shop behaviour”—

Mr. President: Can you continue? [Desk thumping]

Sen. D. Abdulah: I will continue. [Desk thumping] As soon as they get some of the Red Bull energy drinks out of their system, I will continue. [Interruption]

Hon. Senator: Red bull!

Sen. D. Abdulah: “Yeah, red bull behaviour; that is all right; bull in a China shop.” That is all right, but it does not bother us. What this article does; this disturbs you; this disturbs you, and it is disturbing, and it disturbs them because, you see, what this demonstrated was really an abuse of the resources of the State to try to identify people as “terrorists” having regard to the precise issues that are being raised by Sen. Prescott SC and Sen. Al-Rawi in terms of the definition of a “terrorist” and the implications of that in terms of criminal action. And so the point I wish to make, Mr. President, is that really and truly those on the other side, on the PNM Bench, really ought to keep very quiet when they are talking about
possible abuse of the resources of the State, and the implications of that for the rights of citizens in Trinidad and Tobago. [Desk thumping] They ought to keep very quiet about it, because it has been demonstrated that, in fact, that is precisely what they were doing between the period of certainly 2009—2010 when they lost the election, thank God, on May 24, 2010 and, perhaps, well before that though this report—and one is going to pursue this further in terms of trying to determine what this is.

He went on to say in this article here and I think I mentioned it just now, that there were recommendations to arrest; recommendations to arrest based upon what? There was certainly no action. I know that one could arrest someone if one has engaged in particular actions that have violated the law, but when you seek to arrest persons without that person violating the law, then what you are really doing is engaging in political harassment and so on.

And, so, Mr. President, what I want to simply point out in my brief contribution here this afternoon is that this country was significantly rescued from the abuse of power, which abuse of power was being exercised by the Patrick Manning-led People’s National Movement, and for which, quite honestly, those on the other side need to atone for their sins of omission or commission. [Desk thumping] They must atone for them. [Desk thumping]

It is all well and good to come and talk about OPV and helicopters and so on and so on as Sen. Al-Rawi had said, and no doubt others will say there afterwards. You know, I was trying to identify other words to describe OPV other than offshore patrol vessel, the closest of which I came, hearing them trumpet OPV time and time again in this Senate and elsewhere is, that for those opposite the OPV means “our personal Vuvuzela” you know, the horn that was made popular during the World Cup in South Africa last year. [Desk thumping] Trumpeting it all the time! [Desk thumping] That seems to be what that means, and very little otherwise. We are really quite tired of hearing that being repeated over and over again in this Senate and Sen. Al-Rawi raised it again this afternoon.

They have to speak to the fact that the legislation which is before this Senate now is really to ensure that the i’s” are dotted and the t’s are crossed with respect to other legislation that we have addressed and, in particular, the Financial Intelligence Unit law. Unless they could focus their minds on that, which is really the central issue, they are going to take us into realms that are quite unnecessary, because Act No. 26 of 2005 as well as Act No. 2 of 2010, which were the original pieces of legislation which the Bill before us seeks to amend, those Acts were
brought by them to this Parliament. They saw the need for them; they saw the
two of them; both in terms of international obligations and in terms of the
appropriate management of the financial systems, and to deal with things like,
quite apart from money laundering, matters of using money to finance terrorism
and so on, and they saw the need for that then, so it is a little surprising that they
now do not necessarily see the need for the Bill before us to complete the circle,
so to speak, with respect to the FIU and other pieces of legislation that we have
addressed.


Sen. D. Abdulah: Mr. President, that one I would object to, yes.

Mr. President: I did not hear it. [Laughter]

Sen. D. Abdulah: Okay. I am glad you did not, because I am sure it would
have offended [Desk thumping] your sensibilities as well. So, Sen. Hinds probably
had a little less energy; a little less Red Bull energy when he made that particular
comment, but as the evening wears on, no doubt he would slip out and return a
little more charged up and fired up to make the kinds of comments that he seems
to enjoy making. He seems to slip out and come back more charged up and more
fired up on each occasion, one does not know why.

So, Mr. President, having said that, I just want to say to Senators that there are
genuine concerns; Sen. Prescott SC raised some genuine concerns that I am sure
my colleagues will respond to in terms of the legal issues and I, therefore, think
that as important as it is for all Senators to engage in a debate on this particular
piece of legislation, it should not detain us for a time that goes till five o’clock
tomorrow morning.

Thank you very much, Mr. President. [Desk thumping]

were not ready. Thank you very much, Mr. President.

Sen. Hinds: “The Government hard yuh know, you could see it, it wearing all
yuh down. All yuh tired!”

Sen. P. Beckles-Robinson: I am very grateful for the opportunity to make this
contribution to the amendment to the Anti-Terrorism Bill, 2011. In listening to
Sen. Prescott SC when he referred to the fact that almost every important activity
that takes place in the world that somehow a Trinidadian name is involved
[Laughter] in doing my homework, I was reading some very, very important
documents. [Interruption] No, Sen. Panday, you are thinking of something else.
When I read what I have to read, you will see I am not going down that road.
[Crosstalk]
I wanted to start with the issue of the importance of this particular amendment at this time. I know this is our last sitting before Parliament ends, so I suspect that if it is, this particular legislation which is before us today, Mr. President, it must be that it is considered by the Government to be a very important piece of legislation, and maybe legislation that has particular time frames; maybe international or otherwise, but I would be very happy for that sort of information that would probably assist me as to why it is so important for us to complete it today.

The hon. Minister gave us some important information as it relates to the Bill, and highlighted all the relevant clauses and gave some important interpretations. What I was happy about is that even though I was not in the Senate, Minister, I was listening to you. Technology allows you to—[Interruption] You presented the Bill, right! Sorry, my apologies, Minister of National Security—in presenting the Bill, you referred to the fact that you would be very happy to bring back our country to what it used to be, and you talked about implementing certain preventative measures, and I totally support that. And for whatever it is worth, I think it is important to note that the Opposition supported this Bill in the Lower House and, therefore, just to say at the outset, that we are supporting the Bill, but that does not mean that if we have certain concerns that we would not raise them, so I think we need to clear the air on that in the event that there are any misconceptions. I would like to make it clear that, certainly, the Opposition supports any initiative to fight terrorism and any activities related to terrorism financing.

4.15 p.m.

Mr. President, I came across an article referring to certain Trinidadians who have certain terrorist links. It is an article from 2006 taken from a Canadian newspaper. It says:

“Canada has deported four Trinidadians, two who this week completed a jail sentence for plotting terrorist attacks and two believed to be their ‘close associates’. The ex-convicts are Barry Adams, alias Tyrone Cole...and Wali Muhammad, alias Robert Johnson...who were believed to be members...of a Pakistan-based terrorist group.”

I took the liberty of asking my good friend, Sen. Al-Rawi, as to exactly how this was pronounced to make sure I do not get myself into trouble. The name of the group is Jammat al Fuqra. He is not here. I cannot say that my Arabic is too good, but that is the name of the group.
It is stated that:

“The militant religious sect is reputed to advocate purification of the Muslim religion through violence.”

They were imprisoned, interestingly enough, in 1994, for conspiring to set off bombs in a Hindu temple in Toronto, and:

“After serving their full sentence without parole, they were deported on Wednesday afternoon along with Dominican Republic-born Amir Mohammed...”—and a third man.

The reason I found this very interesting was that they were deported, of course, back to Trinidad. In the context of this Bill, we are talking about dealing with financing and how we would be able to acquire certain types of information. My question is, these persons who are deported to Trinidad and Tobago, from time to time, for what is obviously a very serious offence, what are we putting in place to ensure that we can properly monitor some of those persons who were responsible for committing very, very serious terrorist acts abroad, and are really coming into Trinidad and Tobago in some way to influence some of our activities that are taking place here?

That group they were involved in was founded way back in the 1980s, and they often travelled to the United States and the Caribbean to recruit members to join their group. We are debating a very serious piece of legislation today. Yes, it is an amendment, and the Minister has explained that there was a link between what we are doing today and the establishment of the Financial Intelligence Unit, because in a real sense, you are looking at the whole issue of money laundering and how you are going to be able to keep track of the millions and millions of dollars that may come into Trinidad and Tobago, and the certain types of activities that take place. But here you have persons with these kinds of links who are actually returning to Trinidad and Tobago. I would probably like the Minister to help with this; I know he has only been in office for about a year, but my concern is what really is in place to track these kinds of persons who supposedly have been involved in serious terrorist activities internationally, when they are deported to Trinidad and Tobago?

Sen. Panday: Deported?

Sen. P. Beckles-Robinson: Yes, deported, because these persons have served their time and they have now been sent back to Trinidad and Tobago.
In that case, those persons were, as I said, convicted for plotting terrorist activities in Canada. They have since returned to Trinidad and Tobago. Unlike some other countries, we really do not have legislation as yet to really track these persons. I know that the Ministry of National Security has put in place some kind of mechanism to be treat with them, but when you look at the type of activities for which they have been convicted, those are extremely serious activities.

Mr. President, we ask ourselves, they obviously would have been funded maybe from other countries, could be Pakistan, could be India, could be wherever it was, but coming to Trinidad and Tobago to live now, where they may have left here, in some instances as children, and they have very little association with Trinidadians and Tobagonians, because some of their families might have migrated, when those deportees return here, how are they funded? How do they go about their day-to-day affairs? How are some of them influencing some of the other members of our society?

The reason I think this is so important is that I was looking at another article, the Express of March 10, 2011, that spoke about 125 criminal deportees being back in Trinidad. The article says that:

“One hundred and twenty five criminal deportees have been sent back to TT from USA between October 2010 and end of March 2011...
In total, more than 88,000 criminal immigrants have already been deported back to Latin America and the Caribbean...”—and that is just in a period of six months.

Whilst I think both Sen. Al-Rawi and Sen. Prescott SC spoke about the need to specify these entities, and clearly the Minister is saying they are putting a mechanism in place where they may be able to monitor certain institutions and certain persons who we know are legally set up, what about those deportees who are coming in, what mechanisms do we have in place to treat with them?

It was indicated that the number sent back to Latin America alone was 86,469, while 2,028 were sent back to the Caribbean. Let me just be specific. For the Caribbean the Dominican Republic received the most criminal deportees, that is, 1,066. They were followed by Jamaica, which received 528, and then Trinidad and Tobago was next, 125. They then go down the list: Bahamas, Belize and so on.

It is not very often, save and except, some of these deportees are charged probably with another murder or some other offence, that we are aware as to exactly how they are operating in the system. To me this is a very, very important issue that we would have to treat with, as we seek to deal with what is called basically, if I might use the term loosely “terrorism financing”.

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Anti-Terrorism (Amendment) Bill

Tuesday, June 14, 2011

[SEN. BECKLES-ROBINSON]
Mr. President, some of these persons would have been well established in the international circles, be it in Canada, the United States or whatever parts of Europe. The fact is that these countries have found a mechanism where they are removing those persons whom they consider to be detrimental to their country, and have now simply exported the problem to Trinidad and Tobago. Whilst we are going to be able to fulfil our obligations in terms of international treaties—because I strongly suspect this is what this legislation is about, similar to when we did the human trafficking a while ago, last week or the week before, that we are really fulfilling some of our international obligations—when we get down to the nitty-gritty and we realize that there are some basic things affecting the proper functioning of Trinidad and Tobago, that is what for me is very important.

I raise this because you would recall that a couple of months ago, I think March or April to be exact, containers were found in Point Lisas. I tell myself that it could have been money, just as it was drugs, or it could have been drugs, because we do know in 1990—and I know the Minister of National Security would have been aware of this—guns appeared on the port. I do not know that up to today anybody was ever charged for those guns that landed in Trinidad and Tobago. I am referring to this article in the Newsday, to be exact, March 14:

“...top ranking officials are today calling for immediate investigation of customs officers and brokers linked to the containers...at the Point Lisas port...in which...”—$30 million worth of—“high grade marijuana...”—was discovered. Newsday understands that close to 40 containers were searched, during which—“approximately 800 kilogrammes of the compressed high grade marijuana...”—had been found. The drug—“With an estimated street value of TT $30 million”—Friday’s haul, which is another day, had another street value of some $13 million.

The interesting thing about this is up to today, subject to correction, not a single person has been charged. [Interruption]

Sen. Panday: Would you give way? We thought it inappropriate to make any reference to such a situation, but we are aware that the police are aggressively investigating whatever matters are needed to be investigated.

Sen. P. Beckles-Robinson: Thank you very much. I hope I did not give the impression that the Ministry was not continuing its investigation. Between March and now, I am saying that nobody has yet been charged. I strongly suspect there is
no reason for them to stop the investigation, having regard to the seriousness of
the matter. I am just making the point, Minister, that this Bill is really attempting
to put a handle, or at least put the Government and the Ministry in a position
where you are a lot more conscious and sensitive. You are putting mechanisms in
place to treat with moneys coming into Trinidad and Tobago, drugs coming into
Trinidad and Tobago, guns coming into Trinidad and Tobago, and to find a way
where the ease with which people may be funded for terrorist and other illegal
activities can be stopped.

The point I am making is about the ease with which a container or containers
could appear on a port that is supposedly regularly maintained. I have no reason
to believe that there is not sufficient modern technology, probably cameras and
so, because we know that having regard to the location of the port it is quite
possible. Therefore, my point is that similar to the arrival of a container of
marijuana, valued at $30 million or $13 million, we could have easily had a
situation of a container of money—$30 million. What is to stop anyone? If a
container could arrive in Trinidad and Tobago with that amount of drugs, 800
kilogrammes of compressed, high grade marijuana totally unnoticed—nobody
was aware that this came into Trinidad, or maybe they were aware and turned a
blind eye. Similar to that, you could have an equivalent amount of $30 million,
$13 million or $1 million arriving in Trinidad and Tobago in a container, totally
unnoticed. [Interruption]

Sen. Hinds: In $40,000 packages.

Sen. P. Beckles-Robinson: So whilst we seek to treat with this matter today,
we could have easily found ourselves in a situation where money could have
arrived in Trinidad and Tobago, where people may have wanted to use that
money, or it would have been here specifically, for the purposes of terrorist
activities. Those persons who were vigilant and who in some way drew this to the
attention of the Ministry of National Security, must be given the highest
commendation. [Desk thumping]

Sen. Hinds: “Oh yes; not the Ministers eh, police.”

Sen. P. Beckles-Robinson: One can only expect that now we are aware of the
ease with which it could happen, certainly I will call upon the Government to
ensure that even more stringent measures are put in place at Point Lisas to avoid
any similar occurrence of containers arriving in Trinidad and Tobago and/or leaving Trinidad and Tobago with that quantity of drugs. [ Interruption ]

Mr. President: Hon. Senators, it is now 4.30. Before we proceed, I noted a number of complaints about the shortcomings in the documentation. Perhaps it might be appropriate to remind Members that I had indicated on the last occasion that it would have been appropriate to let us have track changes, given that we knew this amendment to the Anti-Terrorism Bill was forthcoming. [ Desk thumping ] What I do assure you of is that I would continue to make representation to make sure that your burden is lightened in terms of track changes when we have amendments to the legislation.  

I propose that we take the tea break at this point and we will resume at 5.00 p.m.

4.30 p.m.: Sitting suspended.

5.00 p.m.: Sitting resumed.

Mr. President: Before we took the break, Sen. Beckles-Robinson was on her legs and by my estimation she has another 26 minutes.

Sen. P. Beckles-Robinson: Thank you very much, Mr. President. You know I must say to you that you know even as an attorney—and I have said it before without any fear—that whilst sometimes people believe that you receive legislation and maybe it is easier for you to understand, I am sure, Mr. President, that you know that is not the case. And I could well imagine that for the Minister of National Security—who has had to learn very, very fast, and I am sure Minister George, when you get some of the legislation from time to time, not meaning anything negative but it probably has you in a quandary, and that is why I wanted to say that there are some pieces of legislation that are more complex than others. There are some that are more important to the Government than others. There are others because of the time frame and because of your international obligations, there are times when obviously it is going to have to come to the Parliament within very short notice, and I think that that is something that we understand, because it has happened at times when we were in government.

I know that it is not impossible to get assistance, particularly from your LRC team, to make it a little easier for us to understand, and I am just making a genuine call because sometimes you receive these things—could be two days, could be three days—and it makes it so much easier if you get some assistance in
terms of sometimes what you might call your root legislation, so it is not as difficult as it is. Because I must admit that this legislation, as you said in your Explanatory Notes, affects the legislation we dealt with in terms of the FIU, it affects the Proceeds of Crime Act, it affects civil proceedings and ideally you want to make, as we would say, sensible contributions but it is not always as easy as it appears.

So, sometimes you may think that when we insist, and I do not do it for all pieces of legislation, but something like this that is a little more complex than others, and I think that is why the tracking and the assistance sometimes would make it a lot easier. So that is just my own request and I am sure that others would join me with that.

Mr. President, as I continue on my discourse, I was looking at clause (4), and clause (4) talks about “this Act is amended by inserting after section 22A the following sections”. And 22AA talks about, “In this section and section 22AB and 22B and 22C, the term ‘designated entities’ means individuals or entities and their associates designated as terrorist entities by the Security Council of the United Nations.”

Now, I link that point with my point that I was making a while ago as it relates to the deportees because I do not know, Minister of National Security, Brig. Sandy, whether or not when some of these persons for example, have been convicted of terrorism—and I was just sort of having a discourse with hon. Subhas Panday about it. It is within recent times that they have been providing you with a list—I might be wrong—of some of the deportees, but even when they provide you with that list we do not have any legislation to restrict their whereabouts. As a Ministry you could monitor them and there are some you would have to monitor much closer than others—

Sen. Panday: 24/7.

Sen. P. Beckles-Robinson: —24/7. And I refer to the Trinidadians who were convicted in Canada for attempting to bomb a Hindu temple. Those persons are now in Trinidad and Tobago. Are those persons, and I do not think I want you to answer me because it may be sensitive information, I am hoping that those persons will be designated individuals—designated as terrorists, and when they come to Trinidad that that information would be so provided, and we do not read it somewhere on the Internet. Because those are the kind of people who would have been funded by international agencies and may very quietly come into Trinidad as deportees and that funding continue.
5.05 p.m.

So my concern is a very genuine one, because the figures that we have had recently about the number of deportees that are coming and that are returning to Trinidad, I would imagine that it is a very difficult task for the Ministry to be able to monitor those persons 24/7, knowing that you cannot do otherwise because of the existing legislation. In other words, you have to put very creative measures in place to be able to treat with those persons. [ Interruption ] Well, I do not know, but it is something that clearly you have to think about. [ Interruption ]

Now, hon. Brig. Sandy, the reason I am raising this issue is because, when you think about persons who are versed in terrorism, if they thought about coming to Trinidad and Tobago, who are the persons that they are probably most likely to target and influence? Now when you think of the September bombing in the United States, we know that they targeted some of the best minds in Iraq and other places, some people think that it would be mainly the illiterate or those who are ignorant, but it is really going to be a combination of persons who are very brilliant and persons who are illiterate, persons who are easily influenced.

I use that point because here it is you may have deportees coming in and as they land in Trinidad—I mean, reading the newspapers and probably listening to the television they would have returned to Trinidad with certain ideas in mind about certain places. Now that I am back in practice and I have the opportunity to talk to people from time to time, I must say to you that I am still surprised at the kind of activity that is taking place in some parts of Laventille and in the environments and as we seek to treat, really, with the issue of terrorist financing, I think we must be concerned about the whole issue of how people may target and how they may influence some of our young people in Trinidad and Tobago.

Hon. Minister of National Security, I do not know if it was your initiative when two units were placed in Mango Rose and Observatory Street. Was that your initiative?

Sen. Brig. Sandy: It was not; it was there long before.

Sen. P. Beckles-Robinson: Okay, even if it was not, the point is they were there at some point in time when you were the Minister, but those two units have since been moved from Mango Rose and Observatory Street.

Hon. Senator: Harpe Place.

Sen. P. Beckles-Robinson: Harpe Place to be exact. Now, hon. Minister, I know that you are very knowledgeable about—and I use knowledgeable in an improper sense, but that you are aware of some of the activities that are taking place in that area.
You know, when we talk about terrorist activities, Mr. President, and we talk about Pakistan, India and we talk about Russia and Czechoslovakia and you talk about people not being able to move from one place to the next and you talk about the Gaza Strip, it is very hard for some of us to believe that there are places in Trinidad and Tobago, 10 minutes away from where we are speaking, where people cannot go from one part of the street across to the other part of the street. Mr. President, I could just share a couple with you. The people for example who live on Pashley Street cannot go across on the Beetham and the people who live on the Beetham cannot go across to Pashley Street. I am not talking about five hours away; I am talking about minutes and seconds away. [Interruption]

People who live on Wharton Street cannot go up to Old St. Joseph Road, they can only reach to First and Second Pickette Street and people who live on Upper Nelson cannot go to Lower Nelson; people who live north of Prince Street cannot go to south of Prince Street. Mr. President, I am not talking about, as I said the Gaza Strip, I am talking about Trinidad and Tobago, five minutes away from where we are here in the Parliament. [Interruption]

Mr. President, people who live in Sea Lots cannot go to John John and people who live in John John cannot go to Sea Lots. Just recently a guy who lived in Sea Lots, working on a garbage truck earning his daily living went up to Picton and was shot, not for doing anything wrong you know, for working, simply because they recognized him as a person living in Sea Lots. Persons who live in Picton cannot go to Success Village and vice versa. Mr. President, you might have read that recently two air condition technicians living, I think it was in Sea Lots, who went up into Laventille and they recognized that they were not from that area and they were both killed.

Now, every time we hear a killing we feel that somebody went to rob or somebody went to rape, but it has reached crisis proportions where people just simply cannot go from one street to the next and I find that—you know, the more I think about it, it is really amazing. Minister, I know you know Erica Street and Wharton Street; Thomasine Street bounds those two streets and people cannot move from Erica Street to go to Wharton Street and vice versa, and you know what disturbs me about it is that sometimes we go about our business in Trinidad and Tobago not realizing these things are happening. And hon. Minister of National Security, I know you are not one of those to take things personally, because I am not making this personal to you. [Interruption] Good! Right! Fine!
I am just raising it because we are dealing with legislation today that speaks about financing in a sense, money can come into Trinidad from all sources and I do not want to suggest that they would deliberately target people from Laventille or from Morvant. They could target people from central, from Matelot, from any part of Trinidad and Tobago, but my concern is that here it is a few minutes from a police station, because Besson Street is located right there, that people cannot leave one part and cross to go to the other. I mean, I find it extremely mind-boggling and I know it is a matter to which the Minister is giving serious thought in terms of how he could address it. All I want to suggest, Minister, is that you give serious consideration to the return of the two police units at Mango Rose and Observatory Street or Harpe Place. [Desk thumping] Because I know that you get your information regularly and you are in a position to compare as to what happened when those units were there and what is happening when those units are not there.

I said last week and I would say it again, that I have no reason to believe—rather, I have every reason to believe that your efforts at trying to do the best are genuine. I have no reason to say otherwise. [Desk thumping] I also say that whenever I stand and make a contribution and make a suggestion as well, my suggestions are genuine and the best that I could do. [Desk thumping]

When someone spoke to me about this today—as a matter of fact they spoke to me about it and I said, you know, we are dealing with a very important piece of legislation today—Anti-Terrorism (Amdt.) Bill—and we are going to talk about the possibility of people funding terrorist activities in Trinidad and Tobago and I said I am going to raise it because it happens, it is something that has to be close to our hearts. Mr. President, when you think about what happened in 1990 and when you think of the distance from here to Nelson Street, to Duke Street, to Wharton Street, to Erica Street, Desperlie Crescent; you are talking about five or 10 minutes away and if people are living opposite each other and they are saying that you cannot cross here, I mean, to me the country is in a lot, a lot of trouble and we cannot turn a blind eye on it, we cannot turn a blind eye to those kinds of activities and I think as a Parliament we have a responsibility to treat with it.

Mr. President, as I wind up, I know that we passed the Anti-Gang Bill and all the pieces of legislation in a sense, when you combine them they are treating with different aspects of the criminal situation: the Anti-Gang Bill, the Trafficking in Persons Bill, the FIU and the Anti-Terrorism Bill, so at the end of the day it is almost like a piece of puzzle that we are taking, sometimes, very painstakingly to try and get it right, but we know that legislation by itself is not enough. We know that we have to have other initiatives.
The final thing I want to treat with, Mr. President, has to do with the recent developments as it relates to women in Trinidad and Tobago, literally feeling that they are being terrorized. I looked at the *Express* this morning, the front page of the *Express* about the young lady who was burnt and we have looked at the newspapers very recently and it is very painful to try and figure out when you have a pattern and you see, when you talk about even terrorism in a lot of countries it is like you are looking at television and somehow a lot of the young people in their minds they begin to feel that is something nice to do. It is not necessarily that they all have bad intentions, but the way some of our movies glorify terrorism, hon. Minister, because some of the movies that have made the most, the millions and billions of dollars in the world are about terrorism.

It is about terrorism in a way that makes a lot of young people feel that there is absolutely nothing wrong about it and that is the simple truth and those are issues that we have to treat with as we assist in making choices for our children in terms of what are the right movies that you look at and what are the right movies that you do not look at. What are some of the right songs that you listen to and some of the songs that you do not, because even some of our music today is glorifying terrorism. It is glorifying gangster activities and when you listen to what people encourage young people to do, it is sometimes just in front of us and then it becomes impossible for them to change it.

So, Mr. President, over the last couple months or so we have been seeing this new trend where women are being doused with gasoline and set alight and it is kind of—and when you think of what terrorism is, when you think of the fact that people would put a bomb on them and blow up themselves and go somewhere and put gas and light the place afire, you ask yourself, what would influence a man or woman to throw gas on someone and light them afire? I mean, where are we going in our society? Because those are little signals that tell us that our society is in trouble [*Desk thumping*] when people can think of looking at a human being, somebody that you love, somebody that you had a relationship with, somebody that is the mother of your children and you would throw gas, light the person afire, I mean, it is mind-boggling. And as we seek to pass all different types of legislation, in a sense, to reduce crime, to eliminate crime and hopefully to get people to think differently about each other, I really hope that—and I know the Minister of National Security has had the mentoring programmes and other programmes to assist fathers.

**Sen. Panday:** Do not forget Saturday.
**Sen. P. Beckles-Robinson:** What is happening on Saturday? Well, the Minister will—[Interruption] It is Saturday or Sunday? I thought it was Sunday, but anyway—

**Sen. Panday:** It is Saturday.

**Sen. P. Beckles-Robinson:** I thought he said Father’s Day so I thought it would have been Sunday. Anyway, Saturday. [Interruption] Well I have not heard the invitation go out to mothers; I think the invitation has gone out to fathers.

**Sen. Brig. Sandy:** I am not discriminating.

**Sen. P. Beckles-Robinson:** You are not discriminating, okay, fine, but I am sure when you are winding up you would talk a bit about it to remind the public.

But, Mr. President, as I close on a serious note, I really hope that whatever is influencing some of our men to be terrorizing and treating a lot of our women with disrespect within recent times, that whatever is necessary in terms of legislation, education and otherwise, that they would really desist, so that people can continue to live in the peace and comfort which I think all of us as Members of Parliament desire for each citizen of Trinidad and Tobago.

Thank you. [Desk thumping]

5.20 p.m.

**Sen. Subhas Ramkhelawan:** Thank you, Mr. President. As I rise to deal with this Anti-Terrorism (Amrdt.) Bill, 2011, I do so with a great awareness of the extreme complexity in trying to put together all the various facets that point now to this particular piece of legislation. I say so because this piece of legislation is very much connected with a number of other areas that we as a Senate, we as a Parliament have sought to put in place over the past five to six years. I will try to, within my limited capability, simplify some of the matters in order to drill down at the end of my contribution to particular pieces and aspects of the legislation, and what I think we ought to do, and where my support will lie with regard to this piece of legislation.

Therefore, Mr. President, it is important to put the legislation into historical perspective, which I believe my hon. friend Sen. Al-Rawi had sought to do in his earlier fine contribution. I go back to the driving force behind this legislation, or forces, because there are international forces that are playing on what we need to do with legislation in order for us to keep our place in line and keep our place in the world.
In 2005, we passed the Anti-Terrorism Act. And that Act as couched was meant to deal with matters relating to terrorism and the sanctions and punishments that would be put in place in terms of any terrorist activity within the borders of Trinidad and Tobago and outside by our various citizens, and on our registered ships and so on. Going back, that was driven by things that were happening in the world, the increased situations with bombings, the increased situations with acts of terrorism across the world that were taking place more so in the 1990s. Then there was the issue of the financing of such terrorism because it takes money for terrorist activities to take place of the scale and nature that we have seen over the past 10 to 15 years. It takes money as well as planning. It takes resources inclusive of human lives.

And so the question of financing, the question of anti-money laundering from criminal activity morphed into the question of financing of terrorist activity. And the world was not asleep. The world reacted, governments reacted, seven governments in the first place, by forming the Financial Action Task Force which we are commonly referring to here as FATF. Over time this Financial Action Task Force spread its tentacles right across the world from seven countries to now, over 130 countries through regional players in the main.

5.25 p.m.

We in Trinidad and Tobago are linked to and part of the Caribbean Financial Action Task Force—CFATF is the acronym. This is the background to what has been happening, and over time in the 1990s FATF the international body, set up a number of recommendations as to how to deal with this matter of anti-money laundering, ensuring that criminals cannot wash their money across the world and bring it into the legal domain, on the one hand. Then these forty recommendations were extended into additional special recommendations, which is commonly called the FATF 40 + 9, nine additional recommendations, which in the main dealt with the question of financing or countermanding terrorist financing. And countries over the world in the process of shoring up their own boarders against terrorism and against anti-money laundering joined in the fight against anti-money laundering, and against the financing of terrorism; and Trinidad and Tobago was one of them—one of over 130 countries.

So here we are now, and our legislation was premised on what was going on in the world, in terms of legislation worldwide to ensure that the world can countermand financing terrorism and money laundering. So that in 2005, we set up the Anti-Terrorism Act, passed under the PNM administration; and in 2010
there was amendment to the legislation, the 2010 Anti-Terrorism (Amndt.) Bill. These adjustments to the legislation fed back into some pieces of legislation that even pre-dated the 2005 anti-Terrorism legislation, and that is the Proceeds of Crime Act, which was intended, amongst other things, to ensure that criminals in terms of the drug trafficking and drug trade did not benefit from the proceeds of their heinous crimes.

It provided for the State to freeze assets in some cases and to confiscate assets in other cases. This was in the main what the legislation was about. You know, Mr. President, that was in 2000, but the Proceeds of Crime Act was amended further in 2009; and it was amended to deal with matters of anti-money laundering, and also the financing of terrorism.

So that in 2002, you had the proceeds of crime. You would have had a change in the 2009 legislation, with a long title that reflected what was the intent of the amended legislation, the Proceeds of Crime Act, and the long title of that Act was: “An Act to Establish the Procedure for the Confiscation of the Proceeds of Certain Offences and for the Criminalization of Money Laundering.”

So we are seeing a metamorphosis taking place in terms of the legislation. Tied to that, the whole question of anti-money laundering and financing terrorism, was the establishment of a capability to enforce the laws that were being put in place, and then we passed in this Senate and in the Parliament as a whole, we passed the Financial Intelligence Unit of Trinidad and Tobago Act in 2009. That Act was passed under the then PNM administration. [Desk thumping] The Act was passed hurriedly even though there were several concerns by Members, if I recall on the Independent Bench, with regard to the construction of the legislation.

5.30 p.m

I believe at that point in time the question was whether we should pass it using one of the several models that were available to have an enforcement unit, whether it was an administration unit or a law enforcement unit. There was some toing and froing, but the then Attorney General in 2009, made the case and it was a clear case. It was: if we do not pass this piece of legislation—I believe it was February 2009—now, the events that were taking place across the world would overcome us and we would find ourselves on the blacklist of the international Financial Action Task Force. So it was, those who had great concerns about certain clauses in the legislation, acceded to the request—which I considered to be a more than reasonable request by the then Attorney General—to allow the passage of this piece of legislation on the basis that it would come back to the Parliament within one year’s time.
I can refer you to the specific section. It is now section 28 which is still embedded in the legislation and not expunged. It was section 28 which said:

“(1) Within one year of the coming into effect of this Act, the Minister shall return to Parliament for a review, by Parliament, of the operations of this Act.”

History will show that there have been two amendments, I believe, since then, one in 2010 when the learned Attorney General made a strong case and also sought to prove that the person acting as director or director designate, or otherwise, was acting illegally in the position because the position required a public officer to act in it. He made a very impassioned case about it, and the legislation was adjusted, and there was a subsequent adjustment to the legislation earlier this year, 2011.

That is the panoramic view of what has been happening, because all of these pieces of legislation must be taken together in order to ensure enforcement against money laundering and the financing of terrorist activity.

It is a bit complicated, Mr. President, but I think for the purposes of our citizenry, we have been debating this piece of legislation down very narrow channels and, in that context, it is very difficult for our citizenry—in fact, it is very difficult for me, who would have participated in much of the legislation going back to 2007. It is difficult for me to put all of these pieces together. Think of what will happen to our citizenry in general. That is why I painted this viewpoint to establish where we are now in 2011 with this anti-terrorism amendment.

I wanted to also bring to your attention and the attention of the nation that we started with an Anti-Terrorism Act, 2005, and the title of that legislation—just to make it clear and cogent—was actually changed in the 2010 anti-terrorism legislation. The long title of the Act changed to reflect what we were trying to do in order to prevent money laundering and in order to prevent the financing of terrorist activity within our borders. The long title of the Act read, “An Act to criminalize terrorism...”—because you will remember in the FIU, we were criminalizing money laundering, or I think it was the proceeds of crime. You see how confused I am already, Mr. President. This long title read:

“An Act to criminalize terrorism and the financing of terrorism, to provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists’ assets and of those involved in the financing of terrorism and related matters.”
That is the background in terms of these pieces of legislation with their various amendments: the Proceeds of Crime Act 2000, as amended in 2009; the Financial Intelligence Unit of Trinidad and Tobago Act, 2009 amended in 2010, amended in 2011; and the anti-terrorism legislation, 2005, 2010, and now being put before us for passage in 2011.

With that background, I come to this piece of legislation and the implications for its passage or non-passage. I would like my colleague, Sen. Brig. John Sandy, when he is winding up, to confirm or reconfirm, why this piece of legislation is required to be passed before June 20. As a nation we are going to be blacklisted. That is the simple fact. Can anyone stand and tell me that is not so? June 24, 2011 is when the FATF players are going to come to examine what we have done or not done, and whether we are in compliance or out of compliance.

Now, somebody might say, so what! So what if we are blacklisted, or so what if we are no longer part of FATF or CFATF as the case may be! The implications of such blacklisting are far too nefarious for me to even countenance, and I will tell you why. If such a situation takes place, there are implications for all of the financial institutions in this country—bar none—and the implications are severe. The implications are so severe that you could have a situation where firms will actually have to shut down. I am not exaggerating. Financial institutions in this country do business with other financial institutions, and for the sake of clarity let me declare my interest in financial institutions as defined under this Act, being a deputy chairman of the stock exchange and being a practitioner in a securities company which is a dealer and broker.

Coming back to the issue, you might say so what if one or two financial institutions find themselves severely constricted or may even have to close their doors! But it goes far beyond that because the implications are for every single citizen of this country. Every single citizen who has a bank account, who wants to get US dollars, who wants to get foreign currency, you want to send your child to school in the US, or Canada or one of those countries and a decision is made that this country is deficient in terms of its compliance with the requirements for anti-money laundering and financial terrorism, where are you going to get the money from? How are you going to send money across there?

Let me tell you what is happening right now, Mr. President. Right now there are institutions abroad that are refusing to do business with financial institutions in this country. They are refusing to do business on the basis that they can no longer do business with a jurisdiction that is deficient with regard to anti-money
laundering legislation and anti-terrorism financing legislation. Those are the clear facts. Those are facts that are indisputable. So let me go on just to establish this case beyond the shadow of a doubt. Even if those may say that they have a concern because of my interest, I am going to read a letter from the Securities Dealers Association of Trinidad and Tobago dated June 07, 2011, directed to the hon. Minister of Finance, and for some reason they chose to copy me. I was in a select group of persons who were copied because the hon. Attorney General was copied, the Governor of the Central Bank was copied, the Minister of National Security was copied, the Chairman of the Securities and Exchange Commission was copied and my senior colleague, Sen. Basharat Ali was copied. What did it say? I will put it into the record just to make sure that we understand clearly what the implications are to these financial institutions:

“Status of Trinidad and Tobago with FATF as a ‘jurisdiction not making sufficient progress’

Over the past few months, several of our members have indicated that most of their foreign brokers have either ceased to do business with them or significantly limited the type of business being done. These foreign brokers have cited...negative implications for their business”—that is the foreign brokers—“as a result of having relations with a jurisdiction that has made slow progress with implementing FATF agreed action plans.”

The world is a small place, Mr. President, and you could run but you cannot hide. The world is a very small place. You think you are a man, you want to go out there and do business and you get caught in this trap, think of what is going to happen and the consequences of that.

I go on:

“Our understanding is that the FATF is not satisfied that Trinidad and Tobago has made sufficient progress on the action plan agreed upon with them and in particular with issues of staffing of the FIU”—the Financial Intelligence Unit—“and demonstrating implementation. They note”—this is FATF—“that failure on our part to implement significant components of the action plan by June 24, 2011 FATF plenary, will result in us being classified as non-compliant and could lead to the next step of calling upon their 180 members, and associate member nations to consider the risks arising from deficiencies associated with our jurisdiction. Blacklisting will have implications for our banks, securities companies, EIB”—that is the European Investment Bank—
“and IADB facilities,”—Inter-American Development Bank—“trading and foreign investment access.”

