

Leave of Absence

Wednesday, December 06, 2017

HOUSE OF REPRESENTATIVES

Wednesday, December 06, 2017

The House met at 10.00 a.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, Mr. Ganga Singh, MP, Member for Chaguanas West, has asked to be excused from the sittings of the House for the period December 06 to 15, 2017. Dr. Roodal Moonilal, MP, Member for Oropouche East, has asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

PAPERS LAID

1. Audited Financial Statements of InvestTT Limited for the financial year ended September 30, 2015. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
2. Audited Financial Statements of InvestTT Limited for the financial year ended September 30, 2016. [*Hon. C. Robinson-Regis*]
Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.
3. Report of the Central Bank of Trinidad and Tobago with respect to the progress of the proposals to restructure CLICO, BAT and CIB for the quarter ended September 30, 2017. [*Hon. C. Robinson-Regis*]
4. Ministerial Response of the Ministry of Finance to the Fifth Report of the Joint Select Committee on State Enterprises on an inquiry into the Administration and Operations of Caribbean Airlines Limited. [*Hon. C. Robinson-Regis*]
5. Ministerial Response of the Ministry of Finance to the Sixth Report of the Joint Select Committee on State Enterprises on an inquiry into the borrowing practices of State Enterprises with an emphasis on regulation of borrowing, purposes for borrowed funds and sustainability of debt servicing ratios. [*Hon. C. Robinson-Regis*]
6. Ministerial Response of the Ministry of Energy and Energy Industries to the Eighth Report of the Public Accounts (Enterprises) Committee on the examination of the Audited Financial Statements of the National Gas Company of Trinidad and Tobago Limited for the financial years 2009 to 2015. [*Hon. C. Robinson-Regis*]

7. Ministerial Response of the Ministry of Foreign and Caricom Affairs to the Fourth Report of the Public Administration and Appropriations Committee on an Examination of the System of Internal Audit within the Public Service. [*Hon. C. Robinson-Regis*]
8. Response of the Trinidad and Tobago Police Service to the Fourth Report of the Public Administration and Appropriations Committee on an Examination of the System of Internal Audit within the Public Service. [*Hon. C. Robinson-Regis*]
9. Ministerial Response of the Ministry of Health to the Fourth Report of the Public Administration and Appropriations Committee on an Examination of the System of Internal Audit within the Public Service. [*Hon. C. Robinson-Regis*]
10. Ministerial Response of the Ministry of Social Development and Family Services to the Fourth Report of the Public Administration and Appropriations Committee on an Examination of the System of Internal Audit within the Public Service. [*Hon. C. Robinson-Regis*]
11. Ministerial Response of the Ministry of Public Administration and Communications to the Fourth Report of the Public Administration and Appropriations Committee on an Examination of the System of Internal Audit within the Public Service. [*Hon. C. Robinson-Regis*]
12. Motor Vehicles and Road Traffic (Amendment) Regulations, 2017. [*Hon. C. Robinson-Regis*]

PRIME MINISTER'S QUESTIONS

Moultet Investigation (Recommendations Made)

Mr. Fazal Karim (*Chaguanas East*): Thank you, Madam Speaker. Can the Prime Minister state the recommendations of the Moultet investigation into the circumstances surrounding the procurement of the *Cabo Star* and the *Ocean Flower 2* and how this investigation has helped to change the situation?

The Prime Minister (Hon. Dr. Keith Rowley): Thank you very much, Madam Speaker. I am sure that it is common knowledge that the Moultet Report has been made available to the Parliament by way of the Parliament's Joint Select Committee which was looking into this matter, and that being so, this has been available for a few months, and I would have thought that my colleague would have familiarized himself with the contents of that report. And one of the first

things you would have seen, very carefully taken, is that the Mouttet Report was not required to make any recommendations because it was not an all-encompassing enquiry, and therefore no recommendations were requested and none were made.

Secondly, Madam Speaker, the Mouttet Report identified, as requested, the documentation and the facts surrounding the procurement of these two vessels. And what the report would have shown and what the Government has gleaned from the report, and the country should glean, is that the procurement process at the port with respect to the acquisition of this vessel, the *Cabo Star*, involved corrupt practice. As a result of that information contained in that report by documentation and by inference, the Government is satisfied that the board of the port was denied pertinent information in a deliberate way so as to facilitate the selection of the *Cabo Star*, and that the price paid could have been influenced by those circumstances. That is a matter which the Government has made public and I stand by that.

Secondly, Madam Speaker, what it has done to treat with the situation is to allow the Cabinet, or even the Port Authority, if that be the case, to treat in a particular way with any recommendation coming from the company Bridgemans by way of its selection of an authority and that is what is happening at the moment. So therefore, we contracted with the *Cabo Star*, I dare say under duress, but duress meaning that pertinent information was hidden from the port and the same thing with the *Ocean Flower* being the same management, we are advised. [Desk thumping]

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Thank you, Madam Speaker, in view of the statement made by the hon. Prime Minister that there were corrupt practices, is there or are there any contemplated actions against those who may have so been found?

Hon. Dr. K. Rowley: Madam Speaker, I am not in a position to answer that question definitively but I will tell you I have seen suspensions and dismissals from the management of the port, some of it are consequential upon these processes. And I do not advise myself in the matters of law but I do know, as a layman, that fraud goes to the root of all contracts and the contract with the *Cabo Star*, I expect that the public interest would be pursued with respect to that contract and, particularly, with the price being paid and the selection of that vessel.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Based on the report, hon. Prime Minister, and you indicating that there was no consideration for recommendations, arising out of that, are you as Prime Minister considering any areas that you will be contemplating other than the issue of the corruption that has been unearthed?

Hon. Dr. K. Rowley: Madam Speaker, I am not clear on the convoluted question. Could the Member clarify, please?

Dr. Gopeesingh: Beside the issue of the corruption, is there any other area that you feel as Prime Minister that you need to deal with based on the report?

Hon. Dr. K. Rowley: The report was specific with respect to the procurement and, therefore, since difficulties have been identified, we are focusing on the issue of procurement, particularly, since subsequently we have had another failed procurement exercise, and it is against that background that the Cabinet has intervened to ensure that there is a vessel to service Tobago and that vessel is being sought by a subcommittee of the Cabinet dealing directly with the marketplace

Present Board of the Port Authority (Consideration for Removal)

Mr. Fazal Karim (*Chaguanas East*): Thank you, Madam Speaker. Question number 2: Is the Prime Minister considering the removal of the present board of the Port Authority of Trinidad and Tobago for dereliction of duty in light of the appointment of a Cabinet subcommittee to procure a vessel to service Trinidad and Tobago?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, with limited information available to my colleague, I assume that that would be a reasonable position but that is not being considered at this time. And let us understand something, Madam Speaker, and I want to say this. It is very easy usually to jump on the backs of people who serve in those positions, but let us all understand that those boards are served by volunteers who come from the public sector and serve the public interest. And in the fullness of time, if there is need for the board to be dismissed for wrongdoing, then I would not hesitate. On the other hand, if the information indicates that there are reasonable considerations of that volunteer service, I will be the first to acknowledge that.

Madam Speaker: Supplemental question, Member for Chaguanas East.

Mr. Karim: Thank you. Hon. Prime Minister, will you be able to say that as such, given the circumstances, that your Government has lost confidence in the current board of the Port Authority?

Hon. Dr. K. Rowley: Madam Speaker, I have said nothing to support that inference and I do not now say that.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Hon. Prime Minister, do you think it is satisfactory and appropriate for Cabinet to appoint a four-member Committee to look at the procurement of these vessels rather than sending it to the Central Tenders Board, et cetera, if you do not have the confidence in the port?

Hon. Dr. K. Rowley: Madam Speaker, if I did not think it was satisfactory and appropriate, I would not do it.

Trinidad and Tobago EU Blacklist (Steps to be Adopted to Rectify)

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. To the hon. Prime Minister: In light of Trinidad and Tobago being named as one of the 17 tax haven countries by the European Union and has consequently been blacklisted, what measures or steps will Government be adopting to rectify this development under this Government's watch?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, yes, this is the outcome of inactivity of the Government of Trinidad and Tobago but let me just say also that these are all members of Global Forum. We, Trinidad and Tobago, at this time, do not report to the council and this matter has been comprehensively dealt with by the authority in Trinidad and Tobago, the Attorney General.

But let me just say what has happened here, for clarity. Trinidad and Tobago chose, in 2011, to subject itself to Global Forum oversight and in 2014, reinforced that position but did nothing to put us in a position to execute that commitment and, therefore, now that we are being lumped with those who are in that basket, what is not being said is that in the last 24 months, this Government has done yeoman service in trying to bring us to a position to avoid these kinds of labels. So I am happy to hear that my friends on the other side are interested in our collaboration but the information, as presented here, is not accurate and it is not an accurate reflection of our status. [*Desk thumping*]

Madam Speaker: Member for Caroni Central, supplemental?

Dr. Tewarie: Yeah, supplemental to the hon. Prime Minister. Are there things on the agenda now that the Government is pursuing to ensure that we are delisted from the blacklist?

Hon. Dr. K. Rowley: The answer is yes, Madam Speaker, and the Attorney General addressed this matter twice in recent moments and in recent weeks, and I would like to request of my colleagues that it is useful to pay attention to what the Government says. What the Government said in the last three weeks and the last two weeks would make it a comprehensive situation that we are on top of this. There are things to be done and the Attorney General has made a lot of progress with respect to our qualification.

**Petrotrin's Internal Audit Report
(Referral of Matter to Fraud Squad)**

Mr. David Lee (Pointe-a-Pierre): Thank you, Prime Minister. Question No. 4 to the Prime Minister: In view of the Petrotrin's Internal Audit Report on the "fake oil" scandal involving A&V Oil and Gas and which was supported and confirmed by two reputable global auditing firms, could the Prime Minister indicate whether his Government intends to immediately suspend the A&V Oil and Gas contract and refer this matter to the Fraud Squad for a criminal investigation?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I notice that Members on the other side are particularly excited about this matter and very previous about it. I simply will want to say to Members on the other side that this country is running in an orderly fashion and I would like to ask my colleagues, what would you say if the board of an authority is dealing with a matter under serious legal advice and is pursuing investigations both with its internal audit, its external auditors and then the Cabinet comes in or the Prime Minister comes in and exercising authority he does not have. This Prime Minister and the Cabinet have no authority to enter any contract at Petrotrin; that is a matter for the board. Contracts in Petrotrin are a matter for the board. If you want to ask my view on the matter, that is a different story but do not ask me to fire anybody in Petrotrin on a contract. I have no locus standi in there nor does the Cabinet and if the Cabinet jumps into that matter prematurely, you will be the first one to accuse the Cabinet of misconduct. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Supplemental to the hon. Prime Minister. Can I get your views on this matter? [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, my views would be guided by the information and the views coming out of Petrotrin by way of its position, of its enquiries, its advisors and its actions and I simply want to point out to my colleagues on the other side: It is a board that is appointed by this Government

with a mandate to treat with all aspects of corruption in Petrotrin that has found this matter and has dealt with it in the most best-practice way. I do not know what you all are advocating. Petrotrin is investigating its business in the best possible way under sound legal advice. What exactly are you advocating? [*Crosstalk*]

Madam Speaker: Member for Caroni East, supplemental.

Dr. Gopeesingh: Bearing in mind that the Corporation Sole, who is the Minister of Finance, the Petrotrin board responsible to him, would you seek to get the Minister or the Corporation Sole working with the Petrotrin board on this matter bearing in mind he is responsible for it?

Hon. Dr. K. Rowley: Madam Speaker, that is precisely what is happening. There is a Cabinet; there is a Minister; there is a board. This matter is being addressed in the best possible way. My colleagues on the other side are very anxious for an outcome that they believe is damaging to somebody. But let me remind them, Madam Speaker, that when there was an audit at National Gas, the auditors were fired and we never heard a thing about it after that, but now all of a sudden, they want the Government to jump into a process and we are not doing that. We will await the outcome of the process so that when action is taken, the action could be defended in a court of law if it is challenged. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: What time frame do you envisage? I know it is difficult but what time frame is reasonably appropriate for the conclusion of this matter based on the legal advice?

Hon. Dr. K. Rowley: Madam Speaker, I am in no position to answer that question because that matter is entirely within the purview of the operations of Petrotrin. That is being handled by a responsible board that is handling it responsibly. And I get the impression, Madam Speaker, that my colleagues are disappointed that the matter is being handled properly.

Madam Speaker: Member for Naparima, supplemental question.

Mr. Charles: Is the Prime Minister aware that the line Minister gives general policy directives to boards and this is the existing best practice, and in that context, the Minister is a member of the Cabinet which you lead?

Hon. Dr. K. Rowley: Of course, I am aware of that and that is precisely why the Minister will give no directive to derail the process. [*Desk thumping*]

**Outstanding VAT Arrears
(Prompt Settlement of)**

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. Question No. 5 to the hon. Prime Minister: Given the outstanding VAT arrears owed to the business community by the Government amounting to approximately \$5.5 billion, could the Prime Minister inform this House when this issue will be addressed and promptly settled?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, this matter of the repayment of VAT to the business community is a very vexing matter and I am sure that Members on the other side would realize that \$6 billion is more than \$5.5 billion. We have been addressing this matter and reducing the amount of money. And of course, as part of the overall management of the country's finances, we will make every effort to ensure that the VAT returns are paid in a timely manner as we make every effort to collect the \$6 billion outstanding VAT as well. [*Desk thumping*]

**Joint Police/Army Patrols
(Status of)**

Mr. Rudranath Indarsingh (Couva South): Thank you, Madam Speaker. Could the Prime Minister inform this House of the status of joint police/army patrols in the constituency of Couva South and the wider country?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the joint patrols where they exist, whether it is in Couva South, north-east, north or west, those units are responding to the state of play in those communities and as far as I am aware this morning, the patrol in Couva South is functioning normally.

Madam Speaker: Member for Couva South, supplemental.

Mr. Indarsingh: Thank you, Madam Speaker. Mr. Prime Minister, taking into consideration that Mr. Dwayne Callender, Chandroutie Harrylal, Nishad Radhay and Pundit Sunil Ragbirsingh, all constituents of Couva South, were murdered in the last month and as Head of the National Security Council, do you have the records from the Commissioner of Police and the Chief of Defence Staff as to when did a joint army/police patrol last take place in the constituency of Couva South?

Hon. Dr. K. Rowley: Madam Speaker, if my colleague from Couva South believes that the Prime Minister has that information, he obviously does not understand the structure of administration in this country. [*Desk thumping*]

**Sexual Harassment in the Workplace
(Specific Legislation for)**

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker. Could the Prime Minister inform this House when specific legislation to address sexual harassment in the workplace will become part of the Government's legislative agenda?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I expect that given what is happening around us, local, regional and worldwide, that such a development will take place, and when it does take place, I trust that my colleagues on the other side will join us and support it. Because as a father of two women, I would not want the workplace to remain the way it is, where members who go as far as to find themselves charged for a rape get themselves elected without let or hindrance in this country and become the heroes, whether it is in the labour movement, in the political arena or anywhere else in this country. So I expect that it will come sometime—maybe you can bring the Motion and we will support it. But if you do not bring it, we will bring it and I hope you will support it. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Given the Prime Minister's commitment, Madam Speaker, is the Prime Minister prepared to relieve Mr. Rolph Balgobin as the Chairman of the board of Angostura?

Madam Speaker: I am not going to permit that as a supplemental question.

URGENT QUESTIONS

**Crime Situation
(Government's Control of)**

Mr. Fazal Karim (*Chaguanas East*): Thank you, Madam Speaker. Question to the hon. Attorney General and Minister of Legal Affairs: With 16 murders in four days, can the Attorney General maintain to the national community that the Government is in control of the crime situation?

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I will certainly maintain that after the debate which is to come on anti-gang legislation in a short while because the Government is doing its very best to do its part of it. It really does depend upon the Opposition today. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Thank you, Madam Speaker. Is it possible—can the hon. Attorney General give us some comfort as a nation in terms of what is or will be done to alleviate this situation?

Hon. F. Al-Rawi: I would be comforted if true patriots stood in this Parliament, address the laws that the Parliament has the power to bring which a Government can table, for instance the anti-gang law, without being anticipatory. I would be very comforted if my colleagues opposite would all stand and say that what is good for them when in Government is good for the country when they are out of Government, and that is what I would hope.

Madam Speaker: Member for Chaguanas East, supplemental.

Mr. Karim: Thank you, Madam Speaker. To the hon. Attorney General, and for the records, are you in a position to indicate what specific plans you are contemplating to address this spiralling crime situation?

Hon. F. Al-Rawi: Madam Speaker, the plans that the Government has afoot include: the completion of the improvements to the criminal justice system, one year of parliamentary work has been afoot at that; secondly, to create a criminal division which is a merger of the Magistracy and the High Court; thirdly, to deal with the backlog which has been identified; fourthly, to complete the removal of offences from the Motor Vehicles and Road Traffic Court; fifthly, to institute and complete the work, which we are nearly finished on, on a public defenders system, a national prosecution agency which involves a marriage between the DPP and the Commissioner of Police.

We also intend to bring anti-gang legislation to the forefront of this charge so that the interruption for criminal activity can have a fighting chance. We also intend to complete the fit-out of recommendations pursuant to the police manpower audit, some of which included the fact of the need for constitutional reform at the service commission level.

We further intend to bring the white-collar crime “follow the money” fraud package to take the profit out of crime. That is where life to the Proceeds of Crime Act and the Anti-Terrorism Act, money laundering, et cetera, come to the forefront and where people may be surprised to understand that that is how you treat with crime; for instance, by including it into schedules of law that you are going to debate, et cetera, to treat with activity. And we also intend to support the Minister of National Security in ensuring that the intelligence agencies and the operational forces of Government together work in unison. [*Desk thumping*]

**Private Secondary Schools
(Outstanding Money)**

Dr. Lackram Bodoë (Fyzabad): Thank you, Madam Speaker. To the Minister of Education, can the Minister indicate how much money is outstanding to the private secondary schools which have enrolled students on behalf of the Ministry of Education?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, on behalf of the Minister of Education, the amount of money owed to private secondary schools for the first term of academic year 2017/2018 as at 6th December, 2017, is \$709,200. This is further disaggregated as follows: Christ College, \$175,200; CUC, \$534,000. These outstanding bills are currently being processed for payment.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you, Madam Speaker. Minister, can you indicate how many students are allocated to these private secondary schools by these current arrangements?

Hon. C. Robinson-Regis: Madam Speaker, unfortunately I do not have that information with me.

Dr. Bodoë: You could supply it perhaps in writing?

Hon. C. Robinson-Regis: Yeah.

Dr. Bodoë: Thank you.

ORAL ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. We will be answering all oral questions. There were no written questions.

**Increased Demand for CNG Conversions
(Initiatives to assist Licensed Converters)**

29. Mr. David Lee (Pointe-a-Pierre) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Energy and Energy Industries:

In light of the increased demand for CNG conversions due to rising fuel prices, could the Minister indicate the initiatives undertaken to assist licensed converters to treat with the increased demand?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. The Government is committed to the development of compressed natural gas as a major transportation fuel. Based on this commitment, the grant of fiscal incentives benefiting a cross section of participants, ranging from individuals to installers, at a competitive price compared to liquid fuels, there has been an upsurge in the interest and the adoption of CNG as a transportation fuel of choice. In this regard, the number of vehicles utilizing CNG has doubled from 1,522 in 2014 to approximately 3,000 vehicles in 2017 based on the demand; and based on demand, it is expected to increase significantly in the ensuing years. To maintain this momentum, NGC CNG has been given the mandate for the sustained development of CNG as a transportation fuel.

To this end, NGC CNG is committed to the accelerated conversions of motor vehicles. By 2020, it is estimated that there will be a whopping 19,000 vehicles using CNG. This will result in the displacement of 10 per cent or 100 million litres of liquid fuel per annum and generating a saving of \$181 million based on current fuel prices. There are currently three approved converters, licensed converters, that is: ANSA, Dumore and Massy ACL, and the number would increase with the addition of VMCOTT which recently received a conditional approval. With the exception of VMCOTT, all converters are private sector entities. Other firms have signalled intention to apply to conduct conversions as they are bolstered by the business prospect given the fuel pricing paradigm.

In collaboration with the Ministry of Energy and Energy Industries, NGC CNG has undertaken to assist licensed converters to treat with increasing demand for conversion. These initiatives include:

- (a) Regular and routine coordination with converters to effectively programme their conversion schedule based on feedback NGC CNG received from the public;
- (b) Evaluation of converters manpower requirement to meet the demand for conversion;
- (c) Technical support as required;
- (d) Very interestingly, the structuring of the NESC of training programmes for the development of a cadre of individuals to perform as CNG service technicians to meet the needs of the converters; and

- (e) Discussions with MIC on the deepening of the skill base of the industry by creating a pool of trained technicians that can be absorbed into the conversion market.

Given the projected growth of the CNG vehicles to the amount of 19,000 as I said before by 2020, there will be a need to ramp up all aspects of the industry.

10.30 a.m.

Accordingly, the Ministry of Energy and Energy Industries will be working closely with all the other relevant agencies, such as Town and Country Planning Division, EMA, OSHA, Trinidad and Tobago Fire Service, NGC CNG and NESC, to ensure that requisite services and support as appropriate is provided to the convertors and other players that make up this expanding and growing industry.

Mr. Karim: Thank you, Madam Speaker. Will the hon. Minister of Energy and Energy Industries indicate how many such technicians, through the NESC and the MIC you intend to train? When will this training programme commence and will this training programme be GATE approved?

Sen. The Hon. F. Khan: I cannot provide that answer at this time but I can surely make that information available.

Dr. Gopeesingh: Could you indicate, hon. Minister, the source of that anticipated empirical data that you just spoke about, the projected 19,000 and the saving of the hundred—the source of that information?

Sen. The Hon. F. Khan: Once you have a projected 19,000, you can calculate the average fuel used per vehicle. The source is NGC CNG and the Ministry of Energy and Energy Industries.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, can you say how many filling stations exist to cater for the CNG vehicles and how many more you anticipate by when?

Sen. The Hon. F. Khan: Again, I do not have that figure off the cuff, but as you see, every new station that we are opening, and we have been opening quite a lot, they have CNG components in it, and we are also going to build what we call a flagship CNG station at the famous Preysal roundabout where we will be having 12 CNG filling booths.

Hon. Member: Remind them who build that.

**Victim and Witness Support Unit
(Case Details of)**

30. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of National Security:

Given that the Victim and Witness Support Unit (VWSU), Trinidad and Tobago Police Service received 750 new cases from July to September 2017, could the Minister indicate:

- a) the number of these cases that were successfully rehabilitated; and
- b) whether the VWSU has sufficient resources to effectively rehabilitate cases?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):
Thank you very much, Madam Speaker. The Victim and Witness Support Unit commonly referred to as VWSU, was birthed out of the transformation initiative within the Trinidad and Tobago Police Service and was operationalized in January 2008.

The VWSU is an integral part of the citizen centered approach in the Police Service and addresses the psychosocial elements of treating with the victims and witnesses of crime. This unit, Madam Speaker, does not rehabilitate cases. However, the focus of the unit is to provide support to victims and witnesses of crimes through support groups and mediation training. In the aftermath of a crime, victims and witnesses often experience a range of emotions with limited assistance in restoring their personal equilibrium. Hence, the principal aim of the VWSU is to bridge the service gap between the Police Service, victims and witnesses of crime through the development of policies, programmes and initiatives that will support these persons.

In the development support of victims and witnesses, the core service and initiatives provided are as follows, Madam Speaker:

- individual tailored support to meet the needs of victims and witnesses of crime;
- guidance through the criminal justice system;
- information on the progress of investigations;
- liaison services with other support agencies.

The policy of the Victim and Witness Support Unit of the Trinidad and Tobago Police Service is to ensure that victims and witnesses of crime are given the necessary emotional support, along with the appropriate referrals to external support agencies with the aim of minimizing the effects of victimization, thus empowering the individuals and facilitating their holistic recovery.

The statistical outcome of cases are as follow: 44.5 per cent of cases filed have been closed; 7 per cent of the cases have been referred to external support and 48.5 per cent support services are still being provided for cases.

Additionally, Madam Speaker, the strategic objectives of the VWSU is to increase public trust and confidence by assisting the Trinidad and Tobago Police Service in building meaningful relationships with other communities. There are right now 21 positions that make up the technical staff of complements of the VWSU. Currently there are 18 persons employed with three additional victim support officers required to satisfy the staff contingent. Madam Speaker, it should be noted that the staff are qualified to provide support to victims and witnesses of crime. Thank you.

**Augusta Westland 139s Helicopters
(Inability to Assist in Hurricane Relief)**

37. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of National Security:

Could the Minister indicate the reasons that the four (4) Augusta Westland 139s helicopters attached to the Trinidad and Tobago Air Guard were unable to assist in hurricane relief efforts in Dominica?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. Cabinet at its meeting of June 29th, 2017, took the decision to ground the four AW 139 helicopters of the Trinidad and Tobago Air Guard, due to the high cost of maintenance associated with these aircraft. At the time, Cabinet was considering a proposal which had a cost of approximately \$200 million per year.

Given the economic situation which was being faced and is continuing to be faced by the country, Cabinet opted to have the helicopters grounded as a cost saving measure. Pronouncements to this effect were made by the hon. Prime Minister at the post Cabinet media briefing of that date.

Given this decision of Cabinet, those specific helicopters were not available to be put into operation in the disaster relief efforts made by this country to assist the

Government and residents of the Commonwealth of Dominica following the passage of hurricane Maria in September 2017.

It is to be noted, however, Madam Speaker, that the hon. Prime Minister also indicated at the June 29th post Cabinet media briefing that the Air Guard helicopters are not the only ones in service to the Government and the people of Trinidad and Tobago and made mention of the national helicopter limited, while responding to a question from the media. It is to be noted, Madam Speaker, that with regard to the Government of Trinidad and Tobago assistance to Dominica, they were able to use the helicopters at the National Helicopter Services Limited quite effectively in providing relief to the Government and people of Dominica.

Mr. Lee: Thank you, Madam Speaker. To the Minister of National Security, based on what he just said about the high maintenance cost, is the Government considering the sale of these four Augusta Westland helicopters?

Hon. Maj. Gen. E. Dillon: Madam Speaker, the Government is considering a number of options right now including looking at the capability of the National Helicopter Services to deal with the maintenance and support of the AW 139 helicopters.

Dr. Gopeesingh: Part of it was answered, but based on the grounding and the depreciation aspect of these helicopters, is there anything urgent that the Government is contemplating to deal with this matter while the depreciation of these helicopters continues to worsen?

Hon. Maj. Gen. E. Dillon: Madam Speaker, let me correct the announcement by the—the helicopters are not being depreciated, they are under what you call “ground maintenance”. So they are not being depreciated at all, they are maintained. They are in fact under an air operating certificate at this point in time. So they are not being deteriorated at all, hence the reason they are placed in a specific kind of maintenance, ground maintenance, right now.

Mr. Karim: Thank you very much, Madam Speaker. Could the hon. Minister indicate even though the AW 139s are grounded whether there is an existing maintenance contract and if so, with whom and for what amount?

Hon. Maj. Gen. E. Dillon: Madam Speaker, yes there is an existing contract with the National Helicopter Services Limited which has an AOC and an AMO at this point in time.

Mrs. Newallo-Hosein: Thank you. Hon. Minister, what you just said when the helicopters are grounded is that in fact, therefore, that during the Beetham incident, is it that the helicopters were not able to do aerial support for the police service?

Hon. Maj. Gen. E. Dillon: Madam Speaker, there are other helicopters available to National Security to conduct those type of operations.

**Paving of Saunders Trace, Barrackpore
(Details of)**

38. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Rural Development and Local Government:

Could the Minister state:

- a) whether the Ministry or the Rural Development Company of Trinidad and Tobago Limited paved Saunders Trace in Barrackpore for use by the Petrotrin lease operator A&V Oil and Gas Limited; and
- b) if the answer to (a) is in the affirmative, provide the total paving cost?

Sorry, Madam Speaker, the Prime Minister had engaged me.

The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein): Thank you very much, Madam Speaker. The two-part question is, the answer to (a), the answer is no, however, I would like the Member to know that rehabilitation of the roadway known as Saunders Trace from Moruga Road to Guayaguayare was undertaken as part of the development of the Moruga region. The project was managed by the Rural Development Company of Trinidad and Tobago.

The Ministry of Agriculture, Land and Fisheries has undertaken the development of a forestry nursery at Saunders Trace, and the Ministry of Trade and Industry through the Urban Development Corporation of Trinidad and Tobago plans to develop a 20-acre agro-processing facility which will also handle other light manufacturing activities related to agriculture, fisheries and forestry.

Much of the land surrounding Saunders Trace does in fact belong to Petrotrin, so of course its lease operators such as British Gas, API, Farm Exploration, Well Services Trinity and A&V Oil and Gas Limited will benefit from the paving of this road. However, choosing this project as a focus was rather development of rural areas.

At the Ministry of Rural Development and Local Government, we choose infrastructure projects based on how it can bring benefits to the residents and commuters in rural communities such as these. We have noticed that farmers and residents in the area benefit from this project. It is also a route between Moruga,

Oral Answers to Questions
[SEN THE HON. K. HOSEIN]

Wednesday, December 06, 2017

Rio Claro, Guayaguayare which seeks to aim to bring greater infrastructural connectivity to rural communities. The total sum of the contract was \$10,520,830.21 VAT inclusive.

Dr. Gopeesingh: Ten what—10 million, 10 thousand?

Sen. The Hon. K. Hosein: Ten million. There were savings on the actual works in the amount of \$573,793 and the contractor Kallco Company Limited did not use any contingencies. Therefore, this reduced the VAT and resulted in overall savings of \$1,146,507.75; the total cost of the project was \$9,374,295.47. Thank you. [*Desk thumping*]

**Withdrawal of Civil Proceedings
(Payment to the late Malcom Jones)**

39. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Attorney General:

Could the Attorney General indicate whether his Ministry made any payments to the late Malcolm Jones consequent upon the withdrawal of civil proceedings against him in 2016?

The Attorney General (Hon. Faris Al-Rawi): The answer is no. [*Desk thumping*]

**Caroni lands at Jerningham Junction
(Status Update re Distribution)**

40. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister provide a status update on the Caroni lands located at Jerningham Junction, Caroni Savannah Road, which were earmarked for distribution as residential lots to Caroni workers in 2011?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam Speaker, the Estate Management and Business Development Company Limited is responsible for the development of the residential lots previously owned by Caroni (1975) Limited.

The EMBD has advised that the Jerningham Junction and Caroni Savannah Road are in fact two separate residential sites. The site located at Jerningham Junction is referred to as the Chin Chin residential site, the site located at Caroni Savannah area is referred to as the Caroni Savannah Road residential site.

The status for both sites are as follows: the Chin Chin residential site, the infrastructure works have been completed and approved by the Chaguanas Borough Corporation since August 2011; 807 lots were handed over to Caroni (1975) Limited for distribution to the former Caroni workers. According to the status report from Caroni 1975 Limited, 502 leases have been executed for this site.

In relation to the Caroni Savannah Road residential site, the infrastructure works for the 419 lots on this site were completed in August 2015 and are still awaiting statutory approvals from the Drainage Division of the Ministry of Works and Transport, the Fire Services, and the Chaguanas Borough Corporation. It is expected that in order to obtain the above approvals some minor additional works will be required and once these approvals have been obtained, the lots will be distributed to the Caroni workers. I thank you.

Dr. Gopeesingh: What plans do you have for the remaining approximately 300 residential lots which have been completed for distribution for the Caroni workers?

Sen. The Hon. C. Rambharat: Madam Speaker, as fast as the lots are available for distribution and the leases have been prepared, those leases will be distributed to the former Caroni workers. In fact, Madam Speaker, contrary to what I have heard recently in the public domain, since assuming office, this administration has distributed more than 4,000 leases to former Caroni (1975) Limited workers. *[Desk thumping]*

10.45 a.m.

Agricultural Access Roads in Mayaro (Details of Repairs)

41. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister provide:

- a) a list of Agricultural Access Roads repaired in the Mayaro Constituency over the last twenty four (24) months;
- b) the date of the request to repair the Agricultural Access Roads listed in part (a); and
- c) the name of the person(s) that submitted the request for the repair of Agricultural Access Roads listed in part (a)?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam Speaker, over the last 24 months, the Ministry has effected works on four access roads in the Mayaro constituency. These are Dades Trace A, Dades Trace B and Settlement Road, Rio Claro; Dades Trace C, Dades Trace D in Rio Claro; the Rio Claro Food Crop Project Road known as A and road known as B. In the Rio Claro Food Crop Project, the Approach Road and the road known as D.

The date of request to repair these agricultural access roads was 23 December, 2015, and, Madam Speaker, the request to repair these roads was made through the agricultural assistant assigned to the Rio Claro district, and submitted to the Regional Administration South Office of the Ministry of Agriculture, Land and Fisheries. I thank you.

ANTI-GANG BILL, 2017

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I beg to move:

That a Bill to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters, be now read a second time.

Madam Speaker, we are here today on the 6th of December, 2017, to treat with the reintroduction of anti-gang legislation into the laws of Trinidad and Tobago. The Bill before us is a mere 18 clauses long, and by way of reintroduction of laws we are, for the record, treating with a very interesting phenomenon in Trinidad and Tobago, where this country in 2011 took a deliberate decision to introduce anti-gang legislation onto the books of Trinidad and Tobago. The question is: Why did the country do so in 2011? And in 2011, Act No. 10 of 2011 came about.

The feature of anti-gang legislation was introduced by then Attorney General, Anand Ramlogan, first laid in the House of Representatives on the 16th of July, 2010. On the 3rd of December, 2010, a joint select committee actually came about and 12 Members of the House of Representatives and Senate together combined, served on that joint select committee. Suffice it to say that sitting Members of the current UNC Opposition Bench participated in that joint select committee.

The joint select committee sat on eight occasions. The clauses of the Bill were considered in depth and in detail. There was agreement in that joint select committee. A report of the joint select committee stands on the Parliament's website, hard

copies of it are available. That report of the joint select committee shows: Anand Ramlogan, Prakash Ramadhar, Herbert Volney, Stephen Cadiz, Jairam Seemungal, Subhas Panday, Brig. John Sandy, Marlene Mc Donald, Colm Imbert, Fitzgerald Hinds, Corrine Baptiste-Mc Knight and Elton Prescott. The contributors in the adoption of the report included the Member for Siparia and other Members now present in this bench: the Members for Caroni Central, Chaguanas East, Couva South, St. Augustine, Oropouche East and Caroni East; all participated. All gave fulsome support, all spoke to the brilliance of the work done in the joint select committee.

In the joint select committee, specific issues were decided: How to treat with a gang definition, how to treat with what a gang leader is, how to treat with what criminal gang activity was to be defined in law, what the offences should be in law, whether the offences were proportionate offences in law, whether the concept of treating with children should be properly considered, whether there should be an address by the Trinidad and Tobago Police Service and a simple form of statistical information was provided then. But in that joint select committee, there was no significant disagreement amongst the members. In fact, we have done all of that properly. And so, Madam Speaker, the law to treat with criminal gang activity was born for the first time in Trinidad and Tobago. In fact, that law was assented to on the 23rd of May, 2011, and it was proclaimed on the 15th of August, 2011.

It stood on the books of Trinidad and Tobago—15th of August, 2011, 2012, 2013, 2014, 2015 and 2016. Five full years that law stood on the books of Trinidad and Tobago undisturbed. But in that period of time for those five years, the law was allowed to be explored, in particular, by the country and, more importantly, by the Judiciary of Trinidad and Tobago, and I will explain how that happened and what came about from that process.

Specifically, we are aware that six days after the proclamation of the anti-gang law on the 21st of August, 2011, Prime Minister, Kamla Persad-Bissessar, the Member for Siparia—she now sits and still sits—called a state of emergency first described as a limited state of emergency, and then when that concept in law was pointed out as non-existent, it became a full state of emergency. In that state of emergency, 463 people were arrested under the anti-gang law; 213 of them were released by way of intervention by the Director of Public Prosecutions; 142 people were charged under the state of emergency for gang activity—charges still prevailing—and in our courts, at present, in the Magistrates' Courts, there are 33 anti-gang matters and at the High Court there are 40 anti-gang matters.

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

Specifically of the 142 people who were charged under the state of emergency, it is very interesting to note that this also includes persons who are well known to Trinidad and Tobago, and without going into the merits of any cases, they include the infamous Rajae Ali, just to let you know.

While this has come to the attention of the court, there was a very excellent piece of work produced in the Stuart matter, and permit me to pull that. So in the High Court, before the hon. Madam Justice Joan Charles, a case came about, asking the court to consider the imposition of damages—exemplary damages, aggravated damages—to treat with what the claimant in that litigation described as false imprisonment and malicious prosecution. That case, Madam Speaker, which then went to the Court of Appeal, in Civil Appeal No. P162 of 2015—it is the case of *The Attorney General v Kevin Stuart also known as Kevin Stewart*—two different spellings: S-T-U-A-R-T and S-T-E-W-A-R-T. The honourable Mr. Justice Nolan Bereaux, reflected upon the anti-gang legislation. Specifically, he traversed the grounds as to what is required by way of evidence. He specifically used a very interesting term to be found in the judgment where he said that the anti-gang law was no slam dunk by way of evidence. That was a very interesting perspective to be found at page 12 of 28 of the honourable Justice of Appeal's written judgment, and the honourable judge said:

“It is readily apparent from these provisions that proving gang membership in a court of law is no slam dunk.”