And they go on:

“Highlighted deficiencies that require addressing include, (1) implementing adequate procedures to identify and freeze terrorist assets without delay.”

And this is contained in one of the special recommendations—Special Recommendation III. Remember, Mr. President, I spoke about FATF 40 recommendations plus nine and this is the third special recommendation.

“(2) implementing adequate procedures for the confiscation of funds related to money laundering…”

This is recommendation 3 of the 40 recommendations.

“(3) establishing a properly led, fully staffed, operational and effectively functioning FIU, including supervisory powers.”

Which is recommendation 26 of the 40 recommendations. And SDATT goes on:

“While we have made significant strides towards full implementation of the action plan, it is critically imperative that we ensure that outstanding deficiencies are addressed by the specified deadline”—which is June 24—“to facilitate a verification site inspection by FATF that implementation is in place. They”—that is FATF—“may require demonstration of actual enforcement action in order to avoid formal blacklisting.”

And they go on:

“We call upon you, as the Minister of Finance and line minister for our financial industry, to take any and all necessary steps to ensure that we meet the agreed June 24th deadline so as to avert the dire consequences of blacklisting by FATF.”

Signed by the President and a number of other players who participate in this.

I do not think that it can be made more clear what the implications are. So as my learned friend, Sen. Prescott SC says, “Why don’t we go about this in a more leisurely manner?” That is why we cannot go about it in a more leisurely manner because there is a deadline. There is no leisure and there will be no pleasure in being blacklisted.
Anti-Terrorism (Amdt) Bill

[SEN. RAMKHELAWAN]

So when we talk about the graveyard of civil liberties, I want to know and I think many citizens—and I would venture to guess that many more citizens would be—if they had to choose between the graveyard of certain civil liberties to a restricted few as opposed to the liberty and privilege, and the right to send their children to school, and the right to pay for their services through credit cards which will be shut down and could be shut down, then tell me what choice would you make, Sen. Al-Rawi? [Interruption] It is a choice but I do not think in the context that it is a very difficult choice. In fact, it might be Hobson’s choice or it might be the Ford’s choice; you can choose any car you want and any colour but it must be black. That is the choice; we are up against it.

I am not trying to defend the Government; most people say that I do not have the capability to defend the Government and that is entirely true, but what I am trying to defend is the interest of this country at this point in time. To me, it is less relevant as to who the Government is but what the Government does. It is more relevant that we seek the interest of the country and the interest of the many as opposed to the interest of the few.

Actually that is what democracy is about. Those are the choices that we have to make; the interest of the few over the interest of the many, and they do not always coincide. They might go off in different directions. I am clear, I am very clear in my mind whom I will choose; the Hobson’s choice.

5.50 p.m.

But, I would have liked the Government to have been more clear and cogent about the implications of this piece of legislation. It should have been said very clearly, because when, in 2009, the Financial Intelligence Unit had to be set up within a certain time frame and there was opposition from certain quarters as to the construction of the legislation, the Attorney General came and appealed to and supplicated, but at the end of the day, he got his message across: Look, we have to do this, and if there are any amendments that you want to make at a certain point in time, an assurance was given that those amendments would be made.

Further to that, I think Independent Senators said: “Yuh know, we really doh want that personal assurance, put it in the legislation.” Clause 28 of the Financial Intelligence Unit of Trinidad and Tobago Act—we put in clause 28. Now, it is my understanding, this probably being the last session, that we might have to settle for very strong undertakings, properly recorded in the Hansard. Now, if I had my druthers I would put in another section 28. But, I have a suspicion that I will not
get my druthers and the interests of the country are far more important than making a particular point. That is where I stand on it and that is what I say my position is.

But, there are other things that I would like to speak to and to reinforce some of the comments made by this institution, SDATT, very strong comments. But this is FATF commenting in February 2011, I believe it is on one of the websites about Trinidad and Tobago. I quote:

“Despite Trinidad and Tobago’s high-level political commitment to work with the FATF and the CFATF”—which is the Caribbean arm—“to address its strategic…”—anti-money laundering and counter-financing terrorism—“...deficiencies, the FATF is not yet satisfied that Trinidad and Tobago has made sufficient progress in implementing its action plan, and certain strategic”—anti-money laundering financial terrorism activities—“deficiencies remain. It is important to note that Trinidad and Tobago enacted CFT Regulations”—which has to deal with financing terrorism—“and FIU Regulations”—which is the Financial Institutions Unit—“and that the FATF has not yet examined’”—them—“due to the recent nature of this action.”

But, they are coming to examine them. That was in February, but they are coming to examine them in June. Is that not so hon. Minister?

Sen. Brig. Sandy: They have already done it.

Sen. S. Ramkhelawan: Did I hear you say they have already done it?


Sen. S. Ramkhelawan: Okay. The Minister said they have already done it.

“The FATF will assess these regulations and, in any case Trinidad and Tobago should continue to work”—this is why we are here today—“on addressing its deficiencies including...(1) implementing adequate procedures to identify and freeze terrorist assets without delay (Special Recommendation III); (2) implementing adequate procedures for the confiscation of funds related to money laundering (Recommendation 3); and (3) establishing a fully-operational and effectively functioning FIU, including supervisory powers (Recommendation 26). The FATF encourages Trinidad and Tobago to address its remaining deficiencies and continue the process of implementing its action plan.”
Mr. President, if you did not believe me, fine. If you did not believe SDATT, fine, but there it is, this is an international organization saying: if you do not want to do this, here are the implications.

This is a commentary again, from FATF, as to jurisdictions not making sufficient progress and the implications thereto, in a most diplomatic form. I quote:

“The FATF is not yet satisfied that the following jurisdictions have made sufficient progress on their action plan agreed upon with the FATF.”

This is talking about generally. Some of these jurisdictions include Ukraine, Vietnam, Yemen, Angola, Ethiopia, Syria, Sri Lanka and Myanmar. I wonder if this is the company that we necessarily want to keep, in terms of matters relating to anti-money laundering and anti-terrorism financing.

“The most significant action plan items and/or the majority of their action plan items have not been addressed. If these jurisdictions do not take sufficient action to implement significant components of their action plan by June 2011, then the FATF will identify these jurisdictions as being out of compliance with their agreed action plans and will take the additional step of calling upon its members to consider the risks arising from the deficiencies associated with the jurisdiction.”

My colleague on the left, Sen. Baptiste-Mc Knight, was an ambassador and a diplomat for quite a long time and I am sure she might be able to translate that diplomatic language much better than any one of us can in this honourable Senate.

Sen. Baptiste-Mc Knight: You would not like to hear the translation.

Sen. S. Ramkhelawans: She says to me: “You would not want to hear the translation” and neither would I, what diplomatic speak means when translated. These are the considerations, and I can go on and on with the implications and I can also provide this honourable Senate with refusals that have already taken place by certain houses.

But, I will draw your attention to an article instead, in the Trinidad Guardian. It was published on Thursday, March 03, 2011. The article—I would read two lines from it, says:

“Several online brokerage facilities—TD Ameritrade, Scottrade and Option Xpress have placed T&T on Restricted Country List that they don’t do business with. Details weren’t forthcoming on when or why the country was placed on this list. Ameritrade told the Guardian it took this decision on December 02, 2010.”
I think most persons who would have been on Ameritrade—this is a trading platform, so you wanted to buy whatever shares were listed on one of the US exchanges. From Trinidad, you can punch up once you set up an account and buy those shares and sell those shares from Trinidad. Now, you cannot do it with Ameritrade, Scottrade and certain others. Recent indications are Interactive Brokers which has been checked and certain Luxemburg players no longer want to do business. Those are the facts. I am quoting the facts. The situation is grave. The situation is grim, and real, concerted, effective and urgent action by way of legislation must be taken.

I do not want to go through the various clauses. I think that is sufficient. That is why this piece of legislation is here, to comply and to comply within a certain time frame, or else.

This Bill is, among other things, intended to define the term “designated entities”. Designated entities are those entities, which, I believe, the United Nations would have deemed entities that may be engaged in certain activities relating to financing of terrorism; designated entities—it is contained in the Bill—and to restrict the availability of funds, which is continuing activities of these entities, in terms of what they do and the legislation would give effect to the containment or the total restriction of any activities.

Also, clause 6 of the Bill envisages certain action which is, in preventing financial institutions or listed business from entering or continuing a business transaction or relationship with a person or a designated entity the name of whom appears on the consolidated list foreign and local designated entities. For the benefit of the community of our citizens, it is a requirement of financial institutions now to, in entering into business with any party previously unknown, do a due diligence check or a compliance check, to ensure that this person is not on the list, is not on the list of the United Nations and other websites, so that they can engage in business with these parties. Remember, if even we did not have the legislation and we entered into business, when I say we, I mean financial institutions, with these designated entities, other counter parties, other institutions around the world, would stop doing business with us. The world is a very connected place. It is a very small world, and the legislation, in terms of its content, would need to be supported.

I have picked up a number of areas where I think amendments need to be made, but I draw on the history of the Financial Intelligence Unit of Trinidad and Tobago Act, 2009, section 28 where, for the good of the country, for the greater
good of the country, certain shall I say, compromises were made and the compromises were not meant to be permanent or long-lasting. The compromises were meant to ensure that we did not cut our nose to spoil our face, as the wise used to say. Let us ensure that we do not find ourselves falling into such a trap where we cut our nose to spoil our face.

6.05 p.m.

I would like to make certain amendments, but if it cannot be done now, I want a commitment from the hon. Attorney General that those commitments would be made within three months of the reopening of the next parliamentary session. [Desk thumping] And I think the hon. Attorney General and the Minister of National Security know the urgency of this matter. And I think it would be little to be prepared to give such undertakings here in this honourable Senate. If it is not three months, we might give another one month, because of the delays. [Interuption] Well, I am asking for three months, others might want to ask for different things. I am saying that I am prepared to make this adjustment on the basis of precedent, a precedent in ensuring that we met the requirements of the international community for our own good, not because we feel like making a concession to the international community, but to ensure that the lifeblood of the country, which is financing does not stop.

Mr. President, you might want to go off on vacation in a short while, and when you go, you might engage in shopping or persons close to you may want to engage in shopping, you would have to pay for your ticket, you would have to pay for your hotel, you would have to pay for those goods that you buy. You do not want to know that your platinum card does not work. And I am sure that is the case with every single person in this country. So those are my thoughts as far as that is concerned and apart from the individual there is very wide coverage as to who would be involved, very, very wide coverage. A listed business, apart from the financial institutions—

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator’s speaking time be extended by 15 minutes. [Sen. F. Al-Rawi]

Question put question agreed to.

Sen. Al-Rawi: So Freudian is my extension, Mr. President, because I wish to hear the Government speak as well.
Sen. S. Ramkhelewan: [Desk thumping] Thank you, Mr. President. And I want to hope that that Freudian slip by my learned colleague Sen. Al-Rawi was not intended to be an insult, but rather a compliment.


Sen. S. Ramkhelewan: I take it as a compliment given the name—my namesake.

Financial institutions: banks—these are the financial institutions so named under the Proceeds of Crime Act, 2000 and, of course, extended with the amendments—financial institutions licensed under the Financial Institutions Act, 2008, and I note in the legislation that a correction was made to refer to—in the definitions of the 2011 amendments, that there was a definition of “financial institutions” under the Financial Institutions Act, 2008, which would have been incorrect and is corrected in the 2011 Bill, which refers to “financial institutions” and refers to the definition in the Proceeds of Crime Act. So that is corrected.

Building societies—I am talking about the areas covered by financial institutions; societies registered under the Cooperative Societies Act; a person licensed under the Central Bank Act to operate an exchange bureau; a person licensed under the Securities Industry Act as a dealer or investment dealer; persons who carry on cash remitting services; a person who carries on a postal service; any other person declared by the Minister, by order subject to negative resolution of Parliament to be a financial institution for the purpose of this Act. Those are the financial institutions that are covered, but there are listed entities which have been placed under the purview and watch that emanate from these various pieces of legislation: the proceeds of crime legislation, the Financial Intelligence Unit, the Anti-Terrorism legislation.

I cannot seem to find my listed entities component, but they include a very, very wide number of players; jewellery stores, trust operations, attorneys, accountants, persons involved in every single area.

Now, one can argue that the clauses in the legislation are very punitive, 25 years jail in terms of the punishments, $2 million as the case may be in terms of the fines to companies. But we want to be a country that is operating and seen to be operating above board. We want to be a country that can hold its head up high in the international community, and we have done that before and we simply want to continue to do it. Those who want to engage in such nefarious acts as financing terrorism, and anti-money laundering there is a price to pay, let them pay the price, let not the country pay the price.
Anti-Terrorism (Amtd) Bill

Tuesday, June 14, 2011

[SEN. RAMKHELAWAN]

So it is with some reservations in terms of the amendments that may need to be made, I want to express my support for the country, and in expressing my support for this country I need to express my support for this piece of legislation. I thank you, Mr. President. [Desk thumping]

The Parliamentary Secretary in the Ministry of Energy and Energy Affairs (Sen. Kevin Ramnarine): Thank you very much, Mr. President. I want to thank Sen. Ramkhelawan for that excellent explanation of the pieces of legislation that as he aptly said, fit together to create the different steps that we have to take as a country in combating the international drug trade and international terrorism. Specifically, he referred to the Proceeds of Crime Act, the FIU Act and this Act which is before us today which was initially passed in 2005, the Anti-Terrorism Act, which is the Act which we are currently amending.

Mr. President, I am not a subject matter expert in this area, but I have studied the Bill and with my own humble intellectual background I have attempted to explain the importance of the Bill. I noted that Sen. Ramkhelewan used two very strong adjectives to describe the importance of this Bill when he said that the consequences of not having this piece of legislation would be grave and grim. He pointed to a number of examples where people have children studying abroad, many of us travel abroad quite frequently, and we, of course, do not live in a bubble in Trinidad and Tobago, we live in a globally interconnected world, where we all transact with other countries, banks and financial institutions in other countries. So when one travels, of course, one uses a credit card.

I had an experience in China about a year ago where I went to pay for my hotel room and the credit card which I was pretty sure had much money on it was continuously being rejected. At that point in time I called the emergency number at the back of the credit card and I was told there was a limit depending on which country you are in, a limit per transaction. So what I was advised to do on the phone was to break the transaction up into smaller amounts and that—first the limit was US $500. So it began to process once that happened. I used that example to show how very interconnected the world is and how very quick it is for banks to identify when things like that are happening. So that is an example I would use to show how this piece of legislation is critical for Trinidad and Tobago.

Mr. President, we live in a very special country, this Bill has to do with terrorism which is a reality of life in the 21st Century, in fact, the 21st Century was ushered in by one of the greatest acts of terrorism in history, 9/11. But here in Trinidad and Tobago—and I want to say this because I believe that our country is really a special place having travelled quite a lot over the last five years, and having interacted with persons who have worked in Trinidad and Tobago and
have come from different countries, and are very impressed with the level of interracial or racial harmony, of harmony between the religions and in general, harmony among the peoples of Trinidad and Tobago.

I think putting the politics aside, we really have a country that can really stand proud in the community of nations as a model. [Desk thumping] And we do not, therefore, have the problems that other countries are grappling with in the world today, and there is a reason for that. Trinidad and Tobago is the product of a very unique period in time. It is a product of an age of globalization that predates the current globalization that is happening in the world. We are all products of what we call the Victorian era globalization and as such we have been here for quite a long time over—some of us 200 years in the case of the Chinese, in the case of the Africans even longer, and recently we celebrated Indian Arrival Day and we have been here for almost 170 years.

That long gestation period of persons living together has caused Trinidadians to be one of the most adaptable people in the world. In the oil industry from where I came, there is a standing joke that wherever you find oil in the world you will find a Trinidian, and you will not only find a Trinidian, you will find a very successful employee, somebody who a company would not want to let go, because we are so culturally adaptable and that is a great credit to this country.

But to give a backdrop of where the world is today with regard to terrorism, in the early 1990s an American academic called Samuel P. Huntington wrote a paper in the foreign affairs magazine called “The Clash of Civilizations” where he said that the next era of conflict in mankind would be conflict because of cultural and religious differences. And this was in the year 1993, and he was responding to a book written by another academic named Francis Fukuyama who had postulated that history had basically come to an end and what he meant by that was that with the fall of the Berlin Wall, Fukuyama postulated that liberal democracy would penetrate the entire world—

**Sen. Panday:** Hon. Senator, Hon. Senator, thank you.

**Sen. Bharath:** Standing Order 35(1)!

**PROCEDURAL MOTION**

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): “Dey” say 35(1) [Laughter] [Interruption] Mr. President, in accordance with Standing Order 9(8), I beg to move, that the Senate continue in session until the completion of the matter at hand. Thank you very much.

*Question put and agreed to.*
ANTI-TERRORISM (AMDT.) BILL

Sen. K. Ramnarine: [Desk thumping] Thank you, Mr. President. I was simply being inspired by my friend Sen. Al-Rawi who started off with the Bolshevik Revolution in Russia and gave us a history.

6.20 p.m.

Mr. President, sticking to the historical note, one of the earliest acts of terrorism in the 20th Century was the assassination of the Archduke of Austria, Franz Ferdinand, in the year 1914. What is significant about that event is that it was the spark that triggered the First World War, a war that lasted four years and cost the lives of 10 million people.

So terrorism is not an isolated thing. It is something that has serious impact and when we look throughout the course of the 20th Century—some of you may have seen the movie Munich, which was a Steven Speilberg movie based on the 1972 Munich Olympic Games, where Israeli athletes were kidnapped and killed. Then there was the 1995 Oklahoma City bombing which saw 168 American citizens, mainly public servants, being killed.

We are not immune to terrorism. Of course, here in Trinidad and Tobago, in 1990, we had our attempted coup. This Red House and the Parliament that we are all a part of now was invaded. The Prime Minister, Ministers of Government and the staff were all held hostage and there was a very significant loss of life and property in Trinidad and Tobago.

Not too far back, in the year 2005, there were a series of explosions in and around the city of Port of Spain that injured a number of citizens and, to date, the person or persons behind those explosions remain a mystery to the people of Trinidad and Tobago.

I did not want to be too political, but not too long after, in the year 2006, there was an event which we have hardly spoken of in this Senate over the last session, and that event had to do with the charging of the Chief Justice, which, though not an act of terrorism, represented to me then as a citizen, as a student, a very low point for the Republic of Trinidad and Tobago. Regardless of what were the causes and the consequences, that to me was really a very low point in our political and civil history.

In the year 2007, we had persons in Trinidad and Tobago being arrested. It was alleged that they were a part of a plot to blow up the JFK Airport in New
York. My research indicated that those persons have now been convicted in the United States. Many of us are familiar with the JFK Airport. It is one of the busiest airports in the world and if there were to be a terrorist attack there, it would certainly cause a large loss of life.

Just recently, in India, there was a serious terrorist attack on the financial capital of India, which is the city of Mumbai, and I speak of the terrorist attack on the Taj Palace Hotel, which was well televised. If one travels to the city of New Delhi or to the city of Mumbai today, India is a country that has learned to live with terrorism. I say that because all the major malls in New Delhi and Mumbai; all the international hotels like the Marriott, the Sheraton and so on are equipped to detect bombs; persons going into the hotels, even though they are guests, have to be scanned. India is a country that has learned to live with terrorism and that is simply a reality of life in that country. So terrorism is very much one of the realities of the world in which we live today.

Coming to the Bill before us, the objective of the Bill in question, the Anti-Terrorism (Amdt.) Bill, is to deal specifically with measures to identify and freeze terrorists’ assets because, according to the Financial Action Task Force (FATF), financing of terrorism is fundamental to the success of the terrorist venture and we see that right after the 9/11 attack on the United States, the US Government set about to freeze terrorists’ assets all over the world.

This Bill, when passed, will allow Trinidad and Tobago to meet Special Recommendation III of the Financial Action Task Force and that special recommendation requires jurisdiction to implement laws and procedures to freeze terrorists’ assets in accordance with the UN Security Resolutions 1267 and 1373.

What is Special Recommendation III? Special Recommendation III and the 40+9 recommendations are available on the FATF website. Special Recommendation III states:

“Each country should implement measures to freeze without delay funds or other assets of terrorists, those who finance terrorism and terrorist organizations in accordance with the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts.”

So that is Special Recommendation III. It deals with the assets of terrorists. It seeks to bring forth legislation that will lead to the choking of the financing of terrorists.

So, Mr. President, if you go through every single speech I have given over the last year, the word “globalization” probably comes up in every single speech and I make no apologies for that whatsoever because the reality of the world is that we
live in a very interconnected and globalized world and the research has shown that the more interconnected a country is, the more integrated a country is into the global economy it is more likely that country will be the target of a terrorist attack. One can simply use the far-flung example of North Korea, which is probably the country in the world that is most disconnected from the global economy and there is certainly no terrorist attack taking place in that country.

We in Trinidad and Tobago are not immune from the drug trade and from terrorism, and the two go hand in hand. I will explain that point as I go on. Mr. President, the same forces that have caused globalization to be activated in the world and have caused resources to be able to move almost seamlessly from one country to another also facilitates international terrorism and, might I add, transnational crime. The same forces that allow for easy movement of capital, labour, technology and information around the world have also facilitated terrorism. There is a link between globalization and terrorism and between globalization and the drug trade.

Combating transnational crime and terrorism, therefore, requires international cooperation between countries. For example, it is reported, with respect to the drug trade, in certain newspapers, articles and so on that the operations of terrorists in what is called Waziristan in West Pakistan is in some way funded by the production of opium in Afghanistan. That is the link between the drug trade and international terrorism.

Mr. President, Trinidad and Tobago, as I said, is not immune and we have to be cognizant of the fact that we sit between supply and demand for drugs; supply coming from places like Colombia and Bolivia and demand coming from North America. We have to be cognizant, too—I think it was mentioned in the debate in the Lower House—that this is an energy economy and, as I speak it is now 6.28 p.m., there are hundreds of citizens in gridlock traffic on the Solomon-Hochoy Highway because there were two accidents on that highway during the course of the day; one involved the overturning of what we call a road tank wagon, which is those trucks that you see transporting gasolene around the country. Our prayers go out to all those citizens who are trapped in traffic and we hope that everybody gets home safely.

This country has a large number of energy assets and when my colleague, the Minister of National Security spoke in the other place, he gave the example of his service in the military where he would walk the pipeline from as far as Guayaguayare, all the way into San Fernando, which was part of what the military did to ensure that pipelines were not being tampered with.
We have energy assets in this country that are owned and operated by British, Australian and American companies and those countries are all, of course, at the forefront of the war on terror. I say this, not to frighten anybody, but just to show how important this piece of legislation is in that context.

We have over 20 world-scale plants at Point Lisas producing ammonia and methanol for the markets of the world. We have four LNG trains at Point Fortin; the National Gas Company, NGC, operating hundreds of miles of natural gas pipeline; and Petrotrin, our state oil company, operates and maintains hundreds of miles of pipeline that carry oil. We have thus far been very fortunate not to have the experience of what happens in a place like Nigeria where people tamper with pipelines, not out of terrorist motives, but because they want to steal fuel and so on and that leads to significant loss of life and disaster in that country.

I just want to put on record that the energy infrastructure of this country is critical to the economy of this country. If there is any loss of energy assets in this country, there could be significant ramifications for the economy of Trinidad and Tobago. Almost all our electricity is generated from natural gas; I think it is 99 per cent, and when the power plant in Tobago moves from diesel to natural gas—and Sen. Cudjoe, I saw the power plant in Cove Estate over the weekend—our country will become the second country in the world that generates all its electricity from natural gas; the other country being Qatar. So any sort of attack on energy infrastructure in Trinidad and Tobago could have serious ramifications.

So, Mr. President, terrorism, as we have seen, as was explained by our colleague Sen. Ramkhelawan, and the financing of terrorism is a very complex and elaborate exercise that is very difficult sometimes to detect. The financing of terrorism is even more difficult to detect given that on a daily basis, for example, the international Forex market could turn over almost $2 trillion worth of trade. In that entire volume of financial transactions, banks and governments have to now sift out what could be activities that are supporting terrorism. Research has also shown that the financing of terrorism usually takes the form of fund raising for a charity and we have heard on the news, CNN and the BBC, for example, where charities fronting for terrorist organizations have been shut down in the United Kingdom, in India and in the United States.

We know that money is the lifeblood of terrorism and it is for that reason that the Financial Action Task Force, in October 2001, after the aftermath of 9/11, published its nine recommendations to combat terrorist financing. So this Bill before us, and I agree with Sen. Ramkhelawan, is very important. I believe we must also take into account the fact that it puts additional responsibility on the
local financial sector which is already burdened by several calls for information to fill out my Integrity in Public Life form. That, of course, takes them time when they have to pull all that information for all persons in public life. So this is another responsibility that we are placing on the local financial sector and one that I am sure they will meet.

Mr. President, the Government, of course, is committed to ensuring that our country is compliant with the requirements of international institutions such as FATF. The Government is committed to working with the international community to combat the drug trade and terrorism. Might I add, the Government of Trinidad and Tobago is very cognizant of the need to ensure that the business environment in Trinidad and Tobago is such that it lends to competitiveness and, as Sen. Ramkhelawan pointed out, compliance with international organizations such as the Financial Action Task Force is critical to ensure that our businesses, our banks, our financial institutions continue to be allowed to function in the global economy.

This Bill, therefore, is another step forward in ensuring that we are in harmony with the requirements of the community of nations and that we do our part as a country and as a Parliament to combat terrorism and the financing of terrorism.

Mr. President, with those few words, I thank you very much.

6.35 p.m

Sen. Terrence Deyalsingh: Thank you, Mr. President, for allowing me the opportunity to make an intervention in this debate. I have to accept the challenge posed by my good friend Sen. Faris Al-Rawi, with an “R”, who started his contribution about the Bolshevik Revolution and also Sen. Kevin Ramnarine who started off with his philosophy based on the book The Clash of Civilizations, which I have and which I read. But my philosophy is going to be more locally based, Mr. President, because when I was preparing for my debate today, this morning, I had the same problems in understanding what was the purpose of the debate. I was taking my morning exercise [Crosstalk] and when I was heading back home facing west the rain was falling, the sun was shining and there was a beautiful rainbow. To see that sight at, approximately 7.30 in the morning—I do not know but my philosophy is when we were in primary school and the sun was shining and the rain was falling, we used to say “monkey getting married”. [Laughter] So I do not know if we still say those things, but that is my attempt at philosophy. [Interruption]
Sen. Rammarine: I never heard that one.

Sen. T. Deyalsingh: You have never heard that one? You see, you are too young. Mr. President, I am sure you know that saying?

Mr. President: No.

Sen. T. Deyalsingh: No, you do not know it? Well at Curepe Presbyterian School we used to say that. [Crosstalk]

Sen. Rammarine: Good school.

Sen. T. Deyalsingh: When you had sun and rain at the same time, we used to say “monkey getting married”. [Crosstalk]

Hon. Senator: The rising sun! [Laughter]

Sen. T. Deyalsingh: Mr. President, in seeing the rainbow it reminded me of Sen. Brig. John Sandy’s opening to his piloting of the Bill, when he spoke about patriotism. Because the rainbow reminded me of how we call Trinidad being a rainbow country. I was trying to remember the colours of the rainbow and in physics we used to use an acronym “RIVOBA”—Sen. Rammarine, red, indigo, violet, orange, blue, green, something like that. [Interruption]

Sen. Prof. Watson: [Inaudible]

Sen. T. Deyalsingh: Yes, something like that. But then the more important colours that struck me, as we have it on the two flags at your sides, Mr. President, are the red, white and black. The red which depicts, I think, the energy of the people, the white which depicts the bounties of the sea surrounding us and the black, the earth from which we get our natural resources. I was searching for a way to frame my contribution, because as both Sen. Al-Rawi and Sen. Subhas Ramkhelawan said, I did not understand the purpose of the debate today, but I will get back to that as my contribution evolves.

Mr. President, many speakers have spoken about terrorism, they have spoken about 1990, 2005 with the explosions and so on, but we have not spoken about 1970. In 1970, the country was subject to actions which rank counter to democracy. The fact that those who participated have been sanitized over the years and have achieved high office is a good, good thing. That followed 20 years later with 1990, the insurrection of 1990, and I want to say to this honourable Senate and to the population at large, whether it is that government or this government, I would resist any move to remove any government by terrorist means. [Desk thumping] Any, any government!
As citizens, as patriots, as Sen. Brig. Sandy said, we cannot stand for that type of terrorism, because one of the definitions of terrorism is the use of force to attain or to get political power. So whether it was 1970 or 1990, I think we all should abhor that type of activity. Those who perpetuate that type of activity they may escape punishment on this God’s earth, but I think on the day of reckoning they will feel the full wrath of their Creator.

6.40 p.m.

Mr. President, we are dealing with the issue of terrorism, and this issue is a cause of great concern for governments around the world. In one of my earlier contributions, I spoke about the conundrum that governments find themselves in when implementing measures to protect citizens and to control crime, and I made reference to a Stanford Law Professor, Herbert Packard, who had his theory of due process versus crime control. I do not intend to go through the two systems again, but this Bill leans more toward the crime-control method versus due process, because this Bill and its parent Act offend sections 4 and 5 of our Constitution which, therefore, will require, in my view, a special majority.

However, as I stated, this type of legislation surely gives pause to many governments around the world, whether it is the United States of America with the Patriot Act; whether it is England, the UK—in the UK, they have long running debates about how does a country like the UK which wants to remain open to the world and which is home to different races, ethnicities, religions and cultures—and England has a particular problem, because in joining the European Union, they had to import the European Convention of Human Rights via their Human Rights Act (HRA), 1988, and there is always this tug of war in the UK between the Conservatives, the Lib Dems and Labour. One side would argue that the rights imported via the HRA are too liberal, and stymie the fight against terrorism, giving terror suspects too many rights, whereas another side would claim, “We need these”, and this is the same type of conundrum we are faced with now. The question is, how do we deal with it?

Mr. President, this Opposition Bench of the People’s National Movement of 2011, I will say, and as my hon. leader has indicated, we will support the amendment; we will support the Bill. There is no disputing that, because as Sen. Brig. Sandy said, and as I demonstrated by my analogy with the sun, the rain, the rainbow and the monkey getting married, we will do what is good for Trinidad and Tobago, which is in direct contrast to what the now Government, then Opposition, had to say about the anti-terrorism legislation back in 2010. It is a sad day when a political party as the UNC was then, could see the bigger good, and their Hansard contributions as Sen. Al-Rawi indicated—he quoted some of the
Hansard contributions of the then Member for Siparia who is now the hon. Prime Minister—I would just like to remind those sitting opposite me now, when they were in Opposition, what they had to say about the anti-terrorism legislation. I am quoting from Monday, January 18, 2010, Sen. Wade Mark:

“I believe that the Bill before us seeks to lower the threshold standard of justice in the Republic of Trinidad and Tobago.”

Is that what we should be saying? We are not saying that, but this is Sen. Wade Mark then.

A second quote to illustrate my point about responsible Opposition versus irresponsible Opposition:

“This Bill, in its current form, I fear, in the hand of the current Executive, could be used as a political weapon to destroy what they perceive as their enemies.”

Now, hon. Senators on all sides, this really does not sound as good debate; this does not sound like the debate of patriots, and I am sure Sen. Brig. Sandy will agree. He may not be able to agree with me openly. I would just read one last quote to really drive home the point that while we will support the Bill, we will not engage in the type of rhetoric that was put forward here as debating. Again, Monday, January 18, 2010:

“This is a dangerous piece of legislation that we are debating here. [Desk thumping] Why are we in here? Are we in a mongoose gang arrangement?”

Now, is that the type of language you expect of responsible parliamentarians, responsible Senators who come here under the guise of patriotism?

“Is this Haiti? My heart goes out to the people of Haiti. [ Interruption] Is this Grenada? Is this Guyana under Forbes Burham? What is going on here?”—but this is the clicker—“This Government is trying to take away the rights of the people, and using all kinds of fancy language.”

Mr. President, that is what passed for debate; that is what passed for debate on the same type of legislation this Government is asking us to support, and we will support it without that type of language, but it is good to remind them every now and then that Hansard and your Hansard records are there for posterity.

Sen. Brig. Sandy in his opening said the aim of this amendment is to decrease criminal activity, but in January 2010 we got no support; absolutely no support. The Opposition Senators then who are now Government Senators, many of them,
abstained from the vote. We will not abstain. We are responsible people; we really have the country at heart. [Interruption] And. Sen. George, you could laugh all you want. The *Hansard* record shows that Sen. Lyndira Oudit abstained; did not vote for it, but we will vote for it. Sen. Wade Mark’s response about mongoose gang speaks volumes. You could laugh all you want.

Mr. President, these amendments touch a lot on the Financial Intelligence Unit, and I have to ask some very serious questions about the status of that FIU Bill. What was the FIU originally intended to do? It was intended to be a primary institution for the collection—gathering, collection, dissemination, collating of intelligence and to disseminate that information to the appropriate bodies for action; law enforcement bodies both locally, regionally and internationally, especially to monitor those businesses that were classified as listed businesses as stated in the Proceeds of Crime Act.

Under that Act, we are also supposed to be adhering to certain conditions laid down by the Egmont Group, and certain steps were supposed to have been taken, and when I contributed in November, I believe, of 2010, I outlined what stages were taken by the previous administration; what stages were left to be taken by the present administration, and there was an undertaking—because he got up and I sat—from hon. Sen. Subhas Panday that that would be done in double quick time. This was in November, 2010.

When we came back in April 2011—February and April 2011 to debate the amendments I, again, raised the issue, have we moved forward in adhering to or fulfilling our obligations under the Egmont Group? It is my belief—and Sen. Brig. Sandy can correct me if I am wrong—that we have not yet reached there. I think there were 25 steps and I do not know how many we have reached, but I raised the issue in November of 2010, February of 2011 and, again, in April 2011 and now we are in June 2011 on the last day, hopefully, the last day of this sitting of this current session.

Mr. President, the reason I raised that issue about the FIU is that if you go to the Bill, the proposed amendments here, under clause 4 it talks about the term “designated entities” mean individuals or entities and their associates designated as terrorists entities by the Security Council of the United Nations. And when you go to Resolution 1373 of 2001, it speaks about these definitions. And, Mr. President, these definitions have given concern to many governments, because
they impact on accepted standards; international standards of human rights as I alluded to earlier where the United Kingdom Government, they have this conundrum of whether they want to stay with the HRA which imports the European Convention of Human Rights, or whether some governments feel we do not need those rights; that people are given too many rights. I raised that, because the United Nations Security Council Resolution 1320(3) defines “terrorist entities” and “terrorist entities”, as my learned friend, Sen. Faris Al-Rawi with an “R”, when he made his contribution spoke about the difficulties of someone like him who is of Arabic origin—half Arab half Trinidadian—with a particular name, with a particular look. What this Bill does, it places a tremendous burden on individuals, their associates and their associations who might fit a certain profile.

We all know about the abuses of profiling; whether it is racial profiling; ethnic profiling or religious profiling. In Trinidad, as Sen. Ramnarine said, we should be grateful for our harmony; our religious harmony; and I do not like the word “religious tolerance”, Mr. President. You know, I really do not like the word “tolerance”, because “tolerance” kind of indicates, “Ah putting up with yuh.” Sen. Brig. Sandy, do you feel the same way? I do not like the word “tolerance.” “Tolerance” has a negative connotation to it which I do not like. I would like to say “acceptance”. I am just saying that sometimes when we use the word “tolerance” it could mean, “Ah putting up with yuh, ah really doh want to have yuh”, but I am just throwing that out. I am not into changing anything, but as people, different peoples living together, we should not tolerate each other, rather we should what? Accept each other. [Interruption]

**Sen. Al-Rawi:** Sen. Abdullah, we love you still, do not worry.

**Sen. Hinds:** Do not get distracted, you continue.

**Sen. T. Deyalsingh:** Sen. Abdullah is immune to good manners; totally immune. Anyhow, I go on! You see, you try to be nice to you all. Anyhow!

So, the UN Security Council Resolution 1323 places a heavy burden on those people—those associates and those entities which may fit a particular profile, and I will just use an example. In Trinidad you have something called “Ali’s Doubles”, now that might be a totally innocuous term to us in Trinidad, but if for some reason the term “Ali’s Doubles” comes up on a US database, what are they going to think of anybody with the name Ali, like Sen. Basharat Ali, who lands in JFK? Right! No, they would not think they are two terrorists, but you get the point I am making, Mr. President.
I am making this point in all seriousness, because this is the issue of violation of human rights which I spoke about earlier. In this Bill we have to be very careful about how we define “entities”, how we define “associates”.

Mr. President, the Bill goes on to talk about inserting section 4(3) about the Financial Intelligence Unit. If you would permit me, I will spend some time dwelling on the current status of the FIU, the actual unit and the legislation which gives birth to that unit. In going there I want to refer briefly, if you would allow me, to the Human Trafficking Bill which we debated some weeks ago.

I made the point in my debate on human trafficking that very often how a country is perceived and what rankings it achieved, because I think we were on the Tier 2 Watch List, that our presence on this list had less to do with the problem of human trafficking in Trinidad and Tobago, and Sen. Brig. Sandy agreed with me then, because there was only anecdotal evidence. There was no empirical, quantitative data. He might remember that. But international bodies look at two things, the robustness of your legislative framework, which we did not have, hence we passed the legislation, and your actual ability to control the crime. However, the issue of terrorism takes a different picture in Trinidad and Tobago because, as I have outlined, we ourselves have been victims to terrorism in 1990 and we have had the bombings in 2005. So this piece of legislation is needed on two fronts, as opposed to the Human Trafficking Bill, because we have a demonstrated problem, a historical problem, and because we need the legislation which has been brought before this country since 2005.

So we are trying to keep abreast with legislation and we are trying to keep abreast with our international obligations, and the FIU, the Financial Intelligence Unit, is one such unit which is crucial to us maintaining our international obligations.