And the honourable Justice of Appeal went into what is required by way of evidence to secure conviction. The honourable judge noted that there had to be the position of a gang membership relationship; that you had to have a gang, more than two persons; that you had to show an operation between the gang members; that any one of the scheduled offences described in that law in the First Schedule—be they possession of narcotics or possession of a firearm or kidnapping—that that offence must be related to gang activity.

The honourable judge went into how evidence ought to be produced to the courts, et cetera, and the honourable judge in allowing the appeal of the State—as it related to the judge at first instance finding on false imprisonment and malicious prosecution—he allowed in a part, he said look, I will give damages for false imprisonment. I will say that the arrest was improper, but I would not go so far to say it is malicious prosecution, and he said so because he said that it was clear that evidence in this case had not been gathered in accordance with what one should logically associate with evidence of this type. That ties back into the issue as to how and why so many people were released.

Of the 463 people arrested under the old, now expired, anti-gang law, 213 of them were released. They were released quite simply because the evidence behind their arrest and the charge for the offences under the anti-gang legislation were not proved. The courts in Trinidad and Tobago, therefore, made no reflection at all, negatively, that the anti-gang law was bad law. In fact, it said—quite simply it said the opposite, because the court felt squarely to consider the anti-gang law itself. What happened was—and this came about in terms of preparation for evidence—then Attorney General Ramlogan in dealing with the state of emergency simply said, go out and charge and find the evidence after. That is what happened in the anti-gang operationalization six days after assent.

Now, Madam Speaker, this law, the expired law, fell because there was a sunset clause attached to the Act No. 10 of 2011, and that sunset clause was that the law would expire after five years, and if the Parliament did not convene itself and agree to extend that time frame, the law would fall apart. Madam Speaker, most interestingly, the Government came in June of 2016, told the nation that on the 17th of June, 2016, by way of a Bill laid in this House, we told the nation this Government wishes to extend the life of the Anti-Gang Act and to extend the life of the Bail Act which was amended as a corollary to the Anti-Gang Act for a period of two years to August 2018 so that we can assess the situation.

In the debate which occurred then, none other than the Leader of the Opposition told this country, it essentially was a position which could not be supported, that the Opposition would not allow for the continuation of the law to prevail—the anti-gang law and the amendments to the Bail Act—because in their estimation they required statistical evidence to be produced to the Parliament to show how the Act operated or not, and they related that to the tying of the sunset clause and the rationale for sunset clauses. We in the Government pointed out in that debate and we said to the country, you, the outgoing Government, did not do the exercise of analysis behind the anti-gang law—we accept that you did not do it—allow us, the present Government, the opportunity to keep this law and to bring the assessment and we will extend it to 2018. Let us keep the position in effect. The Opposition said to the country that that was a no go, that that will not happen and they voted down the Bill with 22 Members of the Government saying yes and 18 Members—every man jack, hon. Member, as they sit and stand—of the Opposition said no to the anti-gang law and, therefore, the law collapsed.

What happened next, Madam Speaker? The anti-gang law collapsed, and what does that mean? The population may say, well you have laws that treat with firearms, narcotics; you have laws that treat with all sorts of offences—

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

kidnappings, et cetera—all contained in the First Schedule of the expired anti-gang law, why do you not treat with that? That is true. The common law and statutory offences which exist in this country do allow for arrests, prosecution and conviction of those offences under the specific areas of law as they stand, but they do not do what the anti-gang law does, which is to specifically allow for the interruption of criminal activity by going for an offence of gang membership or gang relationship or gang support, and instead it requires you—if you do not have this law—to go and pick up every firearm, every piece of narcotics and go through those things.

And we know in Trinidad and Tobago, Madam Speaker, that that experimentation with the implementation of the existing laws has not borne fruit for generations. Notwithstanding the fact that in Trinidad and Tobago today, detection and recovery of firearms is at an all-time high; notwithstanding the fact—I see the Member for Naparima laughing as he usually does—the detection and pick up of firearms in this country is at an all-time high, the fact is 4,674 firearms have been picked up—but what is that—in the period 2010 to 2017.

What does that mean if murders are going up as well because the true barometer of crime is murder and murders are climbing? The law without an anti-gang offence means that arrests and conviction for murder, arrests and conviction for firearm possession and arrests and conviction for narcotics, whilst those numbers are going up, the society is getting no relief and so the anti-gang legislation which treats with how a country is able to interrupt the activity becomes a very real conversation.

Currently in Trinidad and Tobago, Madam Speaker, we have a very interesting phenomenon of videos circulating wild across the media which show gang number one, Rasta City; gang number two, what is referred to as the Muslim gangs, Unruly ISIS, or other Muslim gangs in active video circulation demonstrating shooting off firearms, people with faces. That is evidence of gang activity. That is evidence which can be used to support a prosecution and conviction under the anti-gang law but, by itself, it is not a crime. You cannot take a video of a firearm to the Forensic Firearms Institute. You cannot take it to the forensic institute and says this video shows a man with a firearm, because the law as currently constructed, to give an example, says to be guilty of possession of a firearm it must be a firearm. For it to be a firearm, forensics has to certify it is a firearm—they have to receive it; they have to analyze it; the Armourer's report comes; and it is then tendered in court and that is how you get charged and convicted for possession of a firearm without lawful excuse.

A video of someone shooting a firearm is not possession of a firearm or utilization of a firearm known to law, but under the anti-gang law, specifically in the 2011 law and in this Bill before us, the evidence of those videos are, in fact, supported evidence of gang activity and being a gang member and being in criminal gang activity which can lead to prosecution and conviction. So that is to give you a real example of how this anti-gang law is different from the stand-alone laws, be they at common law or under statute.

But, Madam Speaker, we did not just arrive. We took the position of the Opposition's refusal to support the anti-gang legislation. Their decision resulted in the collapse of the law. The bail laws as amended in Trinidad and Tobago—between 1994 when the Bail Act came about, straight up to 2015—all of them collapsed right back down to the law in 1994. The positions of no bail if your trial starts within 120 days and you are kept out of the system, all collapsed. All of that happened and the Government was told, bring statistics. So what did we do?

We, in fact, drafted anti-gang legislation, now before the Parliament. We took that legislation, we sent it out for stakeholder comments. In the stakeholder comments, we specifically wrote to the Judiciary by way of letter, July 06, 2017, asking them for comments. We wrote to the Commissioner of Police, July 06, 2017, asking for comments. We wrote to the DPP, July 06, 2017, asking for comments. We wrote to the Law Association, by way of same date, asking for comments and then we specifically engaged in an exercise with the Opposition which culminated in an event on July 18, 2017, where the hon. Leader of the Opposition and the hon. Prime Minister met and held discussions to treat with a number of issues as to how the Government and Opposition could operate. And in that meeting, the Leader of the Opposition identified—and opposite to the Attorney General—to receive information on any laws which we propose to advance and send it to Gerald Ramdeen who was identified, and we specifically by way of letter dated August 04, 2017, wrote to Sen. Ramdeen and provided him with the draft anti-gang legislation.

But we did something further. We not only did that. We provided the Opposition with the affidavit of Stephen Williams which was filed in High Court proceedings and which dealt with chapter and verse of the position of anti-gang laws as a requirement in the suite of laws in Trinidad and Tobago, the statistics of gang activity and the set up and operation of the divisions.

We also provided them with a document entitled “Trinidad and Tobago Gang Review 2016 to 2017” where we gave all of the statistical information—number of gangs, number of gang members across the divisions, gangs per police

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

division, where we dealt with the comparative chart as it related over the years and, very particularly, we said to the Opposition that we wish, if you so desire, to sit together with you and work towards a consensual Bill. Listen to the wording of the letter.

We are willing to sit with the Opposition along...and work towards a consensual Bill that deals with the unsatisfactory gang position that exists in Trinidad and Tobago.

August 4th; September, no response. What happened next? We had to write again. We actually wrote—forgive me, not September no response—end of August no response.

On the 17th of August, we again wrote to the Leader of the Opposition, through her designated appointee, Sen. Ramdeen, asking for their views and positions on this. It was only on the 28th of September, 2017, that the Leader of the Opposition responded, she herself to the hon. Prime Minister. And the essence of the letter from the Leader of the Opposition to the hon. Prime Minister is as follows:

You should not have written to Sen. Ramdeen, you should write to me. I am the head of the division. We note that you have sent us two interesting pieces of law—

Because we also sent something called the Special Zones of Operation Law for the Opposition's comment. And, specifically, with respect to the anti-gang legislation, the hon. Leader of the Opposition says:

The draft Anti-Gang Bill, 2017 mirrors in many important respects the provisions of the Anti-Gang Act, 2011.

The hon. Leader of the Opposition then says that for the operation of this law there must be successful prosecutions, and she noted that there was an abysmal state of affairs. She noted a novelty of a particular provision which we had added into that draft law, which allowed for seizure and forfeiture of property prior to conviction in certain circumstances, and the hon. Leader of the Opposition effectively said you need to have proper intelligence to run this. You need to make sure there is an anti-gang unit, because the Leader of the Opposition said:

As you will be aware, most of the members of the last unit are now before the court charged with multiple capital offences.

And the hon. Leader of the Opposition said that there must also be a proper witness protection programme.

The Leader of the Opposition then reflected upon, in a very vague sort of way, that the legislative definition of gang, gang member and gang activity required some form of improvement, but she did not specify what that was, and the hon. Leader of the Opposition said that careful collaboration is required with the Chief Parliamentary Counsel. The Opposition's view was also that the DPP should be involved, Law Association, Criminal Bar, et cetera, and that was the end of that.

The next thing that happened is, of course, that we wrote incessantly to all of the stakeholders that I have just described, and what I can tell you is that we have received no comments from the Judiciary; we have received no comments from the DPP; we have received no comments from the Law Association or the Criminal Bar. We have received by way of comments in sit-down occasions with the Trinidad and Tobago Police Service, certain comments which are reflected in this Bill.

But, Madam Speaker, I want to put this onto the record. Whilst we are engaged in this legislative exercise of consultation in respect of a law which existed on the books of Trinidad and Tobago for five full years with no judicial pronouncement that the law is insufficient or inadequate, whilst we sat with a law for five years—and the Opposition is telling us consult some more and provide us with statistics—the following position has happened. The data on gang-related murders demonstrates that in the period 2010 to 2017, gang-related murders are estimated at 998. The firearms are close to 4,674 for the same seven-year period—that is seizures. The particular provision is quite interesting because in providing the Leader of the Opposition and her team with the affidavit of Stephen Williams, the position of the anti-gang—

Dr. Rowley: Who is Stephen Williams?

Hon. F. Al-Rawi: Stephen Williams, the honourable Acting Commissioner of Police. In providing that affidavit evidence which spoke to particulars, at the time that the Commissioner of Police spoke to the issue of gang activity, he estimated the number of gangs at 2014 to be 92; number of gang members to be 1,500; that gang-related murders were approximately 35 per cent of murders.

In 2016—because I told you that we provided the honourable Leader of the Opposition with a specific document showing the 2016/2017 gang statistics—the statistics were that gangs had grown from 92 to 179. Number of gang members had grown from 1,500 to 2,038. In June 2017, we obtained information and, in fact, on the 30th of November, 2017, I went into the public domain and I told Trinidad and Tobago that we have now reached 211 gangs with 2,459 members,

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

and when you compared the position in 2014 to 2017—let me put that in percentage points—the number of gangs has increased by 129 per cent. The number of gang members has increased by 63 per cent.

We then, Madam Speaker, in our publication to the country, in the press conference, we identified North-Eastern Division has 15 gangs with 256 members; Port of Spain Division, 41 gangs with 574 members; Central Division, 10 gangs with 106 members; Southern Division, 19 gangs with 202 members; Eastern Division, nine gangs with approximately 121 members; Northern Division, 23 gangs with 324 members; South-Western Division, 21 gangs with 178 members; Western Division, 49 gangs with 533 members; Tobago, 24 gangs with 190 members.

We then, Madam Speaker, informed the population that the intelligence agencies know by street name, by gang leader identification, by member identification throughout the nine divisions in Trinidad and Tobago, all the gang members suspected to be gang members. We were able to do that because the country is well aware that this Government came and amended the SSA Act, and specifically changed the focus of the SSA away from narcotics only and into something which we defined in law as “serious crime”, and serious crime includes gang activity, anti-terrorism, money laundering, et cetera, because we changed the focus of intelligence.

11.15 a.m.

We are telling this country through this Parliament, through you today, Madam Speaker, that there has been an exponential rise in gang activity. But, Madam Speaker, it does not stop there. The rise in gang activity has also been measured by the creation of agencies to treat with this. So we have told you about the SSA’s refocus, but the Government did not stop there. Through our agitations at the National Security Council, we encouraged the Commissioner of Police to treat with the gang activity in a different way and, therefore, Madam Speaker, the OCIU, the Organised Crime Intelligence Unit was created, being a merger of the OCNFB, the Organised Crime Narcotics and Firearms Bureau, and the Criminal Gang Intelligence Unit. We took the numbers by way of a launch in September. We added 159 officers to that, but we did not stop there, we also supported the active placement of witnesses into the Justice Protection Programme, and there is stand-alone law for that. Madam Speaker.

The Witness Protection Programme has currently 221 members in witness protection. It is the Justice Protection Act, Chap. 5:33, and we treated with that. But, Madam Speaker, creation of a unit, improvement of intelligence, having witness

protection is all for nought if we do not cause the disruption of gang activity by having a gang law, anti-gang law. [*Desk thumping*] Madam Speaker, I want to point out something, in Jamaica in 2014 an anti-gang law was produced. It was produced into a piece of law called the Criminal Justice (Suppression of Criminal Organizations) Act, 2014. Jamaica produced a piece of law. Yesterday, the Leader of the Opposition, who was Prime Minister when this law passed, did the opposite of what Trinidad and Tobago sees—in its opposition, in its pronouncements, and the Leader of the Opposition, Bunting congratulates—not anybody else other than the JCF, the Jamaica Constabulary Force, and here is what he says:

The Opposition spokesman on National Security, Peter Bunting, is congratulating the Jamaica Constabulary Force on its first conviction under the Criminal Justice (Suppression of Criminal Organizations) Act, more commonly known as the anti-gang legislation.

Mr. Bunting stated for the first time in Jamaica, we have membership in criminal organizations being effectively addressed by the law. No longer are the police constrained to wait on gangsters to commit heinous crimes as they have been provided with a robust law that can pre-empt atrocities against the people without infringing on hard-won rights. The law is being made to work for us, closing in on modern-day criminal enterprise.

Mr. Bunting explained that by design the anti-gang legislation can be used to disrupt criminal organizations, suppressing criminal activity, and restore a sense of security in the society.

Bunting continued:

This strategic legislation was implemented in 2014 as a key tool for law enforcement. If used effectively it will serve as a strong deterrent to gang affiliation generally.

So, Bunting, Leader of the Opposition, says:

When I passed law in 2014 to treat with anti-gang behaviour, I am now as Leader of Opposition congratulating the courts on their first matter.

Well, in Trinidad and Tobago we have 40 cases in the High Court, 33 in the Magistrates' Court, 142 matters outstanding, and this Opposition says to the country, not good enough, no law, let us talk some more—always. Madam Speaker, what we can say is that in Trinidad and Tobago we have a very interesting situation, every month that we talk is murder upon murder, crime upon crime. Madam Speaker, since the law expired, August 2016 to now, there had

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

been 709 murders. Since the law expired, the anti-gang law, to now there had been 709 murders. Firearms seized: 1,195 since August 2016 to now. So, let us talk some more. Let us ask questions in Parliament about what you are going to do with murders. Let us have a select committee.

So, Madam Speaker, we have given documents, we have given legislation, August, September, October, November, December we now stand, not a peep. We have given data. We have given statistics. We have given more than actually came before the Joint Select Committee and, Madam Speaker, when you look to the report of the Joint Select Committee established to consider and report on the Anti-Gang Bill, 2010, Bail (Amdt.) Bill, 2010, what I am explaining to you on the floor of the Parliament right now, nothing of the level of detail of what I have just told the country was inside of this Joint Select Committee, nothing.

But, Madam Speaker, let us get to the Bill, because I am very passionate about this issue—very passionate about this issue. Madam Speaker, in our legislation we come back with 18 clauses, four of them have nothing to do with law at all, really. What are they? Short title, commencement, Act inconsistent with Constitution, and the amendment to the First and Second Schedules. So clause 1, clause 2, clause 3 and clause 18 are what you call, in common parlance, “bush”, nothing to do with law.

We have 14 clauses only, and of those 14 clauses, Madam Speaker, clause 5 is a repetition of the old law. Clause 6 is a repetition of the old clause 5 with some form of small amendment which I will explain. Clause 7 is a repetition of the old clause 6. Clause 8 is a new clause which I will explain. Clause 9 is a repetition of the old clause 8. Clause 10 is a repetition of the old clause 7. Clause 11 is a repetition of the old clause 9. Clause 12 is actually merged with clause 13 as a split between what was the old clause 10, and I will explain that. Clause 14 is the old clause 11. Clause 15 is the old clause 12 with some amendments. Clause 16 is the detention of persons similar to the old clause 13 with some few amendments, which I will explain. Clause 17 is the old clause 14. So we have 14 clauses buried in the same law that was good enough for the Opposition for five years, five years good enough for the Opposition. Good enough for Jamaica Opposition and Government to prevail, notwithstanding change in positions, but I am reading in the papers today a statement by the Member for Pointe-a-Pierre, which, quite frankly, has me in the state and condition I am now. I am angry and I am upset [*Desk thumping*] that Trinidad and Tobago could be in a position where the Opposition will not stand up as patriots for their country and talk to the criminal gang activity.

Madam Speaker, the Beetham exercise which went down, which was the law enforcement taking the fight to gang leaders—everybody knows, ask the Member for Oropouche East who “Spanish” is and who “Chemist” is. Everybody in this country knows, the same way they knew “Robocop”, but Trinidad and Tobago has to be held ransom to people who support gang leaders trying to push back against the police, and that is good enough for the Opposition. So, Madam Speaker, in our definitions clause, in clause 4, we propose—[*Interruption*]

Hon. Member: You are wrong on that.

Hon. F. Al-Rawi: I have nothing to listen to by way of crosstalk, we listen to the debate here on the floor. Madam Speaker, we have tightened, by way of language, the definition of “gang”. We have specifically brought in something called “gang-related activity”, and I want to point out what we have done here in modifying this definition. We have taken section 66 of the Interpretation Act, which is the clause which treats with the inchoate offences, meaning aiding, abetting, counselling, anything that is ancillary to the offence, and we have added it into the law. By doing that, we therefore get a release from the thick language which appeared in the Act where you had to describe all aiding and abetting, and counselling, et cetera. We put it in the definition. We have brought to life section 66 by way of the Interpretation Act application in this time by way of express statement.