You may recall that the FIU Bill under this administration came in November 2010, as I said. It came back in February for amendments; it came back in April for amendments. When it came back in April for amendments, there was total agreement, on all three sides, that the Bill as then presented to us was in need of amendments, was in need of work, but the hon. Attorney General had a particular deadline to meet. There was a meeting to be attended in Honduras, where I think Sen. Brig. Sandy would have represented us, and I am sure he represented us well. He needed the legislation to go to Honduras to prevent sanctions being applied to Trinidad and Tobago.
We agreed to pass the Bill that night without the amendments, especially amendments to clause 18 which was the savings clause to protect the appointment of Ms. Susan Francois. We had an undertaking from the hon. Attorney General, and he is back here now, so he can correct me if I am wrong, that he would come back in June of 2011 with those amendments, because the committee stage of those amendments was going to take a very long time.

There was total agreement that we needed, in the interest of Trinidad and Tobago, to give Sen. Brig. Sandy that Bill to go to Honduras. We gave him his Bill, and the hon. Attorney General gave us an undertaking that before this session was ended, he would come back with the amendments and we would go through them in detail at committee stage, because that committee stage was going to take us at least three to four hours, so many were the amendments.

Here we are today, at the last day of this sitting of this session, and we do not have those amendments to the FIU Bill. It begs the question: what is the status of the Bill? What is the intention of the Government to keep to their word, to bring back that flawed Bill so we could have the amendments put in place? So where are the amendments? Have we sorted out the issue of the hiring of the Director? I do not think so, so we still have a person in office whose appointment may not be in keeping with the amendments.

They have not addressed the issue of the operationalization, Freudian slip here, of the FIU. We can pass how many bills we want, how many Acts we want, that would just make our international partners happy for a while. As Sen. Ramkhelawan has pointed out, when they look behind the Bill to see how these Bills are being implemented, the deficiencies show up. When we were debating the FIU Bill, we hammered it home to the Government that throwing out the Special Anti-Crime Unit of Trinidad and Tobago, which was meant to operationalize the FIU, was not the way to go, and I will come back to that again.

Because the FIU Bill has not been brought back for amendments and because of all the negative publicity given over the hiring of a very competent person, in the person of Susan Francois—it is a pity that persons like Susan Francois who are competent people, who are good people, who are patriots, have been caught up in the missteps in appointing persons. She is a good person. I had no doubt, if she was correctly screened and correctly appointed, she would have been a fantastic FIU Director.

But it begs the question now: advertisements have gone out from the Public Services Commission asking for persons to apply for the post, how would any
new person applying for that post, and let us assume Ms. Francois applies for her post, would we now be comparing apples with oranges, because she would have had the benefit of seeing the operation and running it? Would any new applicant really have a fair chance in ascending to that office? This is the kind of misstep we can do without.

Because of all I have said about the FIU, it is my understanding and the hon. Minister of Finance under whose portfolio the FIU resides, is going to have a serious, and he is having, a very serious morale problem with the FIU. The staff at the FIU are not happy. I say that. So the question is: why are we not dealing with those amendments which are also critical to this Anti-Terrorism (Amdt.) Bill, because the FIU gathers, sorts, disseminates information. It boils down to the fact that the FIU is not running at capacity, because in place to deal with the running of the FIU was the Special Anti-Crime Unit of Trinidad and Tobago.

They had certain plans in place in terms of dealing with terrorism. They had established a Financial Intelligence Investigative Bureau to be the operational arm of the FIU. All that was in place. They had a proactive operational unit to gather and investigate intelligence on terrorist acts. That was there. It was in the planning stage. It was ready to go. But the elephant in the room that my colleague, Sen. Faris Al-Rawi, referred to and which I had trouble with as I was taking my walk this morning—as I said I was having trouble finding out what the purpose of this Bill was. Why were we dealing with this Bill on the last day of this session, when it was promised that the FIU Bill would come back for us to go through the review and the amendments and deal with them at committee stage?

The elephant in the room that Sen. Faris Al-Rawi, with an “R”, referred to and which he did not know about, was painted in vivid, high definition colour by Sen. Subhas Ramkhelawan. He was the one from the Independent Bench—and we look forward to Sen. Brig. Sandy’s wrap up—who put the colours from his palette onto the elephant and painted it in vivid colours, because there is some kind of deadline looming, June 24, where, if we do not make these changes, we are going to incur sanctions.

My question is: why was not the lead of then Attorney General, John Jeremie SC, followed, when he came to this Senate and admitted that in February of that year, if X, Y and Z were not done, there were going to be A, B and C repercussions? That is what we needed to hear in the name of transparency and accountability. But in transparency and accountability we had an opening statement from the hon. Minister of National Security which made no mention of this.
The Lower House debated this. When the issue that Sen. Ramkhelawan raised about not being able to trade was raised in the Lower House by Member Colm Imbert, speaking about certain information he had from Ameritrade in February of this year, the Government side in the Lower House cried him down, said that he was lying and threatened to take him to the Committee of Privileges. They threatened to take him to the Committee of Privileges for saying basically what Sen. Ramkhelawan said today.

The question begs itself, why? Why was the Government in the name of transparency not open with us? And we would have cooperated. We cooperated with the FIU in November 2010, the amendments in 2011 and we gave Sen. Brig. Sandy his Bill to go to Honduras, no problem. But why come today and not give us the whole truth? That is the question that comes out of Sen. Subhas Ramkhelawan’s contribution, because now the elephant in the room is in full view and in full colour.

I turn my attention now squarely to terrorism. I spoke about 1970; I spoke about 1990. Countries that are known for terrorism are countries which we, as a small island State, should have dealings with, but on very different terms than we would deal with other countries that do not pose a terrorist threat to us. I refer to the country of Russia, which has felt the brunt of terrorism for many years now.

Mr. President, if you would allow me, this is from the Russian Federation travel advice taken from the Government of UK’s website. This is the Government of the UK issuing a travel advice on the Russian Federation. They list some of the terrorist activities. The date of this is June 13, 2011.

7.10 p.m.

“On the weekend of 18-20 February 2011, a number of suspected terrorist attacks took place in…”

—and I cannot pronounce the words, Mr. President—

“Kabardino-Balkaria, including the area around Mount Elbrus. In one of these incidents, militants dressed as police officers shot dead three Russian tourists, while in another a cable car pylon was destroyed by an explosive device.”

And it goes on to list other terrorist activities.

“On January 24 2011 a bomb exploded in the arrivals hall of Domodedovo airport in Moscow. Over 30 people, including a British citizen, were killed and over 100 injured. On 19 October 2010…”
And it goes on and on and on. The point I am making, Mr. President, everyone knows that Russia, since the break-up of the old USSR, is having serious problem with terrorism. You have separatist movements, you have all the breakaway states—and what I would like to know is why did the Government see it fit to lift visa restrictions on Russian nationals coming to Trinidad and Tobago? They can enter this country without visa for 90 days. What was the purpose? I have heard that the purpose was that a lot of Russian tourists go to Tobago. How many Russian tourists really go to Tobago? How much of Tobago’s local GDP does Russian tourism really account for?

Because as I said when I started this part of my debate, if we are serious about anti-terrorism legislation we have to be serious about the company we keep, and my question is why are we allowing Russians in, as I have demonstrated, as a country that is wracked by terrorism, those people who are perpetrators of terrorism in their homeland can now enter Trinidad and Tobago and “lime” here for 90 days, and probably set up camp and you leave after 90 days and another batch comes down for 90 days without—is it a point of order?

Sen. George: It is a question. What data do you have that suggests that Russia is a country that is wracked by terrorism?

Sen. T. Deyalsingh: I just read the travel advisory that the UK Government has issued, I read out just two of the incidents, if the hon. Senator would like me to read the other 10 I could do so, but in saving parliamentary time I would prefer not to; I can give it to him afterwards.

Sen. Hinds: Very generous of you, very kind.

Sen. T. Deyalsingh: I refer to an article in the Guardian media published on Wednesday, January 19, 2011. The writer says:

“I am forced to write on ‘the Russia visa question.’ And question is.

On December 31, 2011 a confirmation appeared in the press that ‘...in an effort to boost tourism and investment ...Indian and Russian nationals now have free entry into this country and will no longer require a visa, “as stated by Foreign Affairs Minister....”

He added:

“a lot of Russians have been travelling to Tobago for holidays.”

And these are the Russians I am speaking about, because Russia has their own terrorism problems, and we are allowing citizens of Russia free access to Trinidad and Tobago.
“Thank you for alerting us, minister—

The above statements are seemingly innocent but, in my mind, raise concerns both on foreign policy and national security; and indeed also on sport…”

I say no more because they are making a link to sport.

Mr. President, to answer Sen. George’s question in another way, and I refer you to a reply to Senate question No. 22 of First Session 2010/2011 of the Tenth Parliament. Question 22 reads as follows:

“Could the Minister provide the Senate with a detailed annual breakdown of visitor arrivals from the top 20 countries to Tobago over the last five years.”

7.15 p.m.

I will not do like my report on Russia and only read the first two incidents of terrorist bombings, I will give him all 20 to show where Russia—how much Russian tourism contributes to Trinidad and Tobago’s GDP:

1. United Kingdom — 35,686—Sen. George, I hope you are listening.
2. The United States of America — 17,187—this is for 2005;
3. Germany — 6,825;
4. Canada — 5,680;
5. Austria — 2,899 — this is data provided by your Government;
6. Netherlands — 2,276;
7. Barbados — 1,998;
8. Sweden — 1,238;
9. Grenada — 883;
10. Switzerland — 765;
11. Norway — 672;
12. Denmark — 631;
13. Guyana — 631;
14. Ireland — 536; but I think we lost one so that should be 535. Has she gone back, the visitor from Ireland? [Laughter] That should be 535, very undesirable sort.
15. Italy — 454;
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[SEN. DEYALSINGH]

16. France—that is whom they partnered with, people from Ireland—445;
17. Jamaica — 429;
18. Venezuela — 390;
19. St. Lucia — 357;
20. Antigua and Barbuda — 308.

Russia is not here, Mr. President. [Desk thumping]

Hon. Senator: Trinidad is not here either, now is Tobago alone?

Sen. T. Deyalsingh: Why are we allowing Russians—[Interruption] Let me further elucidate and educate Sen. George and I am going to give him the full thing. Reply to Senate question No. 33 of the First Session 2010/2011 of the Tenth Parliament. [Interruption] The truth offends “eh”—for Trinidad:

1. The United States of America — 149,661;
2. Canada — 41,908;
3. Barbados — 33,127;
4. The United Kingdom — 25,705;
5. Guyana — 21,517;
6. Grenada — 18,591;
7. St. Vincent and the Grenadines — 12,274;
8. Venezuela — 9,580;
9. St. Lucia — 8,428;
10. Jamaica — 7,308;
11. Antigua and Barbuda — 4,305;
12. Suriname — 2,689;
13. United States Virgin Islands — 1,718;
14. The Netherlands — 1,672;
15. Dominica — 1,659;
16. St. Kitts and Nevis — 1,590;
17. Colombia — 1,561;
18. France — 1,476;
19. Puerto Rico — 1,420;
20. India — 1,398.

Mr. President, Russia is nowhere in sight. What was this Government’s reason for granting Russian nationals entry into Trinidad and Tobago with no visa for 90 days? But thankfully, Mr. President, Ireland does not feature at the top 20 for Trinidad, only for Tobago. That is a good thing.

So, Mr. President, I go back to the article which deals with no visa, the Russian connection. The above statements are seemingly innocent but in my mind raise concerns both on foreign policy and national security, and also in sport, and the sport is football, and it goes on: “What is the reason?”

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator’s speaking time be extended by 15 minutes. [Sen. S. Cudjoe]

Question put and agreed to.

Sen. T. Deyalsingh: Thank you, Mr. President. When Sen. Emmanuel George rose to interrupt me he was asking me, what evidence we have that Russia is a country ran by terrorism. He left.

Sen. Hinds: He ran.

Sen. T. Deyalsingh: He ran. He also ran. [Interruption] America online news 2011; January 24, 2011, headline “Russia and Terrorism: A History of Violence.” Does Sen. George want me to really read the article or should I give it to him again to read.


Sen. T. Deyalsingh: I would just read one little article:

“Russian President Dmitry Medvedev declared that this evening’s explosion at Moscow’s”—same airport which I cannot pronounce—“which killed at least 35 people and injured 180, was almost certainly a terrorist attack.”

That comes from the mouth of the President of the Republic of Russia. What more evidence does Sen. George want? But we allowed them in with no visas.

“More than 40 commuters were killed in those blasts, which were claimed by”—a group called—“Doku Umarov—the self-titled ‘emir’ of the unofficial Caucasus Emirate. In a video issued soon after the train attacks, Umarov
boasted: ‘The war will come to your streets, and you will feel it in your own lives and on your own skin.’ Whether today’s blast is part of that bloody campaign remains to be determined.”

These are the words of the leader, he is saying, “The war will come to your streets, and you will feel it in your own lives and on your own skin.”

Sen. Hinds: Is that the same president who Jack Warner—[Inaudible]

Sen. T. Deyalsingh: Correct. Same man that the representatives of this Government speak with. [Interruption]

Mr. President, I would not even bother to talk about Qatar and terrorism, that has been well—the issue of Qatar, terrorism, people coming to Trinidad, as Sen. Beckles-Robinson said, containers full of currency could be coming in here in wads of what, US $25,000; US $40,000?


Sen. T. Deyalsingh: Stashes; and it infiltrates the whole Caribbean, because, Mr. President, one of our commitments to the Caribbean is under the CFATF overview and we have people in the Caribbean, Suriname, top of the islands up, who wish to return money to Trinidad and Tobago which they no longer want and I want to ask the hon. Minister of National Security, under our obligations to the Caribbean Financial Action Task Force, how do we repatriate those funds to Trinidad? Do they come back in under the same mechanisms that they came in originally? Do we use another mechanism to bring them in? I quote from this document of the CFATF overview:

“The main objective of the Caribbean Financial Action Task Force is to achieve effective implementation of and compliance with its recommendations to prevent and control money laundering”—so has money been laundered?—“and to combat the financing of terrorism. The Secretariat has been established as a mechanism to monitor and encourage progress to ensure full implementation of the Kingston Ministerial Declaration.”

So, Mr. President, as I said, we, as a small island State, in dealing with terrorism have to be careful with the company we keep, and as patriots we on this side are not happy with some of the company that the present Government is keeping, and it is incumbent upon them to declare their interest openly and transparently. Mr. President, this amendment will get our support. We would support it, because we are left with no choice, because as Sen. Ramkhelawan said,
if we do not do it certain sanctions are going to befall us. We would not be able to have international trade, parents would not be able to pay their fees for their children and commerce may grind to a halt. But what I would have liked is for the Government to be open about it instead of bringing it under some sort of cloak of—I do not know what word to use, a cloak of what?

Hon. Senator: Celebration.

Sen. T. Deyalsingh:—anonymity, because we did not know why, until Sen. Ramkhelawan spoke, we were here. Which begs the question as I said, why were we not debating the amendments to the FIU and to complete that? But now we know, as I said the elephant has been painted in vivid colours, technicolour.

So, Mr. President, as I wrap up, I want to assure the Government that we would be responsible, we would support the amendments, we would not refer to you as a mongoose gang, we would not say it is draconian and say we are going to use it to go after political enemies, because I honestly do not think that is the purpose of the Bill. I honestly do not think so, but that is the type of rhetoric that passed for Opposition debate in those days. [Interruption] We would not abstain, we will support Trinidad and Tobago, we are patriots.

Mr. President, I thank you.

Sen. Basharat Ali: Thank you, Mr. President. Being the recipient of the letter of July 07 from SDATT, the Securities Dealers Association of Trinidad and Tobago, I would just like to briefly comment on it because I think my colleague, Sen. Ramkhelawan did an excellent job in presenting it and in showing where all the pitfalls are in dealing with that matter.

So, I would like to endorse pretty well all that he has said and I realize now, only when I came here, what is the full predicament in which we are, because I did not take SDATT at its word. I did my own research and found out what the status of our country was in relation to the FATF. And this new category which FATF has introduced, is the most worrying one, the one that speaks of us or countries like us as “jurisdictions not making sufficient progress”. That is what we are called now by FATF, and I think Sen. Hinds, if he were here would have been happy to know that FATF does not have a blacklist any longer, they have a list of non-cooperative countries and regions. That is what they are now called, “non-cooperative jurisdictions”, that is the new name for them.
So, I did my research as I said with respect to where we stand vis-à-vis, FATF and I have had that same concern after all of this as to what happens during this month, because they made it plain that those who were on this list, the jurisdictions which have not made sufficient progress, where do we stand, and then we get this Bill before us and I was not sure why this Bill was coming at this stage. I was going to ask the hon. Minister of National Security, what really transpired at CFATF plenary, because I know he went, because even the GISL said that the hon. Minister had gone to the Honduras conference.

7.30 p.m.

So I was in a quandary because there is a total silence on that issue on the CFATF website. The only thing they have there is where the conference is going to be held and how much you are going to pay for the hotel, et cetera, and that is the end of it. So I had on my list here to find out from Sen. The Hon. Brig. John Sandy what is really our position with respect to being on that list. It is a very foreboding situation for us as my friend said, grave and grim; those are his words. I would have liked the hon. Minister to say to us, to say in plain language where we stand in this respect and what are our prospects. I do not know, but we know that SDATT is not crying wolf. SDATT most of what they quoted in that letter which is now in the *Hansard*; comes from FATF, from their February 25th communiqué, and they are supported by an organization called US FinCEN. US FinCEN has also sent or has released a document and it headlines itself as: “Sanctions: US FinCEN guidance re: FATF warnings”. That is dated Tuesday 22 March, 2011, and it is called a FinCEN Advisory. And the guidance is with respect to all these countries in which Trinidad and Tobago also falls. I would just read out just parts of what this FinCEN Advisory is. It says that:

“…Financial Crimes Enforcement Network (FinCEN) is issuing this advisory to inform banks and other financial institutions operating in the United States of the risks associated with jurisdictions identified by the Financial Action Task Force (FATF) on February 25, 2011, as having strategic deficiencies in their anti-money laundering and counter-terrorist financing (AML/CFT) regimes.”

And it goes on then to give the list of deficiencies that are there and to make a listing of all the countries quoting in fact once again, Paris February 25, 2011, Statements from FATF on the FinCEN Guidance says that, US Financial Institutions should consider the risks associated with the AML/CFT deficiencies of jurisdictions in the FATF publications entitled “Improving Global AML/CFT Compliance: update on-going process.”
So this is what I read. It is well-documented. It gives you all the references. Also on this document for those who may wish to look at it, I picked it up from http://www.bankinginsurancesecurities.com. That is their website. So it is not anybody crying wolf. We are in dire straits; we come here today and we really do not know where we are, and worst of all we are supposed to be doing a Bill which is the Anti-Terrorism (Amdt.) Bill. I was going to speak to that just for once. I know the prorogation is just two or three days away and the Government would have been hoping not to have any amendments. But with the tenor of the sittings so far, I think we are well beyond whether this should be passed or not, and we are looking now at the situation as we see it for our country. We are here; we do not know. I really hope the hon. Minister of National Security will at some time give us a clear understanding of where we stand as of today, June 14th and at the end of June—by the end of June is “D-Day”—then we must know.

7.35 p.m.

As I said, I had proposed before when I left home, I would do the unusual thing of speaking to the Bill first—then clauses in the Bill—and then go on to SDATT but the circumstances have overtaken that, I still have one issue on the Bill that relates to the designated entities, which means individuals or entities, and their associates designated as terrorist entities by the Security Council of the United Nations, and the clause goes on to describe what the responsibility of the FIU shall be in all of this.

Mr. President, what bothered me is just what is being said here, what the proposed amendment, just referring to the Security Council of the United Nations, and not saying exactly what it is, but going into it, and doing some work on it I realized, and I believe I am correct, that the only list that comes from the United Nations Security Council on a regular basis is a list related to Resolution 1267 and its successors. 1267 refers specifically to al-Qaida and Taliban.

So I am seeing from this—if I am correct—the only lists we are going to get there are related to those, because the other resolution, in fact 1373, does not seem to have a list. It gives you data, et cetera, but does not publish a list per se, and I gather that is the case. How did I do it? I went to one jurisdiction or territory country, which usually tells us quite a lot, and that is Canada, and I picked up from there a document; the Anti-terrorism Act it is called—this document from Canada, and the heading is “The United Nations Act and The Criminal Code: Listing of Terrorist Entities (Recommendations 23-26)” that is the heading of this thing.
And if I may read just a couple parts of it, Mr. President, I think it is very instructive, I will go straight to it:

“As a Member State of the United Nations and State party to the United Nations Charter, Canada is legally obliged to give effect to measures imposed by binding resolutions of the Security Council; including the measures required by Resolution 1267, its successor resolutions and Resolutions 1373...” —which is the other one— “Canada has responded by establishing a process for the listing of terrorist entities in order to apply specified measures, such as the freezing of assets, to those who were listed. This process has taken the form of three distinct, yet complementary terrorist listing mechanisms.

The first mechanism, the United Nations Al-Qaida and Taliban Regulations (UNAQTR) were made in 1999 under the United Nations Act to freeze the assets of entities belonging to or associated with the Taliban or Al-Qaida. These entities have been listed by the Committee of the UN Security Council mandated to enforce Resolution 1267 and its successor resolutions, and the list is updated by that committee from time to time.

7.40 p.m.

The second mechanism, also made under the United Nations Act, consists of the more general Regulations Implementing the United Nations Resolution on the Suppression of Terrorism (RIUNRST), which create a Canadian list of terrorist entities not restricted in geographic and affiliative scope as is the UNAQTR. These implement more general requirements to suppress the financing of terrorism pursuant to Resolution 1373, which was adopted shortly after the attacks on the United States on September 11, 2001. This involves the application of measures mandated by the Security Council but, in the absence of an international consensus as to the identification or designation of the entities involved, the Council has left the decision as to which entities should be listed to Member States.

The third mechanism, established under the Criminal Code, enables the Government of Canada to apply appropriate criminal measures to entities, including those not necessarily listed by the first two mechanisms.”

I found this an interesting way of handling it because I could not find a list being given out by 1373, and this is what it says here. “It is now left to the entity or the jurisdiction, to make decisions as to whether they want to include any other groups as a designated entity”. So, you find that between Canada and I think Australia, you have the other entities like, for example, what they call the Continuity IRA.
Mr. President, I am familiar with IRA. For example, if you went to the UK in the mid-70s when the Provisional IRA—I think it was called then—was very, very active, you were subjected to very strict security measures wherever you went to in London. I remember staying at the London Hilton and if you walked in 10 times a day, you were checked each time to see that you were clean. Even in the underground, on the Tube, or in the lifts if you have a shopping bag or something so, they would do spot checks to make sure that you do not have anything there, because at that time there were little bombs and things like that going off. So the Continuity IRA as it is now called, is on some of these lists as far I can see. From Spain, you have the ETA which is the Basque movement and then you may have some others I think; in Sri Lanka, Tamil Tigers and these are organizations which are being looked at by countries like Canada and Australia, and they do not confine themselves to just al-Qaida and Taliban.

I think from our point of view, we are a country of so many different religions and everything else, that is the way we should go. Because, let us face it, the Western world is just obsessed almost with al-Qaida and Taliban, and pays less attention to these other entities. So I was going to suggest that we “re-look” at that clause, because our clause does not even give any ideas as to what UN Security Resolutions we are talking about and whether it is a resolution. But I think in the light of all that we have heard, that has to be in abeyance, and I would leave it—in the absence of the Attorney General—with the hon. Minister of National Security under whom anti-terrorism comes, to look at it again, to raise it again, so that people will not say we are only targeting Muslims. That is what it is.

I am a Muslim, so I know. I get targeted. I have said so before. I get targeted and profiled. I am so paranoid about it that when I was looking through the Consolidated List under 1267, I was looking to see whether my name was there or any names similar to mine, because if you have a Muslim name as Sen. Al-Rawi was saying, you are very likely to get yourself pulled out of a line, taken aside, checked, searched and everything else.

So this is something for us to do. I know we cannot do it now. I know we have other problems, but I hope by the end of June we will get an okay that we have progressed sufficiently and we are no longer on that list. It is a fairly long list of jurisdictions not making sufficient progress.

So, Mr. President, that is about what I would like to say on the Bill. There was one item which I feel quite strongly about, that we are just copying that—subclause (2) only refers to us collecting data from the United Nations and
updating from there, but one never knows where they come from, whether they are ETA, whether they are Irish, or whether the Philippines communist. These are organizations which are there and are being looked at. So I would say as my friend, Sen. Ramkhelawans, I hope that that will be taken as a way in which we as a multi-ethnic, multi-religious country can go and not just have al-Qaida and Taliban on our watch list. I hope we will be all free of many of these worries by the time June ends and, if not, I do not know what we are going to do because with all these advisories coming out in which we are listed, we really are in a very strange situation.

Thank you very much, Mr. President.

The Minister of Planning, Economic and Social Restructuring and Gender Affairs (Sen. The Hon. Dr. Bhoendradatt Tewarie): Thank you very much, Mr. President. I must say that in listening to hon. Senators in the Senate, I was moved by some of the arguments indicating, of course, the concerns about certain things and the responses to some of the issues and positions that had been articulated earlier by Senators of the Opposition now in the Government, yet, at the same time, support for the Bill because Senators opposite saw the necessity of support for such a piece of legislation.

I think the mixed feelings from Senators, both on the Independent Bench and also in the Opposition, really reflect the fact that we have come through a period in Trinidad and Tobago, Mr. President, in which we really have been facing a number of challenges here, both at home and abroad. We know for instance, even though we see now some containment of the crime situation—that does not mean it has gone away, nor does it mean that crimes are not happening—I think it would be fair to say that there has been some containment of the situation over the last year, but we did have a situation at home—

Sen. Hinds: Do not go there.

Sen. The Hon. Dr. B. Tewarie:—in which crime was in escalation and legislation was necessary. Both Governments saw it necessary—the government before and our own Government—to do something at the legislative level, at the level of the law that could then address the issue of enforcement, so that in fact crime could be contained. We do have the reality of home-grown terrorism in Trinidad and Tobago. I think some hon. Senators spoke on this particular issue. Not only do we have the issue of the potential for home-grown terrorism and acts of terrorism that have occurred at home, but we also have the situation in which we have become you might say, exporters of terrorists. We have the situation
unfolding, as the Leader of the Opposition indicated, in certain parts of Trinidad in which you have territories carved out whose boundaries you cannot cross to go on the other side, and that is a reality of Trinidad and Tobago today.

So on the one hand, we have this beautiful society which Sen. Kevin Rammarine mentioned and which Sen. Deyalsingh talked about, in which people live together and live well, and aspire together to build a beautiful society. Yet, you have this society tearing itself apart in pockets and sometimes spilling over across boundaries, so that the whole society finds itself under conditions of terrorist threats within its own borders.

Given the nature of the world today, the expansion of diasporas, the connectedness of countries, economies and societies, you have a situation where your own citizens are living in other places and becoming part of the criminal element. That is a reality. It is the world in which we live and the question is: how do you ensure that you sustain some kind of capacity for civilized existence? That is true whether you live in a big country like the United States with cities like New York, or a major city in Europe like England with a city like London, or a country like Paris, or a city like Madrid in Spain, or whether you live in a relatively small country in the West Indies such as Trinidad and Tobago. That is the nature of the game, and the only thing you can do is to try to find some measures for protection.

So we are at once caught up in our own internal dynamics which threaten the existence of a sustainable civilized society, as well as the international dynamics which really threaten the existence of any community anywhere, for any reason whatsoever, rational or irrational, in which anything can happen unexpectedly at any time. To prepare for the unexpected as if it were an inevitability is not easy and, therefore, at the very minimum you have to have laws to deal with it.

Now, a lot has been said about the international situation and the fact that there is a deadline set internationally to which we must adhere, and there may be some truth to that. But I do want to say on the basis of the legislation that has been passed in the last year by this very Senate, in which you sit and in which I was not present for most of the time until very recently, much of the legislation, a significant portion of it, has been legislation focused on matters having to do with criminal containment and the containment of crime in the society.

I will not read all of them, but I will mention some of them simply because you will recall—because you have debated all of these Bills and certainly as a citizen in the society when I was outside, I would be aware of the nature of the debates
and the issues that were raised in the newspapers and in the various news media, things like: the Firearms (Amdt.) Act; the Financial Intelligence Unit which you mentioned; the Anti-Gang Act; the Bail (Amdt.) Act and so on. I can read from here.

7.55 p.m.

As I said, the point to be made is that given the international and local situation in a real sense, one is trapped by the realities of both, and one has to find a solution. You cannot find yourself trapped and find yourself in a situation of paralysis, you find yourself in a situation where the world is as it is, and you have to find solutions in order to deal with that world, and some of it might be inspired from the inside, that is to say, looking into society and looking at what you need.

So you might have to deal with gangs, and that is something to deal with—the criminal element and the nature of crime such as Sen. Penelope Beckles mentioned earlier, or you deal with the Financial Institutions Act and a set of amendments such as this that really have to do with the business of white-collar crime. So we have the home-grown issues, we have the international issues; but we also have the various levels at which crime is committed in the world system today and they all have to be addressed.

And this business of terrorism, I do not want to go on too much on it because I do not want to be alarmist about it, and I know that a lot of debate has gone on it. I mean, we know that the terrorism and acts of terrorism and criminality could not take place in a society without guns. So the question of the distribution of guns and how they proliferate and how they move from place to place; how they get into your country; how they are managed in the system among criminal elements; that is an important consideration.

The business of drugs and how they flow, located as we are seven miles off the coast of Venezuela and the South American mainland, and the extent to which we are not just a transhipment point but a market, and also where the drugs are used—different kinds of drugs are used in order to create the conditions for financing that can go anywhere for any purpose including terrorism. That is another factor. And the business of human trafficking which might be linked to the guns; which might be linked to the drugs and which might be linked with the whole business of moving drugs with humans as you move them in the system.

Then, there is the issue of what is known as the gaming industry and how that connects in the region, and how those things have implications for all of the issues that we are raising here—whether it is the laundering of money; whether it is the
movement of drugs; whether it is the financing of operations. And then there is
the tourism industry which is a major industry in the Caribbean, one which
Trinidad and Tobago is trying to develop, which is linked to the gaming industry
and the movement of people and drugs and guns are well connected with these.
And the business of business travel, and the fact that in reality in the world today,
there is legitimate business and illegitimate business or you might say illegal
business, and certainly drugs and guns and human trafficking and gaming—all of
these interconnected industries are industries which really in a sense appeal to
another side of the paradigm, and can be quite negative in their impact on society
and economies. But tourism is a legitimate business, and with the movement of
people in the nature of tourism itself, legitimate business gives rise to all of these
things.

And then there is the business of the flow of money and finance. There was a
time when people did not worry about that. When globalization was emerging, the
people who were talking about it pushed the idea of globalization and said how
important it was to be interconnected in the world and how money would flow
wherever opportunities found themselves, so money would find itself where
opportunities grew, and there were thoughtful people in the world, who raised the
issue that if you had a global financial system that was interconnected as it is, and
it was unmanaged, then the international financial system itself was like a global
casino, in which the flow of money could ruin a country in a moment, or ruin an
economy in a day, or kill a stock market in two seconds, and nobody worried
about it.

8.00 p.m.

When the crisis happened in Asia, they said it was an Asian crisis, and then
when the crisis happened in Argentina, they said it was a South American crisis,
and when the crisis happened in Mexico, they said it was a Mexican crisis, and
then the crisis came to America and Europe and then it was a global crisis, and we
are all connected now in this system.

What is emerging in the world now is that there is need to contain all of these
things. All of these international institutions that are emerging, really to govern
the management and the flow of money, are really about how to manage a system
that went out of control region by region. These regional collapses were seen as
regional phenomena when they were part of a systemic challenge, and that
systemic challenge has now come home to everybody as the reality, and on the
basis of that, there is now an attempt to contain the systemic challenge, because if
you do not manage a global interconnected system and monitor the flow of
money, then what you are running in the world is in fact a global casino.
These pieces of legislation are really, first of all, to take care of your local problems, yes, but to help to manage the international system, so that you can distinguish between legitimate business and illegal business, so that you can bring criminals to justice, and distinguish between clean money and dirty money.

Therefore, I was very happy to hear many of the Senators who contributed today, making the commitment to support the Bill and I hope that Sen. Prescott SC, notwithstanding his position, and I understand his reservations, they are not unreasonable because he raised an important issue, which Sen. Al-Rawi also raised, which is the challenge of freedom on the one hand and addressing the issues of crime on the other, in this particular case, terrorism.

In addressing these two issues, which are real challenges—because what September 11, 2001, did to all of us, regardless of where we live in the world, because it is an interconnected world, after September 11, our freedom began to be curtailed as we knew it on September 10, 2001. That single incident curtailed the freedom of every free human being in the world, and the process of curtailment of freedom has proceeded apace thereafter, with every increasing threat, with every increasing security measure that you introduced to deal with the threat, to contain the threat or to minimize the threat.

Today, one of the largest growing industries in the world is the security industry. The security industry is growing because criminality is out of bounds and Trinidad and Tobago is one of those countries in which the security industry is growing. Therefore, this legislation is something that we do need to support, even as we support the measures of the hon. Minister of National Security to contain crime as it exists, both at home, regionally and internationally, and this is part of the local and international response.

The regional situation is also an issue, because we live on islands where you can literally hop from one to the other, and where it is really impossible, no matter how large the navy you might imagine, to contain these shores, it is very difficult to manage. The idea behind IMPACS, which emerged after the World Cup Cricket was that, having learnt from that heavy security strategy that was brought to the Caribbean, in order to make world cricket work, the idea was that out of what we learnt there, we would create an institution for the region that would help us to manage security in an interconnected way in the region. But, unfortunately, that has not worked as well as everyone had hoped and there is still a challenge, really, of how to contain crime and criminality, including terrorism, deportees and the movement of deportees in the region, including money laundering and other kinds of criminality in this part of the region; how to contain it, not just within your own borders but how to contain it interconnectedly in the region that is the Caribbean.
This is one of the most beautiful places on the face of God’s earth, this Caribbean region. [Desk thumping] It is the prime real estate of the world. It is just that the people in the Caribbean somehow do not understand that. The Caribbean is the world’s prime real estate.

If somebody from somewhere else in the world writes an email to their friend to tell them that they are in the Caribbean living for a little while, working and enjoying it, the friend in the outside world feels that they have attained heaven on earth. But, we in the Caribbean live in it. We see the beauty every day. We know it is nice maybe to go to Tobago or Grenada and so on, but we do not understand the value of it. We do not understand the power of this region, in terms of the sensibility of the world and that is one of the big tragedies of the Caribbean condition. If we do not take measures to protect this part of the world and allow it to be overrun by criminals, which it can be very easily, and the alliance of local and international criminals is an alliance that will be impossible to beat; if we do not do that, then we will have surrendered this piece of earth that has been bequeathed to us and it would be a terrible, terrible loss.

Therefore, we have to do what is required here, which is why, when I spoke sometime ago I said we are too fractious and we need to be a little more civil with each other and we need to do certain things. My own feeling is that the people in Trinidad and Tobago and in the Caribbean, who are interested in having a civilized existence here, in a place that is the prime real estate in the world, have 365 days of sunshine even when the rain falls. Yes, we might be vulnerable to earthquakes, we might be vulnerable to storms, we might be vulnerable to this and to that and so on, but when you think about it really, this prime piece of earth in the world is really something that requires our protection. It really requires that we come together in a certain way, to hold it together and to create the conditions for continued civilized existence and sustainability.

This is what all of this criminal legislation is about. It is to prevent the entire country from getting to how the street territories that you mentioned Sen. Beckles-Robinson, sorry—It is to prevent the whole country from getting to how these territories have become. We have to find a solution to those territories, but we also have to make sure that the territoriality does not become a reality for Trinidad and Tobago as a whole, and that the whole Caribbean in a way—I speak for the Caribbean and I speak about the Caribbean, because I really feel connected to the wider region in a major way, maybe because I have worked in it, maybe I have been to most of the places, maybe I know people in all of it, but I see it as one space which happens to be cut up by water and when you move from one country there might be differences, but it is really the same place and we have to protect this place.
I really feel that, taking all the things together, the connectivities with terrorism, the growth of security because of the tensions, the conflicts, the crime—notwithstanding the tensions that we mentioned between civil liberties on the one hand and the, what can I say, limitations on our freedom which the laws that we are passing, really—there is some containment. There is no question, but the important thing about these amendments to the Bill is that they really address a particular class of people, which is basically to say a category of people who will have committed a crime for these things to have an effect on them and it really is to contain white-collar crime and to create the conditions for the prevention of terrorism through the use of money laundering, basically, to make terrorism possible. I feel—when you put it that way, all of us would find a reason to support this Bill.

The amendments themselves are very simple because they speak to Bills that have already been passed. This is a funny thing, in the sense that there are amendments to existing legislation, and legislation, as Senators on the other side mentioned, to which these amendments are going to be appended, really take into account Bills that have come, not from this Government, but from the government which preceded it, and these amendments are really to strengthen them and not to leave loopholes in existing Bills.

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator’s speaking time be extended by 15 minutes. [Sen. E. Moheni]

Question put and agreed to.

8.15 p.m.

Sen. The Hon. Dr. B. Tewarie: Thank you very much, Mr. President. Thank you very much Senators. Mr. President, believe me when I say that I had no idea that I had crossed 45 minutes and I will try to wrap up at this point.

You know this Bill seeks to amend—I will deal with certain things specific to the Bill now which is that it seeks to amend the definition of financial institution, and as defined in the Financial Institutions Act, No. 26 of 2008, financial institution there was defined as:

“a company which carries on or used to carry on all or any aspects of banking business or business of a financial nature”.

Anti-Terrorism (Amdt) Bill Tuesday, June 14, 2011

[SEN. THE. HON. DR. B. TEWARIE]
This definition is substituted with the definition assigned to it under the Proceeds of Crime Act, Chap. 12:27, No. 55 of 2000 which states that:

“financial institution” means—

“(a) a bank licensed under the Banking Act;
(b) a financial institution licensed under the Financial Institutions Act;
(c) a building society registered under the Building Societies Act;
(d) a society registered under the Co-operatives Society Act;
(e) an insurance company registered under the Insurance Act;
(f) a person licensed under the Central Bank Act to operate an exchange bureau;
(g) a person licensed under the Securities Industry Act as a dealer or investment adviser;
(h) a person who carries on cash remitting services;
(i) a person who carries on postal service; or
(j) any other person declared by the Minister by Order, subject to negative resolution of Parliament to be a financial institution for the purpose of this Act.”

So this effectively widens the definition of financial institutions to specify the entities that would fall under the generic term of business of a financial nature. The amendment, therefore, makes it consistent with the definition of financial institution under the Financial Intelligence Unit of Trinidad and Tobago Act, which also defines institution as being the meaning assigned to it in the Act that is the Proceeds of Crime Act.

So basically the amendment in a way harmonizes three pieces of legislation, the Anti-Terrorism Act, the Proceeds of Crime Act and the Financial Intelligence Unit of Trinidad and Tobago Act, and these become intimately linked in the present amendment Bill before this honourable Senate.

I have some notes here on other clauses of the Bill but I would not proceed with them, I think the main points that I wanted to the make, Mr. President, have been made and I know that the hon. Minister in presenting the Bill this afternoon, spoke to some of the specific clauses of the Bill. So I would not go into that for repetition.

But I do want to close by saying that it would be good if all Senators could support this Bill, because it is not meant to be draconian legislation in any way. It is really meant to satisfy the closing of loopholes in the existing legislation which have been passed, and really when you think about it, the target is not the ordinary citizen.
I do take the point of Sen. Prescott SC when he said that it is quite possible when you have legislation like this that an innocent person could be caught up in the wire, so to speak, caught up in the web, for no reason that he/she really should, and there is always that danger in legislation such as this.

But I do think that we have a strong legal system, we do have a justice system, besides its flaws, that actually works; we do have democracy in Trinidad and Tobago, the courts of this land are very independent and the justice system seems to be not only one that works but seems to work fairly. And within that framework, Mr. President, hon. Senators, I would ask that we support this Bill which is good legislation for Trinidad and Tobago. It makes a statement about where we stand in the international community, but also makes a statement on where we stand on crime in Trinidad and Tobago, both regular crime, criminal activity and white-collar crime. Thank you very, very much.

Sen. Shamfa Cudjoe: Thank you, Mr. President, for the opportunity to make a contribution on this debate on the Anti-Terrorism Bill, 2011. I do not intend to speak for very long since most of—[Desk thumping] [Interruption] Thank you, Sen. Panday.—since most of my points would have been made by Sen. Ramkhelewan, Sen. Dr. Tewarie and Sen. Deyalsingh.

Mr. President, for the most part this Bill is intended to combat terrorism and disrupt terrorism funding. I think for the most part terrorists’ activities require funding, all stages of the activity from the planning to the actual execution and also in giving persons rewards for carrying out these activities. And as Sen. Dr. Tewarie rightly said, the movement of capital and the increased speed of capital flows that are so closely related to globalization, plays a significant role in terrorism, and this is one of the reasons terrorist financing or funding is so difficult to put your hands on, it is difficult to identify, difficult to trace, difficult to seize assets and to freeze funding.

Now, Mr. President, some persons believe that these rigid regulations and international standards that we are being asked to comply with will hinder the regular flow, the normal flow of international trade and the regular movement of capital. I know in my days in school we dealt with how terrorism interfered with trade facilitation as it relates to the customs and excise staff doing their job of ensuring that we have a proper environment to facilitate trade, so that transactions are done quickly within a certain period of time, and maintaining proper security at our borders as it relates to checking the amount of cash that is brought into the country, diamonds, gold and jewellery and that kind of thing.
Mr. President, we face several challenges in trying to track and trace terrorist financing, but despite these challenges we must make an effort. Capital flows around the region and around the globe are very, very fast, and increased technology has made it even more difficult and challenging to track these flows, but we must make some kind of effort. If we are able to disrupt terrorist financing it would help us to prevent future attacks and to save lives, and to prevent terrorists from destroying economies, and we could even break down their operational capabilities. We could destroy infrastructure and even prevent them from doing further recruitment and training.

Mr. President, my involvement in this debate is not so much on the actual seizing of funds, but I am more concerned about the intelligence information related to seizing and tracking these funds. I think our concerns should not just be on arresting somebody who comes to the bank with a large amount of money and they cannot explain how they got it. I think where this money came from is more important and we need to strengthen our ability to track these funds, and this is where intelligence information comes in, and the strengthening of our FIU and strengthening of our secret intelligence agency.

So I think the information contained in the actual money flow is more important than the money itself or the funds that are seized. We do not need to just look at information as it relates to the recipient, I think we should place some more emphasis on trying to find the source: where did this money come from and how did it get here. It is something like—I relate it to drugs and criminal activities in the drug trade. You may be able to pick up a couple of little people or the small man in the business on the street, but what is really important is the big drug lord, the big man in the business. So we need to strengthen our intelligence to treat with that.

Now, as Sen. Dr. Tewarie mentioned earlier, this whole business of terrorist financing involves a conventional and a more modernized method of money laundering which includes at least three stages: the placement stage, the luring stage and the integration stage. The placement stage is where illegal proceeds are deposited into the financial system; the luring stage is where multiple transactions are done to try to confuse the persons who are trying to track the information; and the integration stage is where they redeposit the money or reinvest it in some terrorist activity.

Now, Mr. President, terrorists find a way to take advantage of or to—they make a field day in jurisdictions where the legislation is weak, and that is why countries like our country, Trinidad and Tobago, different countries in the Caribbean find it difficult to treat with this issue of terrorism. And as technology improves the
terrorists find different ways and means of getting around the rules and regulations. In my research I came across a system called Hawala which is an old banking system where you move money, where terrorists—[Interrupt]

Sen. Al-Rawi: Hawala, it means to transport.

Sen. S. Cudjoe: Hawala! H-A-W-A-L-A, according to Sen. Al-Rawi. Now, usually we create these pieces of legislation to treat with the normal institutions that we are accustomed to, like banks, credit unions and the regular financial institutions. But in this practice of Hawala, it is an ancient banking system that was developed in the Middle Eastern countries and Southern Asia, and what they do is transfer money through different jurisdictions without actually moving the funds, they do it through a broker system. This method of banking is very difficult to track, but if countries are vigilant when the money is being changed at the bank or wherever you go to convert the money, because usually these transactions are done where some foreign currency is transferred to another country without actually moving the money, through a broker, and you must go somewhere to change the money.

I remember working in the bank before I went off to college and I know in the July/August we—this was a long time ago though I hope that regulations would have improved by now. In the July/August time when customers come in with US dollars we were just happy to receive the US dollars, because then it would mean that we have US money in the vault to give to the customers. So I hope that financial regulations would have improved by now. Most times the bank regulations require that you say where you got the money from when you are making a huge deposit or a huge withdrawal, but in those days there were no requirements to really—when you had to change foreign currency, and in the July/August holidays when you were in dire need of foreign currency to give to customers, we, the persons on the front line who did not know or some of us did not care, because we did not know about the rules, we were happy to receive that money.

8.30 p.m.

Anyway, Mr. President, I think the challenging part of international terrorism financing is this whole issue of intelligence. Financial markets are characterized by asymmetric information where, on one end, that country or that bank will have the vast majority of the information and we, most times, down here in the developing countries, on the other end, do not have much information, so some sort of cooperation is critical in treating with terrorism financing. We cannot do it alone as a country.
I think that facing this issue of terrorism financing we need to do this from a regional perspective at least. Most of our problems, as Sen. The Hon. Dr. Tewarie would have pointed out, this whole issue of terrorism is closely linked to the drug business, the trade in arms and human trafficking and most of these problems that we would have been through in this Session, including terrorism financing, I think would be more effective if we approached these issues from a regional perspective and come up with some plan for a multi-dimensional security system in which the Caribbean region could help each other to treat with the problem.

When I see countries like Grenada, St. Lucia and St. Vincent not on the list, I wonder how they met the compliance and the international standards and we did not. I feel that we have more resources and more technical capacity than they do. I think there is need for some kind of regional cooperation to find out what they are doing and we can train each other and really attack this thing head-on as a region. That is why it troubled me when I read, I think, in the newspaper this weekend, that Caricom has been placed on pause. At the last Heads of Government meeting, the leaders decided that there is lack of political will and resources to move ahead with Caricom. I hope that the leaders reconsider this because this move has serious implications, not just for our economy and for our society, but also our national and regional security.

Now, as a region and also as a country, I am witnessing that we came to Parliament last year and that we came to Parliament also in February and April this year trying to meet these standards. I hope that the Minister can tell us, when he is wrapping up, as to whether or not FATF has offered any technical assistance or any capacity building in treating with this.

Most times developing countries have access to that kind of assistance. I am hoping that we are not just here trying to do this on our own; we are reaching out and requesting the kind of assistance that is required to get through this.

Now, in reviewing the legislation, I recognize that we tend to focus on the supply side, namely disrupting the supply of funds required to conduct these terrorist operations. Basic microeconomics would tell us that, in anything, you need to look at both the supply side and the demand side. The demand side is just as important as the supply side. We need also to look at what drives these flows; what causes the demand for these flows.

To the extent that terrorism is a systematic response to political, economic and social problems, I think that a demand side strategy needs to be employed in
treat with these issues. What makes people want to resort to violence to treat with social problems? What causes criminals not to want to talk anymore? What causes us to refuse to collaborate, consult and communicate to treat with our problems and to choose to resort to violence?

I think that there is a great disrespect for the law and—

**Sen. Panday:** And Orville too.

**Sen. S. Cudjoe:** Trust me, you do not want to start me on THA issues. There is great disrespect for the law and serious intolerance—a word that Sen. Deyalsingh hates—in our society now where it is becoming more difficult for our different races to coexist; people from different social and economic backgrounds to coexist and also different political persuasions to coexist. There is a culture of intolerance and lawlessness taking place right now.

I was on Facebook this weekend and I saw a fight in a high school and that fight caused me to think. I reflected and I think it was serious reflection of what is taking place in the society. In my days in high school, we used to have what you called a “cuss out”. Girls who disagreed would team up at the end of the day and have a verbal battle and at the end of the day it was who won the “cuss out”. Now, young girls, and boys also, are really getting into it and seriously fighting.

What was particularly disturbing about this video is that at the end of the video after the person who took the most “licks” was on the ground, a parent came out of nowhere and started throwing cuffs and kicks. This is a true reflection of what is taking place in society today; serious lawlessness and intolerance and most times we blame it on the young people; but I remember that in that fight there were adults standing around.

Even when you look at the different crimes taking place these days, I saw three women got set on fire. Sen. Beckles-Robinson mentioned earlier—and even though we have contained crime to an extent, I think it is important for us to look at the kind of crimes being committed right now. The fact that the numbers have gone down is something to be happy about, but we should not celebrate too much because we have some serious issues as they relate to violence against women and violence against children.

Mr. President, I think that this lawlessness and intolerance comes from the top down. I listen to the radio stations. I hear people calling in with their political grudges and making a whole lot of bacchanal and confusion on issues that could be sorted out in consultation if we have mutual respect for each other’s religion, political persuasion and belief.
It takes me to this Government. I think it is very possible for us to coexist; I think it is possible for us to respect each other. It is very, very possible for us to tolerate each other and our different political persuasions.

In the last Hansard report, I saw where the Member for Siparia at that time was calling the then government a terrorist for doing this and that. I would not stand here today and state that this Government is terrorist, but this Government is moving head-on as it relates to being intolerant of other people’s political beliefs and this is causing serious problems for us, Mr. President, this serious disrespect for the law.

If we can and should do anything, we need, at least, to honour the law and for years we have been communicating, collaborating, sitting and talking out issues and this time I heard the hon. Prime Minister say: “Who vex ‘lorse’; I have court clothes”. I hope the hon. Prime Minister has court money too because at the end of the day these little issues that could be worked out through dialogue, consultation and building proper relations are now being taken to court.

For instance, this whole issue with the Government not providing money for CEPEP in Tobago, yet setting up an alternative CEPEP, we are now talking about going to court for that. Who will pay for this litigation? It is the taxpayers’ money; the same thing as it relates to the OPVs. We decided not to have OPVs, instead of sitting and talking about it and figuring out what the country needs.

In the last debate we saw where the country has to dish out $13 million from our Treasury to pay for this litigation, when we could have easily sat and sorted this thing out. So, this whole issue of blaming the young people—they are criminals; they have criminal minds; what are we going to do about it? It starts from the top. The young people are looking at our leaders and we have to set some kind of example. If we are being lawless and disrespectful, then what do we expect from the young people?

So this whole issue of terrorism, we cannot just look at the supply side and terrorist funding. In order for there to be some need for terrorism and funding, there must be somebody out there willing to carry out a terrorist activity. For money laundering to happen and for money to be needed to carry out criminal operations, there has to be some criminal willing to carry out the activity. I think we need to nip these things in the bud from both the demand and the supply side.

Before I close, I am sort of disappointed that we have to be here a third time trying to do the same thing we came to the Parliament to discuss earlier this year.
We came in February and we were assured that the changes to the legislation that were being made would have been enough to prevent us from being blacklisted. We came back in April and I asked the question: are we sure that we are doing what is required of us? I was assured, yes.

We stayed here late hours to do it. Mr. President, we are back here again making changes to this legislation, the anti-terrorism legislation, but it is so closely linked to the financial intelligence legislation. I am just really hoping that this time we get it right and we do not have to return to Parliament because it seems that it is every other month. We were here in February; then we were back in April; and now we are back here in June. I hope we do not have to come back in July or August.

Something caught my attention in the FATF Report. The FATF highlighted 11 jurisdictions that they call high-risk, non co-operative jurisdictions and we are the only Caribbean country on that list of 11. It states that Trinidad and Tobago has made a high political commitment. We have been saying that we will follow our action plan, but for the most part it has been just talk. We are making the commitment and we are saying yes, we will do it, and in the end we are not doing it and we find ourselves back on this list of 11. We are now hearing from Sen. Ramkhelawan that we will be blacklisted on the 24th.

I want to make one thing clear, Mr. President. We can make announcements just like the announcement about the airport that was made at Mid Centre Plaza on a Tuesday night and the following morning, Wednesday morning, the Minister of Finance told us, “Well, it was just an idea.” Mr. President, we cannot have that. That might work out for you at home where the citizens may not be down your throat, but on the international stage that cannot work.

8.45 p.m.

If you say you are going to do something you have to stick by it or else we will be blacklisted, which has serious implications for us. So with that said, Mr. President, I want to remind this Government that you cannot run a country by PR. PR would only take you this far but you really have to get up and work and get this thing done.

Now we are prepared to cooperate with the Government so that we are not blacklisted. I am somewhat troubled by the idea of the promise to come back to the Parliament sometime later. I really wish that we can make the change now and probably the Members of the Lower House could come back before the end of the week or so, so that we do what is necessary. I do not feel like I am willing to
gamble with this. I hope that it can be done so that when we face FATF, we are sure that, okay, this is the legislation and we have fulfilled the necessary—we have met the necessary requirements

Mr. President, I hope we could come to some kind of agreement tonight in the interest of the country and in the interest of nation building and national development. With that said, Mr. President, I thank you. [Desk thumping]

**Sen. Corinne Baptiste-Mc Knight:** I thank you, Mr. President. For the past five to five and a half hours, I have had the distinct impression that this House has been engaged in an exercise of trying to define a spade as an instrument for subterraneous excavation in preparation for, perhaps, eventual construction. Or perhaps to put it into language that we may understand: everybody has been trying to find the elephant in the room, but in fact, it is not an elephant, it is a complete circus, [Laughter] [Desk thumping] because what we are trying to do is convince ourselves to pass legislation that is less than adequate in order to avoid the House of Representatives having to come back to correct something that they did not do properly.

[MADAM VICE-PRESIDENT in the Chair.]

Now, Madam Vice-President, this, to me, is totally unworthy of a Parliament of Trinidad and Tobago. It is either we bite the bullet and pass proper legislation or we forget it. As a country I know that we were considered abroad as having people who were articulate nuisances because we used to insist that things like this did not get into international conventions and we were just a little country. But we come here and in the highest court of our land we are being asked to accept less than proper legislation. Let me tell you what I am talking about because everybody has been doing a nice dance—I do not know whether they were doing it to tassa or to bongo drums, because I am not into the dancing. But let me show you some of what they want me to agree to.

**8.50 p.m.**

Let us look at clause 4. Clause 4(2)(b) says they are to maintain contact with the United Nations at frequent intervals. Now, it is either you maintain contact or you make contact at frequent intervals, but you cannot maintain something at frequent intervals, but then I have this problem with the English language. [Desk thumping]

Let us go on to 22AA(2) which deals with the designated entities and the list. Now, throughout this, I cannot understand whether it is one list that is to be kept
or two lists. Follow me carefully! Clause 4(2)(c) talks about circulating the list referred to at paragraph (a) or (b), so it is the same list in paragraph (a) that is going to be the subject of paragraph (b), but this is a list of “designated entities”. Follow me carefully! Get to (e) and it talks now about:

“maintaining a consolidated list of all the Orders issued by the Court...”

Now, clearly, this is not the same list. And, you know, what I find particularly amazing? In a day and age when people have kept me here until all hours of the night to talk about e-commerce—and what is the nice thing?—data protection and email and whatnot, did anybody notice that these lists have to be circulated by facsimile transmission? That should not be fax! In this day and age, you write new legislation that particularly and specifically ignores all the other legislation that you have brought here to update yourself and come into the 21st Century, and you are telling me, that this has to be sent by fax [Desk thumping] and I am supposed to accept this, because you cannot amend it, because the House cannot be called back from recess. Forget it! [Crosstalk]

Now, you go on in this same paragraph (e), after you circulate it by fax, you will say any additions would also be circulated “immediately at intervals of three months.” What does that mean? I am reading it here, and I cannot understand what it means, but I am supposed to accept it in order to become a cooperative jurisdiction! Cooperative, but stupid? No!

Let us go on to clause 4(2)(3) where it says—“the consolidated list”. Now, I do not know which of them they are talking about. Under subsection 1(c), can anybody show me subsection 1(c) in this thing? It does not exist? Sorry 1(e); 1(e) does not exist. Clause 1 has no subsections. Right! It is not a renumbering problem. They are going to try to sell it to me as a typo, but it is not a typo, because it was in the original Bill that passed in the House. “People down there doh read.” Whatever it is, it is here, and if we pass it here this is where it remains. If the people in FATF do not read English you are lucky, if they read English you have a problem, because that too, whatever it is, has to be sent either additions or a new list immediately by fax again.

Let us go to 22AB. Now the “financial institution or listed business receives”—either a—“list of designated entities or the consolidated list referred to in section...(c) or (e)”—so we are talking about two different lists here, and it goes on at subparagraph (a) to talk about either list, and then we come to (d) that talks about a person or entity named on “that list”. Now, this poor idiot is totally confused. I do not know whether it is “a consolidated list”, “the consolidated list,
two separate lists or “that list”. And I am expected to quietly agree to this in order that the House not be disturbed. Madam Vice-President, my vote might not matter tonight, but I have got to admit that there is no way—there is no way—I can agree to not disturbing the House.

Let us move on to clause 9, and this is one, the first time that any company is brought up under this legislation, I want an invitation to see you take that company to court, because you have to jail that company for seven years. The financial institution or listed business has to be jailed for seven years. I want to see how you are going to do that.

Now, if this is not a circus, what is it? I mean, I was amused at first, but by now I am a little upset, because I find everybody seems to be quite content about it. I noticed that the hon. Minister Tewarie said very casually, a couple innocent people might have a problem; they might get caught. They might get caught in the web, but we have a good system of justice. That was not what you meant. [Interruption] Please, correct me.

Sen. Dr. Tewarie: No, I was referring to something that Sen. Prescott SC said, and I said that I understood why he would take such a position, all right? And on the basis of that, I said we have a justice system that works and we have a legal system that functions, et cetera, et cetera.

Sen. C. Baptiste-Mc Knight: Very well. I do not quite see the difference between that and what I was trying to say, because I totally agree with my colleague, Sen. Prescott SC. He seems to be the only other one who is too polite to say it, but he saw the whole circus that I was seeing. Because you live in a country where we have the experience of a pilot for BWIA taking a plane from Trinidad, landing in Miami and spending a couple days in jail there on account of his name. So it is not as if we do not know that it could happen. We have experience of it happening to a person who was on official duty from a state company, and you are going to tell me a couple people will get caught in the web. What if they do not have deep pockets and cannot afford to go through the justice system? Is this piece of legislation meant to line the pockets of our lawyers, or is it meant in some way to protect our citizenship? I want to know. I mean, with a name like Corinne Baptiste-Mc Knight, I do not think I have a problem. [Interruption] Yes, Corrine Avril Elizabeth, I do not think I am going to have a problem, but I cannot stand here in this Senate and not be mindful of the fact that there are many Trinidad and Tobago citizens out there who have no terrorist connection; who at the time of their birth their parents never thought that giving them a proper Muslim name might cause them problems.
I am pretty sure that we have a couple of “Osamas” running around this town, so what? These people now have to start finding money some place in order to be able to go through our good justice system in case the child wins a lottery is trying to put the money in the bank, and the name turns up on some one of these lists and then the whole thing starts. You have to be notified to this one; to that one; come on! That is not the country that I know and love. Like the hon. Minister, I think this is paradise. The only difference is that I consistently say that this is paradise. I do not say sometimes that we have a problem and when it suits me say it is paradise. Nothing personal! But we have to get our signals straight.

We have to understand that when we pass legislation it is not that easy for us to come back within a month, within three months or even within a year to correct it. You know, sooner or later, FATF, CFATF and all these international bodies are going to tumble to the fact that we are trying to pull a fast one on them by hustling legislation knowing that it is not proper legislation and hoping to escape. [Desk thumping]

Madam Vice-President, I promise I will not be a party to demeaning the good name of my country. I thank you. [Desk thumping]

Sen. Al-Rawi: Well said!

Sen. Embau Moheni: Madam Vice-President, I thank you for the opportunity to offer a few comments on the topic at hand, because here we are looking at it from different perspectives. We recognize the fact that terrorism is, in fact, a global phenomenon as well as we have a responsibility as a nation to ensure that we live up to our responsibilities both in international institutions as well as our responsibility in the fight against terrorism.

We recognize as well that on both sides of the coin money plays an important role in that a lot of the illegal activity that brings funds that could go to a number of nefarious activities, whether it is terrorism or otherwise, operate on the global level, for instance, the international drug trade, which generates over US $400 billion annually. As a matter of fact, the first five months of this current year over $360 billion has been spent on drugs globally.

We need to recognize that terrorist activities can affect countries in any part of the globe and what we are, in fact, doing by passing legislation as we are doing today—yes we have our international responsibility, but we need to recognize that we have to put measures in place that would deter and limit the possibilities of our country being targeted by such activities.
Small island states, such as ours, by virtue of our size, are very vulnerable, and, therefore, in recognition of that vulnerability, we need to ensure that where we can be strong, we have to be strong. We have to live up to our responsibility to minimize, and to pass legislation that shows our resolve in combatting such criminal activities that have become more widespread, with the world moving towards being a global village and the movement of people, ideas and what have you.

Terrorism or terrorist activity of its own, sometimes stem from political objectives; sometimes it could be economic; sometimes even religious; sometimes it arises from other social issues. For example, you may sometimes read about other parts of the world where a student or young person may take up a gun, and for no apparent reason, shoot, run amok and kill 10 or 15 students, adults or other individuals; sometimes for no apparent reason. Notwithstanding the fact that we may not have reached that stage—as a matter of fact, we have reached that stage, because only a year or two ago you had the case of a gunman going into a wake, opening fire and killing a number of individuals; so it has come home to us.

Terrorist activity flies in the face of the value that should be placed on human life, which I see as sacred, and which has been devalued, and continues to be devalued globally by acts of terrorism and violence. It is a situation where oftentimes the innocent pay for the guilty. We have the responsibility to show the resolve, the foresight and determination to protect, not only the innocent, but protect our very way of life which we value as a civilized society.

Madam Vice-President, I would just like to make one or two comments in response to what has been said by some of my colleagues. I find that we oftentimes fail to recognize the seriousness of some of the very issues that are being debated, and people make ill-informed, ill-researched and oftentimes misleading statements at a time when we need to recognize, as someone put so correctly, that when rain falls on one man’s roof, oftentimes it falls on the whole community. Therefore we need to show that sense of collective responsibility.

In listening to Sen. Cudjoe talk about a topic that has been flogged in this Senate on so many occasions—[Interruption]

Sen. Hinds: The problem persists, you see. It has not gone away.

Sen. E. Moheni:—and for such a long period of time. We intend to put it to rest tonight.
She mentioned the fact that we had to pay penalties to the value of $13 million with regard to the OPVs, but that was a $1 billion dollar project, costing the taxpayers over $1 billion. It is sad to hear those on the other side. I do not know if it is a lack of research or if it is a compulsion to mislead, but let us examine the OPVs.

We have been told that those OPVs and the failure of the Government to maintain that contract exposed Trinidad and Tobago to drug smugglers, terrorist attacks, what have you. [Desk thumping] But the previous regime, how serious were they? What was the thinking behind the intended purchase of those OPVs, when my information tells me that with the current state of our coast guard, we were not in a position to man them? This means that we would have bought those OPVs and, at least, one or two of them would have been there as a white elephant. As a matter of fact, we have to question what would have been the scenario.

Those OPVs require three crews of 119 to 120 individuals to operate effectively, which is a total of just under 360 personnel. To purchase three would mean that it would require over 1,100 persons to man them. When you take into consideration that we have, at least, six bases to man, with a total crew of no more than 1,400 or 1,500 persons in the coast guard, it would have been impossible to effectively man and operate those three OPVs.

Not only that, if you go back to the Summit of the Americas, when the previous regime purchased 12 interceptors that were of questionable effectiveness, today, nearly two years after, you have only one operational. That was a waste of taxpayers’ money. The purchase of the six FPCs, the fast patrol craft, of $40 million each, within a matter of two years, after purchasing six of those at $40 million each, only two are operational. That has been the order of the day of the previous regime. This is why I question what would have happened had there not been a change of government, and they had been here to go ahead with the purchase of those OPVs; cost taxpayers billions of dollars.

Madam Vice-President, Sen. Cudjoe introduced the question of CEPEP in Tobago. Yes, this Government has established a CEPEP office, but under the Tobago House of Assembly CEPEP has been ineffective, to say the least. What this Government is seeking to do is to add value to the lives of Tobagonians, not only through the CEPEP programmes, but through the several programmes that the various Government ministries are going to bring to the lives of the people of Tobago.

This is more than a question of respect. This is a question of development on an island that requires, that is in need and that has been undersubscribed for far too long. I believe that they need to be a little more forthright and a little less hypocritical. The very Chief Secretary who is today talking about respect, I could
recall when Hochoy Charles was the Chief Secretary in Tobago, and Basdeo Panday was the Prime Minister of Trinidad and Tobago. I could recall when Mr. Panday came to Tobago and he toured the eastern part, he said, “This place needs proper roads and proper infrastructure,” and he embarked on a programme to lay infrastructure in the east of Tobago, which we did not have before. Hochoy Charles did the same thing; he protested and said, “This is the purview of the THA; we are the ones in charge of Tobago.”

The current Chief Secretary got up at that point and said, “Let him pave de roads; is Tobagonians going to drive on it.” There was no question of respect then. [Desk thumping] Today, that same individual is saying that the central government cannot do work in Tobago. That is why I say it is hypocrisy. [Desk thumping] because all those measures being instituted in Tobago would serve to uplift the quality of life of the people in Tobago. [Desk thumping]

Madam Vice-President, I support the measure. I recognize the concerns of some of the other Senators, and I know that our team is going to examine it, in the most broadminded way possible. I recognize the challenges that we have faced in our first year in office, and I know that in the months and years to come there can only be one way and one direction, that is upward and forward.

I thank you.

Sen. Fitzgerald Hinds: Madam Vice-President, thank you for this opportunity to make a contribution to this very important debate, one with which I am particularly familiar, having piloted the original legislation in the other place, a few years ago, in 2005.

Sen. Moheni was very impressive in his contribution, [Desk thumping] or rather, remarkable! I will not say why, but certainly remarkable! He did say one thing that was particularly appealing to me, and I hope that he was speaking on behalf of my good friend, who piloted the measures we are deliberating upon today. Sen. Moheni said that he was confident—and I am paraphrasing; I will never be able to put it over like he did, neither, of course, Sen. Baptiste-Mc Knight—that the Government will be willing to look seriously at the concerns expressed on this side of the House. Am I correct?

Sen. Beckles-Robinson: He said they always do.

9.20 p.m.

Sen. F. Hinds: So, let me say in response to him, we are—having been the original movers of the measures before us, nationalistic and patriotic as we are—concerned about some of the developments and some of the matters before us, and
while in broad terms we support this, we do have some concerns and we hope Sen. Moheni is right, that the Government will be willing to take into account that which we will express.

Sen. Corinne Baptiste-Mc Knight had she not operated from such a noble purpose, had she not practised what they call noblesse oblige, she would have been perhaps described as a terrorist this evening. She made an incursion into the Government’s—she went behind their lines and she did serious damage to them this evening, serious, serious damage in true terrorist fashion but, of course, noble as she is, I used that purely in metaphor.

[MR. PRESIDENT in the Chair]

Mr. President, Minister Joseph as he then was, the Minister of National Security and I, met with a group of police officers, in particular, at the Police Training College to conference with them to get a sense of what they were thinking on some matters that we were looking at, and one of those police personnel, one member of the service at that time, made a comment that had us in stitches of laughter, but as we laughed as often happens, when one laughs, a kind of truth resonates in your being as you laugh, and keeps you laughing—funny, but to some extent true. He said that it takes a ninja to catch a ninja. I would remember that in the context in which he said it. He was suggesting that for the police to function effectively they have to understand the wiles and the ways of the criminals in order to deal with them.

I know that the measures before us are because the Government wants to catch terrorists. So, I wonder if with that philosophy in mind, it is the reason why sometimes they behave in the terrorist fashion on the principle that it takes a ninja to catch a ninja—no metaphor, real, “sans humanité”. Mr. President, terrorism is a serious business—

Sen. Brig. Sandy: Is the Senator referring to me as a terrorist?

Sen. F. Hinds: Oh no, never would.

Sen. Brig. Sandy: I heard you say something about a metaphor. I would just like to know.

Sen. F. Hinds: Well you know, when I come to the measures in the Bill you would see, Mr. President—well let me make reference to the English legislation.

Sen. Beckles-Robinson: But he said no.
Sen. F. Hinds: I said no.


Sen. Beckles-Robinson: He said no right away.

Sen. F. Hinds: I said no. One may not be a terrorist, but if one purports to be, a fellow can purport to be a terrorist and not be one. You would recall that a woman was shot in the Miami airport because she pretended to be one. And if you keep the company of terrorist friends, you may be deemed a terrorist, even though you are not. You see why I was ignoring the hon. Minister.

Mr. President, let me continue. Terrorism is a serious business, so serious that it led the great United States to establish facilities in Guantanamo Bay and keep citizens of the world whom they suspected to have been involved in terrorist acts against the United States, without trial for a sustained period of time, causing uproar in judicial circles, inside and outside of America. Jurists commented on it. Eventually the Americans admitted, under President Obama, that it was not in keeping with American jurisprudence and they had to disband the arrangements. A serious thing, but it led to that. It was no secret before the world.

9.25 p.m.

In the United Kingdom, Mr. President, the government after the events of 9/11 arrested 13 suspected terrorists across the United Kingdom and as well kept them without trial for a long time in England, so much so that a human rights group took the United Kingdom government to the European court—[Interruption] No—to a court in England, saying that they were in breach of the European Convention on Human Rights and the House of Lords, the highest court of that land, deliberated on the matter, and in my view, delivered one of the most scathing criticisms against the government of the United Kingdom, and in part saying, that the conduct of the government of the United Kingdom was worse than the behaviour of the terrorists that they had taken into custody without trial.

The Home Affairs Minister at the time told the nation, the United Kingdom, that he read and studied that judgment that I just made reference to and understood it, but said, and I paraphrase him, that is the House of Lords, you all are judges, but we are the Executive, we are the Government and we have the responsibility to keep Britain free of that kind of conduct and we are ignoring you, we are keeping them! Complete disregard for the ruling of the House of Lords in England by a government. That tells you how serious this thing is.
Almost akin in impact, if you like, to the wide international publicity that a Minister of Government and FIFA created for about two weeks within recent times, over events that took place in Trinidad and Tobago. [Interruption] I am talking about the impact.

So, Mr. President, we are not going to trivialize this thing you know, this is very serious. A mere 48 hours ago in this country the home of a woman police officer in the Cascade area was fire bombed, investigations are underway. We do not know if it is going to be considered a terrorist act, we do not know if it was mere arson, ordinary crime without the implications for the Bill that is before us, that is to say terrorism, but the matter is being investigated and I suggest that the police take a very firm view on this.

When I was in national security I lived through the pain, personal pain and trauma that the killing of the woman police officer called Sutherland brought to bear on me, the police service and this country, because when they eventually went in the door they found her remains and the remains of the family crouched in the last corner of the room after gunmen went in there and massacred a whole family in Morvant sometime ago. So, I hope that my friends in national security will encourage the police service to take a very serious view on that, as indeed all other crimes, and treat with the matter accordingly, but what am I to expect from the Ministers of National Security? What can I expect from the Commissioner of Police who seems intransigent when it comes to initiating important investigations that may even touch and concern terrorist activity? As you will see, I shall define it very shortly, under your watchful eye, Mr. President. [Laughter]

This is a serious matter, my friend is laughing. Mr. President, that is very unkind.


Sen. F. Hinds: Very unkind. What can we expect? [Laughter] This is not a laughing matter, my friend. My friend, Minister George is laughing, this is a serious thing.

It took the Leader of the Opposition a press conference to demand, under threat of a report to the Police Service Commission, that Commissioner of Police Gibbs investigate a certain matter, and thank God he has begun.
I heard my friend, Sen. Moheni, I do not intend to spend too much time on that. He complained, Mr. President, in your absence, and I am glad you were absent, because you would have been pained like I was; he complained in your absence that he had been hearing so much about the OPVs in this Senate, “we flogged it” and I had to tell him, I had to tell him across the floor that the reason we have spoken on it so often and continue to speak on it and will continue to speak on it, is that the problem that we complained of subsists.

**Hon. Senator:** It persists.

**Sen. F. Hinds:** It persists. Every time we see you, we remember the OPVs. Every time there is another murder in Port of Spain or across this country, we remember you and we remember the OPVs. There is so much to remind us. [Desk thumping]

He told us rather boldly that he would dispose of the OPV talk once and for all, and what did he say in this respect? What did he say? He said two things: one, the idea of the OPVs was unsustainable because it would have meant we would have had to train about 1,200 soldiers and coastguards men. We would have had to train about 1,200 personnel and that somehow or the other would not have happened. That is what he said.

**Sen. Beckles-Robinson:** They were already being trained.

**Sen. F. Hinds:** Yes, the fact of the matter is, unbeknown to him, is that a part of the purchase package of the OPVs included training and there were sailors [Desk thumping] at public expense, and away from their families, already in England being trained and completed their training and some were trained to be trainers [Interruption] so that they would have come on board the OPVs, maintain them, work them and do all the things that the package envisaged, but he did not understand that.

So what we now have, if I may use some local parlance, is a few highly trained men who are accustomed to a beautiful craft and now they find themselves having to work with an old craft. [Interruption] So this has led to demotivation and low morale. It is much like young citizens, and one of them sits here on my left, Sen. Shamfa Cudjoe, a young and bright citizen, [Desk thumping] technologically skilled and able, not like Sen. Abdulah, [Laughter] and he called me red today. He called me a red bull today, I mean—

**Sen. Abdulah:** I did not call you a red bull; I said you used Red Bull.

**Hon. Senator:** You got wings.
Sen. F. Hinds: He called me a red bull, but any way I would return to him under your watchful eye in a short while, Mr. President. [Laughter] Under your watchful eye. He complained—Sen. Moheni, for the short period that he was not agreeing with me with his eyes closed, he said that we bought six vessels, fast patrol vessels and after two years only two were functional. Well, I want Sen. Moheni to know, that is not a political issue you know, that is a professional issue. It is not unknown that 1,000 cars would be produced or provided to the police service and after six months 200 of them would be crashed and dysfunctional. [Desk thumping] Not unknown.

I have to remind myself and this honourable Senate, that which my political leader reminded me of a few days ago when he told me a former President—

Sen. Abdulah: Which one?

Sen. F. Hinds: I have one leader, you have about five. [Desk thumping] I have one leader, you Sen. Abdulah, have five. In fact, six. “An doh ask me to explain how come ah get—how ah work meh maths”, I could explain it, but let me continue.

Mr. President, he said, reminding me what President Robinson had once said when he was the Prime Minister of this country, that it was the professional class that has largely failed this country. Not an excuse for politicians, but the two circumstances that we have just alluded to might have more to do with our professional failings, our professional capacity or incapacity as a nation—and I now rise above my beloved partisan political sentiment to say that I am afraid sometimes, sometimes I wonder where we are going as a nation. They complained about the last administration, the nation had problems; we were elected out—voted out of office, they were elected and the people are now downright frustrated because they got nothing better, in any event it might be worse! [Desk thumping] Worse! And where does that leave the people of Trinidad and Tobago? They might be suffering from low electoral self-esteem.