We have, Madam Speaker, removed the definition of bulletproof vest, removed the definition of harbouring from the old law, really because they are self-explanatory and do not need to be defined. We have also treated with the addition of “prohibited weapon”, because firearms do not include prohibited weapons, which include noxious substances, et cetera, and that was an omission from the previous law. We have amended the definition of a “school”, specifically to include recreation grounds or parks where children are located. I may need to correct myself, Bunting is the Opposition spokesman, not the Leader of the Opposition in Jamaica, so I just stand corrected on that point. Clause 5 of the Bill is where we split between clause 5 and clause 6 what was a very difficult clause 5 in the old law. We have taken the offences, put them into clause 6; we have treated with how evidence is to be treated in clause 5. We have used the same formula for evidence as in the old law that insignias, et cetera, are not necessary, but we have added in, very importantly, in subclauses (a) to (g). We have borrowed from the Jamaican anti-gang legislation, lifted from their section 6(3) of their Act and added in the material which will allow us to use documents or videos, et cetera, to catch that kind of activity as it exists in Trinidad and Tobago.

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

In the offences, as they appear throughout the Bill, clause 6 go down, et cetera—and we have introduced parts into this Bill to make it more user-friendly. The parts of offences, et cetera, did not exist before, those are just headings. We have specifically targeted out a “gang leader” from a “gang member” and what we have done is to maintain the same provisions. Clause 6 is the same as the old 5(1)(a) and (b); that is clause 6(1). Clause 6(2) is the same as the old 5(2). Clause 6(3) is the same as the old clause 5(1). What we have done in subclause (4) is to add in intelligence, because (4) is where you treat with law enforcement officers being in gang activity, and we saw it as an omission not to have intelligence agencies like members in the SSA being caught by that prohibition.

Madam Speaker, that again repeats in subclause (5), 6(5). Clause 7 which treats with coercion, et cetera, is specifically a repeat of clause 6, except we have added in the creature of the gang leader to be more prominent into that clause. Clause 8, Madam Speaker, is a new clause, and clause 8 is specifically where we introduce what exists in the Jamaican law, which is something called retaliatory action, and I know Minister Hinds will speak to this in more detail. In Jamaica, in their section 13 of their Act, which is similar to our clause 8, we have said that if somebody was involved in gang activity, takes retaliatory action against somebody who is trying to give evidence, against somebody who wants to leave a gang, against somebody who simply says no, you cannot occupy my HDC home to use it for gang activities, you cannot prejudice my family because my son wants to leave your gang; that is captured in clause 8 of the Bill, and there is precedent for it in section 13 of the Jamaican Act.

Clause 9 of the Bill is in essence a simplification of what was the old section 8 of the anti-gang law, and in that it operates because, specifically, we have amended the definition of “gang activity” to bring to life the inchoate crimes, aiding, abetting, counselling, et cetera, and, therefore, we had a simplification of the law in clause 9. Clause 10 is the old section 7, but we have deleted attempts, again, because of the introduction of the definition taking into account the inchoate crimes. Clause 11 is similar to the old section 9. What we have done is to add in a very interesting clause which says that a person who possesses, or under his care or control, bullet-proof vest, firearm, prohibited weapon, et cetera, whether lawfully obtained or not, which he uses or ought reasonably to know would be used for the benefit of a gang, et cetera, is guilty of an offence. And that comes about by way of reading the judgment of the Court of Appeal as to what the individual elements should look like in getting the kinds of conviction that we want.

Clause 12, we split in clause 12 and clause 13 the concept of harbouring and concealing. We are specifically providing there that we treat with it by offering a defence for harbouring and concealing, and we do that by putting an onus, which is constitutional under section 5 of the Constitution, to reverse the burden upon the accused in those circumstances. Clause 14, we have added a novelty, by instead of going simply on one route, either indictable or summary, we have allowed the prosecution the ability to go on triable either way. It is in that clause also that we introduced school. If you are going to recruit a child you are going to be caught by the expanded definition of a school. Clause 15 is where we treat with police powers of entry and search, and this is very similar to the old section 11, and what we have done is to simply pull out the concept of the gang leader there.

Clause 16 which is the detention is the one that deserves some attention. It is similar to section 13 of the old law. What we have done specifically is to allow for the replacement of a Superintendent by an Assistant Superintendent. You can detain for 72 hours. It must be reviewed by an Assistant Superintendent, but if you want to go further, we are saying, go to a judge of the High Court and not a magistrate. There is a stricter burden inside of there, and what we are also doing there is to say that instead of holding you for 144 hours in further detention that you can get 14 days, and that 14 days is to harmonize the approach under the Anti-Terrorism Act. Forfeiture of a property is the same.

The First Schedule is amended by adding in offences under the anti-terrorism, Proceeds of Crime Act and Sedition Act. And I want to say for the record because the time is very short, these have direct precedence in the Jamaican law. They have direct relationship to our obligations to fight the profits of crime as dictated by FATF, CFATF, by global forum, matters for which we have been blacklisted by other entities and organizations for failures on the part of the last Government. But, Madam Speaker, they must be included if we are to be taken seriously in the nations around the world that are viewed to have best practice.

Madam Speaker, I will say a lot more in wind-up, and my colleagues will add a lot more in terms of flesh, suffice it to say, this law is good law. This law has not received negative reflection from the courts of Trinidad and Tobago. We have repeated the guts of the law. There are only 14 clauses here. A normal committee—we have done committee work with hundreds of clauses as a committee of the whole. This law is necessary because the individual laws for firearm possession, for kidnapping, et cetera, do not go as far. It is urgent in light of the fight against crime. We have put in the operational structures, [*Desk thumping*] criminal gang activity, surveillance, et cetera, and we expect the Opposition to distinguish itself today, and tell us how they intend to support Trinidad and Tobago's fight against crime. I beg to move.

Question proposed.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. I listened to the hon. Member for San Fernando West and I want to say that, philosophically, there is a fundamental difference between those on that side and those on the Opposition Benches. [*Desk thumping*] It deals, Madam Speaker, philosophically, with our approach. If we go to the scriptures, in the book of Proverbs it says:

Train up a child in the way he should go and when he grows old he will not depart.

We see children differently, not to jail and to lock up, but as gems to be nurtured. [*Crosstalk*] In the *Holy Quran*, in Surah Verse 17:70—[*Interruption*]

Madam Speaker: Just one minute, please. Members, I understand the whole sort of eagerness with this debate, I remind Members with respect to the provision of Standing Order 53.

Mr. R. Charles: Thank you, Madam Speaker. In the *Holy Quran* in Surah Verse 17:70, I quote:

And surely we have honoured the children of Adam, and we carry them in the land and the sea, and we provide them with good things, and we have made them to excel highly, most of those whom we have created.

And in the Vedas, Madam Speaker, they speak about children, and they say through children we obtain immortality. And in the African proverbs about the society bringing up a child, our children are gems, they are children of God to be honoured, and not, basically, to be locked up and jailed, et cetera. But why are we here in Parliament? After all the “ole” talk, the real reason we are here is because this Government has failed to address crime, [*Desk thumping*] with murders, Madam Speaker, now exceeding last year’s count, and communities like Beetham seething with rage. This Government is resorting to PR and seeking to pass blame for their incompetence.

Madam Speaker, we look all over the world, they are aware of what is going on in Trinidad. Sixteen murders in four days, 16 murders, and one was murdered just at the outskirts of my constituency, a Canadian citizen, Vishnu Narine, 56. He was visiting relatives. In the Canadian media, Madam Speaker, I have a list—my friends tell me, what is going on in Trinidad? And this Government, instead of dealing frontally with crime comes with a PR thing, a bad legislation which they know we will oppose so that they could put the blame on us and say that we are not supporting them in the battle of crime. Meanwhile, all over Toronto, all over Canada and the United States they are talking about crime in Trinidad and

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Tobago. I will make the point, and I am reading from the *Daily Express*, Tuesday 05 December, the police planned meeting to discuss the murder upsurge. Madam Speaker, it tells me something, they are holding a meeting after the crime upsurge.

In my research in terms of gang units, and that is one of the fundamental things that was raised by the DPP concerning the inadequacy of this legislation, gang units—[*Interruption*—I will come to that later—gang units provide information, and significant information on the name, dates, telephone numbers, any information that they have with respect to DNA, with respect to an individual. So if in the United States a gang leader or a gang member sneezes, the gang unit knows, and I could go into specifics about that. So when I get data, that is what I call global generic data; we have so many gangs, and we say we know, I know they do not know. And how do I know they do not know, because the Beetham, they arrested two persons in Beetham and they did not have the intelligence to anticipate what would have happened, and they would have been caught flatfooted. If the problem really is that we have 462 murders, and they suspect that it is going to head for 500, they have ways—if we had a proper gang unit, they would know all the gang members, they would be able to go to them, and they would be able to say to them, we expect increased activity, and we will be monitoring you. This is what they do in the United States. [*Interruption*]

Hon. Member: I will arrest them for that.

Mr. R. Charles: You are not arresting them, you speak to them. You give advice.

Madam Speaker, they would wish us to believe the two Bills are the same. The 2011 Act and the present Bill are not the same legislation. [*Desk thumping*] The 2011 Bill had a sunset clause, and this new Bill has three new offences to the Schedule: Schedule 26, offences under the Anti-Terrorism Act; 27, offences under the Proceeds of Crime Act, and 28, offences under the Sedition Act. Tell me, what does the Anti-Terrorism and the Sedition Act have to do with gang members, Madam Speaker? Tell me the real reason. What is the real reason? It may be that these things are included to target persons who support the Opposition, or who oppose this Government. What does sedition have to do with anti-crime legislation? We introduced a sunset clause, they have not. A sunset clause is a statutory provision providing that a particular agency, benefit or law, will expire on a particular date. It gives an opportunity to contemplate, reflect on, see the inadequacies of the legislation, and see what we are going to do to improve it. It is useful in the literature; it is useful to compel the Legislature, the Congress to

Anti-Gang Bill, 2017
[MR. CHARLES]

Wednesday, December 06, 2017

periodically re-examine its delegation of authority, and to assess the utility of those delegations in the light of experience. But the hon. Member for San Fernando West said, and it is quoted in *Hansard*, I am quoting:

In 2011 we put in with unanimous support, full Opposition support, sunset clause for five years.

He said so. [*Interruption*]

Madam Speaker: If you are quoting *Hansard* you would have to say the reference.

Mr. R. Charles: The 7th of the first, 2016.

Mr. Al-Rawi: Read it, we “doh” trust “yuh”.

Mr. R. Charles: I am saying, the hon. Member said, we put in with unanimous support, the full PNM Opposition support, sunset clause for five years.

But yet in the *Newsday*, the 4th of December, 2017, he says, and I quote:

“No sunset clause for the new Anti-Gang Act, says...”—the Attorney General.

So he boasts on one hand about a sunset clause and he comes afterwards and says that there is going to be no sunset clause, but we have raised a number of issues with the legislation and the sunset clause provides us an opportunity to contemplate and reflect on the legislation. We have asked for data on the efficacy of the Act.

How many people were charged; he gave us data on that under the 2010 Act, but how many were convicted, not a single one. What were the deficiencies of the 2010 Act? And how do the amendments address these specific deficiencies? What can we expect from this legislation? He has to come to tell the population what is the utility of this Bill. How will it improve our lives, the lives of at-risk youth? It is not about locking them up, it is also about the peace, order and good governance with respect to the people of the ghetto. How will it reduce crime and how much? They never give us a quantifiable measure and say—would it reduce crime by 10 per cent? At least we have some measure to analyse the Bill. If this legislation is passed, can he guarantee that the murder rate would be reduced by 10 per cent? If you are so sure that this is necessary, if you are so sure that there is a utilitarian aspect to this, well, then tell us the result, we would support.

What he has not told us is whether our police are well equipped, trained, and ready to implement this Act, and I will point out later about how it operates in serious countries. Is our Forensic Science Centre up to the challenges of this new legislation? If this

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

new legislation works and 2,000 gang members are arrested, does the Forensic Science Centre, as it exists, is it capable of dealing with that additional burden?

Hon. Member: Which clause is that?

Mr. R. Charles: Can our Remand Yard cater for the deluge of young inmates if this Bill is successful? [*Interruption*]

Mr. Lee: Madam Speaker, 53(f), I am trying to listen to my Member.

Madam Speaker: Members, please, listen in silence, and if there is need to speak, please, in hushed tones, and limit the crosstalk. Please, continue.

Mr. R. Charles: Thank you, Madam Speaker. Is this legislation aimed at white collar crime, or is it discriminatorily focused on the ghetto youths? Is this Act duplicitous? And I will deal with that later in my contribution, meaning that we already have laws in place to tackle these problems. We have laws to tackle these problems. The laws are not working but we are putting additional laws to burden the system. Is this capriciously aimed to lock up anyone who is against the PNM, and this Government that is clueless and bankrupt of ideas? Is this a PR smokescreen, unconvincing as it may be, to give the false impression that the PNM is on top of the war on crime when in effect the real reason is to bring bad legislation and then oppose us when we do not support it? And I want to tell my friends opposite, we will not be intimidated to pass bad legislation. We have a duty to this country and we have sworn an oath to uphold the good governance of Trinidad and Tobago. [*Desk thumping*]

Is the PNM not embarrassed that as we speak we have already passed the murder rate for 2016? And you are at your wit's end, come up and confess, we have no ideas, we are trying "ah ting" with this legislation, and help us in this game of hoodwinking Trinidad and Tobago. The hon. Attorney General spoke about relevant stakeholder consultations. He said we wrote this and we wrote that person, and we wrote the Law Association. What he did not tell us was what were their inputs and how were their inputs utilized in creating good legislation.

11.45 a.m.

Did he speak to the different areas within the police service? I am talking about both a drilling down beneath the Commissioner of Police. The Gang Unit, the officers who are involved in intelligence, do they have the resources to give effect to this legislation? Has he spoken to the Social Welfare Department, the probationary services, to see whether they could provide the complementary services that are necessary to make this law work? Guidance counsellors in the

Anti-Gang Bill, 2017
[MR. CHARLES]

Wednesday, December 06, 2017

schools—when you read the literature, you see in the United States, in Canada, in England, they drill down into the schools to prevent the recruitment of gang members in the schools. It is part of the curriculum and you have people sitting, and their job is to be sensitive to the intrusions of gangs into the schools.

Have they spoken to the Law Association? Yes, they wrote the Law Association, but what were the comments of the Law Association and how were they integrated into the legislation? So therefore, it is absent, that input. The Criminal Bar; the Commissioner of Prisons—the Commissioner of Prisons has a significant role in this in terms of reducing recidivism and ensuring that the gang members are not put in Remand Yard and therefore end up being socialized into a life of crime.

The Magistracy, have they been consulted? The Ministry of Education—there are anti-gang concepts in schools, I spoke about that before. The NGOs—I would have liked to hear the input of the Forensic Science Centre, and I will deal with that a little later. The Ministry of Sport? Years ago when Eric Williams, the founder of that party, confronted gang warfare then in the 1960s—and we had the calypso, “When de steel band clash mama yo, if yuh hear cutlass and ting”—what he did was a whole-of-government approach. He transformed the war amongst steel bands into the national pan movement, and that national movement had its annual—Pan Trinbago—they had this annual clash. So when you go to a pan yard and they are preparing for the finals, you can almost feel the tension that Eric Williams was able to transform from the streets into culture. He created the youth camps: El Dorado, Persto Praesto, and he made sure that the at-risk youth were put there, and that there were mentors to change them. He created the Best Village by Joyce Wong Sang and there was cultural war, so he used culture and sport to deal with the gangs. What we have today is a legislation with unidimensional: lock them up, jail them, we are looking for efficiency to put the citizens of Trinidad and Tobago in our prisons.

Have we heard from the DPP? I have a report here, I have some comments from the DPP. He does not support this legislation. I would like to hear what the DPP has to say, since he is pivotal to the success of this legislation. But they have:

Failure to effect convictions. No successful prosecution during the five years.

Laws already exist to deal with issues that are raised in this Bill. When we look at the Schedule we see all the crimes listed: larceny, significant arrest, all these things are dealt with. So in a sense, this Act is duplicitous.

When we look at the First Schedule:

“Gang-Related Activity...

2. Larceny of a motor vehicle...”—laws exist to deal with that:
- “3. Arson.
4. Receiving stolen goods...
12. Threatening to publish with intent to extort.
13. Demanding money with menace...
14. Murder...
16. Robbery, robbery with aggravation...”

He said that they needed additional legislation. Our view on this side is we need implementation of the existing laws so that we do not have a surfeit of laws in our country.

But there are some fundamental constitutional issues with this Bill. The right of association—the law body is against the anti-gang legislation, and I refer to a *Guardian* report, which I will get shortly, which states that they are against this anti-gang legislation. It is the *Trinidad Guardian* newspaper; it is reference 11, which I will get.

I refer to the Gang Prosecutorial Manual, this is by the United States Gang Prosecutorial Manual, by the US Department of Justice. It is in the United States, they are different to us, but it still reflects that there are some transcendental arguments that would transcend both and affect both areas:

It is not against the law to be a gang member in the United States nor can a law outlawing gang membership by itself withstand a constitutional challenge. So police may not stop gang members against their will to interrogate or photograph them merely for belonging to a gang. The United States Supreme Court has stated that the guarantees of the Fourth Amendment do not allow stopping and demanding identification or information or taking photographs of individuals without any specific basis for believing that they are involved in criminal activity.

So in the United States you have to actually be involved before you can stop somebody and question and search. Under this legislation, there are some issues about whether it does not lead to profiling of individuals.

Arbitrary detention, another issue. Clause 16 enables a police officer to detain a person who he reasonably suspects of having committed an offence for a period not exceeding 72 hours. This detention can be effected without a warrant. Madam Speaker, I go

Anti-Gang Bill, 2017
[MR. CHARLES]

Wednesday, December 06, 2017

back to the concerns of the Law Association. They said that the Law Association of Trinidad and Tobago—and I am reading from the *Guardian*, June 29, 2016:

The Law Association of Trinidad and Tobago is not in support of any extension of the life of the Bail (Amdt.) Act and the Anti-Gang Act of 2011 which is now before Parliament.

It says:

In the discharge of its mandate to protect and assist the public in Trinidad and Tobago in all matters relating to the law, including to promote, maintain and support the administration of justice and the rule of law, the Law Association has maintained a clear and consistent position on bail and the anti-gang legislation.

And they give some reasons. That is why they wrote the Law Association, but we have not seen the input or the Attorney General has not addressed the inputs of the Law Association.

Here are the reasons of the Law Association:

Since their initial introduction, neither piece of legislation has acted as a deterrent to the commission of serious crime, nor has there been any explanation nor statistics to show that either piece of legislation has in essence reduced crime.

Do not tell me statistics about how many gangs there are, and we know how many streets and we know their names. We want to know how statistically this legislation has reduced crime.

Secondly, the Law Association says:

The pre-trial detention of persons without bail for a period of 120 days is not reasonably justified in a society that has proper respect for the rights and freedoms of the individual, given the arguable inability of the criminal justice system to process those who are incarcerated under this legislation within a reasonable time.

In the Association's view, that includes—[*Interruption*]

Mrs. Robinson-Regis: Madam Speaker, I rise on Standing Order 48(1). This is not relevant to the Bill before us.

Madam Speaker: I will allow you some leeway, Member for Naparima. Please continue. [*Crosstalk*]

Mrs. Robinson-Regis: I cannot rise on a Standing Order?