Sen. Panday: Mr. President, my learned friend has gone too far now, Standing Order 35(1).

Sen. F. Hinds: I gone too far? [Inaudible] Mr. President, may I continue?

Mr. President: I am sure you would come back to the—[Inaudible]

Sen. F. Hinds: Under your watchful eye. [Desk thumping] [Interruption] Mr. President, in 2005, as I indicated earlier, I piloted the legislation, the parent legislation so to speak.
Sen. Baptiste-Cornelis: Then they threw you out.

Sen. F. Hinds: Well, I was thrown out and I am here again, you will soon be thrown out. I “don’t” know—[Desk thumping] I “don’t” know—[Desk thumping]

Hon. Senator: “Oooh.”

Sen. F. Hinds: Minister of Health, can I be allowed—can I be allowed to continue?

Sen. Baptiste-Cornelis: I stopped you? I stopped you?

Sen. F. Hinds: Thank you very much. Mr. President, when this legislation was passed in 2005, it was described as an Act to criminalize terrorism to provide [Interruption] for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists’ assets.

Mr. President, in 2010 that was changed and it has now become an Act to amend the Anti-Terrorism Act, 2005 to provide for the criminalization of the financing of terrorism and for related matters. That is Act 2, sorry, of 2010. In the parent Act at section 2(1)(d), and of course section 2 as you would know says in this Act:

“Convention” means “any of the following Conventions:”

And at 2(1)(d) it says:


Now, Mr. President, this question of diplomatic agents is important in every respect, because when our Ministers travel abroad to represent us the people and the Government of Trinidad and Tobago, they are diplomats and they are to be treated as such. There are diplomatic treaties including immunities and privileges and all of these matters, so that this convention is very important in respect of their protection.

9.40 p.m.

You will remember some years ago, a former Minister of Works in Nigeria was alleged to have stolen substantial amounts of money from the government and the people of Nigeria and made his way to England where he lived in good shape for many years outside of the reach of the Nigerian authorities, at least so he thought, until one evening, a party of mercenaries, I would called them, employed by the
Nigerian government, went and seized him somewhere in London, put him in a container at Standsted Airport and he was bound for destination Nigeria. They had gotten the thing constructed—a fellow by the name of Umar Dikko. They had gotten the thing prepared to receive him. He was to be drugged and he was to be put to sleep and maintained on drips and so on through the journey in a cargo container.

The British authorities got wind of it. And they went to rescue him. When they got there the Nigerians protested because the thing was sealed, diplomatic mail. And there developed a big crisis as to whether they were entitled to interfere with or open so called “diplomatic mail”. I am sure Sen. Baptiste-Mc Knight would be very familiar with that. She was at that time our proud representative abroad. Sure! Although I said in metaphor today, she functions much like a terrorist, boy. She got behind your lines and gave you some good “calpet”. Mr. President, you know the meaning of the word “calpet”? [Laughter] [Desk thumping] I was so proud. I do not like to see people beat up on people you know, but I was titillated by it, I must tell you, I particularly like the look on the face of Minister George, and of course may I continue.

So there was a big standoff in terms of diplomatic—so that this Act talks about the convention on the prevention of punishment of crimes against internationally protected persons including diplomatic agents. So I give you another example. If, let us say our Foreign Affairs Minister went to Brazil and they kidnapped him in Brazil and kept him in a warehouse or two, he would need protection. Would he not? If let us say, while he was in Brazil, somebody practising what we call, identity theft, stole his identity, pretending to be him, concocted a résumé, claimed to have qualifications that that person did not really have, those are the kinds of things that he would want protection against. So that when we pass this Bill here today, it is an attempt to satisfy the expectations that we would have created for ourselves with our international partners as we subscribe to the dictates of these conventions.

At (h) “Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation…”

You will know, Mr. President, it is reported widely, that citizens of Trinidad and Tobago and perhaps visitors among them we do not know, travelling from Tobago to Trinidad, spent close to five hours stranded midway on the ocean, on the sea. They could have been attacked by terrorists while they were there. And
Sen. Moheni does not want us to speak about the OPVs. But had we been in possession of them, we may have been able to rescue them, communicate with them a lot more efficiently because the OPVs were not only about drug interdiction and protection against terrorism, but they would have assisted in search and rescue missions and all of those things.

The absence of these OPVs has obviously left a major gap, a major hole in our security platform, such that a recently retired Brig. General of the Trinidad and Tobago Defence Force, one who held office akin to that which the now Minister of National Security held, described our borders as porous.

9.45 p.m.

Yes, porous. [Laughter] Sen. Ali is whispering to me “poor us” I think he is right “poor us”.

Sen. Deyalsingh: “Poor us” for having porous borders.

Sen. F. Hinds: So that the OPV question remains an important question. They could have been attacked by terrorists, thank God they were not and I will tell you this—I heard Minister “Bhoe” Tewarie, let me pronounce his name properly, Bhoendradatt Tewarie, yes I am so sorry about that, no disrespect at all, Dr. Bhoendradatt Tewarie, the new Minister who replaced a “fallen” Minister. Someone who lost their life on the anvil of integrity, someone who—


Sen. F. Hinds: I miss her, but I would not detain myself on that, there will be time enough. Mr. President. “Forget what I was saying, yes.”

Sen. George: Forget what you were going to say? [Laughter] [Desk thumping] The OPVs, the OPVs, let me put you back on track.


Sen. George: Take a sip of water, get your thoughts back together.


Sen. George: Discombobulated.

Sen. Beckles-Robinson: I like that one.

Sen. F. Hinds: My friend wants to know, it is so much to say about this motley crew. [Laughter] [Desk thumping] They confuse you, you know. They really do.
Sen. Beckles-Robinson: You allow them to confuse you.

Sen. George: You are at a loss for words.

Sen. F. Hinds: We are amazed at the rate at which they offend you know, we could hardly cope. So, Mr. President, may I continue? May I continue?

Sen. George: Yes you may. Yes you may.

Sen. F. Hinds: Money is defined as banker’s drafts, coins and notes in any currency, postal order, traveller’s cheques and any other kind of monetary instrument by order, by the Minister with the responsibility for finance.

Sen. Panday: You are reading from the Act you piloted.

Sen. F. Hinds: Yes, I am just defining, because this is not amended by the one that is before us now, this remains, and I am defining what money represents, and I want to focus on coins and notes in any currency, including of course US currency. [Interruption]

I heard Sen. Cudjoe, I heard Sen. Deyalsingh, I heard all who spoke here today; and I therefore do not have to trouble myself with it, it is trite; a direct link between movement of money and the business of terrorism. So I do not have to spend time persuading the President, or those who would listen, of the inherent link between the notes, and currency, and the movement thereof. So wherever there is money movement, large amounts of money as Sen. Beckles-Robinson, told us today—and let me give an example, US $1 million, it is a lot of money. It is the kind of money that will make terrorists happy to do whatever they have to do. So, whenever there is a concern with large amounts of money, whether it is by virtue of the regime of the FIU or under the terrorist legislation proceeds of crime, whatever it is, that ought to ring bells. You understand?

9.50 p.m.

Yet, the Minister of National Security and his counterpart, the Minister of State in the Ministry of National Security, both of them, have a commissioner of police—and they said not a word. When he had been told—when he gathered, even if it was in the media—that we had concerns about at least US $1 million floating around or having floated around Trinidad, they showed no interest. He told us—could have been used for terrorism—that since no one made any formal report, he could not deal with the matter.

The United States took out Bin Laden a few weeks or months ago, recently, and it was reported that they seized computers from the apartment in which he was a resident. Of course, they did not take them for conjecture or for fun, they
would have analyzed the information thereat. Let us say the United States found that al-Qaida had been responsible for killing seven persons—whether they were citizens of Trinidad and Tobago or not—if those computers revealed that those seven bodies were buried somewhere in Trinidad in Santa Cruz or in Maracas and it was reported on the BBC, on the American channels and so on, and the Commissioner of Police in Trinidad having heard it or seen it on the television, could he be heard to say that that is not a direct report, it is just on the media and he should take no action? Should he not get busy and go and see if he can find those bodies? But his Minister said nothing. He told us and we suggested to him—that high-paid Commissioner of Police, who has a direct responsibility in protecting us from the behaviour of terrorists, the criminality of terrorists who are ruthless. I know that there are some anti-American citizens in this country and in the world. America has offended many people in all parts of the world, and there are those who are anti-American in their sentiments.

When I was piloting this legislation, I was told by Members of the Government, then in Opposition, that it was not necessary because Trinidad and Tobago was a small, peaceful, beautiful island in the sun and, if we pass this legislation it would actually have the effect of attracting terrorists, because when we pass it they will become upset with us, because they will feel that we were pleasing the United States. We were told that by Members of the Opposition, UNC, who are now in Government, and you heard other reckless offerings from them quoted in Hansard here today.

I found myself at the University of the West Indies with two members of the UNC sitting opposite to me, chaired by now deceased senior counsel, Allan Alexander. He was the chairman and I had to go on behalf of the Government at the time—[Interruption]


Sen. F. Hinds: He does not know what I am saying. I am sorry. My apologies. I withdraw. I am sorry about that. Yes. I withdraw that. Mr. President, it was chaired by one, senior counsel, and I had to demonstrate to them. I remember trying to tell them about Bali, a small nation depending on tourism. There was a bombing sometime ago there which had a serious effect on their economy and, as a result of the psychology of that, a lot of people would never go to Bali again. [Interruption] Yes, the town. The point is, even if you have anti-American sentiments, the terrorists do not discriminate. When they are ready to put a plane out of the sky, they do not ask who is on the plane. They just want one. They do not discriminate. So I had to point out to them that we were at risk.
So, Mr. President, I want to say that the Commissioner of Police sits on the National Security Council along with the Minister of National Security and the Comptroller of Customs. [Interruption] I was thinking of Desmond Allum—my apologies—as I spoke. You follow me? Okay, let us proceed. And as I talked about deceased, I almost—so, “terrorist act” under this means:

“(a) an act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause—

(i) loss of human life or serious bodily harm;

(ii) damage to property; or

(iii) prejudice to national security...”

Mr. President, I have already pointed out that we have passed the Financial Intelligence Unit legislation and other similar pieces of legislation, and we took pains at late hours of the night in order to do these things. I could understand why Sen. Baptiste-Mc Kinght is so concerned. We spent long hours here sorting these things out, trying to preserve the security and well-being of this platform that Trinidad and Tobago and, as well, our relationship with our partners in the world for the good of all.

So the point I am making is the movement of money undetected can have the effect of prejudicing our national security, and I am very, very, very taken aback when I—to this date, neither Ministers of National Security has expressed any concerns that everybody in the bars, the barber shops, the rum shops, in the markets are speaking about the possibility of moneys coming into Trinidad and used for illegal purposes. Not one comment from either Minister to give us, citizens, the assurance that they are looking after us and do not want us to be prejudiced as the security of the State is prejudiced.

On the contrary you will know, Mr. President, that whenever we try to raise that matter in here, they take all the actions they could take to shut us up. I am surprised they have not jumped up with Standing Order 35(5) or 35(1) as yet. [Interruption]

Sen. Panday: I will go with 35(1).

Sen. F. Hinds: Go with it. [Laughter]
**Sen. Panday:** I will go with Standing Order 35(1), on the ground of total irrelevance.

**Sen. F. Hinds:** Only to demonstrate again—

**Mr. President:** Please continue. [*Desk thumping]*

**Sen. F. Hinds:** Yes, thank you, Mr. President. Exactly the point I am making. Instead of dealing with the issue, they try to cover it up and shut me up. But under your watchful eyes—[*Interruption]*

**Sen. Panday:** Mr. President, now I am going on Standing Order 35(5). My learned friend is imputing improper motive to the Minister of National Security.

**Mr. President:** Sen. Hinds, you cannot refer to the Minister of National Security as trying to quiet you in some way—

**Sen. Panday:** Shut him up, Mr. President.

**Mr. President:**—in order to pursue other—

**Sen. F. Hinds:** I am obliged. Well, I will say silence me then, Mr. President. I think that might be more apposite, trying to silence me.

**Sen. Baptiste-Cornelis:** [*Inaudible]*

**Sen. F. Hinds:** I must start studying you.

**Sen. Baptiste-Cornelis:** I am married.

**Sen. F. Hinds:** Oh, no, no, no! I am not going there at all. I am far more astute than that. Let me continue. It continues at (v), any act which is designed to—“intimidate the public or a section of the public.”

Mr. President, I was speaking to a union official today, who told me that he felt absolutely intimidated by a comment made by the Prime Minister recently when she said, “Unions doh scare me”.

**Sen. Panday:** Mr. President, what does that have to do with the Bill? Standing order 35(1), please.

**Sen. F. Hinds:** I am going to show you.

**Mr. President:** I do hope you will come to the point, Sen. Hinds.

**Sen. F. Hinds:** Yes, indeed! Yes, indeed! I am coming to it. Mr. President, do you know two tankers—the probability of this, it may never have happened in the history of this country. Do you know within the last 24 hours, two—[*Interruption]*
Sen. Deyalsingh: Today?

Sen. F. Hinds: Today—two tankers turned over? Understand that. Now—[Interruption]

Sen. Panday: Mr. President, Standing Order 35(1), what that has to do with the Bill before the Senate?

Sen. F. Hinds: He is jumping the gun.

Mr. President: Senator, I take it you will demonstrate the connection?

Sen. F. Hinds: Oh yes, I will demonstrate the link, Mr. President. I must.

Sen. Deyalsingh: No, they have a quota of standing order to make each session.

Sen. F. Hinds: My friend, Sen. Deyalsingh told me we got a whisper that they have a quota of standing order objections to make each session. They are now at 20 per cent, so they have to get up and quarrel. The Cabinet has taken a decision that at each time Sen. Hinds is speaking, or Sen. Al-Rawi, or Sen. Deyalsingh, they have to get up at least 10 times. So I have seven more to go. [Interruption]

Sen. Al-Rawi: We are honoured. We are honoured.

Sen. F. Hinds: Mr. President, do you know something? Just to tell you quickly. When I was the Minister in the Ministry of National Security, along with the senior Minister Martin Joseph, one morning a gentleman from East Port of Spain, an ordinary, poor, unlettered man, came to me and told me something that I had to take seriously. It had to do with a certain hotel in this town. He said he observed that it was very vulnerable to terrorist. He told me the way their air conditioning was situated it was very easy for someone to interfere with the entire hotel, by getting to that compressor or whatever aspect of the system he spoke of. I took that unlettered, ordinary minimum wage earner seriously as I always do, and I called the Commissioner of Police and told him what I heard—just a possibility. He made contact with the hotel owner I understand, who reported, having looked at the situation with his technical people, in fact, the thing was very vulnerable as the unlettered man had said, and spent a tremendous amount of money to rectify that problem.

The man was simply making the point that it is vulnerable to a terrorism act in a very simple way. You know we have to listen, we have to watch, we have to be careful. So that within 24 hours, strangely, two tankers turned over. [Interruption]

[Sen. Panday laughs] You see he is laughing. I do not know if it is coincidental, the unions are a little upset with the Government these days. [Interruption]
Sen. Oudit: Senator, it is only one tanker.

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator’s speaking time be extended by 15 minutes. [Sen. L. Oudit]

Question put and agreed to.

Sen. F. Hinds: Thank you very much; and I want to pay particular gratitude to my friend, Sen. Lyndira Oudit, for the request for the extension of my time. [Desk thumping]

Madam—Mr. President, rather—[Interruption]

Sen. Panday: “Yuh sleeping or what?”

Sen. F. Hinds:—another very important facet of this whole business of terrorism containment or management is the question of confidence. Confidence is not only applicable to economic analysis. It is of general applicability. Confidence is important. We rely on our intelligence agencies to detect, to identify plots and plans in advance and, they may complain again as they do when we speak of the gaping hole, the porous situation in respect of the absence of the OPVs. Sen. Cudjoe told us about the vast amount of money that they have now begun to spend because of a poor decision. And then Sen. Moheni came today trying to put a lid on it; a very feeble attempt indeed.

10.05 p.m.

Mr. President, citizens of this country are still calling on the Prime Minister of this country as National Security Council Chairman to give an explanation as to what went wrong with the hiring of Reshmi Ramnarine, still. [Interruption] Still! Because confidence that was lost—my father used to tell me when an egg is broken or cracked, you could stick it back, you could do what you want, it will never be the same again—and the confidence that we ought to have had in that organization has been lost, and I am begging the Government, it is not too late, even if it cost you another minister, it would be in the public’s interest, I am begging you, come clean, tell us what went wrong. [Desk thumping] Whether it was in a Gail Alexander article dated February 01, 2011; she said—let me quote—I am talking about confidence in dealing with terrorists and the importance of the intelligence platform in getting advanced information before they strike. [Desk thumping]
“Government has lost much of its credibility and Prime Minister Kamla Persad-Bissessar needs to address the nation and clear the air on the Reshmi Ramnarine appointment.”

She quoted Selwyn Ryan—a professor, learned writer and thinker; political analyst. He said:

“I am very unhappy. I was one of those who wanted the thing (PP) to work but I’m very disappointed. He said former UNC leader Basdeo Panday was right on the possible cause of the issue”—that is to say—“cronyism.”

It would be a sad thing to discover but it will help us if it were really cronyism you know. What would have caused it? I asked a thousand questions in here and all the Ministers of National Security—the Attorney General, the Minister of Public Utilities—all they do is obfuscate and avoid coming clean and telling us what went wrong. Yes, and we still want to know. [Sen. The Hon. Emmanuel George stands] Derek Ramsamooj, Political Analyst—

Sen. George: Sen. Hinds, please. There was no occasion on which I answered any question having to do with Reshmi Ramnarine. [Interruption] But you called the Minister of Public Utilities, please.

Sen. F. Hinds: You got that wrong. I never said you answered any questions.

Sen. George: Do not include me in that. Leave me out your “kan katang.”

Sen. F. Hinds: Let me continue. Whether it was Derek Ramsamooj. Attorney Israel Khan SC said:

“Persons must be fired and the Prime Minister must come clean and speak about the matter.”

COP vice-chairman Vernon De Lima, who is now vying for the position, said:

“There is now a more urgent need than ever to get to the bottom of this thing and the Prime Minister must be prepared to clear it up since she heads the relevant bodies...It cannot be the”—Office of the Prime Minister—“OPM’s security adviser or a minister, having regard to the point this thing has reached. It cannot be laid to rest”—I am quoting De Lima—“it cannot be laid to rest until we get to the bottom of it and we cannot move on until we discover exactly what took place.”

Whether it was cronyism; whether it was a bout of madness; whether it was a bout of—[Interruption] Well madness and insanity are the same thing—whether it was folly or something. I have some other ideas in mind but I think they might be a bit unparliamentary or challenging at any rate, so let me not say that.
Mr. President, let me continue. Today, and for the last few hours, the police has been investigating, as Sen. Beckles, I think it was, told us, they have been investigating circumstances regarding marijuana—large quantities of marijuana in the Point Lisas area, customs area.

10.10 p.m.

We are being told that it is possible that the outcome of the investigations may show that those involved—hear my words Mr. President—may be well known to the Government of Trinidad and Tobago, may be well known. See, I told you I had watchful eyes. See? Those involved may be well known.

Sen. Beckles-Robinson told us, when people are deported, we have to find a way to be able to manage that, to track them because to this day we do not. It could very well be, not our government. We would be far more careful. We would never have had a Reshmi. We do background checks. We check things. But, because they do not check, because they have the track record of Reshmi and the misappointment of someone to the FIU’s head, it is very possible that persons in those categories that Sen. Beckles-Robinson described, could end up on boards of directors appointed by that Government. It is possible.

**Sen. Cudjoe:** head of the SIA.

**Sen. F. Hinds:** Could even be a chairman. It is possible. But, as I was telling you, the matter in Point Lisas is under investigation.

I have heard lofty statements about URP and crime. We now know as a fact and in another debate—when it is appropriate I will tell you—there are well-known deviants in this society who are now holders in south and central of the CEPEP contracts. I have facts; people who are gaining—as we say in the national security arena, who are on the radar.

**Sen. Panday:** Call the names.

**Sen. F. Hinds:** Fact. I can quote for you as I come to a conclusion, the Anti-Terrorism Bill, page 219 of Friday, February 18, 2005, the Member for Siparia speaking. When I moved this legislation—I want to quote the Member for Siparia—and she is speaking about me:

“The Member said that clause 4 makes it an offence if a person ‘directly or indirectly provides or makes available financial or other related services intending that they be used, in whole or in part, for the purpose of committing a terrorist act’.
Mr. Deputy Speaker, I submit that the Government, in providing financial assistance through the Community-based Environmental Protection and Enhancement Programme (CEPEP) to criminal elements within the CEPEP and the Unemployment Relief Programme (URP) to buy guns to terrorize the citizenry, the Government is guilty of an offence under clause 4.”

Well if it was guilty then, and what I have surmised is true now, then that Government is guilty of the same thing that the now Prime Minister spoke about and we would come to this again. We would come back to this, when I come here with my list in another debate.

As I wind to my conclusion, we have on record about 185 murders to date, in this country. I told you on the last occasion I spoke here, they have been boasting that it is about 40 less than it was year-to-date last year. Sen. Beckles-Robinson was very, very savvy, if you like, conscious of some of the realities that are taking place five and 10 minutes away from this esteemed Chamber. She told us about the borderline so-called issues, where youngsters cannot go from one neighbourhood to the next. Sen. The Hon. Brig. Sandy told us in the Maloney area if you are from Building 1 you cannot go by Building 7 and all this kind of stupidity. The one thing that neither Sen. The Hon. Brig Sandy or Sen. Beckles-Robinson had the time nor the disposition to speak about today, which I feel compelled to say something on, is that part of the reason for that stupidity has to do with the stupidity of those involved. While there are issues for the State and for the police and the protective services, there are more issues for them, because that is stupidity. “We grow up” in the same neighbourhood, we eat from the same pot we play on the same football field, we went to the same school and now, because you have a gun I cannot come over by your neighbourhood and you—I mean, they are just mad!

As Sen. Beckles-Robinson told us, a fellow went to work in a certain area and because he was known to be living in another area, in blind stupid ignorance, he was killed. I ascribe some of the blame for that stupidity to those who are involved in those communities and I “eh taking no excuses about nobody”, although I know that they were not intending to make any excuses. She was describing the “is”, but I am making reference now to the “ought” and I am saying they ought to conduct themselves better and more sensibly. [Desk thumping]

I want to say to the Government do not take too much heart about the difference in the murder figures because, as I told them before, the weapons of war are still in the hands of those stupid boys. They have now started fighting over CEPEP. I told you two CEPEP operators got killed a few weeks ago in Arima and what I told you earlier today, it is only a matter of time before war erupts, and the equation that they are singing praises over now would disappear. So, we are happy, but we would like to see the thing persist and we know what is involved.
Mr. President, I conclude by saying, as we discuss terrorism, that we are prepared, since we are the originators of any thought or thoughts that led to the passage of anti-terrorism legislation in this country, and for that reason and that reason alone—because we understand it. We know it. When we were piloting it they were opposed to it. Now they are the greatest lovers of it because they happen to be in the Government, but they are reckless! [Desk thumping]. That is how they operate. The same things they criticized us for, they are doing the same things they criticized and worse; whether it is in NP, or whether it is in CEPEP—cronyism down the road.

Mr. President: Senator—

Sen. F. Hinds: Time has run? Thank you very warmly, Mr. President. I had planned to speak for a mere 10 or 15 minutes, but I felt obliged to respond to Sen. Moheni, and he caused me to speak a little longer than I had planned. But, with the opportunity to have spoken now behind me, I am rather grateful and I want to thank you for the opportunity to have spoken under your watchful eye. Mr. President, I thank you.

Sen. Dr. Lennox Bernard: Thank you, Mr. President. It is indeed an honour to be given an opportunity to be in this hallowed Chamber and to share with this distinguished body of legislators, this very important bit of work we are about. I think we are struggling with a document or with a series of documents. In fact, I felt the need to put all three together because it was crucial to get a sense of what the Bill was all about. So, you will forgive me if there is an allied arrangement with me, as it relates to referring to, now and then, the 2005, the 2010 and then, of course, what is before us. The opportunity, as I have said, allows me my little one day, to maybe say something for the voiceless, in a way that possibly those who have been entrenched in this environment may not have captured all of it. The first thing I went to, when I saw the Bill, was the area of human rights; how much democratic safeguards have we included in the document that would allow people to be comfortable with the fact that they will not be hounded in any way. I was not totally happy with what I saw. In fact, there is only one clause that comes under the definition of “terrorist act” and which excludes the following, under clause 2(b), and I am looking here at the original document which says:

“An Act which,

(a) causes death or serious bodily harm to a person taking active part in armed conflict in accordance with the applicable rules of international law;”
Those individuals are discounted, so too—and Sen. Abdullah who is not here would have in fact been anxious to know if this was included.

“(b) disrupts any service and is committed in pursuance of a demonstration, protest or stoppage of work and is not intended to result in any harm referred to in paragraph (a) of the definition of ‘terrorist act’”.

The message there was that, yes, we were taking care of people who are protesting under normal conditions and people who in fact are allowed to demonstrate, but the spirit of the legislation, does not, I think, allow for a general comfort for people who somehow would feel that their rights can be in fact impinged on.

In fact, Sen. Prescott SC took me a little further when he said—and here is where the voiceless comes in again—how do we deal with an individual who may have been cajoled—in the tearoom we were talking about it—to give money to a charitable organization that they know nothing about, and then suddenly discover that they are indeed called a terrorist? There would be more like those, because, I think, unless people understand the nature of what they are getting into, I think there are serious problems related to dealing with people who could be very innocent in a situation where they do not understand the nature of the law. I am not happy that we have a fair balance between the freedom we talk about and the need to have these laws. In fact, I think the laws stand out at you in a way that does not make for some measure of comfort.

I believe, and I want to go back a bit—two of my colleagues here spoke about the concept of terror and traced it along the West European line. But I think for the record we need to record that terror from a Western Hemisphere standpoint started with terror against the first people in the New World. We call them Amerindians. Terror was inflicted on slaves. In fact, the first peoples were literally decimated in most instances; sword in one hand and the Bible in the other; slavery.

10.25 p.m.

Then, Sen. Dr. Tewarie spoke of home-grown terrorism which incidentally has, in fact, come to us in various forms. Home-grown terrorism borders on hate crime and in a Canadian perspective they have sought to include hate crime as part of the concept of terrorism, and I will come to that in a little while. But it is important to get the message that the concept must be known here to us even as it is known to the voiceless in terms of all these important ingredients that have come over time to us via what we consider to be forms of terror.
September 2001—yes, Sen. Dr. Tewarie was right—changed our lives in many ways. It made us at times lose the virtue of trust and Sen. Ramnarine referred to Fukuyama, who has told us that the indicator of trust in a society, or the indicator of social capital in a society is where there is trust. More and more trust has been whittled away from who we are, what we believe in, who we can trust around us, and in fact, some societies are seeking to regain trust via the route of social capital where cultural networks are now created, so that persons can understand some of the things we are saying here.

We lost a sense of our being, our sense of being was violated as well, and it is true to say that in an environment such as ours, our country is very vulnerable in that we stand at the gateway to the Americas—some say South America alone, but you can track upwards—and more so to Brazil that is becoming more and more an important country within the South American sphere. Sen. Dr. Tewarie referred to the drug crisis and the question of us being part of that idea of the drugs going up to the United States where the demand is needed.

So that we are not—yes, I may say—a soft target looking in from outside and into the international sphere, but we are indeed a serious target. In fact, one bazooka or one of those crater-like missiles that we heard of that can cause us much, much more damage in a small society like ours than has happened outside in larger societies. It means, therefore, that whatever legislation we seek to create must be, in fact, right and it must be robust. I am not sure that we are there as yet, and I agree with Sen. Baptiste-Mc Knight that we have to take this seriously.

After downloading these documents, I looked at how South Africa struggled to get a document together, because of the issue of human rights; they just kept at it, they had to go over and over. Canada had some problems as it related to even dealing with hate crimes and opening it up from just simply religious institutions to religious-based schools, and now they are taking on other areas—biases and prejudices—to include gender and sexual orientations; things that will face us even as we deal with social policy and have to deal with the area of gender, and hate crimes that can come as we seek to give persons their equality even though they are different.

So that I am not totally happy and, in all humility, I would suggest—and I am sure my colleagues here would work all night on amendments, and I do not know if protocol would have it right, or I would say right in the context of protocol—but whether the Government would, in fact, consider recalling the Lower House on Friday to sit again and look at all these amendments that we would have spent
the rest of the night working at and do justice to that document, because the legislation must be right and it must be robust, and it must satisfy the voiceless. I think the Government will gain points from this, by simply stating to a populace, to the nation that this thing is serious enough for us to look again.

There are these allied concerns that I have that again take into account my readings of other documents. We have said nothing about state immunity which I saw present in some of the Bills that I read. I think somewhere we should seek to have a clause that would allow for an exception to state immunity, whereby victims of terror can sue designated states in Trinidad and Tobago courts for state-sponsored terrorism. It may not come up now, but in a futuristic sense one has to look at how we protect our citizens in that regard.

Some documents speak directly to diplomatic immunity. What is the status, Mr. President, of a diplomat who has allegedly committed a terrorist act? Does his immunity remain intact? The Bill to my mind, Sen. Brig. Sandy, appears to be silent on this. The granting of blanket immunity to diplomats from civil and criminal suits including those who might be connected to terrorism is also inconsistent with the stated priority of this Bill.

I look at Piarco and I see we have two terminals, a large one, and a small one to the south. The small one, the south terminal, is used for special events. Have we created and again, a layman’s voice on this, have we created regulatory arrangements for airport security by creating what is known in the literature as event zone? Sometimes I am forced to drive past there and I wonder—you can simply land a little plane, a Cessna and you can do what you want in an environment where you have not—I am not sure—created that event zone.

I am concerned about the yachties in our western peninsula, again another layman’s position. Yes, Sen. Dr. Tewarie, it is a beautiful country and it is paradise and we see those yachts out there. What measure of surveillance do we have for them? Yes, we cannot frisk them as we do with persons using the airport, we cannot check to see if they have aerosol containers, or gels and other liquids. What do we do with them as they come into our country and occupy a space peripheral on our main headquarters of our armed forces? The layperson does that, they think about these things. What about these huge containers on the docks? What measure of surveillance do we have to ensure that someone cannot just scale the fence, scale in, scale out as the case may be, to get at these containers? These may seem as simple things, but they feed into the nature of all that we talk about in the area of terrorism and anti-terrorism.
Anti-Terrorism (Amdt) Bill

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And to take Sen. Beckles-Robinson’s point one step further as it relates to telecommunications, is our telecommunications authority alert to the need for a negative list on Internet addresses that should include terrorism and cybercrime websites? Do we know of them? Do we know that our children in the sanctuary, in the setting of their homes can learn how to make a bomb? Do we have the addresses of these websites? And is there a provision that requires that publications, films for computer games that advocate the doing of a terrorist act are listed as some countries have as “refused classification”?

Now these stick out at us even as we say law, jurisprudence, getting it right, doing what Sen. Baptiste-Mc Knight talks about in terms of presenting it in a legal framework which will ensure that technicalities do not get in there in a way that we can lose. But the people outside are saying, how will you protect us on the ground in these other ways? How will you measure those charitable organizations or non-profit organizations which do not require some measure of reporting? That is, they do not necessarily have to report. How do you seek to put them on a list, our list that will allow us to know that, in fact, these must be effectively blocked, because they are involved in the financing of terrorism, and they can come under all guises? This I have not seen too much of in the Bill.

And one other minor point; I agreed with Sen. Al-Rawi that bribery and corruption should have had a place, an integral place, an important place in this Bill, as have been seen in other Bills, and having read many other Bills, the last one I did last night was the Dutch Parliamentary Bill where they are going much further in the area of persons who are, inciting others to become terrorists.

10.40 p.m.

In fact, they are even instituting laws that, if you trivialize the thing called terrorism, they can charge you. You do not make a mockery of law; you do not do those things in the context of terrorism. So, I was not happy that we did not see some sunset clauses which would make us look again. We have not seen some affirmative resolutions in there; neither have we seen any reference to parliamentary oversight, which will make the population more comfortable, and, in fact, make us believe that there is a balance, as Sen. The Hon. Dr. Tewarie spoke about between freedom and, of course, I can use the word “discipline” as it comes to us via the laws.

In closing, even as I thank my colleagues for the warmth and friendliness with which they accepted me, the standing joke is that I got two days the first time around; I got a one day, so I am virtually a type of CEPEP worker, so I am happy. I was happy for the opportunity.
I want to suggest to the Leader of the Senate that we can do much more in notation of our documents. Notation and referencing are very important especially for us to be able, I think Sen. Al-Rawi’s words were, “to track”.

I looked at the Barbados document and with every convention that they mentioned, alongside pagination-wise, they had “incorporated into local Act” so and so. They did not put “local Act”, but “incorporated into local Act” so that you got a sense that they were not only faithful to the convention, but where it could be found. Where, in fact, there was the need for interrelated types of referencing to laws and Acts, again, we should see much more of that. So, I think we have to upgrade the way we do our notation, so that we can make greater sense of what we do in a more constructive manner.

I have no doubt that as patriots we will do what is important. I am very impressed with the Minister of National Security and his position and stance. I saw him the first time around and I had not known the man, but just seeing how he was able to conduct himself, I put so much faith in his ability to do the right thing. But the right thing may require us to humble ourselves. Give us the work. I am sure that Sen. Baptiste-Mc Knight will do many of the corrections that she has. Even at the moment, we can even ask some of the things that she would change rather quickly and ask the Lower House to revisit the documents, thereby ensuring that we keep that level of scholarship and good work upfront.

Thank you very much.

Sen. Lyndira Oudit: Thank you very much, Mr. President. It is 10.44; just about the cusp of midnight or the midnight session and I do thank you for the opportunity to speak again on this particular Bill. It was not my intention to speak tonight on this Bill, however, I did contribute to an incarnation of this Bill in January 2010 and several references have been made to my contribution, made then as an Opposition Senator.

I feel it is only fair, since this is a Parliament of justice and equality, that I have the opportunity to respond and to make my contribution because there are amendments to the Bill that was debated in 2010, in this particular Bill 2011.

For the record, contrary to what was said earlier in this debate, my own personal contribution, as recorded by Hansard, will show that I did support the intention, the objective aspects of the Bill, but as an Opposition Senator, we pointed out some of the loopholes, as it is the right of the Opposition to do. It is the role of the Opposition even now, if there are flaws or discrepancies, and they will do the same.
I would like to quote from my contribution briefly. I said:

“…I state that the intention of this legislation”—as well as others, including the FIU—“is excellent, but we have to be careful”—to plug the loopholes.

In closing, in my contribution on January 18, 2010, I said:

“…but I hope that you can take all the reasonable suggestions that have been given so that when we pass this and you take it to the House…that you actually have a stronger piece of legislation. It is our hope that we can work together on this because it is important.”

So I do not want the national community to go away with the impression that as an opposition, we merely opposed the Bill. We did not. In fact, my Hansard contribution will show that we saw the importance of that piece of legislation and understood the intention. However, what is instructive is the response given by the Attorney General then, the hon. John Jeremie, in wrapping up. I am quoting January 19, 2010. At the very start of his contribution, he says here:

“I seek to correct something which Sen. Oudit spoke of in respect to accession and signature…”

That was one of the points I raised. In fact, just for clarification, the point I raised was that the Attorney General at that time did not inform the national community that a signature was required in the International Convention for the Suppression of Financing of Terrorism as at January 15, 2010. We simply had the name Trinidad and Tobago given, but there was no signature next to it, which told the international community, as at September 23, 2009, that simply listing Trinidad and Tobago with no signature meant, and the national community was not informed of this by the then Attorney General, was that there was no accession or ratification of the financing of terrorism convention.

In response to that, the Attorney General said:

“I seek to correct something which Sen. Oudit spoke of in respect to accession and signature, I will just clarify that, but I am going to confine my remarks to the constitutionality of the Bill…”

If you look at his entire contribution, nowhere did he come back to the point about what the lack of a signature on that particular document meant. He never did. In fact, there are eight to 10 pages of his contribution and it did not indicate what that meant. What he did talk about, which was instructive, in closing, the then Attorney General John Jeremie said:
“…yes, we have a deadline. It is January 21…”

Please note the date of this particular Bill. The debate was January 19. He said, “we have a deadline”. It is not a deadline for the Senate; it is January 21.

“It is not a deadline for the Senate, it is one for the State. The State has a deadline in terms of the passage of this legislation. We have not moved as expeditiously as we ought to have done with respect to the Financial Intelligence Unit, the Proceeds of Crime and now with respect to the Anti-terrorism (Amendment) Bill.”

This is the former Attorney General admitting, on January 19, 2010, that the three pieces of legislation that were required as part of the recommendations of the FATF were not done.

Mr. President, in keeping with that admission on January 19, 2010, just a few months before that, in moving the Financial Intelligence Unit on May 22, 2009, the then Minister of Finance, the hon. Karen Nunez-Tesheira, identified, and I am quoting:

“The Government also considered the current FIU which has been in operation in Trinidad and Tobago for 12 years and which despite its assiduous efforts, continues to be constrained by severe limitation primary among which is the absence of empowering legislation. Having regard to all relevant factors...which include integrity, transparency, public confidence and accountability…”

This was the Minister of Finance, the hon. Karen Nunez-Tesheira and I am quoting from what will be—I am assuming because there is no wording of “Unrevised”—her final draft of the Hansard recording.

If we were to go just a step further, when I looked at the financial intelligence contribution, that was May 22, that Financial Intelligence Unit Bill came back and, on September 30, again in the Lower House, again the Minister of Finance, the hon. Karen Nunez-Tesheira indicates:

“In fact, it is well established that many persons involved in money laundering indulge in what we call regulatory arbitrage, meaning that they go to jurisdictions where they believe they will get a soft landing and where they believe that the enforcement and the legislation is not what it should be, it is weak, and, therefore, it is facilitative of that type of activity.”

Now, Mr. President, that is very instructive. I say to the national community that that is, in fact very true. It is so true that the US Drug Enforcement Administration—and I am referring here to a report done by Michael S. Vigil, Special Agent in Charge, Caribbean Field Division, Drug Enforcement Administration, dated May 09, 2000.
This report is on drug trafficking throughout the Caribbean. It was a subcommittee of the Drug Enforcement Administration. I am quoting:

“Traditional organized crime syndicates operating within the United States over the last century, simply cannot compare to the... drug trafficking organizations functioning in this hemisphere.”—at this time.—

“These...organizations have at their disposal an arsenal of technology, weapons and allies, corrupted law enforcement, and government officials enabling them to dominate the illegal drug market in ways not previously thought possible.”

This was May 09, 2000. As a result, this report went back.

It says here:

“Over the last two decades, cocaine trafficking over the United States’ southern border has shifted between the Southwest border and the South Florida/Caribbean corridor.

10.55 p.m.

In the 80s, most of the cocaine that entered the US transited the Caribbean. ...Today”—meaning the year 2000—“drug trafficking is increasing through the Caribbean South Florida corridor.”

Mr. President, it went on to say that the Caribbean plays an important role in drug-related money laundering. The article went into details on Puerto Rico, Haiti being at the trafficking crossroads in the Caribbean; methods and routes of trafficking as well as hemispheric law enforcement response.

Mr. President, at the time, the Caribbean Field Division which was referred to as an attempt to defuse the intelligence void that existed in this hemisphere—and this again, I will remind Senators, was from 2000 and the decade before that, this particular subcommittee of the US Drug Enforcement Administration created what was referred to as the Unicorn system—acronym: U-N-I-C-O-R-N referring to the United Caribbean Online Regional Network—and that system was designed to share photographs, data, information, et cetera; locations, groups involved in drug trafficking and money laundering. It also loaned equipment and provided training to host nation counterparts.

Mr. President, what is quite instructive is that during that administration, in 1999 as well as in the year 2000, significant efforts were made in conjunction with the same US territory that I found was very unfortunately referred to—because the US is a friendly country that supports the efforts of administrative and hemispheric attempts in this region especially when it comes to drugs and
trafficking. While we may have some who may wish to doubt that, I would hate to think, if we were not covered in some cloak, what would have happened if all our borders and all our areas were as open as in some areas.

Mr. President, Operation Columbus 1999 was a multinational regional effort involving island nations in the Caribbean. They focused on air, land and maritime interdiction, eradication and clandestine airstrip denial, with two areas, Santo Domingo Country Office and Trinidad and Tobago Country Office serving as northern and southern command posts. The UNICORN system was used to facilitate.

Operation Conquistador; this was a 17-day multinational drug enforcement operation involving 26 countries in the Caribbean, Central and South America. It was launched on March 10, 2000. The operation was concluded on March 26, 2000.

Mr. President, there seemed to have been a void after the year 2000, a significant void in the efforts such as these—and I would urge Members to go through. There are listings of all the achievements of operations such as those, so that when we had several Ministers in the year 2009, indicating to this national community what were the loopholes and what were the flaws, it is disheartening, at best and frightening, at most. I ask the national community that it is time to ask: what happened after the year 2000? What happened after the year 2000 up until 2009? This is the Minister of Finance in her contribution.

11.00 p.m.

Mr. President, do you know what the Minister of Finance in 2009 had to state to this national community and Members of this honourable Chamber? She said the

…FIU was created administratively in 1997”—in 1997—“under the umbrella of the Counter-Drug Crime Task Force of the Ministry of National Security”. However—and this is the Minister reporting—“The task force lacks legal authority... There is no legal framework”—according to the Minister, the then Minister of Finance—“within which a national centre for receiving and... requesting analysis and dissemination of suspicious transaction reports or other information regarding potential money laundering or terrorist financing activity. There is no legal framework which the task force can access directly or indirectly on a timely basis financial and law enforcement...”—agencies. “There is no legal framework within which the task force can serve as Trinidad and Tobago’s supervisory authority for monitoring and enforcing the anti-money laundering and
counter terrorist financing...”. Mr. President, this was in 2009. What happened after the year 2000? What happened between 2000—2009?

Mr. President, we have heard in this debate and in other debates of a similar nature of the FATF, and for the members of the national community, FATF, the original FATF, 40 recommendations were drawn up in the year 1990, and that might have been an ironic year for Trinidad. It was an initiative to combat the misuse of financial systems of persons laundering drug money.

In 1996 the agency realized what is called evolving money laundering typologies. What that means, Mr. President—and Sen. Ramnarine made reference to globalization, and in making reference to globalization, we realize and this organization realized that terrorism and all the aspects of it was evolving at such a pace, that you may create legislation today, and by a year or a few months, you may need to add. So it was a new area—legislation coming out of the 1990s was new—and it was in the hope that it would address as quickly and in a timely manner as possible, those elements that reared itself in the public domain. And so in 1996, after the original 40 recommendations, 40 recommendations were endorsed by over 130 countries, and was then and still is considered the international anti-money laundering standard. However, during the time 1996 and onwards, it was felt that the issue of financing was critical. So in October of 2001, the FATF expanded this mandate to include nine special recommendations on terrorist financing.

Mr. President, this particular Bill in front of us here, seeks to include a very significant section, which is section 22AB or clause 4 of the Bill, and I have not heard anyone make reference to one of the requirements under 22AB(d) and that refers to the phrase “the suspicious activity report”, and just like FATF had identified evolving typologies and the need to create legislation to deal with that, so too, much commendation must go—Sen. Hinds indicated that he was part of the original 2005 team that looked at it—to those Members that came up with the 2005, the first part of that.

Again, we have to remember 1990, the international community came up with information; 1996 they included different things, so that countries like Trinidad and Tobago and other regions, we came up with what we felt was important at the time. So in 2005 the first one was assented to in September 2005, and that was laudable.

On January 21, 2010, Act No. 2 of 2010, we had amendments that came; an evolving legislation, again. So in the first case it was to criminalize terrorism; in
the second case, it says here “to provide for the criminalization and the financing of terrorism in keeping with FATF’s changes”. Mr. President, this one here, the Anti-Terrorist (Amtd.) Bill, 2011, again, one of the major inclusions in this particular Bill has to do with one singular recommendation of FATF.

A major recommendation out of FATF—and I have heard Members talk about this—there were several; there are five distinct areas. Mr. President, the reporting of suspicious transactions and compliance; recommendations Nos. 13, 14, 15 and 16 of FATF; this clause 4, section 22AB(d) which asks for businesses and financial institutions to submit a suspicious activity report is in direct keeping with the recommendation of FATF.

Now, what was a little disturbing for me, on two days; January 18 and 19 2010. 17 speakers spoke on the Anti-Terrorism (Amtd.) Bill—all six Opposition Members spoke; all six. We had three Independent Senators contributions on those two days. Over the course of two days, we had three Independent Senators: Sen. Basharat Ali spoke; Sen. Dana Seetahal SC and Prof. Ramesh Deosaran spoke; three Independent Senators and six Opposition Senators.

In fact, if any one were to go through the Opposition contributions, as I said, when I started, we were not against the Bill. We supported the intention, the motive and the spirit of the legislation. We understood the need; we understood the need to come with this. That is what was assented to on January 21, 2010. I can speak for the intention of the Opposition then. We supported it; we gave support. I know Sen. Al-Rawi, you were not here when I started, but I would urge that you do look at the response of the then AG, John Jeremie SC, and I do not want to use the words. We would have abstained, but you know the national community is very intelligent. I believe the national community understands. There was a level of arrogance, if I may say so. In fact, I do not want to go back to the Hon. John Jeremie SC’s contribution, but there were certain statements, and it is interesting. It is instructive to read them.

However, out of the 17 speakers on those two days, I would like to refer to—I listened to Sen. Baptiste-Mc Knight tonight, and I thought she made a very interesting comment, something that I did not see, and which had to do with what I found is something that we may have certainly overlooked with the use of the word “facsimile transmission” better known as “fax”. However, be that as it may, if in some way it can be corrected or it can be changed, or in the interest of an entire piece of legislation, I do not know how the Government, at this point, will make any reference to that—which was an interesting comment. It was an interesting comment.
What was even more interesting is that having not spoken for two days when this Bill was debated in 2010, I found it very unfortunate that Sen. Baptiste-McKnight would make reference to what I believe was quite an interesting, informative and excellent piece of legislation, even as an Opposition, to say that the Bill, this particular legislation is less than adequate—[Interruption]—and I am quoting from your words Senator—it is “less than adequate; it is unworthy of a Parliament of Trinidad and Tobago.” I feel that in light of the work that was done by the former administration in 2005, a significant piece of legislation in 2010, and now the work of this particular administration to simply marginally improve it—it has to do with a specific recommendation to include suspicious reporting. That is the intention of this amendment. This was the intention here. It is a critical piece; a critical piece of inclusion, so that all this, to my mind, is excellent legislation. There are loopholes. Nobody can deny that; there are loopholes; there may be and, as was pointed out, there are one or two grammatical errors, fine, but I would like to refer of the contribution in closing on January 18, 2010 by the then Minister to National Security who actually moved the Motion and who closed the debate.

In his contribution, the then Minister of National Security, Martin Joseph, indicated that Trinidad and Tobago is not a member of FATF, but we are nevertheless required to implement the 40+9 recommendations by virtue of our membership in the Caribbean Financial Action Task Force (CFATF).

He went on to explain that the Anti-Terrorism Bill that was brought as the last of four pieces of legislative counter measures designed to bring our national system into compliance with the FATF 40+9. This was the then PNM administration, Minister of National Security, explaining the importance of that legislation at that time. That has not changed.

Mr. President, the then Minister went on and said that:

“Hon. Members are asked to note that in 2005, the Government of Trinidad and Tobago sought to enhance its capacity—to—fight against terrorism through the passage of the Anti-Terrorism Act, 26 of 2005…”

So the purpose of this, he explained, was to enhance the capacity of the country to fight against terrorism which was assented to on September 13, 2005. This Act of 2005 sought, among other things, to specifically criminalize terrorism. Mr. President, the then Minister went on and said, however, it did not address the issue of terrorist financing. That is why we have this piece of legislation.
“Notwithstanding the enactment of the Anti-terrorism Act 2005, this country’s neutral evaluation report done by CFATF in 2007, disclosed that the nine special recommendations on terrorist financing were among the key recommendations of the FATF still to be satisfied.”

So after 2005, which was the first attempt at dealing with the recommendations of FATF, the government of the day, the then PNM administration, took pains to come up with the 2010 piece of legislation that dealt specifically with terrorist financing.

I hope the national community and Members here can track the hand in hand with FATF and the successive pieces of legislation, as we went along. It was not done as they say by “vaps”, it was done because legislation was evolving. The requirements and recommendations were evolving, and the nations and associations that agreed with FATF similarly had their legislation evolve.

Again, the Minister of National Security indicated that this Bill of 2010, which became the Act of 2010:

“will bring our domestic legislative framework into harmony with the nine special recommendations that I,...”—referring to himself, Minister Joseph—
“took pains to read...”

Mr. President, he went on to admit that the Anti-Terrorism Act of 2005 failed to criminalize the offence of financing terrorism, in accordance with the International Convention for the Suppression of the Financing of Terrorism, as required by FATF. So this Bill was to deal with that deficiency.

There has been much work that has gone into this particular area of legislation and this legislative attempt, so that Trinidad and Tobago could deal with what is required. The mantle has been passed. On May 24 of 2010 the mantle was passed, and I believe the mantle for our legislation and the responsibility for legislation go hand in hand with that mantle. I hope that as we join the global community in this cooperative effort, as we reaffirm our commitment to deal with, and continue to deal with, and to revise as guided by FATF, as we bring legislation here, from time to time, that as was done then, if there are loopholes point them out; if there are corrections to be made, certainly state the corrections, but understand the intention, understand why and understand that we here are not perfect. We are humans, but we are working and operating in a global environment, and in so doing I ask and humbly suggest that you support this piece of legislation.

I thank you.
The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, although there have been some comments on the Bill, I want to first of all congratulate the hon. Minister of National Security for bringing this legislation. I work in the Ministry of National Security with Sen. Brig. John Sandy. I wish to indicate, not only to this Senate, but to the national community, the number of hours Sen. Brig. Sandy has spent on this Bill, on this piece of legislation.

During our short period in Government, Sen. Brig. Sandy has travelled extensively with our technical advisor, Mr. Bailey, all in an effort to bring this legislation to fruition. They have gone to many conferences, hammered out many issues, came back, did a policy paper, went to Cabinet, then to LRC and CPC. We worked very long hours to produce this piece of legislation. If there are any faults in it, they are very minor. The full intent of the 40+9 recommendations are contained in all the legislation put together.

As Sen. Ramkhelawan said, we had some challenges and some emergencies. That is true. All the comments which have been made today, we shall take them on board and if there is a necessity to come back after that date which Sen. Ramkhelawan mentioned, June 24, we shall come back and put those issues in perspective.

Mr. President, I want to thank all those who have contributed. Tonight I heard a lot of good contributions, especially the one from Sen. Shamfa Cudjoe. I think that she should be the leader of the PNM in Tobago. I saw her over the weekend on Channel 5 in Tobago, and what a beauty she was, and how fluent she was. I think she makes Orville London look like a dull dinosaur. Sen. Shamfa Cudjoe is, indeed, the person that when you look throughout Tobago, I say, “Orville London, pack up your bags and run.”

As for Sen. Hinds, always entertaining. Sen. Deyalsingh, Sen. The Hon. Brig. Sandy would respond to you and the other Senators. I will, however, try to put in perspective the legal points which were raised.

First of all, I will deal with Sen. Faris Al-Rawi. He said that this legislation required a special majority. I would come to that in a few minutes. He also indicated that in 2005 the parent Act, if you want to call it that, or the principal Act, was passed with a simple majority, however, the Act of 2010 was passed with a special majority.

I think I have more confidence in your Attorney General, as he was then, than I have in you. You are saying, Senator, that your Attorney General brought a piece
of legislation and did not have the knowledge, the competence or the expertise to determine whether it needed a special majority but merely did it out of an abundance of caution? [Crosstalk]

**Sen. Al-Rawi:** Did you read your own contribution when you called for it?

**Sen. The Hon. S. Panday:** Hold on, I will tell you why. I am saying that it is either—[Interruption] You had your chance and you did not make any use of it, so please just relax. [Laughter]

The point I was making was that I am certain you should not have done that about the Attorney General, by saying it was out of an abundance of caution he brought this with the three-fifths special majority. I am telling you, I would not want to attack you to say that you pretended to prepare. I will not say that just to play to the camera, but I want to tell you that you did not understand what you were saying today. You did not. You spoke about the Constitution. [Interruption]

**Sen. Al-Rawi:** Neither did Sen. Prescott SC?

**Sen. The Hon. S. Panday:** I will come to Sen. Prescott SC in a few minutes. [Interruption]

**Sen. Al-Rawi:** So you will correct Sen. Prescott SC?

**Sen. The Hon. S. Panday:** Yes I will correct Sen. Prescott SC. Oh, no, you do not, or you pretend to—sorry, not to pretend to, just to play to the camera, to give the impression that you are a worthy candidate for 2015. But having regard to the DNA which you spoke about today, people in Trinidad and Tobago will never trust you. [Desk thumping]

You spoke about sections 4 and 5 of the Constitution, the enshrined rights. In those enshrined rights you spoke about deprivation of property, and then you went on to section 13 of the Constitution in which you said:

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society...”

Therefore in those circumstances you were advocating that it should go with section 13(2) with a special majority of three-fifths. [Interruption]

**Sen. Al-Rawi:** I was reading Kamla Persad-Bissessar’s contribution.

**Sen. The Hon. S. Panday:** That is why I am saying that you have no original ideas. That is the point I am making. Having said that, I wonder if you understood
what she said, what the hon. Prime Minister said. [Crosstalk] He went on, Mr. President, to speak about section 53, where:

“Parliament may make laws for the peace, order and good government of Trinidad and Tobago,...”

Having regard to our international obligations and treaties, indeed, this law is for peace and order for Trinidad and Tobago.

But let me come back to the point about your Attorney General, as he was then, I would humbly submit, who you berated, I thought that he had much more depth than you attributed to him. [Desk thumping] If you had read the legislation, you would have seen—hon. Senator, when you looked in the 2010 legislation, did you look at section—[ Interruption]


Sen. The Hon. S. Panday: No, you could have only counted up to 14? I want you to go a little higher. You should have read a little further than 14. You should have read section 19, but you stopped short of section 19.

Sen. Al-Rawi: It is getting a little late. I said 19.

Sen. The Hon. S. Panday: I am surprised that you are trying to—[ Interruption]


Sen. The Hon. S. Panday: You said 19?


Sen. The Hon. S. Panday: Oh, you just said it. That is why I am saying, that the work I have prepared, you are trying to regurgitate. I am saying that you did not prepare your work. [Desk thumping] You did not prepare, and you came here with all the flowery language being unprepared. This is what I am putting on the desk.

Why they came with the special majority in 2010—I would have thought that having come from that parentage, you would have treated this legislation with some sort of seriousness, having regard to what happened in Iraq with terrorism. I never thought that you would treat it in such a puerile manner, having regard to what happened in Iraq, where you talked about the crater and 113 persons being killed at one time. You should take this legislation serious, and not in such a puerile manner and a joking manner. This is serious legislation. [Desk thumping]

Sen. The Hon. S. Panday: Let me tell you why he used the three-fifths majority. If you had only read Act 2 of 2010, it only had 20 sections. You mean to say you could not read 20 sections? [Desk thumping]

Section 19 says:

“The Act is amended by inserting after section 38 the following section—
Section 38A(1)—that is the 2010 legislation:

“Any customs officer, police officer above the rank of a sergeant may seize and detain any part of or the whole amount of any cash where there are reasonable grounds for suspecting that it is—

(a) intended for use in the commission of...”—terrorist activity.

So that is the word, “seizing” a person’s property which has been protected by section 4 of the Constitution, and hence there was necessity to apply section 15 of the Constitution to give validity to this Act. And that is simple trite law; that is simple trite law Senator.

11.30 p.m.

Sen. George: Teach him!

Sen. The Hon. S. Panday: You will tell me you are trying to set up a wedge between Sen. Elton Prescott SC and myself. The Senator indicated—

Sen. Al-Rawi: We both are educated.

Sen. The Hon. S. Panday: Oh no, no, he is, you are not. Do not put Sen. Prescott SC in your company, he is too senior and too educated for that, do not do it please!

What Sen. Prescott SC had indicated—do not try to create strife—he indicated that he needed some further time in order to put the legislation together, and hence to make it more comprehensible for him to work on it. And having regard to that he still made a very valid contribution, unlike you who spoke for an hour and did not say anything. [Desk thumping] But let me advise you, what happened is that in order to understand the legislation which is before the Parliament here today—

Sen. Al-Rawi: I have to join the UNC?

Sen. The Hon. S. Panday: We only want good people there, we do not want thieves, vagabonds and rouges, we do not want thieves, vagabonds and rogues. We do not want people in the party who will go to a convention and with 253—
Sen. Al-Rawi: Who is my learned senior? You know the points of orders that relate to improper motives, surely my learned senior whom I have great respect for, who is having a lot of fun near the witching hour, perhaps it is the witching hour itself, he could not possibly be telling me that I am a thief and vagabond, he could not.

Sen. The Hon. S. Panday: Oh no, I did not call your name. I have never called your name.

Mr. President: Senators, to the extent that I understood you to refer to in derogatory terms, I know that you will withdraw that.

Sen. The Hon. S. Panday: Mr. President, I did not mention anybody. I am saying that they had a convention and they had 253 ballot papers in their convention, and when they checked the votes there were 263.

Mr. President: Before you reached the point of convention I thought you were making some derogatory remarks relating to—

Sen. The Hon. S. Panday: Mr. President, I have no problem with that, but what we are saying is that we do not want people who have a party that vote by delegate system, and at the last election they distributed 253 ballots and when they counted the votes, Mr. President, they got 263.

Sen. Deyalsingh: Point of order, 35(1), relevance. Of what relevance is a PNM convention to this Bill?

Mr. President: I take it that is was a passing remark, I have given some latitude in that the Senator will find himself. [Desk thumping]

Sen. The Hon. S. Panday: Thank you very much, Mr. President, and I would not go any further, I would not say anything further; I would not say anything further about that to say things like if “they want to appeal you could appeal”, but they burnt all the ballots in the same night, but I would not go and say that, I would not go there at all, Mr. President, because it was en passant and because it was en passant, I would not say that.

Mr. President, the point I was making before that slight interjection, was that you had to read in order to appreciate the point that Sen. Prescott SC was making; I myself found that difficulty and the reason why we really found that difficulty is for that legitimate complaint that you spoke about, Mr. President, about tracking. And what had happened is—you have to read the three pieces of legislation in tandem. You cannot appreciate the legislation today, unless you go to the 2005 legislation and 2010 legislation to see how this legislation splices into the law. [Interruption] Pardon? Sure, sure. And if one looks, pardon, Sir—
Sen. Deyalsingh: Sure, sure I what? Tracking?

Sen. Al-Rawi: The right of fair presentation to discussion and education.

Sen. The Hon. S. Panday: If you all were fair in the last election—talk about that, do not talk about this. Sen. Beckles-Robinson, thank God you did not win.

Sen. George: Yes indeed. “No, Penny not in that”.

11.35 p.m.

Sen. The Hon. S. Panday: She not in that, she not in that at all.

Mr. President, if one looks at Act 26 of 2005, one would see that the 2010 legislation did not repeal and re-enact the whole Act, what it did, it repealed certain sections of 2005. For example, section 3, section 16, section 18(1), section 21, section 23 and just prior to Part IV, it inserted a Part III, which makes it more comprehensible. You agree with that? Okay, thank you. I hope that you are not saying you agree with it and you really did not read it, and because I am saying—I said I read it, you are saying you agree to give the impression you read it. [Desk thumping] [Laughter] “Don’t apologize, it very good for yuh, I’ll tell yuh you good for it.” [Laughter] [Desk thumping]

Sen. George: You fall right in the trap boy.

Sen. The Hon. S. Panday: Then section 24, after section 24 you had section 28 and so it goes on, Mr. President, [Interruption] [Laughter] then you reach section 32. [Interruption]

But even so in those sections there were subsections and what it did, the 2010 legislation amended certain subsections in the section and when it reached sections 33 and 41, when we amend here today, we are amending the old Act. So the tight position we found ourselves in is that if you had looked at the Bill before the Parliament today and thought we were amending the last Bill, the 2010, one would see that there were only parts of it and that it was incomprehensible and appeared to be very difficult legally and that is the problem, Mr. President.

So, Mr. President, having said that, the issues of Sen. Corinne Baptiste-McKnight could now be addressed as we go along to see that when one reads the Act in its totality one would see that it really makes sense and there is nothing so drastically wrong with it that we need to have to go back to the Lower House. Having said that and having said, look at this law that is before the Senate this evening and see which areas of the two former pieces of legislation it has amended, let us then go, Mr. President, first of all to Act 2 of 2010.
Mr. President, therefore, let us hold them together and look at the Bill before the Senate and the Act of 2010. One would see that section 4 in the 2010 legislation amended the 2005 legislation by inserting after section 22A, that is in the 2005 legislation 22AA, and I do not want to waste the Parliament’s time to go and read section 22A and then come and read section 22AA and then come to this, because it is a late hour. But I will go to the 2010 legislation, and it says that:

“In this section and sections 22AB, 22B and 22C, the term ‘designated entities’ means “individuals or entities and their associates designated as terrorist entities by the Security Council”—Sen. Baptiste-Mc Knight—“of the United Nations.”

It went on to say that:

“For the purposes of section 22B, the FIU shall be responsible for—

(a) maintaining a list of designated entities;
(b) maintaining contact with the United Nations at frequent intervals to ensure that the list of designated entities remains current.”

Sen. Baptiste-Mc Knight had a problem—if you are in contact with the United Nations, why do you have to say you have to be in contact with the United Nations at frequent intervals.

**Sen. Baptiste-Mc Knight:** Mr. President, it is a matter of language, to maintain means to remain in contact. You do not maintain contact at frequent intervals. You either maintain contact or you make contact at frequent intervals. Got it?

**Sen. The Hon. S. Panday:** Thank you for that, but it is a matter of interpretation, I humbly submit, Sen. Baptiste-Mc Knight, what was the intention of the Parliament? The intention of the Parliament was, you have contact at frequent intervals to deal with this issue. That is, to ensure—that it really says is that you keep on contacting the United Nations at frequent intervals to ensure that the list of designated entities remain current.

So what it is saying is, today we would contact the United Nations, maybe a few months after we would contact them again to ensure that the list is maintained, because the number of persons joining the list could be increased and you would see somewhere in the legislation, where it said that if the Attorney General is of the view that a person is no longer deemed to be a threat, the Attorney General
could go to the High Court and get an order removing you from the list. So that is why you need to be in frequent contact with the United Nations to ensure that the list is there. But as you say, I have no problem with the point that you are making and maintaining, I am trying to bring to the table the intention of the legislation. But, as you go along, as I said you have to read this with section 22 of the former Act. I will go back to section 22A and it says, and I would just paraphrase it in the interest of time:

“Any person who by any means, directly or indirectly, wilfully provides or collects funds, or attempts to do so, with the intention...or in the knowledge that”—such funds are to be—“used in whole or in part—

(a) in order to carry out a terrorist act;

(b) by a terrorist...”

And it went on to say that whether the funds are actually used for terrorist activities or not an offence has been committed. It went on in 22A(2)(c), that once the funds are linked to terrorist activity, it is court. And 22(3) speaks about—(a) and (b)—punishment, and it says that a director or person in charge of a legal entity who commits an offence under this section—right, again conviction.

**Sen. Al-Rawi:** Section 23, you said something, Sir?

**Sen. The Hon. S. Panday:** Section 22(4). Now, after you read that it does not stay there, it hangs in the air, so you come now and you look at the Bill which is before the court, it is sort of splicing this legislation into that legislation. [ Interruption ]

It says in our clause 4, it speaks about the Act is amended—that is the 2010 Act—by inserting after section 22A the following sections. So, we read 22A in 2010 and now we come and read the Bill, the 22AA and this is fitted or inserted just after 22 in the 2010 Bill. That says—look the continuation—how the law continues smoothly and makes a lot of sense. In this section 22AA, 22B, 22C, the term “designated entities” means “individuals or entities and their associates designated...by the Security Council”—it speaks about maintaining a list designated, it speaks about maintaining contact with the United Nation, and it says in 22AA(2)(c), “circulating the list referred to in paragraph (a)”—that is the designated list—“to financial institutions and listed businesses.” Those are the functions of the FIU.

Now, what has happened is, unlike the 2010 Act, this is really a procedural Act with legislation which merely tells you what the FIU has to do. This piece of legislation before the Parliament here today is not interfering with any of the
rights of anyone. Those rights were interfered with under the 2010 legislation. In this legislation it is not interfering with the rights but merely detailing the process. In those circumstances I humbly submit that there is no need for the special majority for this piece of legislation. You may argue as we go along where you would see that the Attorney General could go to the court, et cetera. I would deal with that issue in a few minutes.

It says about the reporting, Sen. Al-Rawi, when you look at the Bill before us, 22AA(d)—the FIU has to furnish the Attorney General with the information required to facilitate an application under 22B, where a designated entity has funds in Trinidad and Tobago; but the 22B they are speaking about is not in this legislation, it is in the 2010 legislation, so this legislation now refers—Sen. Baptiste-Mc Knight, do you say refers back?—back to this piece of legislation; so this is the way we read the legislation. Then someone—I cannot remember—indicated, but why are you giving the Attorney General this information?

Sen. Al-Rawi: [Inaudible]—we agree, mutual cooperation—[Inaudible]

Sen. The Hon. S. Panday: Okay. Okay. No, I disagree with you. If you read the law further down you would see that the Attorney General can take this legislation now and go to a court and obtain an order to freeze the assets. [Interruption]

That is the reason for passing this legislation to the Attorney General. The Attorney General is the chief advisor lawyer to the Government and it is in the name of the Attorney General all civil proceedings are instituted and since you have to go to court to obtain an order it is necessary that you pass this information to the Attorney General—[Interruption] I will give you a chance a little later. If you just give me a chance I will come to it later on. Do not distract me. But the point I am making—I know it is a tangential point you are coming with—is this. [Interruption] Hold on. The point I am making is, the reason for passing this information to the Attorney General, you would see later as we go down to 22B that the Attorney General has certain functions. So that is the reason for passing it to the—

Sen. Al-Rawi: That is a dangerous thing; I wish you would correct it.

Sen. The Hon. S. Panday: Also, Sen. Baptiste-Mc Knight had the problem with the facsimile transmission. I would agree with you, Sen. Baptiste-Mc Knight, that having regard to the electronic development in the society, that we could go
forward, but at least in this legislation we have a method of communication. If there were no methods whatsoever of communication then we would have said, that was indeed a serious lacuna which had to be dealt with, but this really might be “old-timish” or it might not be modern enough, but indeed, the legislation has created a method of transmitting the evidence.

Now it says in the legislation before us here today, 22AA(3):

“Nothwithstanding its obligation to circulate the consolidated list under subsection (1)(e), the FIU shall, when new information has been obtained before the expiration of three months, circulate any...”

So you see, it is really procedure, we are not interfering with my rights.

11.50 p.m.

**Sen. Baptiste-Mc Knight:** Can I ask you to comment on the consolidated list under subsection (1)(e)?

**Sen. The Hon. S. Panday:** Now what has happened is there is a local list which the FIU has; that is the designated list. But, as you said, United Nations now will flag certain names and what happens is that those names will come down from the United Nations. The FIU now will bring them together and consolidate them and that United Nations and the local list together—[Interruption]

**Sen.Baptiste-Mc Knight:** You confusing me, Sir. Where is subsection (1)(e)?

**Sen. The Hon. S. Panday:** Section 1 where?

**Sen. Baptiste-McKnight:** In (3) it says: “Notwithstanding”—follow me—“its obligations to circulate the consolidated list under sub section (1)(e)”. Where is subsection (1)(e)?

**Sen. The Hon. S. Panday:** As you had indicated earlier in your contribution, that indeed that was a typo.

**Sen. Baptiste-Mc Knight:** I am not seeing it as being a typo, because it was there in your orignal draft. So it cannot be a typo.

**Sen. Al-Rawi:** A misprint.

**Sen. The Hon. S. Panday:** A misprint. So we say that the legislation we spoke about, amending legislation by inserting “22AA” after 22A.
Having done that we move on back to the—we go back now to the other piece of legislation and speak about 22B. So if one goes back now to 22B it says:

“The Attorney General shall apply to a judge for an Order under subsection (3) in respect of an entity where—

…the entity is included on a list of entities designated as terrorist entities by the United Nations Security Council…”.

So we have to move from one piece of legislation to the other piece as we go along.

“there are… grounds to believe that the entity—
has knowingly committed or participated in the commission of a terrorist act”, et cetera.

Then it says that the Attorney General will make an application *ex parte* to the judge, of course under the civil proceedings rule and with the new rules you have an application—form one, AG or form eight? Form one, rule eight which deals with Notice of Application. What rule is it, eight or one?

**Sen. Al-Rawi:** 8(1).

**Sen. The Hon. S. Panday:** 8(1) thank you. 8(1) is the civil rules of the High Court. So it says that:

“Upon an application…the Judge shall, by order—

(a) declare the entity to be a listed entity for the purposes of this Act if the Judge is satisfied…”

And it says that the judge can freeze the assets, et cetera.

It goes on in the 2010, after subsection (4), 22B, you will see this piece of legislation has inserted a (4A) [Interruption]—Thank you. It speaks about the *Gazette*. I would not waste time on the *Gazette*. Time is running out.

Then on the 2010 legislation it speaks about subsection (6) about reviewing the order and the process after review, et cetera. Those are really procedural matters. For example, revoking the order which I spoke about. And then the Attorney General every six months shall review the order, and if he determines that such circumstances no longer exist, apply to a judge for the revocation of the order.
So this is the point I was making earlier when I said the list could be expanded or the list could be reduced by the Attorney General determining that you are no longer a threat, could go to the court and remove you from the list. And it goes on, Mr. President.

Then we come here now, 22AB, a financial institution or listed business receives list of designated—what the financial institution has to do when they receive the list is to inform the FIU. That is our thing and then, et cetera. Now I want to join—[Interruption]

Sen. Baptiste-Mc Knight: Mr. President, please, how many lists are there?

Sen. The Hon. S. Panday: In the beginning there will be two lists and in the end there will be consolidated.

11.55 p.m.

After section 22B, which I read here from the 2010 Act, it says here our legislation, which is before us, speaks about section 22B of the Act as amended by inserting certain words, et cetera. Then where the court makes an order under the subsection the court shall serve—it speaks about service according to Civil Proceedings Rules. The Attorney General probably would tell us if we serve it personally, or by registered mail, or by facsimile, et cetera, and may be even electronically. And where the order is served—this point I think probably troubled you a bit to say that we should have had a special majority. It says, and I am on the legislation before us here today, I am speaking about section 22B clause 5.

Sen. Al-Rawi: Which is the new (4A) clause 5.

Sen. S. Panday: Indeed it is, clause 5 [Interruption] No which is the new (4A), indeed. [Interruption] yes, page 5, the top first clause. When the order is made under a subsequent service, and the point that Sen. Al-Rawi, if he had reached so far—I wonder if this operated on your mind to argue that there might be a necessity for having a special majority. What it says:

“Where an Order is served on a financial institution or listed business under subsection (4A), action shall immediately be taken to restrict the availability of funds, subject to the Order, in accordance with the terms of the Order.”

I do not know if you feel that at that point where they freeze the funds—remember when you go back to 22B(b) it says that you could freeze the funds, but the court can make arrangements for you to withdraw some of the money for legal
expenses and living expenses. What we are saying here in this situation where they are holding back, where the court is saying, we are putting restrictions on availability of the funds—are you saying then that it is interfering with the property rights? I say maybe, I would not doubt it. But what has happened here is that there is due process, and because there is due process where you have to go to a court, and the court makes the order there is due process; and because there is due process we have not breached the fundamental rights under sections 4 and 5 of the Constitution, hence there is no need for the special majority. So, basically [Interruption]

Sen Al Rawi: [Inaudible] other references in the Act as well—

Sen. The Hon. S. Panday: You had an opportunity, you did not do it. Do not take my time and do it please. [Desk thumping] Please do not.

It says also under section 22C, I would not read 22C, because I say as we go along 22C, in the 2010 Act now 22C is again procedural. But after 22C there is an amendment in which it says to delete paragraph (b), and substitute “designated entity”. But those are really, I would not say minor, but I want to go to a more fundamental amendment in which it says that after paragraph (b) in section 22C in the 2010 Act it says that the following paragraph should be amended, that is the FIU has to:

“keep and retain records relating to the financial activities in accordance with the Regulations made under section 41(2),”

Section 41(2) which they are speaking about is the section 41(2) under the 2005 Act, not the 2010 Act. So when you see 41(2) you might think that there is some problem, because you are looking at 2010 and you see we stop at 20, okay.

What they are really making the cross reference to is not the cross reference to the 2010 legislation which we have been using all the time but the Act 26 of 2005.

12.00 midnight

Now, I will come back to section 41(2) in 2005, to indicate the Minister making regulations. [Interruption]

Sen. Al-Rawi: Section 41(2) is in 2011.

Sen. The Hon. S. Panday: Sure! The FIU will develop and implement a written compliance programme, reasonably designed to ensure compliance with the Act. This is a function of an FIU under this legislation, and we say it is not abrogating
any of the rights. It speaks about monitoring. So really, it is the function of the 
FIU, and there is no interference with any substantive law which affects the rights 
as enshrined in sections 4 and 5 of the Constitution.

Section 41 is not in the 2010 Act. Section 41 goes back to the 2005 Act. When 
we go to section 41 in the 2005 Act, you will see:

“(1) The Minister may make Regulations in respect of all matters for which 
Regulations are required or authorized to be made...”

It says that the Minister to whom—it has been changed now. The amendment now 
really amends section 41, which speaks about the Minister, being the Minister of 
National Security in the 2010 Act. What this legislation does, it changes that 
position. It says:

“8. Section 41 of the Act is amended—”forget the (a). Renumbering—
“(b) insert after subsection (1) the following subsection:

(2) The Minister to whom responsibility for the FIU is assigned may make 
Regulations subject to negative resolution of the Parliament...”

The FIU as we say now, under the Ministry of Finance—since these are 
financial regulations dealing with banks, et cetera, the FIU will now be responsible 
to the Minister of Finance. However, the Anti-Terrorism Act stays with the 
Minister of National Security. So, although the three pieces of legislation—the 
Proceeds of Crime Act, the Anti-Terrorism Act, the FIU Act—come in one 
compendium, different Acts fall under different Ministers because of the nature of 
the various Acts. This here is the FIU, hence the amendment now takes it back to 
the Minister of Finance.


Sen. The Hon. S. Panday: Perfect. Thank you very much. We speak here of 
financial institution, and I think Sen. Drayton made a comment here—which 
upset her. Section 42—[Interruption]


Sen. The Hon. S. Panday: Oooh, Sen. Drayton! I knew that she had studied 
this. She had a lot of preparation and hence I fraudulently said, Sen. Drayton. I 
know she is prepared. I know Sen. Drayton is prepared and she always is. 
Anyway, Sen. Baptiste-Mc Knight.
So, section 42(2) says:

“Where a company commits—[Interruption]

Sen. Baptiste-Mc Knight: No, no, no! Subsection (1).