Madam Speaker: Just please contain the crosstalk. Continue please, Member for Naparima.

Mr. R. Charles: Madam Speaker, I am speaking about the Law Association and their comments about the Anti-Gang Bill. They said:

In fact, the legislation whose life would be extended under the proposed amendments has significantly increased the number of persons on remand.

That is applicable to this Bill:

The conditions on remand where these accused are kept are acknowledged to be deplorable and have been judiciously described as barbaric and inhumane.

So, if you arrest these gang members you are going to put them, as we speak, in barbaric and inhumane conditions. That is why I made the point, what is our conceptual and philosophical attitude to gang members? Do we see them as equal to us, and all of us being children of God, or do we see them as people who are in a Hobbesian sense, who should be punished and put in prison?

The significant deficiencies of the forensic system resulting in unreasonable delays in forensic testing means that persons are unlikely to have matters involving the use of firearms heard within a minimum of two to three years.

And then, this is a fundamental concern:

There are no safeguards against malfeasance by police officers in a situation in which the mere mention by a police complainant of suspicion of being involved in a gang invokes no bail provisions.

So we have some concerns, and it is not good enough to come to this Parliament and say, we wrote them and they have not responded. Your duty is to incorporate, consult, get the best possible advice, so when we come to this House we have the best possible legislation. The question is why have they not responded? That is a very good question. Because they know they will not be listened to or heard. So there is a fundamental lack of consultation.

In June 2016, and we heard it repeated today, the Attorney General in *Hansard* January 07, 2016:

Specifically, I wrote the Leader of the Opposition. I wrote the DPP. I wrote the Chief Justice, the Law Association, the Criminal Bar Association and the Commissioner of Prisons asking for commentary and cautioning that this Bill would be dealt with to seek an extension of time in relation to the suspension.

Anti-Gang Bill, 2017
[MR. CHARLES]

Wednesday, December 06, 2017

To date, what is required is not to tell us that you wrote, you have to tell us what happened, what was the consequence, what were their inputs or if they did not provide information, what was the reason? Maybe they feel that this Government would not listen. Our research shows that it is only the Opposition Leader who responded, and she asked for further information which has not yet been replied.

Madam Speaker, there is the question of profiling, and I alluded to this in the US legislation. But in this Parliament, *Hansard* Wednesday, December 01st, when the PNM was in Opposition—[*Interruption*]

Madam Speaker: Wednesday, December 01st, what year?

Mr. R. Charles: Wednesday, December 01, 2010. I am reading here Miss Marlene Mc Donald, so it is the hon. Member for Port of Spain South. I quote:

“The legislation is discriminatory, targets Laventille and targets these areas. It is discrimination!”

So what is the difference today? Is this legislation different? And I talked about the US Department of Justice introducing guidelines for federal officers, and saying:

In making routine or spontaneous law enforcement decisions such as ordinary traffic stops, federal law enforcement officers may not use race, ethnicity, gender, national origin, religion, sexual orientation or gender identity to any degree, except that officers may rely on the listed characteristics in specific suspect description. And this prohibition applies even where the use of listed characteristics might otherwise be lawful.

But, Madam Speaker, what about the Forensic Science Centre? We have the retired forensic science pathologist, Dr. Valerie Alexandrov stating that since his retirement nothing has happened. There have been no improvements in the Forensic Science Centre, notwithstanding all the talk we get from that side, and the obfuscation from that side. He says:

“I don’t understand the system they have in place at this time.”

He talks about one of the pathologists in Tobago, one in Trinidad. When the one in Trinidad goes on vacation, the one in Tobago would have to pick up the slack. What would happen in Tobago? He talked about going to the Forensic Science Centre and seeing 900 bodies. Do they think that we would come here and pass legislation because they are bullying us when there are the support systems—[*Interruption*]

Madam Speaker: Member, please do not go there. I want you to bring what you are saying into the Bill. I have allowed you a lot of leeway.

Mr. R. Charles: Madam Speaker, is it not correct to find out for the legislation to have effect that the support systems must be in place? Because they are asking us to support a Bill in the absence of the infrastructure. And this was the point raised by the DPP, the operationalization of this Bill; this is critical. This is not relevant, this is not circuitous. This is important.

We are told that the Remand Yard is overwhelmed. Permit me to put on record this fact. In the prisons, and I am speaking from the *Hansard* July 01, 2016, the hon. Faris Al-Rawi, he says:

“Permit me to put on record this fact. In the prisons, we have 2,345 persons in pre-trial detention.”

And now we are saying that we have 2,400-plus gangs who are targeted by this legislation to further overwhelm our Remand Yard. But you see, we look on the legislation differently. We look at a holistic, all of government approach that involves reducing the pipeline towards the creation of gangs, not just locking up gang members.

So what do we do? What do we say? And here is where Government, the left hand does not know what the right hand is doing. MiLAT—there was a \$4 million decrease in the budget—MiLAT. I am reading, Madam Speaker, from the *Trinidad Guardian* of two weeks ago in which they said—December 5th; sorry, it is quite recently—it is Monday 04 December, 2017, Madam Speaker. This was at the funeral of a member of MiLAT, the person who was conducting the funeral service:

“Prophetess Rev Natasha Leon has called on the Government to implement the youth-oriented Military-Led Academic Training...Academy Programme in the nation’s prisons as a rehabilitative measure.”

She continues:

“This programme should be integrated into the prisons. We ought to look at getting into the schools from as early as preschool and take preventative measures, rather than find solutions...”—after the fact, which this legislation attempts to do.

So we have people from all ranks.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Madam Speaker: Hon. Member for Naparima, your original speaking time is now spent. You are entitled to 15 more minutes. We both cannot stand at the same time. You are entitled to 15 more minutes if you intend to avail yourself.

Mr. R. Charles: I will avail myself, Madam Speaker.

Madam Speaker: Proceed. [*Desk thumping*]

Mr. R. Charles: The Civilian Conservation Corps, another body that would help in reducing the pipeline of at-risk youths into the gangs. That was cut by \$13 million. Mentoring Programme for Youth at Risk, nothing allocated in this year's budget. National Youth Service, nothing allocated. Grants for expansion of universal ECC, \$2.7 million decrease. Decreases in UTT, \$7.5 million; National Training Agency, \$1 million decrease; YTEPP, \$9 million decrease; COSTAATT, \$20 million decrease. But yet they could find money, \$240 million for the SSA. So they are more interested in spying on, locking up rather than helping young people, and that is why when I started I spoke about the spiritual, fundamental, philosophical platform from which we operate with respect to this legislation.

Madam Speaker, it was *Newsday* November 01, 2017:

There is significant male underperformance in our education system.

This is an article by Elizabeth Solomon. We could pass legislation here from now till the heavens fall, if we do not deal fundamentally with that problem, then we will just be creating a situation where we lock up more and more of our young males, and in particular our young black males.

So what is the international experience and what can we learn from them? My colleague talked about the Jamaica example. I quote from the *Gleaner*, January 14, 2014:

The weakness of the anti-gang legislation law

This is by Yvonne Mc Callar Sobers, guest columnist. She says, like our friends opposite:

Politicians will shortly pat each other on the back for finally passing anti-gang legislation. They will yet again convince themselves that harsh law scares criminals, even though crime data suggests otherwise.

That is the same thing here. The crime data suggests that, that harsher and harsher laws do not solve our crime problems. You cannot legislate against crime.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

She says:

With anti-gang law in place, policing methods are likely to alienate more youth and more communities. The police will now be able to arrest and charge inner city youth without needed evidence that they committed any crime. The flurry of arrests will no doubt bring about a fall in crime initially that will seem to prove that the new law is having the desired effect but it will not.

So they bring the example of Jamaica, and we have in the Jamaican *Gleaner* and other papers, it is not working. Crime is rampant in Jamaica, although I saw where there were 130 persons charged since the anti-gang legislation came into place. At least they are working, their police are working and they are doing things. The same cannot be said about Trinidad and Tobago.

I am reading:

Jamaica Anti-Gang Bill approved by House amid controversy.

So it was not a plain sailing. They had concerns just as we have concerns, and so long as we are convinced that there are flaws in the legislation, we are not going to support it. We are not going to support it. We are saying fundamentally that this law needs more consultation. We need to hear from that DPP, we need to hear from the Law Association, the Criminal Bar Association and others who have an impact. So that when we pass legislation, we are sure that we are passing something that is good.

We have, Madam Speaker, the effectiveness of the St. Lucia anti-gang legislation question. So all over the Caribbean we are not singular in asking the questions we are asking. It is almost everywhere, and I will get to Central America very shortly. This is from the Lucian People's Movement in St. Lucia, and I quote:

The message that is emanating from the Government of St. Lucia is that they have finally run out of ideas as to how to effectively deal with growing crime in the country. They have opted to enact simple laws from the comfort of Parliament that will no doubt prove difficult to enforce.

So all over the world we are hearing concerns.

I want to go to El Salvador:

"El Salvador Government recognizes anti-gang law is a bad mistake and plans an alternative."

Anti-Gang Bill, 2017
[MR. CHARLES]

Wednesday, December 06, 2017

These are the countries that are—in fact they say San Pedro Sula is one of the cities with the highest crime rate in the world. They are saying that:

The anti-gang law makes it a crime even to belong to a gang. Leaving all youth at risk since a group of minors can be arrested for being together on a corner or for having tattoos.

And they go on to say that they are looking at alternatives. This is the Government of El Salvador, and there are others.

Guatemala departs from draconian regional policy on gangs.

I am quoting:

Guatemala is taking a different tack from its neighbours in the regional effort to control gang violence. Guatemala has witnessed the result of what they call the ‘Super Mano Dura policy’ that has stuffed the prisons in El Salvador, and the anti-gang law in Honduras, and has led to the death by fire for more than 100 imprisoned gang members. The commissioner of the presidential coordinating commission he says that Guatemala is ready to attack the problem at its social, economic and educational roots.

So we are seeing a global concern that this legislation, which initially—and in 2010 we thought that it was the panacea to the gang situation and to reduce crime. We are at this stage looking for the evidence to see that the Act worked, and if it worked what is the utility of this Bill and how it can address our situation with crime. We are not convinced, but we have an alternative crime plan which we will roll out subsequently.

Our 10-point plan, and I will just read:

Stop the pipeline to the prisons.

The ECC which globally recognizes that at-risk youths, the babies, the children before they get into primary school they have a chance to compete because they get quality education even at that level. This Government has even stymied and cut budgetary allocations.

The YTC, orphanages, the Children Act, guidance counsellors, so we are stopping the pipeline to the prison through gangs.

Two, we make our schools’ curriculum more relevant to the needs of males and more reflective of multiple intelligences.

Three, we identify and develop policies for at-risk youth.

Four, we minimize income inequalities and reduce poverty.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

And I must give credit to my political leader. While she was in government, the plethora of grants that were given and cash transfers in order to reduce income inequalities.

Incorporate the mosques, churches and temples in an inclusive strategy for at-risk youth.

In our time we gave grants to the churches and this was to help them financially to carry out their spiritual remit, which would be beneficial to us as a country, and specifically to our at-risk youth.

Six, develop a well thought out sport and culture policy including employment opportunities in these areas.

Seven, recreate our approach to tertiary education. Recreate our approach to tertiary education that allows for multiple skills development.

I must give credit to my colleague, Member for Chaguanas East, the plethora of programmes that he instituted, particularly in the tech/voc areas, to ensure that persons who were not academically gifted were able to survive and have a role and a stake in our society.

Eight, introduce entrepreneurship as part of the tertiary curriculum, especially in the tech/voc areas.

You know, in the United States after the Second World War, and all the soldiers were returning, GIs, the general infantry, were returning after the war to the United States, and the United States had a challenge, what should we do with these young men? Theodore Roosevelt—this is where you talk about leadership with vision, not leadership with a lock up mentality—introduced the GI Bill, which gave every GI a quantum of money which he could have used to educate himself. Do you know what happened? Most of those fellas from Kansas and the Midwest who were farmers, ended up being professors, engineers and technologists because of that programme.

So we are saying there is an alternative, an educational alternative, a positive alternative which we could look at. But he did more than that, 10 per cent of all State contracts in terms of buildings, were reserved for graduates of the educational programme consequent upon the GI Bill. Why can we not, if we build this building and the Chinese come from China and they bring their workmen and they bring everything, and all the benefits accrue to China, not reserve 10 per cent of these for graduates of the MiLAT Programme, or the National Training Agency, or the NESC, et cetera? It requires brain thinking.

Anti-Gang Bill, 2017
[MR. CHARLES]

Wednesday, December 06, 2017

But they are opposite. When I read all over the world what they are doing to confront their young people, when I look at what my Government is doing, I am embarrassed because seriously it is not up to the task of the challenges we face in Trinidad and Tobago at this time. It is not. I can guarantee you, Madam Speaker, if we pass this legislation, so long as they are in power, the murder rate will increase annually, year upon year, because they do not know, even though they talk about a holistic all of government approach to solving crime.

Item nine in our plan will involve a critical review of the prison conditions, especially for the under 24 age group and the removal of criminal records in certain situations.

This is standard practice in North America, certain precise targeted situations. So a criminal review of the prison, otherwise we come here and we pass legislation. We have a pipeline to the prisons. The young boys meet graduates, professionals, PhD in crime in our prisons and they become socialized to a life of crime.

12.15 p.m.

Madam Speaker, and the tenth point is:

Community policing backed up by more focused intelligence gathering on gangs.

I am not convinced, notwithstanding what was said by the Member for San Fernando West, that they have the requisite intelligence to deal with the situation and to reduce the situation with crime in our country.

So in summary, what is our position? This is bad legislation which we cannot support in the form presented. It must—must, repeat—be informed by adequate stakeholder input, specifically the DPP, the Law Association, the Criminal Bar Association, the prison service, et cetera, and we are saying we will never, not be coerced to pass bad legislation, we have the country's interest at heart.

Madam Speaker, we are patriots on this side, [*Desk thumping*] we are patriots, we do our work, all of us are convinced, we have nowhere else to go. I have no links with Ghana, I have not sworn allegiance to another country. I am totally—if Trinidad “bun down”, all of us on this side standing on the ashes, [*Desk thumping*] and we will not tolerate from that side the constant accusation about us being patriots.

Madam Speaker, I lived in Canada for 10 years and my accent is Trinidadian, it is not like the Member for Laventille West, an affected something.

Madam Speaker: Please, leave out the personal. [*Crosstalk*]

Mr. R. Charles: It is, my language is Trinidadian to the core. I serve my constituents, all of us on this side, we serve our constituents. The Member for Laventille West, his constituents say they do not see him, he is not seen.

And, Madam Speaker, another point, following the money has not only to do with—and I hope that they equally follow the barrels, the 130,000 that went to FCB. I hope they follow that, it has not been explained fully and I demand an explanation. And the accent on this side, the Member for Laventille West, he must do his work, earn his keep, he must not be a backbencher in Cabinet. I have read A.V. Dicey, and I have read Prof. K.C. Weir, Ivor Jennings and I have not met the concept of a backbench Cabinet Member.

Madam Speaker, so when we talk white collar crime, it is not only about following money, it is about earning the money, and the next time the Prime Minister calls him, I hope he returns his text. Thank you very much, Madam Speaker [*Desk thumping*]

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, I make a contribution to this debate speaking as Member of Parliament for Laventille West [*Desk thumping*] and proudly so, and as well speaking as one of the 23 persons in the Cabinet of the Republic of Trinidad and Tobago. [*Desk thumping*] I speak, having consulted with my constituents for this debate, the constituents of Laventille West. I took the trouble to put together a cadre of individuals from my constituency from all around the constituency, told them about the measures in this Bill and sought their opinions.

The Member for Naparima in his very wild contribution happened to tell us that he was embarrassed. I do not know about what, but it simply reminded me of a woman of the night, a woman of easy virtue attempting to hide her legs; [*Laughter*] hypocritical in the extreme.

Madam Speaker: Please, do not continue along that line.

Hon. F. Hinds: Thank you. Madam Speaker, he spoke of and mentioned this business of young blacks, a matter that is near and dear to me, and spoke pretentiously as though he was concerned. But that Member for Naparima, in response, found himself as one of three UN ambassadors having lunch with Marine Le Pen of the National Front fascist party of France some time ago. When the French ambassador to the UN scorned that meeting, said that she was not

Anti-Gang Bill, 2017
[HON. F. HINDS]

Wednesday, December 06, 2017

welcome, the representative for the United Nations from Trinidad, the Member from Naparima had lunch with her and then coming to tell us about young blacks in Trinidad. They are hypocrites! They are hypocrites, [*Desk thumping*] and unpatriotic wickedness is all we get from them.

He correctly told us that they had fundamental differences from the PNM and I agreed with that, I applauded him, because we love Trinidad and Tobago, [*Desk thumping*] we built Trinidad and Tobago, we have not raped it. We are not possessed of criminogenic tendencies. We uphold the principle of morality in public affairs, and therefore, they are fundamentally different from us on this side. [*Desk thumping*]

He told us hypocritically, Madam Speaker, that they are not about locking up people. I remember John Sandy speaking for the UNC in this House as a former Minister of National Security telling us that we need to love them, embrace them, hug them, and shortly after that, the UNC put in place a state of emergency and locked up hundreds, if not thousands of people, and charged 463 people under the anti-crime and had to release 213 in days; others are going through the courts now, as the Attorney General told us, with great difficulty. Hypocritical in the extreme.

He tried to tell this country that the Bill that we present today which the Attorney General explained is the same at its core with a few amendments in order to meet their tastes, their concerns, because prior to today the Leader of the UNC, the Leader of the Opposition told the country in an interview what their concerns were, and not for the first time. So we took the opportunity, we sat in Joint Select Committee with them on this matter before and we took the opportunity to address their concerns in these amendments, so they are totally familiar with them.

And to come to tell us that the Bill is very different today because theirs had a sunset clause, meaning it would have expired at the end of five years, is hypocritical and empty. And this one does not have a sunset clause because we have learnt since 2011, of the need and the importance of this, the situation that the citizens of this country have to deal with on a daily basis, the impact of this, had we not flawed it and wasted it on that occasion, and now we know it is good for Trinidad and Tobago, it is now no longer new law as it was in 2011 and, therefore, we do not propose a sunset clause. It is as simple as that.

Madam Speaker, I speak to you today or the people of Trinidad and Tobago, in the context of wanton murders around the place, bloodshed, mayhem, where

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

citizens are living in fear. That is a fact. You could live in a place where you feel fear, but you are safe. You could be unsafe and feeling safe, but in Trinidad and Tobago there is a blend of the two.

The UNC is clearly not serious about dealing with this because they are seeing this thing politically. They feel that crime will become a political problem for the PNM and they are not prepared to support in those circumstances, and they are not serious. The fact that they put in the Member for Naparima to respond to the Attorney General, and the fact that you heard what you did for the last 45 minutes is evidence, no more you need that they were not serious about this debate. [*Desk thumping*]

When you look, the public may not see, but I must now tell them. When you look at the benches across the floor, they are half empty. The Member for Siparia is not here. She is somewhere in the Bahamas along with, I suspect, the Member for Oropouche East receiving the most congenial award from some fly-by—some organization. The Member for Chaguanas West is not here.