Sen. The Hon. S. Panday: Subsection (1) says:

“A financial institution or listed business which fails to comply with section—

(a) 22AB and 22C(1), (2)...commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment of two years and on conviction on indictment...”.

Your argument is: if you have a legal entity and a legal entity is a separate legal personality, in those circumstances, how could you inflict an imprisonment term on such a legal personality? I will submit to anyone who could help me with the amended company law, which says if a company commits an offence that the director will be the person liable. I do not remember the section right now and, therefore—[Interruption]

Sen. Baptiste-Mc Knight: Subsection (2) deals with that.

Sen. The Hon. S. Panday: Sure!

Sen. Al-Rawi: No, subsection (2) deals with the actual—[Interruption]

Sen. The Hon. S. Panday: Okay! Okay! In any event, if one looks at the Interpretation Act, Chap. 3:01, section 68 or 69, it says that the court may inflict any one or the other of the punishment. It does not mean the maximum punishment. [Interruption]

Sen. Al-Rawi: And is effectively or, and the company allows for the officers to be punished, and (2) is in relation with where you are not prosecuting a company itself. So it is several.

Sen. The Hon. S. Panday: Oh, if you had only prepared this properly, what a good contribution you could have made. [Desk thumping] Thank you very much for answering the concern raised by Sen. Baptiste-Mc Knight.

So, Mr. President, it is now Wednesday morning. I do not—[Interruption]


Sen. The Hon. S. Panday: Oh no, we are not like the PNM. We do not repeat each other’s contributions. So, Mr. President, I want to say, Sen. Subhas Ramkhalawon, that his contribution had a little merit, and to all the Senators who have contributed—[Interruption]
Sen. Al-Rawi: Do we have a blacklisting of—[Inaudible]

Sen. The Hon. S. Panday: The Attorney General will answer those issues—and to say, as the Senator said, in the interest of Trinidad and Tobago, we all should support this legislation.

Thank you very much, Mr. President. [Desk thumping]

Mr. President: Before we come to the end, I just thought that we should take this opportunity to congratulate Sen. Dr. Bernard on his maiden speech yesterday evening. [Desk thumping] I also thought perhaps it is a good opportunity to thank the Leader of Government Business for making out the case in having consolidated legislation brought to us when we have amendment Acts showing track changes. I think he made out that case fabulously.

Sen. Al-Rawi: Well said! [Desk thumping]

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Thank you, Mr. President. We have had 10 hours and three minutes of debate in this sitting and some generous contributions. I would like to respond, albeit briefly, to some of the comments that have been made here during this debate.

Sen. Al-Rawi spoke about the operational FIU which has been lacking, and this is how we met it. One of the concerns is that we must take cognizance of the fact, that since 2006, efforts were being made with respect to compliance with FATF. These efforts were not good enough and, as a result, we were placed in a category: a category that we are making efforts to get out of now and, we must understand the context in which we found ourselves when we came into Government.

So while I am not here to blame anyone, the fact is that we met a situation from which we are still trying to get out. Quite apart from that, as far as FATF and CFATF are concerned, Trinidad and Tobago is arrogant. We really did not care and that is the feedback that we have been hearing. As I said, I am not blaming anybody. All I am saying is, that is what confronted us and you hear the little remarks, “Trinidad feel they are like this, they feel they are like that”, and this is what we have to deal with.

So I want to put it in its proper context so that everyone can understand, it is not a situation that when we went there Trinidad and Tobago was sitting comfortably and compliant with all the recommendations. We were not. We are now trying to get there and it is difficult to get out of the situation that we are in. You spoke about this administration and everybody is interim. We met a number of acting positions. There was the acting Commissioner of Police, acting FIU,
acting CFO, acting DPP, acting Solicitor General and, I can go on and on and on. I would not want to go into that. So, this is what we inherited when we came into Government and we are in the effort now of trying to get out of that.

With respect to the comments made by Sen. Beckles-Robinson, at present we are in the effort with customs attempting to acquire port scanners for that same reason. Those people are ingenious. I remember in one instance there was a container that was being packed, but these guys working on the docks were accustomed packing a number of boxes that would fit snugly into that, and this guy who was there said, “This is strange. Normally, 10 boxes of these sizes will hold in this container and the last one just cannot fit.” These people put a sheet of steel down one side of the container and they packed the cocaine down inside of there. And all because of the fact that what was being packed into that container, that last box could not fit. Just about that down inside of there [Senator showed size of box] So they come up with ingenious ways and when you find that, they find some other way. So I guess probably when we get our scanners—even with deportees.

I remember when I was in Washington on one occasion we had a meeting at the OAS and a Jamaican attorney had attended that meeting and we were talking about—they had just started with these deportees. He was sitting next to me and made a statement that it is over 1,100 deportees per month. So at the end of it I whispered to him and said, “You know, you made a mistake. You meant 1,100 per year.” He said, “No, it is 1,100 per month.” That was the time when it had started, and that was the extent of deportees that were going back to Jamaica. At that time, deportees were coming to Trinidad. I remember there was an ex-soldier who was deported—he was from Arima—and he came back to Arima, but by that time all his relatives were out of Arima, so he ended up a vagrant there because he had no one to go to. That has changed considerably now.

Sen. Ramkhelawan, with respect to your revelation, I want to remind you and this honourable Senate that, in my presentation, I did indicate that the Bill which is before this honourable Senate, today, represents a measure to safeguard our country against terrorism and bring Trinidad and Tobago into further compliance with international standards of the financing of terrorism. I also spoke about my experience in Honduras, when I had to make the case, to argue, to keep Trinidad and Tobago where we were. Additionally, in your letter that you read, you spoke of the three areas, and in my presentation I said:

“You may recall that FATF is the international body which establishes the global standards and measures to be taken by countries to combat money laundering and the financing of terrorism.
Trinidad and Tobago, through its membership in CFATF, is required to implement the FATF 40+9 recommendations. In assessing Trinidad and Tobago’s anti-money laundering and combating the financing of terrorism (AMLCFT) compliance, the FATF identified three strategic deficiencies which they encouraged us to rectify expeditiously. These deficiencies are:

1. implementing adequate procedures to identify and freeze terrorist assets without delay, Special Recommendation III;

2. implementing adequate procedures for the confiscation of funds related to money laundering, Recommendation III; and…”

12.15 a.m.

“3. establishing a full operational and effectively functioning financial intelligence unit, including supervisory powers; Recommendation XXVI”

The same document. And then I went on to say:

“Since then, this Government has adopted an aggressive and rigorous plan of action to address these deficiencies.”

And that is the same information so all I am saying, to say that we came here and tried to slip something through and did not speak about—you know, it is not entirely true but as I said—

Sen. Ramkhelawan: I never said that, I was quoting from a document.

Sen. The Hon. Brig. J. Sandy: Yeah, I know, but I am just saying—but other people were saying that. I am just using that because you brought the evidence; you brought the elephant. [Laughter] I just wanted to—because no way I am going to come here and try to pull wool over anybody’s eyes; you know, I am not like that. [Desk thumping] [ Interruption] No, I would not; you have known me too long for that.

With respect to the police post, there is a new modus in the operations of police, I would not get into—the situation with having more patrols. You see, the thing with the police post, you have two officers there, if something happens, they cannot really respond, they have to stay there, so it is a new concept we hope will work better.

So the situation is that we are not blacklisted and we are not on the verge of being blacklisted; we are in a situation where we are making efforts to get out of. At the plenary next week, I do not expect that we will be blacklisted. Having regard to the fact that we have made efforts and I think FATF has recognized that we have made efforts but as I indicated earlier, my main concern—and I think it has to do with the fact that they see us as being arrogant and not wanting to
conform, and this is something that we inherited and we have to live with. So it is like, I used to tell soldiers when I was training recruits subsequent to 1970—I used to tell young soldiers who were not there in 1970. “If you are going out the road in your uniform and they tell you, you in 1970, mutineed in Teteron, you have to say yes because you are in uniform now, you are part of this.”

So I am the point of contact for Trinidad and Tobago now. So if it is they are saying out there that we are arrogant and we do not want to conform, I have to accept that.

**Sen. Hinds:** In your opinion, is that correct or misguided?

**Sen. The Hon. Brig. J. Sandy:** Well, they are misguided because look at me, I am not arrogant. [Desk thumping and laughter]

**Sen. Ramkhelawan:** Thank you for giving way, Sen. Brig. Sandy. I think the real test is whether the status that we have now as a non-cooperative jurisdiction will be lifted by those counterparties who have stopped doing business with us, because I think it will be very difficult to come up with a definition of what is being blacklisted and so, but if those jurisdictions do not play ball with us, then we still have a problem.

**Sen. The Hon. Brig. J. Sandy:** I think within the past year they have recognized that we are making extreme efforts to be compatible, and I really feel so based on the kind of feedback we are getting individually. So I think we are on good footing, and I think, in the not-too-distant future, we will get out of the situation that we are in now. So as I indicated, it is something that we inherited and I guess we just have to live with it.

Sen. Deyalsingh similar to Sen. Al-Rawi, steps are taken but we maintain that stigma, and we have to try to eradicate it, and you know, we are making all the efforts to do that. So even though people are talking, as my dear friend does not like the word blacklisting—we are talking about blacklisting, I am optimistic that we will not be blacklisted.

Sen. Ali, as I indicated earlier, we identified CFATF; we spoke about all that in our presentation, and it is difficult to emerge from the classification for reasons that I have outlined earlier.

**12.20 a.m.**

I think, based on what we have done so far, you would see the report would indicate that they know that we are making efforts. They would always say that we have not made enough, but I feel that, in the not-too-distant future as I have indicated earlier, we will get all of that.
Anti-Terrorism (Amtd) Bill

[SEN. THE HON. BRIG. J. SANDY]

Wednesday, June 15, 2011

Sen. Dr. Bernard, my dear friend, with respect to your concern with the charitable gifts, that is not entirely true as far as your perception is concerned, in that section 22 of the Anti-Terrorism (Amtd.) Bill 2010, provides that the offence of funding of terrorism requires that a person directly or wilfully provides or collects funds to be used for terrorism. The concept of wilfully providing funds incorporates the element of knowledge that the funds will be so used. I think that should cover that area, with respect to your concerns.

As I said earlier in my presentation, I was clear that the Bill brings Trinidad and Tobago further into compliance with international standards. I also went through the strategic deficiencies in detail; the same three recommendations. Therefore, it is inaccurate to say that I did not present the real reason for the Bill being presented. Trinidad and Tobago’s position with respect to the FATF process will be determined next week, in Mexico, at the plenary. I suspect very much, as I indicated, that we should get a decent showing; nothing to shout about, but I doubt that we will be—I would not use the word blacklisted—relegated.

Trinidad and Tobago participated fully in the FATF process through the American Regional Review Group (ARRG) and based on the information coming from that entity, I am confident that we are well on our way to getting out of the situation that we are in.

Mr. President, Trinidad and Tobago has become part of this global village, in terms of the immediacy with which information is shared, technology, where you sit in your bedroom and you see what is happening all around the world. Similarly, that same technology that is used for good can also be used for evil. With the killing of Bin Laden, I am sure you would be aware that the status of alertness at all US Embassies in the world went hot red, and quite rightly so, and similarly, friends of the United States. Someone said earlier we are friends of the United States. Someone also said earlier that we are considered a soft target, and we are.

As a consequence, you would find that all countries like Trinidad and Tobago must make some special effort to ensure that we provide as much security as is possible to ensure that the terrorist activity would not invade our land. In that respect, and because of that global village concept—we heard earlier on where, because of travel situations—on the occasion I spoke about the incident when the Pope visited Trinidad and Tobago in the 1980s and how I felt when he left. I am sure it was a similar situation at CHOGM when personnel in Trinidad and Tobago were involved in security when the dignitaries left, for instance, when President
Obama left Trinidad and Tobago. I am sure some of our operatives here would have breathed a sigh of relief, in that he was no longer here, because we have heard of so many occasions where situations like that occurred and the terrorists utilized the opportunity to take advantage of that situation. It is not too far from our doorsteps. Someone raised the point earlier this evening, with respect to Trinidadians being found guilty in the United States with that Airport Kennedy matter.

I am sure Sen. Baptiste-Mc Knight would recall, when I joined our embassy in Massachusetts Avenue, I found that we sat between Peru on the corner and Turkey. Now, Trinidad and Tobago is a peaceful country, but at that time Peru had problems with the Shining Path, Turkey had their problems with Greece and we were sitting between them, and I found it strange that at the time we did not have an evacuation plan. People were saying: “Well we are not a hostile country.” But, "yeah", look where we were sitting, so we could have been collateral damage; simple things like that. I bring them and I am sure my dear ambassador at the time would recall that where we were—it is not a situation where Turkey was—it was one structure. We were sitting between them. Situations like that cause you to think that under circumstances that would cause someone to attack the Turkish Embassy or the Peruvian Embassy and Trinidad and Tobago sitting right there in-between two of them, and we would not want to be collateral damage.

One of my colleagues spoke earlier about my experiences when I related the days when we did pipeline patrol here in Trinidad and Tobago. Because of our energy industries, we need to be specifically careful, with respect to sabotage and terrorist activity in our oil belt and a number of things can contribute to that. It could be locally spurred, as well as it could be foreign, and we need to pay specific attention to things like that. I made the point of doing the pipeline patrol. I am sure it still exists where soldiers do that pipeline patrol from Guayaguayare out to Pointe-a-Pierre, and we need to look at all installations.

I remember, in 1990, with respect to the psychological terrorism that existed, there were rumours such as: they are poisoning the water and there are bands of Muslimeen coming in the areas, St. James and Westmoorings, which was not true. But, because of that, you found that people were on edge. We all remember, subsequent to that 1990 Friday afternoon, every Friday afternoon after that people were leaving town because—“No, no, it is Friday. Yuh hear dis boy, de Muslimeen this and the Muslimeen that.” And this went on for a while. That is the kind of psychological terrorism which we had to live with after 1990.
Anti-Terrorism (Amendment) Bill

Wednesday, June 15, 2011

[SEN. THE. HON. BRIG. J. SANDY]

There is also cyberterrorism that comes into play as well and you will find that all these contribute to the same aspect of terrorism. When we look at the funding possibilities and we look at people who, for some reason, have their own agenda and feel if we can shake this country somewhat by our illegal acts of terrorism, then we probably would be able to do what we want to do based on our specific agenda.

Someone spoke earlier about terrorism at sports. We saw it in the Olympics. We saw it at football. We saw it even at cricket. You “figure”, well, people are going to a sport meeting or occasion to enjoy themselves and have fun and you are worried now and you are wondering—people in Trinidad and Tobago would say: “okay, I will not go there because the possibility exists that something will possibly happen.”

I have heard people—there is a Steel Band Street Parade which takes place in Laventille and people who love pan would say: “Not me. Ah not going up there.” Were it We Beat in St. James, they would go St. James, but they will not go to Laventille: they love pan, but they will not go, because of fear that something will happen. Even at every level—

I remember doing my—I did the Command and General Staff College course at Fort Leavenworth, Kansas. It is an international course. One thousand officers were on the course, but there were 270 foreign officers on the course. On the day of graduation, there was a couple from Beirut, and those days you would hear in Beirut they are going into bomb shelters. There was a family, the husband who was the military officer, his wife and two boys. On the day of graduation everybody was saying their goodbyes and she was sobbing and shouting. Everybody was looking around; what is wrong, if someone had done her something. She was sobbing: “I do not want to go back there. I do not want to go back.” What was wrong? She was from Beirut. Because she had spent a year in the United States, not every two hours or two days running into a bomb shelter. That was in 1987/1988. Those were the days when every two days, bomb shelters in Beirut. She was sobbing saying that she did not want to go back there. She and her boys—of course, the father being the soldier said: “No, we have to go back home;” and he was trying to pacify her while everybody was speaking to her and trying to keep—that is the effect of what terrorism has on someone. You watched the father with the two boys there.

As I am speaking about father and boys, it brings me to our “Fathers Bring Your Sons and Come” on Saturday. I ask again, all colleagues and the national community, to come out on Saturday to the Fathers’ Fair at the Hasely Crawford Stadium. [Interruption]
Sen. Hinds: Thank you very, very sincerely for your giving way. I did not want to break your stride as you were making the important points that you were, and I agreed with you entirely; fear being psychological. A lot of people who have never been a victim of crime fear it. But, in respect of the steelband festival at Laventille, for the number of years that—I felt obliged to say and I am sure you will agree—it has been put on, they are in a position to truthfully say that crime and criminal behaviour have been absolutely absent as an experience to that. So, while I accept that people may, for other reasons, have that fear, the reality is that festival has been put on for years and one of the most remarkable features about it is that there has been absolutely no incidence of crime around it, and I am very proud of them for that and I am sure you know that because you participate yourself.

Sen. The Hon. Brig. J. Sandy: I totally agree with you, because we have seen each other there and this is the point. I neglected to tell the person that it has always been safe, but that is the perception.

To get back to my Fathers’ Fair—

Sen. Hinds: For which I received an invitation.

Sen. The Hon. Brig. J. Sandy:—and I am sure you would come with your sons. I am asking the entire national community and you, Mr. President. It is under the distinguished patronage of His Excellency the President Professor Max Richards. It is going to be a day of fun. Let me say first of all, although it is Fathers’ Fair, “Fathers Bring Your Sons and Come,” we have a number of mothers who are fathers themselves, so we are not discriminating. Mothers bring your sons and bring your daughters as well, but we are targeting the fathers and the sons and we are trying to bring that bond once more.

Sen. Hinds: Alcohol free?

Sen. The Hon. Brig. J. Sandy: No alcohol. We cannot have alcohol in something like that. We would be having motivational speakers. We would be having Mungal Patasar and son, Earl Brooks and son, we would be having Kes and father. We are asking sons to bring their fathers. It is a fun day. Come from about one o’clock. We are having a father’s pledge. We are hoping that His Excellency the President would recite that pledge and we would have a son’s pledge where he would recite it to the President, being the foremost father in the nation at this time.

We would be having some career guidance booths as well, so that youngsters can look and decide what career they would prefer to follow. All that is in keeping—it is a corollary of our National Mentoring Programme that we are
pushing, with respect to trying to get our youth away from a life of crime and away from a life of terrorism. Eventually, we would make better citizens of them in Trinidad and Tobago.

As indicated, we noted that terrorist financing nurtures and feeds terrorism all over the world. Accordingly, this global village we call the world will remain vulnerable if we allow the financing of terrorism to continue.

12.35 a.m.

We, in Trinidad and Tobago must play our part in ensuring that this scourge is eliminated globally. We are, therefore, pleased to recognize the support of our colleagues on the opposite side as we attempt to enact this most important piece of legislation in the interest of international peace and security, and indeed peace and security in Trinidad and Tobago.

Mr. President, I beg to move. [Desk thumping]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in Committee.

Clause 1.

Question proposed, That clause 1 stand part of the Bill.

Sen. Prescott SC: Mr. Chairman, forgive me for being slow, but do we already have an Anti-Terrorism (Amtd.) Act, (No. 2), and, if so, does this not deserve to have a number as well? I am busy trying to find my copy, but I thought I had seen an Anti-Terrorism Act, (No. 2) and the Anti-Terrorism (Amtd.) Act.

Mr. Chairman: I have been told there is a 2010, of course, that is the distinguishing factor between that and 2011.

Sen. Prescott SC: Is it called (Amtd.) Act (No. 2)?

Hon. Senator: No. [Inaudible]

Sen. Prescott SC: Forgive me.

Question put and agreed to.

Clause 1 ordered to stand part of the Bill.

Clauses 2 and 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.
Sen. Baptiste-Mc Knight: Mr. Chairman, I would like to suggest that the words “at frequent intervals” in (2)(b) be omitted. 22AA, and (2)(b).

Mr. Chairman: Sorry, (b); (2)(e)?

Sen. Baptiste-Mc Knight: (b);(2)(b), the second line.

Sen. Panday: Mr. Chairman, we agree that the language is slightly inelegant, however, at this stage having regard that the Lower House has been adjourned sine die, and the Parliament would be prorogued on the 17th, we will take that into consideration and return with all the concerns which are raised at this committee meeting.

Sen. Baptiste-Mc Knight: Mr. Chairman, do I then understand that no amendments are going to be accepted? In which case there is no point wasting time at 12.40 a.m.

Sen. Panday: No, it would be taken on board, we will review it and come back.

Sen. Baptiste-Mc Knight: Sine die, sine die means you could bring it back at anytime, why not bring them back on Friday?

Sen. Panday: We cannot bring them back.

Sen. Baptiste-Mc Knight: Anyhow, can you just answer my question? Are no amendments going to be accepted tonight?

Sen. Panday: No.

Sen. Baptiste-Mc Knight: Right. So why waste our time?

Sen. Panday: Well, whatever concerns are raised we will look at them and review them.

Sen. Baptiste-Mc Knight: For what? Whenever you plan to do the amendments, bring them back and then we will have the time to do it.

Sen. Ramlogan: And in the meantime be blacklisted as a country?

Sen. Baptiste-Mc Knight: It all depends on how many votes you have. According to my count, you do not need my vote, so why worry?

Sen. Ramlogan: Mr. Chairman, I think the position is well known. I think Sen. Ramkhelewan in his contribution highlighted the emergency nature of these provisions, the amendment in this regard. We have said that we will come back. In fact, in the laws of this nature and this type, it is an ongoing process because
when we meet with the FATF organization they have a moving target of their own, because we are playing catch-up in this jurisdiction. There would be a definite need from time to time to review the legislation to keep apace of what is happening in modern democratic societies, and other jurisdictions that are keeping apace with FATF requirements. So the comments which were made during the debate have been duly noted, they will be taken into account and when we come back after our next plenary session with FATF, we will no doubt have to come back to review the legislation in due course. The comments have been duly noted and will be taken on board at the appropriate time when we come back, but for now, the position is that these amendments are a requirement and they must be done to avoid falling into the pit of being blacklisted.

Mr. Chairman: In other words, what the Attorney General seems to be saying is that tonight’s committee sitting, when proposals are made for amendments, your actions will not, in fact, be futile, they will be taken into account. Hopefully, therefore, if we come back here another time the amendments will be something that we would have gone through already and not have to duplicate our effort the second time around. So that it is not an act in futility as it were, your amendments will be taken into account.

Sen. Hinds: Mr. Chairman, let me say this. Just like fear, the condition that the Independent Senator, Corinne Baptiste-Mc Knight indicated is psychological and to some extent burdensome. I am not unaware and I am sure my friends are as well that that position could have been canvassed quietly with my colleagues and with us, so that we would not feel set against each other like the way—like we might. In other words, they had an indication during the course of the debate that there might have been some concerns. I just want to say for the future, it might be nice to huddle with other persons and talk with them, and they would understand what you have just explained, because at the end of the day the nation’s well-being is at stake here as has been pointed out during the debate. We understand that and no one wants to obstruct the progress of the nation, but at the same time there are some legitimate concerns, and all it requires is a little discussion and a little salving rather than an approach that might give one the impression like the concept of fear psychological as it is, that they are being bullied. So in future, I am just asking my friends to be a little more sensitive and salve the situation so we would not come to this pass.

Sen. Al-Rawi: Mr. Chairman, if I could just add through you with a question to the Attorney General. You will remember that we gave a lot of cooperation on the FIU, the last position, and we on the Opposition Bench commit to giving equal cooperation on this point. Could I just enquire when the next plenary session meeting is? Is it June 24th?
**Hon. Senator:** Next week.

**Sen. Al-Rawi:** It is. And I do take the Attorney General as a man of his word and I am sure that we will see the “review” of the FIU, and surely this could anchor into that. Just for the sake of the record I do take it as an undertaking of the Government that we will be back to deal with necessary amendments if it perhaps even arises out of the FIU tinkering which we are thinking of doing. So just to put it on the record we—there are a couple minor amendments which perhaps we could look at, but you know subject to all of that just to say that you will have cooperation at least from our Bench as well.

**Mr. Chairman:** Thank you, Sen. Al-Rawi. So we are looking at clause 4, Sen. Prescott SC?

**Sen. Prescott SC:** Mr. Chairman, if am out of turn would you please correct me. I am about to add that notwithstanding that the two political parties, if you like, appear to be now heading down the same road, it appears to me that the provisions in clause 9—and that is why I am saying if I am out of turn, because I can wait.

**Mr. Chairman:** We are on clause 4 at the moment.

**Sen. Prescott SC:** I had better wait.

**Mr. Chairman:** We will come back to you, Sen. Prescott SC, thank you.

**Sen. Baptiste-Mc Knight:** There were a couple of other things if you want all the amendments—

**Mr. Chairman:** Sure! Sure!

**Sen. Baptiste-Mc Knight:**—I am prepared to stay until five o’clock in the morning and give you all the amendments, that is my form of cooperation.

**Mr. Chairman:** You mentioned 4(b), Sen. Baptiste-Mc Knight, on clause 4.

**Sen. Baptiste-Mc Knight:** Okay 4(c), I do not understand “referred to in paragraph (a) or (b) immediately”; should both lists be circulated or at whose discretion will the decision be made as to which list is to be circulated immediately?

**Sen. Panday:** Our advice is at the discretion of the FIU.

**Sen. Baptiste-Mc Knight:** So the FIU will decide whether they circulate the designated list or the changes?
Sen. Panday: If one looks at—it is not really a discretion, hon. Senator—if 22AA (2): “for the purposes of section 22B the FIU shall be responsible—”

Sen. Baptiste-Mc Knight: But the “shall be responsible for circulating either the list referred to at paragraph (a) or paragraph (b) immediately”.

Mr. Chairman: If I may say? It may be that you make contact in (b), and there are no further additions and, therefore, you will circulate (a). On the other hand, there may be additions in (b), you will supplement (a) and circulate it.

Sen. Baptiste-Mc Knight: Mr. Chairman, I understand that, but this does not say it. The point that I am trying to make is that this language is not precise.

Sen. Panday: Mr. Chairman, my understanding of the wording is if you have a list in (a) you circulate that, but if you have a (b); (a) will be incorporated in (b) and you circulate (b).

Sen. Al-Rawi: Hon. Senator, we do all catch what is intended to be there, the simple point is really that language could be better employed.


Sen. Al-Rawi: Yes, it could be more elegant. One could always imply when you are maintaining a list of designated entities, maintaining implies a constant process of updating, so there may be no need necessarily to include reference to a secondary list, but the point is that the language in (c) definitely needs to be tightened, is the point, because it does give room for misunderstanding.

Mr. Chairman: Thank you, your point is taken.

12.50 a.m.

Sen. Baptiste-Mc Knight: Shall I go on to (e) and ask whether you would consider not insisting that it be by fax?

Sen. Panday: Say, “or electronic means”.

Sen. Baptiste-Mc Knight: You can have time to think about it because we have time; and please, either “immediately” or “at intervals of three months”. We cannot have both.

Sen. Panday: Okay, sure.

Sen. Baptiste-Mc Knight: On subsection (3), can we change subsection (1) to subsection (2) and deal with fax in whatever fashion you consider appropriate?

Sen. Baptiste-Mc Knight: With respect to 22AB, I really do not know whether there are two lists or one or when the two lists referred to at (a) and (b) become that list referred to in (d).

Sen. Panday: Senator, will you kindly help me as to which—

Sen. Baptiste-Mc Knight: Paragraph (a) talks about either list. Paragraph (a) again talks about either list; paragraph (d) talks about that list. I do not know how you are going to do fancy footwork around that.

Sen. Panday: We can say “any” or “either”.

Sen. Al-Rawi: You can use the words “any list prepared”.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clauses 5 and 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, through you, just to ask the hon. Leader of Government Business if he could pay attention to the fact that deletion of subsection (4) means that subsection (6) would have to be renumbered subsection (5) ostensibly if each one falls upward.

Sen. Panday: Under clause 7?

Sen. Al-Rawi: Yes. So you are deleting paragraph (a) in subclause (4). That means when subclause (4) goes, what was (5) ought to become the new (4). What was (6) should become (5).


Sen. Al-Rawi: I think you can probably do that under a slip provision.

Mr. Chairman: [Inaudible] that you were correct, in fact we would not go ahead with this.

Sen. Ali: Under what is subsection (5) there or (4) to be removed, it would be (1), (2) or (3). Subsection (4) is being deleted, but in the Act itself, under (5) you are speaking of (1), (2), (3) or (4), but that (4) is going to be gone. It is easier to see it when you look at it in the book.
Sen. Baptiste-Mc Knight: If we had the track changes, we would see it immediately.

Sen. Al-Rawi: In the Act itself, you are left with (5) and (6) and they just need to be renumbered (4) and (5). The reference in clause 7(b) in the Bill will be in renumbered subsection (5), by deleting the words “(1), (3) or (4)” and substituting the words “(1) or (3)”.

Sen. Baptiste-Mc Knight: (5) will also have to be amended by deleting (4).

Sen. Al-Rawi: That is actually true, so in the remaining (5), there is reference to subclauses (1), (2), (3) or (4), so there will be a consequential amendment there as well.

Sen. Baptiste-Mc Knight: [Inaudible]


Mr. Chairman: We will correct the particular misprint.

Sen. Al-Rawi: That will probably have to come back on the next occasion with the amendment because we could not attend to that error now.

Mr. Chairman: To the extent that it is a misprint, I thought we had.

Sen. Al-Rawi: No, not in the remaining (5). In the (5) that is left, it will become (4). In the 2005 Act, it says:

“No civil or criminal proceedings shall lie against any person for making a disclosure or report, in good faith, under subsection (1), (2), (3) or (4).”

So that will have a consequential amendment.

Question put and agreed to.

Clause 7 ordered to stand part of Bill.

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, just to remind the hon. Attorney General, when we are looking at the FIU amendments, to come back to the tightening up the cross-reference to supervising authorities as they fail to deal with non-financial institutions; just a little note there.

Sen. Ramkhelawan: With regard to clause 8, this question of the regulations subject to negative resolution, we have had that discussion many times before that when you have legislation which requires a three-fifths majority—I remember the Attorney General dealt with that before—that the approach of an affirmative one may be preferable to one of negative resolution.
Sen. Panday: Hon. Senator, as we said, these regulations are merely to carry out the process and do not impact in any way on the substantive law which infringes on any of the rights enshrined in sections 4 and 5 of the Constitution. In those circumstances, if we have a negative resolution, it becomes effective on laying. As I remember, the Standing Order says that within 40 days of the laying of the resolution, a motion can be filed to debate it. However, we can pass on to you a courtesy copy, as they call it in law, prior to the laying, and we can have a discussion on it.

Sen. Al-Rawi: Could I just ask you to take note, Leader of Government Business and, in particular, my learned senior, Mrs. Blake, who we are very pleased to have with us this morning. The case I made reference to in my contribution, the 2010 judgment—

Sen. Panday: What is the name of the case and the citation?

Sen. Al-Rawi: Hansard, regrettably, has the document; I will get it for you. It is RV Ahmed and Others. In that case, they speak about the palatability, in particular, of legislation of this type being deemed to be ultra vires because there is an incursion into rights and because you can have a sanction under this Act, offences are under the Act for breaches of regulations. It may be argued—and just for the sake of the law itself—that you could have a problem and the recommendation in that case in particular, coming out of New Zealand and Australia, is that it is by far better, because of the nature of the anti-terrorism laws, to lay it by way of an affirmative resolution. The courts were at pains to point out that it gives you the scrutiny for it. Just for you to look at it; in the time that is left there, if Senior Counsel could look at it and we can come back to the issue later.

Sen. Panday: And we would look at it. Sure.

Sen. Ramkhelawan: Mr. Chairman, I would refer you to paragraph (e), which deals with the question of sanctions and disciplinary actions for which the question of a negative resolution may apply, under clause 8(2)(e).

Sen. Panday: Could you kindly indicate where we are?

Sen. Ramkhelawan: Clause 8. You were saying that it was only procedural, but (2)(e) speaks to sanctions and disciplinary actions and so on, so I am just reinforcing what area it is.

Sen. Panday: We will look at the case and make the relevant adjustments.
Sen. Al-Rawi: I just ask you to note the caveat. That dealt with a secondary legislation under the 1941 English Act. United Nations. It was not under the Anti-Terrorism Act, but it was very useful dicta that I feel somebody could rely on to spin a case, so I will provide a copy to you and to learned senior as well.

Sen. Panday: Thank you very much.

Sen. Ramlogan: Mr. Chairman, I just consider it perhaps a notable juncture to place an important point on the record. With regard to the point made by Sen. Al-Rawi and several of my colleagues during the course of the debate with regard to the concerns about the constitutionality of the provision and whether we needed a specified majority, I think it appropriate to put on record the fact that the entire Anti-Terrorism Act of the country has been challenged in court. That is the matter of Chandresh Sharma v The Attorney General. There is another one of Inshan Ishmael v The Attorney General.

I was counsel for the applicant in both cases. The matter is before the Court of Appeal and judgment has been reserved and was not given for quite some time now and we may very well be approaching the one-year mark. Normally, when the court takes its time and reserves, it is because it is something sufficient to chew on.

I have no doubt that that matter may go on to the Privy Council, but those concerns raised during the course of the debate were concerns which, as counsel at the time for the applicant, I had expressed to the court, but the state of the law as is, is that the constitutional motion was rejected and there is a written judgment delivered by Madam Justice Pemberton in that matter which remains the law until it is set aside.

I say that for the record because, as part of the review process I had in mind, regardless of what the court does—they may give some guidance in the matter—we may want to factor in the review process. Of course, I find myself in that happy position where, regardless of the outcome, I will be a winner and a loser because I am now Attorney General, so I sued myself.

Sen. Al-Rawi: Mr. Chairman, for the record, I did enjoy the attempted beating that my learned senior Leader of Government Business just put out there, but genuinely the points raised by me with reference to the potential need for a three-fifths majority were to protect the legality and any change. They were really made in the context of erring on the side of caution insofar as the arguments could happen and specifically to avoid a Suratt-type scenario which is now confirmed by the Attorney General. I am happy the Attorney General has assisted me in my case as to the extent of homework done. Thank you.
Question put and agreed to.
Clause 8 ordered to stand part of Bill.

Clause 9.

*Question proposed*, That clause 9 stand part of the Bill.

*Sen. Prescott SC*: Mr. Chairman, I have two observations on clause 9. I will start on the latter first in light of the Attorney General’s intervention. The Constitution provides that the right of a person to equality of treatment before the law is protected, section 4, and if we are intending to abrogate that right, section 13 applies and the three-fifths majority is required. It appears to me, if you look closely at what is provided in clause 9, section 42(1) and (2), a company, although it has committed an offence, may not be prosecuted, but a director, who has acquiesced in the commission of the offence, certainly will be prosecuted. In such a case, there is no equality of treatment between those two individuals, by this I mean a legal person and the natural person. If I have not read this wrongly, then there is an inbuilt inequality which we ought to address by way of a three-fifths majority and by reference to section 13.

I am sure that the Attorney General has already considered that and is probably just waiting for me to finish so that he could put me right. It does appear to me. Let us look at it. It says in 42(1):

“A financial institution or listed business which fails to comply with—sections 22AB…commits an offence”

And then in (2):

“Where a company commits (such) an offence…”—the premise is that it has committed the offence—“any officer, director or agent of the company who directed, authorized, consented to or acquiesced…” is a party to the offence…”

So it is conceding that there is an offence. He is liable on summary conviction, etcetera, whether or not the company has been prosecuted. So that in the face of a clear admission in the prosecution’s case, the prosecutor is saying to the court; I know company “X” has committed an offence—*[Interruption]*

1.05 a.m.

*Sen. Panday*: Senator, the point is well taken. It is suggested by the experts that we should delete the penultimate and ultimate lines. We would do that on the review, out of an abundance of caution.
Sen. Al-Rawi: Hon. Leader, through the Chairman, this is the very point not to add any sodium chloride—I would not call it salt tonight—into the point, but this is the very point that I had raised in debate as to point. So I am grateful to hear that. Is it then, just for clarification, that we are saying that we would be prepared on the reconsideration when it comes to deal with the removal of the lines “whether or not the company has been prosecuted or convicted”? If that is the case, there is, in fact, an existing provision in the legislation which provides for the culpability of a director or officer of the company.

Sen. Panday: Well, the Attorney General has a contrary view. Attorney General?

Sen. Ramlogan: I think this is something we would have to look at, because you see the problem here is that, as presently phrased, the prosecution has the option of going after the company and the directors. It also has the option of choosing to go after the directors alone whether or not the company is prosecuted. The reason for that is because the company may no longer be in existence, legally, to prosecute. By the time the prosecution comes up, the company may not have filed its annual returns with the companies registrar and it has been struck off at the registry, for example. So that then, legally, the company may no longer be in existence. But the directors of the company will still be around so that you could still pursue the action as against them.

Now this is important because when we brought about the Companies Act, 1995, we had asked that the annual returns be done for companies so that they could be continued. When we were doing that process, there were many big companies in this country that really had never even bothered to file annual returns under the old law. Then you had companies to be continued, they had, you know, in some cases 10 and 15 years of backlog of filing annual returns. I mean, I see Sen. Al-Rawi is familiar with it.

The same problem is cropping up even now, under the new Companies Act, where companies are in arrears. Now what happens then is that when you are in arrears and you are not filing your annual returns that company is liable to be struck off the register by the Registrar of Companies. When that happens, the company legally, arguably ceased to exist. So that you might find a situation where, the company no longer exists, so you cannot prosecute the company, but the directors who would have acquiesced in the action, you could still go after them.

The other point is this; it is useful to have the option for the prosecution because the deterrent function of this particular provision is important. When you say you will prosecute the company, the company pays the money—it is a fine, you cannot jail a company. The fine here is $500,000, all right? And that is it.