Hon. Member: “De man fadder dead.”

Hon. F. Hinds: But not here. I have seen in this world where the British Prime Minister—

Mr. Lee: Madam Speaker, 48(1). Where are we going with this?—who is here and who is not here.

Hon. F. Hinds: I am aware—

Madam Speaker: Please continue, Member for Laventille West.

Hon. F. Hinds: The Member for Caroni East is not here as I speak. I have seen British Prime Ministers leave wherever they were in the world, US Presidents, and fly back home in a haste to deal with important matters of national affairs. So I must ask: Where are they? [*Crosstalk*] The Member for Oropouche West is in Miami as well, on this critical matter in circumstances where murder and crime running rampant, as they know. And last week in the mutual assistance debate, the same thing happened. The same thing happened.

They will tell us about Joint Select Committee as the Attorney General told us. A Joint Select Committee is a subset of the Parliament, a few of us representing the whole. We are all here and we are willing to discuss this critical, urgent and important matter in the full glare of the public for all Trinidad and

Anti-Gang Bill, 2017
[HON. F. HINDS]

Wednesday, December 06, 2017

Tobago to see [*Desk thumping*] and to hear the logic and the need and the empty resistance from the other side, and they saw it well in the contribution of the Member for Naparima. We are there to do it line by line, no delaying tactics, no more delay, let us get on with it, we need it now.

And as for my accent, I am a citizen of Trinidad and Tobago and all I try to do is to speak properly when I have to and speak, more importantly, to speak truthfully. [*Desk thumping*] And this debate is about right and wrong, good and evil, righteousness as opposed to “wrongshushness”—permit me a colloquialism now.

Where do you stand in the struggle in Trinidad and Tobago today? Where do we stand as a Parliament in Trinidad and Tobago today? The taxpayers pay us and voted for us to come here to represent their interests, and one of the first duties is to provide them with public safety. And the Member for Naparima, like all of his colleagues, will get up and ask us what we are doing about public safety. We are doing today’s debate, we came here with legislation today to make the platform, the tools, the instruments that the police must use, sharpened, better for them.

Very, very quickly, I am aware that we had the Muslim element coming to Trinidad and Tobago in the late ’80s, at least, long before that, but I am talking about certain elements coming in the late ’80s. It culminated with some activity in 1990 that we will never forget, and then there were some brothers, I mean, I was not in Trinidad at the time, but I understand that they were going around seizing drugs and guns and dominating blocks, and there were some brothers in the Laventille area who decided that we are not tolerating that, we are standing up to them.

And I am told by the people of Laventille and otherwise that that gave birth to this issue of Muslim and Rasta City. Rasta City coined later on to bring about so-called peace, but I told them at that time, because I was in national security at the time after—I am talking about 2005 or so—when I told them that you will have no peace once the weapons of war are in the midst. And I called on them to hand over their guns in the spirit of peace, and that was not really altogether done, some people responded and others not, and the situation has mushroomed since that time.

In 2010, we had a spate of murders as we are having now. I remember one weekend we lost 11 citizens and there were six in Arima and that prompted the Government to institute the infamous state of emergency. They had come to Parliament before, as the AG explained, with the anti-gang legislation. We

*Anti-Gang Bill, 2017**Wednesday, December 06, 2017*

expressed our views, but we understood the circumstances at the time and we provided support for it. It was draconian some people say, it required a special majority, we provided it.

And so, shortly after when they declared the state of emergency, they went in there using that anti-gang legislation, picked up people through the police service who the police knew in their own minds and from their records were involved in criminal gang activity, but they went on the basis of this brand-new legislation and picked up people. Nothing was wrong with the law. It was the operations were not properly planned. They went half cocked, they went unprepared.

And as Mr. Bereaux later explained, you know, there is difference between ordinary crime and gangland crime, something I will come to in a little while. And they did not take the time to procure the evidence, the quality of the evidence that was necessary to convict persons in the gang context as gang members, gang leaders and gang activity, and that was all. But, Madam Speaker, the problems of gangs in reality existed. In fact, the statistics now show that it has doubled, and more than doubled in terms of members.

So the problem existed back in 2011, it subsisted all the way through to today, it still exists, it has gotten worse and therefore, when the time came when the sunset fell upon it, we came back to the Parliament to say to the Parliament, we need your support to continue because the problem continued. And the UNC, for all kinds of reasons, all of which we have attempted to address before coming here today, they refused to give it support. All the issues they raised about statistics and information from the commissioner and all of that, we provided all of it. But, you see, the UNC believes that crime is a PNM problem and not a national problem, and that is why we describe them as unpatriotic, without apology.

So the charges failed and the psyche of the police, the psyche of the national community, the psyche of the Parliament suffered a big blow because the conjoint effect of that State attempt to deal with gangland activity was thwarted. We racked up, in other words, a failure because people did not take time to build up justiciable evidence.

So the gangs are still there bigger and getting worse, the extortion, the murders, the kidnapping, the illegal quarrying which is a major issue because that involves a lot of gang activity too. The police reported to us recently that in one quarry where illegal quarrying is taking place, men are now guarding it with

Anti-Gang Bill, 2017
[HON. F. HINDS]

Wednesday, December 06, 2017

assault weapons and shooting at each other, organized crime around it. And therefore, this business of illegal quarrying is a matter we are dealing with, but we are also dealing with giving the police the power to deal with gang activity, a matter to which I shall shortly return, again.

But in 2016, the Opposition rejected us. There are two main factions as we have seen from the police reports. We are not police officers, I used to be, but now I am a parliamentarian and a Minister of Government, I am a public servant. And the two main gangs are the Rasta City and the Muslims, so-called, and there are neutral gangs and there are other gangs.

In my constituency, and I promised to speak as MP, there are 41 gangs and all I see—I “doh” see gangs because I represent all. I “doh” see gangs, I see ordinary, poor, disaffected youth misguided, being misled, being used by those who are more mature than them and those who set themselves up as being big and powerful in the communities, and this legislation will give the police an opportunity to deal with that.

And in many cases, Madam Speaker, most of them, unlike me, are not no genuine Rasta. They “doh” understand the philosophy, they “doh” understand the root, they do not, but it is a name. And so too, many of the so-called Muslims, some might be true to the Shahada and their oath and the way of their life, but a lot of them are just using the name. And from the information we have from the police, they are very footloose. We have seen gangs that were Muslim convert to Rasta City and vice versa. It is happening all of the area of Laventille and many parts of the country unbeknown to many other citizens are now marked out in areas.

Yesterday, a constituent called me and she had a problem, and I told her to come up to the office to see me. She said, “Mr. Hinds, I cannot come there”. My office is in St. Barb’s. I said, “Why?” She said, “I doh want to be no message”. I said, “But you are not in gang”. But she said, “I could be a message, they could use me to send a message”. And she then told me that the area is area coded. And it is true, but for those who are not involved in that particularly, mature citizens, and certainly our friends on the other side, they would not have a clue what is going on around us, but the police know, the police understand and we take our timing from their reports, and they have asked us for this legislation and we are here today to make it possible that we would have it. [*Desk thumping*]

The teachers in my community are telling me—the Prime Minister established recently a special education programme for Laventille, recognizing, as my friend is pretending belatedly to urge, a long time ago we understand that as soon as we

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

went to Government we rearranged the school curriculum, we published the history of Trinidad and Tobago to put into the curriculum and a special education programme for Laventille including Laventille/Morvant.

And the teachers are telling me that the children in primary schools have begun to manifest this division of Muslim and Rasta City, they are not speaking to each other, and if they speak in school, when school over the division starts. A 13-year-old, and I have a letter here that she wrote to me for the hon. Prime Minister, explained to me last week that she was slapped up by others because she is from an area that is supposed to be Rasta. And she at age 13 must carry the burden of where she must pass to go to school. She told me she saw two shootings already at age 13. So if they pretend, it is a matter for them, this gang thing is real.

Hon. Member: They know it.

Hon. F. Hinds: We read last week about the police having for the second time with soldiers, to extricate, if I may say so, to evict people from the Clifton Hill Towers which this Government built improving the condition in East Port of Spain, got a footprint and put beautiful buildings there, twice they had to evict illegal occupants. And I read in the daily newspaper, not from me, not from the police, citizens in there saying that the gangs are growing and intimidating them and challenging them—gangs. So if they do not know what a gang is, if they do not know what gang membership is, if they “doh know who gang leader is”, if they “doh” know what gang activity is, the people of Trinidad and Tobago on the ground who are suffering and bleeding and crying, they know what it is [*Desk thumping*] and it is to them who we speak today.

And let me say—you know, I am reading a report that I received from the police service and it really analyzes the whole business of gang legislation, and there is a little quotation that I want to run here for the benefit of my friends on the other side.

“The legislation...”

And I am quoting, this is the police, eh.

“The legislation was to some extent feared by members of criminal gangs and provided some limited deterrent on the activities. When arrested...”

And this is the poignant part—

“...when arrested, gang members went out of their way to identify with crimes that did not fall under the day to day activities of the gangs. This trend

Anti-Gang Bill, 2017
[HON. F. HINDS]

Wednesday, December 06, 2017

by gang members meant that the legislation was indeed having an impact on their activities which inadvertently caused them to consider firstly, their response if caught rather than focus on the success of their criminal pursuits.”

What this is saying in plain and simple language is that with the gang legislation, because of the stricter sanctions, the periods of detention, and now we put forfeiture of their property, taking the value out of their criminal behaviour, and the fact that you can go to court and seek an extension of the order to give the police more time to investigate the gang activity, because the question has to be asked, you know: if two lawyers and the gang definition of gang says two or more persons to carry out a criminal enterprise, roughly. If two lawyers knowing that a client was dead, continue to represent that client with a view no doubt that when the benefits of his claim came, somehow or the other someone other than the deceased would benefit, you might consider that that is gangland behaviour. And the question therefore is: What would cause the police not to charge, if criminal matters flowed, under the anti-gang?

In other words, there is a difference between ordinary possession of firearm and robbery and so on, as opposed to gang. And you know what the difference is, Madam Speaker?—the gang business is more complex. You just do not prove that the thing is a firearm or that they committed a robbery or that they came together as a group, two or more, to rape or to money-launder or to extort money from business people, no, or to do illegal quarrying. It requires to show the complexity of the relationship between them. That takes a longer time. That takes more time, it takes more painstaking investigation because you have to show that they were in communication with each other for a period of time to demonstrate gang activity.

And that is what was missing in 2011, you know. The police knew all of the gang members. They knew that they had guns and drugs and selling and doing all of that. But what they did not have at the time was this complex network of showing the interconnectivity between the individuals and the activity, and that is what this is all about.

And the AG read from the Jamaican legislation and the comments of Mr. Bunting in Jamaica to make the point that you can leave it as it is and pursue individual or stand-alone crimes, as we have it in the schedule of this Bill, but gang activity is real, organized crime is real, it has greater effect.

I read an IMF report recently dealing with the Jamaican economy, which said in essence that for four decades and more the Jamaican economy was thwarted, was sick, was blighted because of extortion and criminal and gang activity taking place so rampant in Jamaica. And if there was one reason why I will support this on behalf

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

of the people of Laventille West is because especially in these troubled economic times, I “doh” want that to happen to Trinidad and Tobago. If there was one reason, that was it. Because the evidence from the world economists shows that that kind of activity can have a very, very nasty impact on the entire economy, it chases away business people.

Sometime ago on the Beetham a businessman carrying out a government contract, we got them there to remove the drains that took murky water off the Beetham, they collapsed. We put contractors on the job, the next thing “yuh” know, they demanded 400,000, fired shots and injured a worker from the contractor’s staff. It is real. So when we come here today it is not no play and not no time wasting.

So there are gangs, there are gang members. People are living in fear of crimes. Some of the people we see protesting, I can tell you as a representative for Laventille West, some of the people we see protesting even in the Beetham protest, do it not because they want to, but because they have to. If they do not do it, they will be branded by others as, well not only informers, but they will be branded as—what is the word they use?

Hon. Member: Traitors.

Hon. F. Hinds: Yeah. Well, traitors, yes, “gone against”, that is the word in there, gone against, and they come out. I went to another scene of a protest and while it was raging a young man came to me and whispered something, and this is how the police tell us, this is how it works. Not everybody you see doing it wants to do it. And if you think it is bad in Trinidad, it was worse in countries like Colombia. The thing got so bad, judges, courts, everything in trouble. One gang leader, drug ring, built his own prison, a fella called Escobar in El Salvador and other countries. He insisted “you cyar put me in your jail”, and the State was weak enough and gave way, built his own jail and then later on a Minister of Government going there to keep an appointment with him in his building in their jail, was killed inside of that place. That is how serious this thing is, this is not a joke.

When I tell you, Madam Speaker, that the children nine years old, eight years old, beginning to manifest elements of this gang culture, it is serious. This is no play, no place for pretension. And these fellas who walk around with all “dey” gold and so on, they “doh” see the Member for Naparima, he lives next to the cemetery where he grew up as usual. [Crosstalk] That is the information that I have. “Forget dat nah, dat is minor matter.” Yes. [Crosstalk]

Madam Speaker: Members. Please continue, Member for Laventille West.

Hon. F. Hinds: Thank you very much. They follow these guys and these guys become role models for some of them, bad examples as some of them might be. They are wannabes who want to take their position. I saw a video last night where a five-year-old boy hanging on, going, turning around behind the man in whose company he was, and it is only when the man turned around I realized it was a MP5 hanging on his shoulder and the child curious about it. That video was taken in 2011 from what I understand. Today, that child is probably about 11 years of age, 12 years of age, and God knows how he might fare.

12.45 p.m.

We have to act. We cannot be guilty of the offence of omission. We have to do our part as a Parliament, and we are giving you an opportunity to do your part. And today we want to hear clear, precise, concise reasons as to why you are not supporting this. “I doh want to hear nутten about how the court eh working right.” We are dealing with that. I want you to tell us why the police should not get the power to deal with gangs [*Desk thumping*] and gangland activity which is tormenting and torturing the people of this country, causing them to live in fear. That is what I want to hear from you. And some little things they lure them with, you know. They go to a party and “they ent just buy a drink ah Hennessy”, they buy the big one, and all these things.

And if my friends on the other side believe wrongly that they will send their children to fancy schools, and they will live in gated communities, I want them to know that Robocop was found in One Woodbrook Place. And during the state of emergency others were found in the Hyatt where they go. And I can tell you from my knowledge some of these persons fight hard to get their children in the best schools next to yours, because they could afford to pay the best fees. So you are not hiding. It is real. And that is why you are going to run to the rocks but the rocks will be melting, you are going to run to the sea but the sea will be boiling all because of your wickedness and selfishness and political emptiness. I am so sorry, but we must speak the truth. I know sometimes it might be a little strident, but the truth, yes, we have to do the business.

The police had proposed for this legislation, which I am attracted to, the whole issue of a gang expert. And I am saying so because you have firearms experts, you have forensic experts, you have people who give expert evidence in the court. Because of the complexity of the business called gang, sometimes it might be necessary to satisfy the likes of Mr. Justice of Appeal Bereaux that the

evidence is met. The police proposed, and I hope one day it would find favour with all of us in this Parliament, that you have gang experts, because they are dealing with it on a daily basis—the Organized Crime and Intelligence Unit, as they are now formed into one—and they know what the characteristics, what the features, what the behaviours, the language, I told you area coded just now. You and I would not know what that means. There are 100 different names for drugs and for guns. For example when they talk about “corn”, you may think it is ordinary maize or corn that we eat, “um, um, dah is bullet”, so that the gang expert would know the language, so if people are listening, if people are observing, then they will be able to tell the court these are gangsters talking to each other over a period of time.

Madam Speaker: Member for Laventille West, your original time is now expired. You are entitled to 15 more minutes. Might I just seek the concurrence of the House for the Member to continue; it will take us to about two minutes after one. [*Desk thumping*]

Hon. F. Hinds: And we have gangs in Laventille, yes, but we have them in Enterprise, we have them in Siparia, from the police statistics quoted by the Attorney General. We have them in Siparia, we have them in Fyzabad, we have them in Cedros, we have them in Morne Diablo, we have them in Tobago, we have them in Marabella Trainline, we have them in Penal, we have them in Couva. They are all over the place, and it is the police who shared this with us. Tobago alone has 24 gangs, 190 members, based on police statistics. One gang collapsed the other day because the boats that they were using to run their activity were lost to them. The true owners of the boats took them back.

And I make that point because inside of this Bill, which I hope I get two minutes to come to, there is a forfeiture provision where the property—you see, if we were dealing with ordinary robbery and ordinary crime simpliciter, and not the gang legislation, which provides for forfeiture, then we would not be able to touch their property. And the example I just gave you from Tobago, I am making the point that if you take their assets away, as this Bill proposes, that could be used because that gang actually dismantled after that. They do not exist anymore as a consequence, based on the police information we have.

So let me run very quickly, and just before I do that, I saw a lot of them and a lot of people commented on the protest in Laventille, and suddenly it moved from protest and criminal action, running on to the highway pelting cars, stopping people, frightening Nikki Crosby and others, altogether bad behaviour, and asking where I was? My job as Member of Parliament is to ensure that every single

Anti-Gang Bill, 2017
[HON. F. HINDS]

Wednesday, December 06, 2017

benefit that this State has on offer for all the people of Trinidad and Tobago comes to Laventille West. That is my job as a representative and other things. But if you are misconducting yourself, I “cyar” represent that. [*Desk thumping*] I am present, and I am working.

Mr. Charles: “Dey say dey eh see yuh.”

Hon. F. Hinds: Well, “dey say”. I will tell “yuh”. So, I just want to say, and I “doh have” the time to go through all of it, but within the last seven to 10 years, millions of dollars have been spent on major projects here on the Beetham. I can tell you that. On the Beetham we have brand-new community centre, we have a police youth club building there, police presence, the IATF, Hearts and Minds, we have the technology centre across the road, the Priority Bus Route passes straight through there, \$5 or \$7 you could go east and west. We have a brand-new Excel Primary School built a few years ago, I think 2008 or so, inside of the Beetham. We just put a whole park—the East Port of Spain Development—basketball court, playground, pavilion.

And the people of Laventille West want me to say to this country, they refuse and reject the label of “depressed”. They say they are not a depressed community, and would be insulted if you call them that. [*Desk thumping*] They lack for nothing. They have Internet connection, they have clean running water, they have electricity, they have access to schools. Laventille has four secondary schools, 21 primary schools in the Prime Minister’s programme, health centres across the place. The Minister of Health told us, the best working health centre he found since he is Minister is on George Street in Port of Spain. [*Desk thumping*] NGOs from Republic Bank, to the FCB, to Servol—we have life centres—Servol right in the middle there on the Beetham. They lack for nothing, and we must not distinguish criminality from depressed or deprivation.