[Interruption]
Sen. Al-Rawi: You know that you can jail the directors.

Sen. Ramlogan: Well, I know, but I am coming to that. That is why you have the separate provision to focus on the directors themselves because the better deterrent we have found is that when the directors themselves have something to fear personally, then you find that they take a little more care and concern at the duty of care, and the fiduciary responsibility and relationship with the company is observed with a little more care. So that it is for that reason that they were separated to give the option. But I take your point that very often you would find that it may very well be that the prosecution would normally prosecute both, because one would be hard-pressed to find that directors acquiesced in the commission of the offence and that the company itself did not commit the offence. It would have to be that the company itself would have committed the offence for the directors to have directed or acquiesced in it.

1.10 a.m.

But the fact that the DPP would have the option of going after the directors and/or the company may be a useful option for him to have, but on review, we will take on board what you say, and Sen. Prescott SC, I would not mind chatting further with you and, perhaps, we can bounce off some ideas with our friends on the Opposition Bench and see where we go with it.

Sen. Prescott SC: I feel you have drawn a tourniquet across my—

Sen. Ramlogan: Sorry?

Sen. Prescott SC: I see you have actually applied a tourniquet by your last remarks, because I was simply going to ask you, what does it add to this provision to have these words “whether or not the company has been prosecuted or convicted”? It does not add anything to the provision. If you remove—

Sen. Ramlogan: I suppose the idea is that it makes it clear that the DPP would have the option of prosecuting the directors alone without going after the company.

Sen. Prescott SC: He has an inbuilt option all the time. The DPP need not prosecute anyone.

Sen. Ramlogan: Well, save and except that there is an argument that, unless you can prove that the company itself violated the law, you may not be able to go after the directors themselves for violating the law. So I think what out of an abundance of caution the draftsman was trying to do was to say, “Well, look, regardless of whether you go after the company, the company may be guilty, may not be guilty, but there may be situations where you cannot go after the company.” As I indicated, a company may cease to exist, because by the time—
let us face facts. Justice takes a little while, so that by the time you come to trial, the company that you proffer the indictment against, it may no longer be in existence, and you may have to continue as against one or the other. I do not know, but we would look at it.

Sen. Al-Rawi: The clause starts off with, hon. AG, “Where a company commits an offence….”

Sen. Ramlogan: Sure!

Sen. Al-Rawi: So that is the issue there. I know we are just marking the spots for now.

Sen. Ramlogan: “Yeah, sure!”

Sen. Al-Rawi: So the point is, one, in terms of marking the spot—

Sen. Ramlogan: It presupposes that the company commits the offence.

Sen. Al-Rawi: Yes, and you cannot presuppose in the criminal law, you would have actually to prove it.

Sen. Ramlogan: Sure.

Sen. Al-Rawi: So that is the conundrum there, one. Two, the necessity principle; the proportionality principle that we raised in the debate as well is, do we really need this clause? Is it a question based upon the facts that we have or is it a stiff recommendation, an inflexible one from CFATF or FATF? Do we need to have it? That is point number two. And point number three is, my learned senior Prescott SC, started off by referring to the fact of, well if it is that we are going to keep it—

Sen. Panday: The treatment of equality!

Sen. Al-Rawi: Yes, the treatment of equality and, therefore, whether one wishes to prescribe a section 13 exception for it under the Constitution. So those would be the three points to mark the spot for consideration on.

Sen. Panday: Especially the point of treatment of equality.

Sen. Prescott SC: And may I just add to remove it, is to remove the chance of you being found guilty.


Sen. Ramlogan: It is certainly something that we have to take a look at under the review.
Sen. Prescott SC: Not today, Wednesday? [Laughter] Is that what you mean, Sir, not today?

Sen. Ramlogan: Not today, but it may be superfluous, but it does not do any harm.

Sen. Al-Rawi: It does harm.


Sen. Ramlogan: Sure.

Sen. Prescott SC: My second point—Mr. Chairman—well, sorry. Are we going to—is this. I do not see an offence in 22AB and 22C. I am sorry, let me put this differently. Section 42(1) calls for the company—the financial institution or listed business to fail to comply with two sections in order to have committed an offence—is that what is intended; both in section 42(1) and (2)? It says the failure to comply with 22AB and 22C(1), you have to do two things, which must be new, apart from the fact that I do not think that 22AB creates an offence, but I see what is intended in 42(1)(a), but let me stick to my point which is, why do I have to both murder you and bury you before I get charged? Is that intentional? [Crosstalk]

Sen. Panday: Our advice is that, indeed, it should be “or” not “and”. It should be “or”. [Crosstalk]

Sen. Ramlogan: It is an offence only if you violate both. Sen. Prescott SC, is correct, but it does not create an offence if you do one.

Mr. Chairman: So the offence will be committed if you commit—if you fail to comply with either sections?

Sen. Ramlogan: “Yeah!” [Crosstalk]

Sen. Hinds: So, you are saying “or”?

Sen. Panday: And disjunctively; disjunctively. [Crosstalk]

Sen. Ramlogan: Sen. Prescott SC, the point is well taken, it was meant to be disjunctive and not conjunctive and, therefore, that is something that we will have to take a look at.

Sen. Ramkhelawan: Mr. Chairman, if I may, during the debate I had asked for an undertaking by the Attorney General to revisit—if it is that this matter is one of an emergency—and give the undertaking that the legislation will be brought back for the necessary changes within three or four months. I do not know whether opportunity—.
Sen. Ramlogan: I think I am prepared to commit to saying that we will do it within six months, because we do have two follow-up meetings that we will have to look at, and within six months I think we will be able to come back. I prefer to take the outer limit rather than the inner limit, if you do not mind.

Sen. Ramkhelawan: I am grateful for the undertaking as recorded in Hansard.

Sen. Ramlogan: I am grateful for your understanding in the matter.

Sen. Al-Rawi: Mr. Chairman, through you, to both the Attorney General and the hon. Leader of Government Business, the point echoes back to 22AB. This was the section that I had asked us in particular 22AB(c), 22AB in whole, to pay attention to. Now, I did follow my learned senior Panday’s argument, that the three-fifths majority in the 2010 legislation applied because of section 19, in particular, and also too, I would say section 26 on the right to self-incrimination as it may have been implied.

Sen. Panday: Twenty-six?

Sen. Al-Rawi: Yes, but that was under the 2005 Act. I am, of course, well aware of that. My point was really—and I do, of course, understand that the due process argument commits one to a degree of safety if you are looking for a simple majority, that is, is there enough due process other than the courts paying attention.

The issue of being deprived of a right by an executive function, that is the FIU acting by itself as an executive entity in a sense, is really the one that I am looking at, and I would honestly like when we are looking at section 42, in particular, as it relates back in application to section 22AB, that we have a second look at whether that three-fifths point is there. It is just again a point for fuller reflection. I do take on board the Attorney General’s undertaking that he will revisit within the outer limit of six months, and I am sure that that includes the FIU review which he did commit to, and I know that a lot of work has been done on that already.

Sen. Ramlogan: Yes.

Sen. Al-Rawi: Okay. So just happy to join that into the undertaking as well, thanks.

Sen. Hinds: The point that was raised in relation to clause 9, okay, 42(2) which begins with: “Where a company commits an offence...” What is the resolution on that, hon. AG?
Sen. Ramlogan: We said we will look at it and come back.

Sen. Hinds: All right, because it is really not working in accord with what comes at the end. Thank you.

Question put and agreed to.

Clause 9 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, I beg to move that this Senate be now adjourned to a date to be fixed, but before doing so, we have spent a year in this august Chamber, and having regard to the number of Bills—we have done 17 Bills and a number of Motions—I want to thank all the Senators for their contributions, and to say to my friends on the other side; both the lower bench and the upper bench, thank you very much for all your contributions and suggestions. At times we would probably have been a little rough—

Hon. Senator: Never!

Sen. The Hon. S. Panday: “Oh, we were never rough.” I want to say, Mr. President, that on June 17, 2011 Parliament will be prorogued and maybe see you all later in the month. Thank you very much. [Desk thumping]

Sen. Pennelope Beckles-Robinson: Thank you very much, Mr. President. I guess at 1.22 a.m. I am obliged to be very brief. [Crosstalk] Maybe I should start with my 45 and ask for an extension, Mr. President.

Sen. George: I would gladly do that for you.

Sen. P. Beckles-Robinson: Thank you, Minister George. [Crosstalk] On a serious note, I just want to say that we are just a few days away from the close of our first session, and I would like to take the opportunity on behalf of my colleagues on the Opposition Bench to really extend congratulations to you, first of all, for your first year. [Desk thumping] I hope that you have enjoyed it thoroughly. [Desk thumping] It has been a pleasure working with you, and I must say on behalf of
Adjournment

[SEN. BECKLES]

the Opposition team, we would like to say that we have thoroughly enjoyed the manner in which you have conducted the Senate, and we certainly look forward to your return when the Parliament reopens for its ceremonial opening.

So I would like to say to all my colleagues on the Government Benches, I know traditionally Ministers have not had vacations. It has not been part of our Westminster style, but I do hope that you would find the time to take a little break, because I am sure that you have all put your best foot forward in the interest of serving the country and, hopefully, the Prime Minister might reward you with a weekend or two of vacation. To my colleagues on the Independent Bench as well, I wish them a successful holiday and to say that we are very grateful for the opportunity to share and learn, and to have had the opportunity to be with them for the last year.

Finally, because I would not have another opportunity, Labour Day is being celebrated this weekend, and I know that Sen. Abdulah, as a member of the Oilfields Workers Trade Union, one of our very outstanding trade unions in the country, I would like to say congratulations to the labour movement on their Labour Day celebrations and hope that we would have what is traditionally a very peaceful labour day. [Crosstalk] Normally, there is a little rain, but you never know, I guess the rain always helps a bit to cool down the temperature, but just to wish the entire labour movement a successful Labour Day. [Crosstalk]

Sen. Hinds.: They have been “duked”.

1.25 a.m.

Sen. P. Beckles-Robinson: I have had the benefit of being associated with the labour movement for a very, very long time.

Sen. Panday: From birth!

Sen. P. Beckles-Robinson: As usual I will go and have a little listen to what has to be said. [Crosstalk]

Sen. Panday: You are setting a fire, you know.

Sen. P. Beckles-Robinson: No, I am not setting any fire. I normally go and listen, so why should I deny that?

Sen. Hinds: You would be welcomed.

Sen. P. Beckles-Robinson: Politicians are not normally invited, but certainly they do not object to your presence.

Sen. Hinds: This year they are taking strong objections.
Sen. P. Beckles-Robinson: As someone who normally attends, I will continue to attend. I wish the entire labour fraternity a successful Labour Day this weekend.

Sen. Basharat Ali: Mr. President, it has been a bruising year; if that is a word to use, but in a sense enjoyable, but the timing pretty tough, especially for the very senior citizens like me. The one good thing about it, is that it is very easy to drive home; there is no traffic in the night. That is the one thing about being here until late hours.

I continue to learn a lot, and I hope I can give something of what I have learnt in the last few years. I think we have been very, very cordial with each other, and I thank you, Mr. President, for the way you have conducted this Senate over the year with equanimity and being sometimes very liberal in dealing with the Senators of this House.

I look forward very much to the next session, which would be starting pretty soon, I understand. I hope we will be able to get through as much as we can, or have gotten through during this first session. I wish to join with Sen. Beckles-Robinson to say happy Labour Day to those Members and especially my good friend, Sen. David Abdulah, who represents the OWTU, and to wish all our citizens, because we all have to celebrate that day.

Finally, I know the hon. Minister of National Security is gearing up to celebrate Father’s Day a day before Father’s Day. I wish all the fathers a happy Father’s Day. I hope that many of us would join with Sen. Brig. Sandy in the celebration on Saturday in the promotion of the Mentorship Programme.

To you, Mr. President, I wish all the very best on behalf of all the Senators of this Bench. I think we have maintained our independence, and we still do not caucus. So when Sen. The Hon. Panday asks me at the beginning of a sitting, “Well, how many of you are going to speak?” I say, “I do not know;” so we still remain on that basis. I think we value our independence, and I hope that we are appreciated for providing that kind of input into this honourable Senate.

Thank you.

Mr. President: Hon. Senators I would like to say that it has been an honour to preside over this Senate. Certainly for the public, it is good to know. Many times our public is not aware of the amount of scholarship, hard work and research done by Senators, and I think it is a good opportunity to congratulate all of you for your endeavours over the last year. You have done wonderfully. It is also a time to
Adjournment

[MR. PRESIDENT]

congratulate the labour movement, as we move into Labour Day, and to encourage those fathers and sons who would like to attend the mentoring day that the Minister of National Security will be putting on Saturday, to attend. I think he said it would be at 1.00 p.m. at the Hasely Crawford Stadium, and I wish you all well until we meet again, I imagine, on the ceremonial day for the reopening of Parliament.

It is now my duty to put the question.

**Sen. Panday:** Mr. President, with your leave, before you put the question, if I can get a second bite of the cherry, please.

I wish to also congratulate the labour movement and all fathers, good, bad and indifferent, those who are also paying their maintenance, [Laughter] a happy Father’s Day, and also, most of all, to wish Sen. Oudit a happy birthday.

**Hon. Senators:** Oooh! [Desk thumping]

**Sen. Panday:** Mr. President, thank you for that opportunity of the second bite of the cherry.

**Mr. President:** I thought once you took the second bite of the cherry, you would actually sing “Happy Birthday”. [Laughter]

*Question put and agreed to.*

*Senate adjourned accordingly,*

*Adjourned at 1.31 a.m.*

**WRITTEN ANSWERS TO QUESTIONS**

*The following question was asked by Sen. Pennelope Beckles-Robinson earlier in the proceedings:*

**Green Fund**

(Detail of)

67. Could the hon. Minister of Housing and the Environment provide the Senate with:

i. the values of the Green Fund at the end of the first quarter of 2011;

ii. a list of groups, individuals and/or organizations that received funding from the Green Fund; and

iii. the amount of funding received by the said groups, individuals and/or organizations?
The following reply was circulated to Members of the Senate:

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): The background information to this is as follows. Section 62(1) of the Finance Act 2004 stipulates that, “with effect from 1st January, 2001, there shall be levied and paid to the Board (of Inland Revenue) a tax at the rate of 0.1 per cent to be known as a Green Fund Levy on the gross sales or receipt of a company carrying out business in Trinidad and Tobago…” Section 65(1) of the said Act “established a fund to be known as the Green Fund”. The value of the Fund as at the end of the first quarter of 2011 was $2,306,422,685.89.

The purpose of the Green Fund is to provide financial assistance to registered community groups and organizations that are engaged in activities related to the remediation, reforestation and conservation of the environment such as:

- Remediation—remedying and restoring the functional capacity of an environmental resource damaged by natural or man-made causes;
- Reforestation—replanting a previously forested area mainly with seedlings of indigenous forest tree species;
- Conservation—wise use of natural resources for the benefit of present and future generations.

To date, three groups/organizations, comprising one community group (Fondes Amandes Community Reforestation Projects) and two organizations (Greenlight Network, Environmental Management Authority) have received approval for funding under the Green Fund in the sum of $71,312,598 to undertake restorative, reforestation and conservative projects. However, only $11,050,841 has been disbursed to the groups/organizations in the following amounts:

- Fondes Amandes Community Reforestation Project (FACRP) $1,765,207
- Greenlight Network (GLN) $814,581
- Environmental Management Authority (EMA) $8,471,053

The Fondes Amandes Community Reforestation Project involves the reforestation of activities within WASA lands in the St. Ann’s watershed. The Greenlight Network project involves the collection, sorting and bagging of plastic wastes for delivery to processing facilities in El Socorro and Point Lisas. The Environmental Management Authority’s project aims at restoring the Nariva Swamp to reduce the atmospheric content of carbon dioxide.
The value of the Green Fund at the end of the first quarter of 2011 was $2,306,422,685.89.

The groups/organizations that received funding from the Green Fund were:
- Fondes Amandes Community Reforestation Project (FACRP);
- Greenlight Network (GLN); and
- Environmental Management Authority (EMA).

The amount of funding received by the said groups/organization was as follows:
- Fondes Amandes Community Reforestation Project (FACRP) $1,765,207
- Greenlight Network (GLN) 814,581
- Environmental Management Authority (EMA) $8,471,053

The following question was asked by Sen. Pennelope Beckles-Robinson earlier in the proceedings:

**WASA Wells Drilled**

(Contractors on)

68. Could the Minister of Public Utilities indicate:
   i. the number of wells drilled by WASA from June 2010 to April 2011 and the cost incurred;
   ii. the list of all the names of the contractors engaged to drill the said wells;
   iii. the number of contractors that have been paid to date for work done under (i); and
   iv. the names of the contractors that were paid?

The following reply was circulated to Members of the Senate:

The Minister of Public Utilities (Sen. The Hon. Emmanuel George): For the period June 2010 to April 2011, WASA drilled two wells and the cost incurred was $4,590,925.40.

The names of the contractors engaged to drill the wells were Caribbean Well Service Company Limited and Water and Oilwell Service Limited.
Both contractors were given part payments as shown in the table below.

<table>
<thead>
<tr>
<th>Well name</th>
<th>Drilled</th>
<th>Contractor</th>
<th>Contract Value</th>
<th>Amount paid as at April 2011</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valsayn #17</td>
<td>March 2011</td>
<td>Caribbean Well Service Company Limited</td>
<td>$3,175,825.40</td>
<td>$1,544,863</td>
<td>This contract was awarded in 2006</td>
</tr>
<tr>
<td>Point Fortin #18</td>
<td>March 2011</td>
<td>Water and Oilwell Services Limited</td>
<td>$1,415,100</td>
<td>$776,748</td>
<td>This is a replacement well utilizing existing civil structures</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$4,590,925.40</strong></td>
<td><strong>$2,321,611</strong></td>
<td></td>
</tr>
</tbody>
</table>

The following question was asked by Sen. Pennelope Beckles-Robinson earlier in the proceedings:

**Contractors engaged by WASA**

(June 2010 to April 2011)

69. Could the Minister of Public Utilities provide the Senate with:

i. the names of all contractors engaged by WASA for the period June 2010 to April 2011;

ii. the nature of works these contractors have been engaged to perform; and

iii. the duration of these contracts and the financial value of each contract?

The following reply was circulated to Members of the Senate:

The Minister of Public Utilities (Sen. The Hon. Emmanuel George): The contractors engaged by WASA for the period June 2010 to April 2011 can be found in the Appendix to this Note.

The nature of the works these contractors have been engaged in can be found in the Appendix.
The duration of these contractors and the financial value of each contract are provided in the Appendix of the Note.

**CONTRACTS AWARDED FOR THE PERIOD JUNE 2010 – APRIL 2011**

<table>
<thead>
<tr>
<th>Nature of Work Engaged</th>
<th>Duration of Contracts</th>
<th>Contractors Engaged</th>
<th>Value of Award (TT$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>R. Ramdeen and Associates</td>
<td>$438,030</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>R. Dwarika</td>
<td>$377,161</td>
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<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>A&amp;N Water and Wastewater Ser Ltd</td>
<td>$223,949</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>GCT Building &amp; Repair Services</td>
<td>$193,004</td>
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<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>KIM Engineering Services Ltd</td>
<td>$228,775</td>
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<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Udan Ramsahai</td>
<td>$119,563</td>
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<tr>
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<td>1 Year</td>
<td>Sieusankar Maraj Services Ltd</td>
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<td>1 Year</td>
<td>Paharry Hardware</td>
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<td>Hosein’s Contracting</td>
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<td>Flip Trading Company</td>
<td>$79,736</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Skymist Maintenance Services</td>
<td>$110,187</td>
</tr>
<tr>
<td>Nature of Work Engaged</td>
<td>Duration of Contracts</td>
<td>Contractors Engaged</td>
<td>Value of Award (TT$)</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------------</td>
<td>-------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Equipment Force Engineering Services</td>
<td>$242,951</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>HJR Limited</td>
<td>$476,731</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Jare Williams &amp; Co.</td>
<td>$218,771</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Royal Marshall Services Ltd</td>
<td>$233,047</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>JB Contracting Co. Ltd</td>
<td>$205,584</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Blackwell Construction Ltd</td>
<td>$162,810</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Directcon Ltd</td>
<td>$153,450</td>
</tr>
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<td>1 Year</td>
<td>Harmony With Nature Ltd</td>
<td>$155,330</td>
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<td>1 Year</td>
<td>Berncarl Ltd</td>
<td>$333,219</td>
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<td>1 Year</td>
<td>C.A.P Enterprises Company Ltd</td>
<td>$275,121</td>
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<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Clybru Services Ltd</td>
<td>$118,141</td>
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<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Khalil Enterprises</td>
<td>$43,400</td>
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<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Caribbean Facilities Corp Ltd</td>
<td>$58,829</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Teejai General Contractors Ltd</td>
<td>$52,124</td>
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<td>1 Year</td>
<td>Triangulate Engineering &amp; Surveying Services Ltd</td>
<td>$27,120</td>
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<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Eurotec Ltd</td>
<td>$100,725</td>
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<td>PR Contracting Limited</td>
<td>$541,974</td>
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<td>1 Year</td>
<td>Ramkasso Lurkhor and Sons Equipment Rental and Transport Ltd</td>
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<tr>
<td>Nature of Work Engaged</td>
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</tr>
<tr>
<td>------------------------</td>
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</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Sar Construction Services Ltd</td>
<td>$594,249</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>V&amp;S General Contractors Limited</td>
<td>$941,330</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Bjoy Plumbing Construction Services</td>
<td>$655,288</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>L&amp;A Sanitation &amp; Landscaping Services</td>
<td>$605,819</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Dues Construction Enterprises Ltd</td>
<td>$593,509</td>
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<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Chung j. Bhukal Civil &amp; Structural Engineering</td>
<td>$591,015</td>
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<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Bonanza Well Services Companay</td>
<td>$562,857</td>
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<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Hiltech Services Ltd</td>
<td>$319,536</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>S&amp;A Associates</td>
<td>$432,546</td>
</tr>
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<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Hosein’s Contracting</td>
<td>$365,379</td>
</tr>
<tr>
<td>Pipeline Installation</td>
<td>1 Year</td>
<td>Bjoy Plumbing Construction Services</td>
<td>$579,088</td>
</tr>
<tr>
<td>Tender for the Construction of a Concrete Box Drain, Lowland-Tobago</td>
<td>6 Weeks</td>
<td>K.P Contract Service &amp; Supplies</td>
<td>$296,106</td>
</tr>
<tr>
<td>Tender for the Refurbishment Works at Kew Place, Head Office and Mon Chargin St, San Fernando</td>
<td>95 Days</td>
<td>V&amp;S General Contractors Ltd</td>
<td>$184,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Edsher Construction Ltd</td>
<td>$223,164.19</td>
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<tr>
<td>Nature of Work Engaged</td>
<td>Duration of Contracts</td>
<td>Contractors Engaged</td>
<td>Value of Award (TT$)</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>-------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Tender for the Provision of Pest Control Services at Head Office, North, South and Tobago for a Two (2) Year Period</td>
<td>2 Years</td>
<td>Mega Brite Industries Ltd</td>
<td>$415,152</td>
</tr>
<tr>
<td>Tender for the Supply and Delivery of Meters and Accessories</td>
<td>10 Weeks</td>
<td>Water and Oilwell Services Co. Ltd</td>
<td>$325,122.22</td>
</tr>
<tr>
<td>Tender for the Supply, and Delivery of 50 Printers of Miscellaneous Specifications</td>
<td>3-4 Weeks</td>
<td>Illuminat (Trinidad and Tobago) Ltd</td>
<td>$110,387</td>
</tr>
<tr>
<td>Tender for the Rehabilitation of Granville Well #9</td>
<td>As required</td>
<td>Walkerwell Ltd</td>
<td>$333,536.50</td>
</tr>
<tr>
<td>Tender for the Procurement and Implementation of Access Control Management System-Caroni Water Treatment Plant</td>
<td>107 Days</td>
<td>Amalgamated Security Services Ltd</td>
<td>$622,425.29</td>
</tr>
<tr>
<td>Supply and Delivery of Personal Protective Equipment for the Year 2010</td>
<td>1 Year</td>
<td>C.S.A Industrial Supplies Ltd</td>
<td>$821,650</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oschco Ltd</td>
<td>$883,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Frank Mouttet Ltd</td>
<td>$1,042,187.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A Moses &amp; Sons Ltd</td>
<td>$1,072,300</td>
</tr>
<tr>
<td>Nature of Work Engaged</td>
<td>Duration of Contracts</td>
<td>Contractors Engaged</td>
<td>Value of Award (TT$)</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------------</td>
<td>---------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Supply and Delivery of Stationery Items for the Year 2010</td>
<td>1 Year</td>
<td>John Dickinson &amp; Co. (W.I.), Media Sales Ltd, Office Link Co. Ltd, Busy Business Systems and Equipment &amp; Rental Ltd, Galt &amp; Little Page Ltd</td>
<td>$673,492, $767,537.55, $963,390.58</td>
</tr>
<tr>
<td>Tender for the Refurbishment of the First Floor of the Central Workshop Facility (CWF) Head Office</td>
<td>21 Days</td>
<td>Edsher Construction Ltd</td>
<td>$288,992.41</td>
</tr>
</tbody>
</table>
### Nature of Work Engaged

<table>
<thead>
<tr>
<th>Nature of Work Engaged</th>
<th>Duration of Contracts</th>
<th>Contractors Engaged</th>
<th>Value of Award (TT$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tender for the Supply and Delivery of Parts for International Trucks for a Twelve (12) month period</td>
<td>1 year</td>
<td>Tracmac Engineering Ltd, Caribbean Power Solution Ltd</td>
<td>$531,188.54, $619,383.23</td>
</tr>
<tr>
<td>Tender for the Refurbishment Works at Mon Chargrin St, San Fernando</td>
<td>33 Days</td>
<td>Edsher Construction Ltd</td>
<td>$807,738.70</td>
</tr>
<tr>
<td>Request for Proposals for the Provision of Insurance Brokerage and Risk Management Services for a Three (3) year period</td>
<td>12 Months</td>
<td>Risk Management Services Ltd</td>
<td>$5,758,210.95</td>
</tr>
<tr>
<td>Tender for the sales of Unservicable Equipment and Scrap items located at Transport Compound, Head Office</td>
<td>21 Days</td>
<td>Sacham General Supplies</td>
<td>$11,800</td>
</tr>
<tr>
<td>Tender for the Provision of Sanitary Bin Services at Head Office, North and South for a Two (2) year period</td>
<td>2 Years</td>
<td>Magic Mist Services Ltd</td>
<td>$213,200</td>
</tr>
</tbody>
</table>
### Written Answers to Questions

**Wednesday, June 14, 2011**

<table>
<thead>
<tr>
<th>Nature of Work Engaged</th>
<th>Duration of Contracts</th>
<th>Contractors Engaged</th>
<th>Value of Award (TT$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tender for the Rehabilitation of Wells in South Trinidad on the Well Maintenance Programme for Fyzabad Well #8, #9, #10</td>
<td>18 Days</td>
<td>A&amp;V Drilling and Workover Ltd</td>
<td>$637,987</td>
</tr>
<tr>
<td>Tender for the Supply and Installation of System Furniture at the Mon Chagrin St. Customer Service Centre, San Fernando</td>
<td>3-4 Weeks</td>
<td>Pereira &amp; Company Ltd</td>
<td>$209,356.40</td>
</tr>
<tr>
<td>Tender for the Supply and Installation of New Seals for the #1 and #2 Main Transformers at Dam Site Pumping Station</td>
<td>10 Days</td>
<td>Seelal &amp; Associates</td>
<td>$163,000</td>
</tr>
<tr>
<td>Tender for the Repair of Navet Low Dam Pump #3 Peerless Model 24HH</td>
<td>7 Days</td>
<td>Mustapha Engineering Works</td>
<td>$116,400</td>
</tr>
<tr>
<td>Tender for the Disposal of Unserviceable Computer Equipment (Batch #6)</td>
<td>5 Days</td>
<td>Piranha International Ltd</td>
<td>$42,586.80</td>
</tr>
<tr>
<td>Nature of Work Engaged</td>
<td>Duration of Contracts</td>
<td>Contractors Engaged</td>
<td>Value of Award (TT$)</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------------</td>
<td>--------------------</td>
<td>----------------------</td>
</tr>
</tbody>
</table>
| Tender for the Provision of Waste Disposal Services at Head Office, North, South and Tobago for a Two (2) year period | 2 Years | Waste Disposals Ltd  
B.K. Holdings Ltd | $450,000  
$961,129.20 |
| Tender for the Supply and Delivery of two (2), six inch (6”) Trash pumps | 2 Months | Laughlin & De Gannes Ltd | $336,900 |
| Tender for the Supply, Installation & Commissioning of a Gas Detection & Notification System at the C.A.W.T.P | 8 Weeks | Control Technologies Ltd | $474,756.36 |
| Tender for the Supply and Installation of Safety Rails at WASA’S Head Office, St. Joseph | 3 Weeks | Lennie George Ltd | $143,589.60 |
| Tender for the Supply, Delivery and Maintenance of a Mobile Office Trailer/Caravan and one 4x4 Double Cab Pick Up | 28 Days | Central Equipment Rental Ltd  
Ice Connections Industries Ltd | $225,540  
$753,884 |
The following question was asked by Sen. Pennelope Beckles-Robinson earlier in the proceedings:

**WASA**

**(Revenue and Expenditure: June 2010 to April 2011)**

78. Would the Minister of Public Utilities indicate the monthly revenue and expenditure of WASA from June 2010 to April 2011?

The following reply was circulated to Members of the Senate:

The Minister of Public Utilities (Sen. The Hon. Emmanuel George):

WASA’s monthly revenue and expenditure for the period June 2010 to April 2011 is provided hereunder:

<table>
<thead>
<tr>
<th>Months</th>
<th>Revenues</th>
<th>Government Subvention</th>
<th>Total Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 10</td>
<td>$51,321,907</td>
<td>$235,000,000</td>
<td>$286,321,907</td>
</tr>
<tr>
<td>July 10</td>
<td>$65,746,994</td>
<td>$78,000,000</td>
<td>$143,746,994</td>
</tr>
<tr>
<td>August 10</td>
<td>$48,380,411</td>
<td>$108,216,000</td>
<td>$156,596,411</td>
</tr>
<tr>
<td>September 10</td>
<td>$53,006,334</td>
<td>$127,517,711</td>
<td>$180,524,045</td>
</tr>
<tr>
<td>October 10</td>
<td>$51,480,823</td>
<td>$184,000,100</td>
<td>$235,480,923</td>
</tr>
<tr>
<td>November 10</td>
<td>$49,325,563</td>
<td>$158,174,673</td>
<td>$207,500,236</td>
</tr>
<tr>
<td>December 10</td>
<td>$53,793,886</td>
<td>$229,718,378</td>
<td>$283,512,264</td>
</tr>
<tr>
<td>January 11</td>
<td>$50,942,325</td>
<td>$102,355,221</td>
<td>$153,297,546</td>
</tr>
<tr>
<td>February 11</td>
<td>$49,179,866</td>
<td>$118,505,832</td>
<td>$167,685,698</td>
</tr>
<tr>
<td>March 11</td>
<td>$50,019,315</td>
<td>$120,905,139</td>
<td>$170,924,454</td>
</tr>
<tr>
<td>April 11</td>
<td>$58,476,457</td>
<td>$125,126,645</td>
<td>$183,603,102</td>
</tr>
<tr>
<td></td>
<td>Operating Expenses</td>
<td>Financing Expenses</td>
<td>Total Expenses</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------</td>
<td>--------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>June-10</td>
<td>$152,520,576</td>
<td>$28,411,458</td>
<td>$180,932,034</td>
</tr>
<tr>
<td>July 10</td>
<td>$165,457,245</td>
<td>$28,302,919</td>
<td>$193,760,164</td>
</tr>
<tr>
<td>August 10</td>
<td>$153,165,522</td>
<td>$27,849,837</td>
<td>$181,015,359</td>
</tr>
<tr>
<td>September 10</td>
<td>$158,769,690</td>
<td>$26,798,270</td>
<td>$185,567,960</td>
</tr>
<tr>
<td>October 10</td>
<td>$144,028,446</td>
<td>$27,820,935</td>
<td>$171,849,381</td>
</tr>
<tr>
<td>November 10</td>
<td>$151,837,193</td>
<td>$26,949,473</td>
<td>$178,786,666</td>
</tr>
<tr>
<td>December 10</td>
<td>$165,942,381</td>
<td>$27,876,038</td>
<td>$193,818,419</td>
</tr>
<tr>
<td>January 11</td>
<td>$150,201,264</td>
<td>$26,838,825</td>
<td>$177,040,089</td>
</tr>
<tr>
<td>February 11</td>
<td>$144,586,045</td>
<td>$24,319,520</td>
<td>$168,905,565</td>
</tr>
<tr>
<td>March 11</td>
<td>$158,145,631</td>
<td>$28,037,456</td>
<td>$186,183,087</td>
</tr>
<tr>
<td>April 11</td>
<td>$145,097,278</td>
<td>$31,680,391</td>
<td>$176,777,669</td>
</tr>
</tbody>
</table>

The following question was asked by Sen. Pennelope Beckles-Robinson earlier in the proceedings:

**Expenditure on Schools**  
(June 2010 to April 2011)

**79.** Would the Minister of Education provide a list of repairs undertaken to primary and secondary schools for the period June 2010 to April 2011, identifying the name of each contractor and the value of each contract?  
[Answer lodged in Parliament Library]

The following question was asked by Sen. Pennelope Beckles-Robinson earlier in the proceedings:

**Road Improvement Fund**  
(Moneys paid to Contractors)

**80.** Would the Minister of Works and Transport please provide this House with a list of all contractors who obtained work and the amount of monies paid to each contractor under the Road Improvement Fund for the period June 2010 to April 2011?  

The following reply was circulated to Members of the Senate:
The Minister of Works and Transport (Hon. Jack Warner): The Ministry of Works and Transport awarded no contracts under the Road Improvement Fund for the period June 2010 to April 2011.

The following question was asked by Sen. Pennelope Beckles-Robinson earlier in the proceedings:

Unemployment Relief Programme (Contracts Awarded)

81. With respect to contracts awarded for projects under the Unemployment Relief Programme (URP) during the period June 01, 2010 to April 2011, could the Minister of Labour and Small and Micro Enterprise Development provide the Senate with the following:

(i) a detailed list of all the contracts awarded on a monthly basis;
(ii) the cost of all the contracts awarded on a monthly basis;
(iii) the scope of works for all the contracts; and
(iv) the names and addresses of all the contractors who were awarded contracts?

The following reply was circulated to Members of the Senate:

The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol McLeod): This document provides a breakdown of the contracts which were awarded under the Unemployment Relief Programme over the period June 01, 2010 to April 30, 2011, including costs, scope of works and names and addresses of all the contractors who were awarded contracts. These contracts are usually termed community projects.

Answer lodged in the Parliament Library.

The following question was asked by Sen. Pennelope Beckles-Robinson earlier in the proceedings:

Murders in 2011

82. Could the hon. Minister of National Security provide the Senate with the number of murders committed for 2011 and the names of persons killed for the said 2011?

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Cabinet is advised that according to information provided by the Trinidad and Tobago Police Service, a total of one hundred and forty eight (148) murders were
recorded for the period January 1, 2011 to May 19, 2011. This total is disaggregated by month and compared to the corresponding period for 2010 in the table hereunder:

<table>
<thead>
<tr>
<th>Month</th>
<th>2010</th>
<th>2011</th>
<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>January</td>
<td>46</td>
<td>42</td>
<td>04</td>
</tr>
<tr>
<td>February</td>
<td>33</td>
<td>24</td>
<td>09</td>
</tr>
<tr>
<td>March</td>
<td>40</td>
<td>33</td>
<td>07</td>
</tr>
<tr>
<td>April</td>
<td>54</td>
<td>26</td>
<td>28</td>
</tr>
<tr>
<td>May (As at May 19th)</td>
<td>32</td>
<td>17</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>205</strong></td>
<td><strong>148</strong></td>
<td><strong>63 (13%)</strong></td>
</tr>
</tbody>
</table>

As evidenced by the above figures, there was a decrease in the number of murders for each of the month of 2011 when compared to 2010. Collectively, there was a 31% decline in the total number of murders for this period.

With respect to the names of the murdered persons, they are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Age</th>
<th>Name</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Anthony Charles</td>
<td>27</td>
<td>William Villafana</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Patricia Duncan</td>
<td>28</td>
<td>Jason King</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Rudolph Henry</td>
<td>29</td>
<td>Tennille Prince Haynes</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Devin Mills</td>
<td>30</td>
<td>Sheldon Lewis</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Atiba Williams</td>
<td>31</td>
<td>Shamairi Lewis</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Trevlon Harry</td>
<td>32</td>
<td>Jason White</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Junior Irving</td>
<td>33</td>
<td>Terrance Waldron</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Jason Davidson</td>
<td>34</td>
<td>Windell Lewis</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Kevin Whitlock</td>
<td>35</td>
<td>Mohan Seecharan</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Terrence Hercules</td>
<td>36</td>
<td>Akee Kevin Frederick</td>
<td></td>
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<tr>
<td>11</td>
<td>Anthony DeFour</td>
<td>37</td>
<td>Kenrick David</td>
<td></td>
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<tr>
<td>12</td>
<td>Horace Raymond</td>
<td>38</td>
<td>Kellon Reece</td>
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<tr>
<td>13</td>
<td>Amin Rammnath</td>
<td>39</td>
<td>Cecil Carrington</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td></td>
<td>Name</td>
<td></td>
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<td>---</td>
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<td></td>
</tr>
<tr>
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### Written Answers to Questions
**Wednesday, June 15, 2011**

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## Written Answers to Questions

**Wednesday, June 14, 2011**

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