And where you have gangs, and people are being coerced to be part of it—that is why clause 8 of this Bill deals with retaliatory action. Only recently in my own constituency it came to me, and it brought a tear to my eye. A young man got a job, and because the next gang found that he had no right to be working for “dem people”—Muslim, so to speak—the next thing you know, they set upon him, mayhem and trouble. And when that happened, there was retaliatory action, a member of a family got killed too, and we are dealing with that in this law.

So just to conclude, we have a list—and I could provide this to the media or anyone in Trinidad and Tobago—a whole lot of programmes right on the Beetham alone, not to mention the greater Laventille. So, do not come tell me

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

foolishness about my constituency is depressed. They are not! Some of the better houses I have seen is inside of Laventille. And many of the children of Laventille have gone—by the way they have access to all the big schools in Port of Spain: Fatima, CIC, QRC, St. Joseph's, Bishop's, and they do come there. We want to protect them so that they can have a better life; that is why we put this in place. *[Desk thumping]*

So, Madam Speaker, time is clearly running. We have now crossed 461 or so murders; robberies, as I was sitting here I heard about another one; the crime situation is running rampant, and we on this side see the measures before us as important in order to deal with that. There is no anti-gang law at the moment. It is the police who are saying that they need it. We have no difficulty with these definitions. Our friends are very familiar with them. They brought it in 2011. We went to Joint Select Committee and thrashed it out.

The reason why it failed is not because of the law, but because of the failure of law enforcement to have accumulated the evidence that was needed to support the law. We have demonstrated that the intelligence platform has been strengthened. The police, by being able to produce the statistics that we rely on in this debate, is evidence that the intelligence area has also been addressed, and therefore we need to put this in place in order to make sure that the police have what they need in order to carry out their job.

And as for firearms, constituents are coming to me on a daily basis to report that they see big, long weapons all over their communities. They come to me, they just want to get out. One woman came about two weeks ago, she saw three young men with assault rifles outside of her door. The videos of which the Attorney General spoke are rampant all over the country. Not just in Laventille. It is happening, and we have to deal with that. So I understand through the lips of Minister Young and Minister Dillon consistently, from the level of national security, attempts are being made to take guns out of the system, and that has to be sustained. That has to continue.

So, quite frankly, if the police capture 900 guns in a year, I am not altogether comfortable with that, because I know, I believe from the reports I have and from what I am seeing anecdotally sometimes, there are far more than that around the place causing far more mayhem, and we need to do that. We have eight gun manufacturers in Brazil, which is next to Guyana, and Guyana “next to we”, and they produce guns in this world and sell them like biscuits, and a lot end up here. We have to deal with our border issues, but at the same time, we have to empower the police to treat with gangs and their growth in Trinidad and Tobago.

Anti-Gang Bill, 2017
[HON. F. HINDS]

Wednesday, December 06, 2017

So, Madam Speaker, I urge my friends on the other side to understand that the police want this legislation. And this legislation also provides for dealing with police officers. Members of the protective services generally, defence force, prison, customs, all of them who are defined in this Bill and intelligence agency operators too. If you are found to be colluding with gang members, you too will be treated under this legislation, and will receive a sanction accordingly. It is all there. The Bill is before us. When we get to committee stage I will have more time, we could get into the details of it. But it is not strange to my friends because it was there all along.

So, Madam Speaker, I think we have said enough. This objection about no statistics, that is not real, we are now producing the statistics from inside the jail, and from the police outside. That there was no intelligence, that is not true. They were the ones who mash up SAUTT, and SAUTT dealt with gangs and organized crime. We now have an Organized Crime and Intelligence Unit, a conglomeration of two units, and they are deep into this. And in the course of preparing for this debate, my conversations with these officers satisfied me that they are on top of it. They are the ones who tell us all the things we said here today. They know what is required. They have heard Mr. Justice Breaux, they know the evidence that they must put together. Whether it is electronically or otherwise, are human to whatever, and once they get that—and the police service roots out the corrupt officers, because I submit without apology that sloth, laziness, low productivity, low energy and corruption affect the performance of the police service in responding to these issues.

And I call on the police service, as I did with the prison service some time ago—notwithstanding some of them are angry and upset—to be professional, to be ethical, to be law abiding. The difference between criminal and police is your training and your oath, and you stand on moral high ground as a police officer, as I was. You cannot afford to do otherwise. The wolves will also be at your door.

And so I say in closing to my friends on the other side, I have demonstrated that this gang problem is not just about Enterprise, it is not just about the Trainline, it is not just about Laventille. They have it in Couva, they have it in Siparia, in Fyzabad. All over, and they are at our doors. I hope my friends understand the importance of this and set aside their personal and other concerns, and give support to the Parliament on this occasion so that we as a nation, as we did in 2011, could respond to that growing and grown and expanded gang and crime problem, and we could all say we have done our job.

I thank you, Madam Speaker. [*Desk thumping*]

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Madam Speaker: Members, I propose we take the lunch break now and return at 2.00 p.m.

12.58 p.m.: *Sitting suspended.*

2.00 p.m.: *Sitting resumed.*

Madam Speaker: The sitting is now resumed. Member for St. Augustine. [*Desk thumping*]

Mr. Prakash Ramadhar (*St. Augustine*): Thank you very much, Madam Speaker. Almost every fibre of my emotional being tells me that I should support this Bill, but then I know as a criminal practitioner in the courts of crimes of passion and emotions, and therefore I have to take a step back and look objectively at what is before us. My friend, the learned Attorney General has made a compelling case buttressed by, of course, the very persuasive position put forward by the Member for Laventille West, to buttress the position that criminality is at an all-time high in this nation, where murders seem to be as common as rain in the rainy season, and the brazenness of criminality seems to have no limit.

What do we do? Do we stand by and do nothing, or do we take action? And I understand then the anxiety of my learned friends who are in Government and therefore have the responsibility to take action. But this is a democracy, and for every action at least in physics, there is an equal and opposite reaction. Where is the ground upon which we could agree that what is necessary to be done, what is effective that can be done, and that which would bring a balance between competing rights of our citizens and the duty of the State to protect the very citizens. Benjamin Franklin said that experience keeps an expensive school, but fools will learn in no other.

When the legislation for anti-gang came up in 2011, I was part of the Government, sat in the LRC, sat with others in Joint Select Committee, and because of the very prodding of those who are now asking for the return of anti-gang legislation, we gave them the authority of law that resides in this Parliament. We gave them the authority to do the things necessary to protect us because the blood-letting is not just of today. Blood-letting in this nation of Trinidad and Tobago has been with us for a long while, and we hope at some time in the future to be able to control it, mitigate it, and hopefully, against all hope, to stamp it out altogether.

But we insisted then that these incredible powers given to the police must be balanced and there must be a limit, a time frame within which you must prove yourself so that we could be satisfied that you use those powers not in an abusive way, but really to achieve the very ends that we wanted, and a sunset clause was

Anti-Gang Bill, 2017
[MR. RAMADHAR]

Wednesday, December 06, 2017

put for five years. And I think that all of us in the Parliament felt some level of comfort that this experiment, this grand enterprise of incursion into fundamental rights must have a time frame within which it will be judged, at the end of which whether it is to be given rebirth or if it should be allowed to remain in its grave.

And that is where we are now. How do we judge whether this law which we gave in 2011 and has now expired, whether it should be given rebirth? How many prosecutions have been successfully completed? Indeed, we saw with some level of embarrassment that prosecutions against a gang had to be withdrawn because, instead of laying the charge summarily, which the law provided for, it was laid indictably. And who is responsible for that? I ask, how could something as simple as that have slipped by when this terrible nuclear weapon of power was given and they pressed the wrong buttons on it. It could have self-imploded. We are grateful that it has not.

Madam Speaker, I find it more than embarrassing as a Member of the Parliament, as a former Minister of Government—and I am not putting that at the feet of the Attorney General, but what he said in this Parliament today should shock us, surprise us, and we should remonstrate in a very meaningful manner. The Attorney General, who is given the authority to act on behalf of all the people of Trinidad and Tobago, sought from what he has indicated to us, comments from the DPP's department. He sought comments from the Law Association, and as he indicated, from the Judiciary. There may be good reason for the Judiciary not to respond, and I am grateful to my friend the Member for Port of Spain North/St. Ann's West for reminding me why. Because ultimately the Judiciary will have to determine the legitimacy of law, and therefore it might be *infra dig* for them to really comment on legislation, or proposed legislation. But it could also be useful—and we should look into that—how we could do so without there being any crossover between the separation of powers issue.

But something as important as this anti-gang legislation, I cannot comprehend if it is so, that the Law Association did not comment on this. If that is true, then it is a terrible abdication of the responsibility of the Law Association in the people of Trinidad and Tobago, not just to the Attorney General; not just to the Parliament, but for all of Trinidad and Tobago. If it is true that the Director of Public Prosecutions equally, for whatever reasons—and I want to say, it has nothing to do with the personality, because the present holder of that office I have great admiration and respect for. I knew him when he was first called to the Bar. He worked with me, and through the years he has only gained my respect as an

incredible advocate for justice in this nation. And with the little resources that have been placed before him, and the more resources that he has been given over the years he has been able to do a lot, and certainly needs much more.

But it is shocking that an Attorney General could not be furnished with a response from the Director of Public Prosecutions. Because at the end of the day whatever law we make here, it is to the Director of Public Prosecutions that we reside the power to prosecute. Under the Constitution he has the sole authority to lay prosecutions, withdraw prosecutions, and do a host of other things. Therefore, we need to know from him or his office if he has serious reservations, or in fact recommendations, or in fact he is totally satisfied with this new bit of legislation, because there have been changes from 2011 to this new draft. It would be reckless, irresponsible and resolutely in poor taste for us to prepare law here, send it into our books and it is in the minds of our citizens, but if the DPP is uncomfortable with it, or has good reason to know that it cannot be properly operationalized, then we are really “spinning top in mud”.

If I may humbly suggest, I know it was announced today, well, on the last occasion that this Bill we expected to go through with its debate through all of the stages, at the end of which we shall vote today. I do not know if it will be imprudent of me to suggest that a further effort be made to get the views of the Director of Public Prosecutions, because it is not too late. [*Desk thumping*] It is indeed the responsible and proper way to go. Madam Speaker, the DPP in the past would have gone on record to indicate that there are defects in the law, and therefore he was uncomfortable with it. And I would have hoped by now that the office of the Director of Public Prosecutions and the office of the Attorney General would have been able to work in some level of cooperation, so that we would know if there are defects, how they can be repaired, and if there are things to be added, how we could add them, if there are things to be taken away, how we can take them away, and then we move forward.

But, it cannot be that we come and we hear the fire and the fury of parliamentarians and then act in a vacuum, because the equation is only at best half heard. We have heard the side of the pros—I almost said prosecution, but of the Government, but there is another side. And Milady well knows the old statement, there are at least two sides to every story. We have heard the one side of the awfulness of the blood-letting, drains and rivers and our homes and our streets run red with the blood of our citizens.

Indeed, with great pain I read—thank you, Member for Couva South who brought to my attention, a woman was executed in her home in central Trinidad. I had not known that that woman worked at the office of the Congress of the People as a cleaner,

Anti-Gang Bill, 2017
[MR. RAMADHAR]

Wednesday, December 06, 2017

and she has been executed. A woman of very meagre means, eking out a living, and she is executed. I cannot imagine for what reason, and there can be no good reason for murder. I do not know if it is gang related. But all I do know, it is murder. And I want to go to the point now, that all this talk about gang, anti-gang, gang-related activity is only words, you know. Because at the end and at the core and the foundation of this thing is criminality. Criminality. And whether you come together under the definition, and if you would permit me to just read the definition of what we are dealing with, under clause 4, the interpretation:

“‘gang’ means a combination of two or more persons, whether formally or informally organized, who engage in gang-related activity;”

And then we go now to the other part of the definition:

“‘gang-related activity’ means—

- (a) an offence;
- (b) an attempt to commit an offence;
- (c) the aiding, abetting, counselling or procuring of an offence; or
- (d) a conspiracy to commit an offence, listed in the First Schedule, which a gang leader or gang member plans, directs, orders, authorizes, or requests;”

This is very, very wide. Because it means then that two fellas walking down the road and decide that they are going to perform a robbery, they see an act of convenience, an opportunity of convenience, so it becomes a crime of convenience, an open door, for example, and they go in, they rob and/or murder, under this definition it would be gang related because they would have discussed it just before, and agreed. And therefore, you have two gang members, I do not know who would be the leader. But they commit an offence and it is gang related.

The point I am making is, if it is that the police in this country cannot solve the basic crimes for murder and/or robbery, and you have heard it from the lips of the Member for Laventille West, that gang-related activity is more complex, well then why put the burden on the police to go to that extra level, because if you could prove the crime, you prosecute the crime, and you do not wait for the cover of gang-related activity. And that is where we are. This is the logic that has escaped many of us. It is easy and convenient to put an umbrella and put a name, and give it this sort of larger-than-life exposure of gang and gang members. They are criminals. They must be rooted out. But the only way they could be rooted out is if we are able to prove that they committed crime.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

I remember, and this is on a lighter note, when I was in Presentation College in A levels in particular, in Chaguanas, there was the Chaguanas Senior Comprehensive, and there was a group from that school who called themselves “The Travolta Boys”. [Laughter] It is true. The Travolta Boys, flicked back and everything, [Throws back head] and they were in the habit of harassing girls in the most obscene way, and of course we as Pres boys took a different view of these things, not elitist in any way, but we needed to ensure that persons who go to school carry themselves in a certain way. There was a certain expectation among ourselves, and certainly from the community, that Pres boys behave in a certain fashion.

Mr. Al-Rawi: Pres men.

Mr. P. Ramadhar: Pres men. Well, we have grown up now. We were still then teenagers.

2.15 p.m.

And there is a place called Busy Corner—they did not call it then Busy Corner—in Chaguanas, where all the pretty girls will be passing by and these Travolta Boys would come and harass them in the worst possible way. We would be there, but admiring from a distance with probably complimentary terms. And there we were. We were a gang, so were they. Robin Maharaj, Imran Mohammed, Etswell Francois, Sheldon Lawrence from my class, onwards. And we decided we were going to stand up against this other gang. So, under the definition of gang we were there together, but not for an illicit purpose. The others were.

The point I am making, it is so easy to associate persons together and if any number of those persons, for instance, if one of my classmates went and did something wrong, but because of this law—it sounds funny, but this is really serious. If any one or two of my classmates who belonged to our “liming crew”, gang, committed an offence, the police could take the view that we all belong to a gang and charge us as gang members. [Desk thumping] And if you think it is a stretch of the imagination, Madam Speaker, the learned Attorney General referenced the case, Stuart, and referenced Justice Bereaux’s comments there. But I think it would be useful if we actually heard some of the facts and what the learned judge found as facts in that case. And with your leave, Milady, it is reported in the *Express* dated 30th of June, 2015. May I—with your leave:

“The State can expect a slew of civil lawsuits, resulting from the ruling yesterday of High Court Judge Joan Charles, who found the arrest of a Marabella parlour owner during the 2011 State of Emergency (SoE) amounted to wrongful arrest, false imprisonment and malicious prosecution.

Anti-Gang Bill, 2017
[MR. RAMADHAR]

Wednesday, December 06, 2017

It is the first such judgment arising out of—the state of emergency—“related lawsuit.

In her judgment in the San Fernando High Court, Charles was scathing in her criticism of the police officers involved in the arrest of Kevin Stuart.”

Mr. Al-Rawi: Hon. Member.

Mr. P. Ramadhar: Yes, of course.

Mr. Al-Rawi: Thank you for giving way. I just want to caution that that ruling of Madam Justice Joan Charles was overruled in large part as to findings of fact in the Court of Appeal. Thank you.

Mr. P. Ramadhar: By the malicious prosecution aspect.

Mr. Al-Rawi: And also the findings of fact.

Mr. P. Ramadhar: Anyhow, but this is the comment of the learned judge.

“She said Police Constable...Phillips, who arrested Stuart, fabricated evidence and lied, and the conduct of Assistant Superintendent...Mohammed and Assistant Commissioner of Police...Fredericks...who instructed that Stuart be charged, amounted to a gross dereliction of their duty, and they were irresponsible and unprofessional in how they assessed the evidence, based on the Anti-Gang Act.

Stuart was awarded”—and I know that there was an adjustment to the award —“\$350,000 in aggravated, exemplary and special damages as compensation for his arrest and month-long detention, which ended after the Director of Public Prosecutions (DPP) Roger Gaspard came to court and announced the case against him and 199 other SoE detainees were being discontinued for lack of evidence.

More than 4,000 people were arrested during the SoE, which was called by Prime Minister Kamla Persad-Bissessar on August 21, 2011, and ended on December 6”—the anniversary today—“of that year”—six years ago.

“Attorney Kevin Ratiram”—really good lawyer—“who represented Stuart, said yesterday the judgment was a victory for the rule of law.”

And we go on.

What had happened there is that this man had been charged under the Anti-Gang Act on the basis that he had been involved as a gang member because he sold drugs and that because he associated with people he sold drugs to, those

were the other gang members. And therefore, one sees now how common crime could be put under the umbrella of this grievous thing called “anti-gang legislation”. And observe what happened too, Madam Speaker. This is one of many such cases.

The Director of Public Prosecutions himself discontinued the prosecutions and I do not know nor do I have comfort that the very police who we are hearing are asking for the return of this all-acidic law, whether they have properly prepared themselves in terms of evidence and I ask, and I will take my seat for the answer, to the Attorney General. If this Parliament today agrees with you and with your plea for this legislation to return, because the police as you have indicated have given and furnished you with the names, addresses, numbers of gangs and gang leaders, and I am sure with their consultation, as responsible as you are, would have enquired whether they had the quality and the evidence that is justiciable to prosecute them tomorrow. [*Desk thumping*] I put that question and I ask the Attorney General if he could tell us that to give me some comfort.

Mr. Al-Rawi: Thank you, hon. Member, and I think you have hit the nail on the head. The answer to that in short is, yes. And more so, mainly because the judgment that you referred to Madam Justice Joan Charles and the findings of fact were so completely wrong that the Court of Appeal reversed every single one of the points. [*Desk thumping*] No, no, no, it is not something to celebrate. I know that you were referring to an issue and drawing from it. But I just wanted to caution in answering this as, yes, Mr. Justice Breaux felt that the judge was so unreliable in her findings against the police that the Court of Appeal dealt with facts itself in a very way. So the short answer is, yes, and I assure you, you can be comforted.

Mr. P. Ramadhar: Well, I am grateful to hear that, and that is why it bothers me even more that the Director of Public Prosecutions has not intervened to say whether, yes or no, he is in support of this legislation. Right? [*Desk thumping*] And Attorney General, how grateful I am that it shows then the very weaknesses in our system that a High Court judge can get it so wrong and had it not been, for instance, because these are Summary Offences—

Hon. Member: Yeah.

Mr. P. Ramadhar: Yeah? Had the DPP not intervened and stopped those prosecutions then you would have had persons who at that time would have spent time in custody without bail. Correct?—for 120 days. Do we have the 120 days limitation in this? No, we do not. But we do have the capacity under this law to

Anti-Gang Bill, 2017
[MR. RAMADHAR]

Wednesday, December 06, 2017

keep you in detention for a period—for 72 hours; during the first 48, senior officers are to look at the evidence to determine whether a further detention is necessary and then if they are satisfied, then go to a court for 14 days' detention and therein lies the big problem with this. Because if it is that we are to subscribe still to the presumption of innocence, that we are all deemed to be innocent until proven guilty, the fact that you could be detained, and it is a misconception in the country that the law says that they could detain you for 48 hours without any reason. That is not correct. You have to have reason first to hold and then you are entitled up to 48 hours, but if you are to go forward, in any event, take you before a court.

Now, this law extends it to 72 and then they have the authority to go before a judge and put on affidavit, I imagine, the reasons and basis upon which they think they require 14 days. Affidavit, in these matters, I tell you, what shall I say, is as bare as you could possibly get. And the courts, to be fair, having regard to the same passion that we all feel to deal with the criminality, sometimes accept because it is unchallenged that what is before them is sufficient and grant these things.

So you have the capacity to the State to detain our citizens, guilty or not guilty or whatever, on a suspicion for this extended period. And that is why we must be very, very careful, because it undermines the very, very foundation of our Constitution. [*Desk thumping*] Look, look, we have to be real and being real does not mean to be blinded by what is just before us. The reality of life is that which or has been what is today and what shall be tomorrow.

Trinidad and Tobago does not exist only in 2017. Trinidad and Tobago must exist into 2018 and I hope to imagine 2021, 2022, under a new Government of course, [*Desk thumping*] 50 years, 100 years, 1,000 years into our future. And therefore, as difficult as things may be, there must always be a balance, there must be a tension between the rights of our citizens and the authority given by those we give the authority to rule and govern. [*Desk thumping*] The moment they remove that tension, it goes one way or the other. If they are all rights then it becomes all wrongs and if you give all power then it is all consuming and there is no democracy. And I remember the old statement that if two heads shall become one, there is need for only one. And that is why it is painful to hear Members on the other side attack the Opposition whenever there is a debate and say that they are not patriotic. [*Desk thumping*].

If we were to rush across on your side and give you everything you want then these benches would be empty and then you would have a resolute, complete power to do what you want. And I tell you this, having the example and experience, having sat in

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Government, having the responsibility, it changes your perspective, but when having to come back on this side and, in particular, having been to our courts more recently then I realize, wait a minute, there is a truth and there are perceptions of that truth. But the truth never changes, only what you perceive. And the perception being in Government is that all that you do is patriotic and in the interest of our people forgetting altogether that the other side of the story must be told. [*Desk thumping*]

I will give you an example. I defended two weeks, or more, ago a police officer who had been on suspension, Nanan Balgobin. He waited 14 years for his trial. What happened then? Having been on suspension, he is driving his car down in deep south, in the night-time period. He observes a car tailing him. He slows down, the car slows down. He speeds up, they speed up. He pulls aside to let them pass. Two men jumped out, unmarked car, ununiformed, in plain clothes, two men run out with guns. He sees this, he panics. He thinks he is going to be a victim of murder, robbery in the very least. He takes off, there is a chase, bullets fly from the pursuing car. His car is hit and by the grace of God he comes upon a patrol car, a police-marked vehicle with uniformed officers in it. He jumps out of his car, runs to them and said, “men chasing him”. At the same time this car pulls across, two men jumped out, “Police, police”, jumped on him—Member for Laventille West, you know these things happen—throw him to the ground, grab him and take him, arrested him and locked up.

Fourteen years he had to wait. Guess what? The officers who he had seen in the marked police vehicle went to their station that very night and wrote exactly what they saw. Evidence was given in the court by one officer, in particular, who a judge of the High Court had found to be lying to the court and had stopped a case as a result, but he continued and got promoted. His senior, retired as an Assistant Commissioner of Police, the two of them gave evidence that they saw this man coming, intercepted him, searched him and found gun and ammunition in his pocket. Completely contradicted by the independent evidence that we were able to get off the uniformed officer and a police station diary entry.

But guess what? Nothing in relation to the lies, because if it is that the uniformed officer put in the police station diary 14 years ago, the very night, no form of communication with the accused, then something was terribly wrong with the prosecution’s case and we fought tooth and nail by prosecutors in that court to even keep out the evidence of the police station diary. But by fortitude, Mr. Michael Rooplal and I, we were able to get that to the jury and the jury acquitted it in no time at all. [*Desk thumping*] Thank God for jury trials in this country.

Anti-Gang Bill, 2017
[MR. RAMADHAR]

Wednesday, December 06, 2017

The point I am also making which I will repeat over and over is that you cannot put icing, not on a cake, but a foundation of rot. [*Desk thumping*] And unless we get that right, Attorney General, and I think you are on the right course, chasing the money and other things, unless—and I think the Member for Laventille West referenced it well, about corrupt officers. [*Crosstalk*]

Mrs. Jennings-Smith: Go ahead, you call my name.

Dr. Gopeesingh: You think I am afraid of you, Ma'am.

Mr. P. Ramadhar: Could I have your protection from both sides, please?

Madam Speaker: Hon. Members, I would like to hear the contribution of the Member for St. Augustine. Member, I have allowed you some width, I wish now that you can address the particular matter before us.

Mr. P. Ramadhar: I am most grateful because I am done with it. So that unless we get rid of those functionaries who we give authority to, to make sure that they use it properly, use the power, not as a weapon but as a tool to fix things rather than to destroy lives, then we will be putting on to the society [*Desk thumping*] another form of evil, clothed in governmental or police authority. And these are not things I say lightly. I am grieved that our country could be where it is. Because there are so many great wonderful civil servants in the police service and in other institutions. But there are others who are there, always to pollute their good work, bring down a whole department's reputation and we need to deal with that because the level of abuse that is now available under existing law and this proposed law is enormous. It would help us to no end to look at some of the actual wording in this Bill which is replicating a large part from the 2011 Bill.

Madam Speaker, this is clause 5:

“For the purpose of this Act, it shall not be necessary to show that a particular gang possesses...”—

Madam Speaker: Hon. Member, your original 30 minutes are now spent. You are entitled to 15 more minutes if you wish. You may proceed.

Mr. P. Ramadhar: Absolutely. I shall have to put it in fast forward. But the speed limit is not lifted as yet? Anyhow, well I would not have time, but we should look at the definition here. It is as wide as one could get and therefore we are all subjected to fall within it. But for the sake that I shall never forget to put on the record my abomination, that under the new Schedule—[*Crosstalk*]—Madam Speaker, I am not having the time to go through all of them, what has been put in

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

at the last line, No. 28 of the offences, gang-related activity offences, the offence of sedition. As suspicious in mind as one could have, you can interpret all sorts of things into this. But for the unsuspecting and I am sure the Attorney General because of his workload and other reasons, may not have truly comprehended the effect of putting this section in and I could never, ever support this Bill with this section 28 on sedition. [*Desk thumping*]

Mr. Hinds: Why not? Why not?

Mr. P. Ramadhar: And let me tell you why. I will tell you why. I do not say things lightly, I say it with reason. Under the Sedition Act, Madam Speaker, it reads:

“A seditious”—well, maybe I should read the offence itself.

Mr. Hinds: Yes.

Mr. P. Ramadhar: Yes.

Mr. Hinds: And you would see how wide it is.

Mr. P. Ramadhar: It is as wide as some mouths that I hear, but not as deep as their intellect. [*Crosstalk*] I agree. I cannot find the section at the moment but it says this:

“3. (1) A seditious intention is an intention—

(a) to bring...hatred or contempt”—hear this one—“or to excite disaffection against Government or the...”—representatives of—“the Senate or the administration of justice;”

One can interpret this to be legitimate expressions that may not find favour against the Government. Trade unions will be in jeopardy. [*Desk thumping*]

Mr. Hinds: No!

Mr. P. Ramadhar: Political parties. We had prosecutions for this sedition in this country already, infamous prosecutions for sedition. I am not saying you, Attorney General will use it; it is not for you. It is the law [*Desk thumping*] and there may be a police officer who may find it convenient.

Hon. Member: “All yuh lock up David Abdullah.”

Mr. P. Ramadhar: Yeah. I was there when they lock up David. [*Crosstalk*] I was there.

Hon. Member: Manning should know that, not you.

Mr. P. Ramadhar: I saved him and I would tell you something, Madam Speaker. There is a photograph, right, because I was running the “Axe the Tax” campaign and if—“I eh boasting”, if I was not there it would have been bloodshed.

Hon. Member: That is true.

Mr. P. Ramadhar: Right? If I was not there, it would have been bloodshed. You could see the ferocity of some of the officers thinking that they were doing the right thing, passing blows on people. I had to say, no, stop this, we are not here for that. So that if it is that some other political party wishes to run a campaign about “doh” pay the property tax, it could be, under this definition by a twisted mind, be seditious. [*Desk thumping*] If the Leader of the Opposition should say, “doh fill out no forms” it could be interpreted here as seditious. [*Desk thumping*] And I say this, if I am to assist as a Member for St. Augustine in support of any legislation, I cannot do so with the existence of this here. [*Desk thumping*] I cannot do so. Once again, if there is no sunset clause in this, there must be a finality. [*Desk thumping*]

Madam Speaker, there is so much more and I cannot imagine the time has gone so quickly, but the Attorney General, my dear friend, said something that troubled me to no end, because he is one of the brightest minds in this country. And he says that you would have videos, you can have video of men holding what cannot just be described as guns, because the law says for you to prove that it is a firearm there must be forensic examination for the Armorer to say this is a firearm under the Act.

So therefore, you cannot prosecute under a video. And I am sure, I am sure almost, that one would have been persuaded to make that very basic error because of the first offence stated in the gang-related activities, First Schedule, possession of imitation firearms in pursuance of a criminal offence. There is no offence posing with a baby gun. None. If it is that it is a real gun and you catch them, charge them for possession of firearm. Even if it is an imitation gun that you used and say, “gih meh your money”, then, of course, that is an offence, because it is an imitation firearm and you are using it for the pursuance of a robbery. That is an offence, but you cannot use video or even still photographs—[*Interruption*—I have no time, I am sorry. my brother—to say that you can prosecute and call them gang members because they are photographed together.

They have so many situations in this country, people photo bombing and so. I am just being a little bit light, but this is real, where you could just be in the area and a photograph is taken and somebody is doing something and you are in it. You are associated

because I talk to and I am with a gang member and then I fall victim to all of the powers that we are giving to the police and I want to warn the Attorney General that the very people who asked you for these powers are the very people who asked us for a state of emergency, you know. Let me repeat that. The very people who asked you for these powers are the very people who asked us for a state of emergency. [*Desk thumping*] When it was, acting as we were—

Mr. Hinds: Mr. Gibbs was not here. He knew nothing about it.

Mr. P. Ramadhar: Could we discipline—[*Crosstalk*]

Mr. Indarsingh: But Member for Laventille West, you had your—

Mr. P. Ramadhar: “Dah is gangster behaviour.” [*Crosstalk*]

Madam Speaker: Member for Laventille West, Member for Caroni East, Member for Naparima, I would not continue to tolerate all of this shouting across the floor. That behaviour I consider unparliamentary and please do not push me to invoke the powers that I have. Continue, please, Member for St. Augustine.

Mr. P. Ramadhar: Thank you very much. So that here we are, that they wanted the power, state of emergency, a Government being told by security officers that we require it to prevent bloodshed. What did the Partnership do? We gave them the authority, and look at what happened, 4,000 persons were arrested. And I want to tell you something. We made it very clear that we never took any hands-on in relation to tell the police what to do or how to do their business. So that when they arrested 4,000 people, “wow” it was a shock to everyone that “wait nah”, you have evidence on all these people? What has happened? [*Crosstalk*] Right? [*Crosstalk*] Please, conduct yourself “nah” as a true police officer. Have some discipline. [*Laughter*] And you know what happened, and it is a shame for me to say it but somebody has to say it.

Unfortunately, 4,000 young men from constituencies across this country were jailed, their rights taken, their liberties forfeit, and you know what was said about the Partnership? That we do that, and it was a racist thing. It pains me to no end that people could even suggest that, but they did and they rode that horsey into Government. Really? So be careful of the powers they ask for and that is why you have to be careful that you would not become a police state, because every time the police ask for something we give them. [*Desk thumping*]

The example I used of Nanan Balgobin is one of thousands. Not everybody who is before the court is guilty. Not everybody who is before the court is innocent. But I am making the point that in this country here the suspicion is with

Anti-Gang Bill, 2017
[MR. RAMADHAR]

Wednesday, December 06, 2017

due reason and whether the Court of Appeal overruled that judge, I want to tell you something, that is a judge I have the greatest respect for—and made a finding. And there are many others where findings were similar. And I could go on and on of the ignominy, of persons who are innocent and put before the courts and have to go through the regime of a prosecution, conviction sometimes and then overturned on appeal. And the poor, powerless, is what we are talking about here. The very people who are victims of the bloodshed are the very people who would be victim of the anti-gang legislation. And that is why we must move cautiously. I want to support this, but in its present form and without the input of the person responsible for the prosecutions, how could we? How could we?

So, Madam Speaker, it is simply this. Could we—and this is not a cop-out, this is really about asking for mature deliberation to allow the DPP [*Desk thumping*] and the Law Association and I want to tell you something. I sat as chairman on the LRC and there were many occasions we asked for comments from different bodies and they just would not respond. I could not believe that at that level that you get an opportunity to participate in lawmaking and you do not. What we would do then and I am sure the Attorney General would have followed on with it, is to write and give a deadline.

Hon. Member: We did.

Mr. P. Ramadhar: After which we make a phone call, after which we go and meet with and invite them to, because you just cannot leave it. Something as serious and important as this you did not get a communication and that is why it is important to have continued and we shared it with you, the justice committee where every three months we met with the Chief Justice, the DPP and many other stakeholders in law enforcement, in the judicial process and we were able to have broken a lot of the logjams that had taken years to have dealt with, we were able to do that and I hope that they continue that. And those are the meetings at which if you cannot get the DPP on the phone, you meet him in person and tell him what is happening. There is no great anxiety and rush—

Madam Speaker: Member, I think your point has been made so if you can move on to another point in the precious time that you have left.

Mr. P. Ramadhar: Thank you very, very, much. Another example of how we have failed. Just two weeks ago, Milady would have seen on the TV or in the news that we all celebrated, they had this find of machine guns and ammunition in a washing machine behind a house in, Attorney General, I think it is in your constituency, Mount Moriah Road. Yeah. I could have told you, well something is

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

going to happen. But the police did not know that when they found that, that there would be a consequence to it. Nobody kept looking to see who would come? Guess what happened? The house right in front, according to the newspaper reports, TV reports, men went in there and killed a woman and burned down the house and one male person escaped with his life. There are consequences to these things. And if there are gangs and all this intelligence, you find machine guns, “dat eh no lil boy ting”, machine guns with a ton load of ammunitions and I think some drugs. I am not too sure, but all this—you could not think that there would be people coming to check to see what is going on and who might be responsible. Nobody kept a look out?

It is no stretch of the imagination that the murder of that woman and the burning of that house was connected to information given to her or the police found that. So I take no comfort in all this SSA and information with cell phone [*Desk thumping*] and all this sort of thing, you know.

A classic example too and I am not going to beat this for the sake of any other than the fact that in policing it is not just about detecting but anticipating. When they locked up men in the Beetham, it is not without precedent that there is a consequence. There are gangs, if there are gangs, the gang members will come out. We did not anticipate that and then they called it a lapse. Minister of National Security, I sympathize with you. You are the head of it, you take all the responsibility, but it is further down that true responsibility should reside. Do your “wok” properly. “Doh” come here and ask for more power and you cannot use the ones we gave you already. Thank you very much. [*Desk thumping*]

2.45 p.m.

Madam Speaker: Member for St. Joseph. [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker, as I join the debate on this very important piece of legislation, the Anti-Gang Bill of 2017. Before I get into my contribution I think it would be remiss of me, and on this side, if we did not condole with our colleague from Chaguanas West on the recent bereavement of his father, and may his soul rest in eternal peace.

Madam Speaker, the Member for Naparima started off with the utterance that this side is fundamentally different from that side, and that was the one true thing he said today. This side, when in Opposition, supported over 96 per cent of the UNC’s anti-crime legislation for the period 2010 to 2015. We supported the then anti-crime legislation. We supported four out of five amendments to the Bail Act.

Anti-Gang Bill, 2017
[HON. T. DEYALSINGH]

Wednesday, December 06, 2017

We supported every piece of anti-crime legislation except for two: one, the infamous soldier-police Bill; and two, we also did not support the categorization of murders. Those were the only two I could remember we did not support.

But the Member for Naparima is going to be infamous for the approach taken to criminality in the face of increasing murders. And to quote, he said we should not be locking up people. The prison is so full that you should not be locking up people. That rather, you should take people and love them and talk to them. He said, you should not be profiling people.

Madam Speaker, I want to refresh the country's—through you, Madam Speaker, because I am speaking as the Member for Port of Spain North/St. Ann's West oft says, we are speaking to the right-thinking patriotic citizens of Trinidad and Tobago. [*Desk thumping*] So when my friend from Naparima talks about we should be loving these people and embracing them and not locking them up, I want him to reflect on the *Hansard* of none other than Sen. The Hon. Anand Ramlogan as he was then, on Wednesday December 01, 2010, on the Anti-Gang Bill and I quote, Madam Speaker:

“The Constitution, as you know, Mr. Speaker, gives right to life, liberty, security of the person and enjoyment of property, but these freedoms are not absolute.”

When they were in Government, they advocated for the taking away of the right of freedom as under the Constitution. But today, when they are in Opposition and we are in Government, we must not lock up anybody. We must love them. Right?

I want to go on and quote again from the *Hansard* of that same day, the contribution of then Mr. Herbert Volney, of Wednesday, December 01, 2010. We want to talk about loving people, not locking them up. Herbert Volney said:

“If this measure is termed draconian then we shall have to live with the term ‘draconian’.”

Mr. Al-Rawi: And he was Minister of what?

Hon. T. Deyalsingh: And he was Minister of Justice.

“As we all say, Buckley’s is bitter, but it works.”

So Buckley’s good for them in Government but when we are in Government it “eh” good. We must love them. We must welcome them into our bosom and hold their hand. Right? Do not jail them.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

I continue to rebut once and for all the Member for Naparima when he says, talk to them. This is the contribution on that same day of somebody called the hon. Prakash Ramadhar:

“When we spoke of there being harshness in the legislation...”

—that is, the legislation that you were bringing in 2011, your legislation:

“When we spoke of there being harshness in the legislation, it is only in response to the harshness of criminality.”

Those were your words and I had to hear the Member for Naparima today say, “Let us not be harsh. Let us love them. Let us embrace them.” Hypocrisy! [*Desk thumping*] Absolute hypocrisy!

I go on. The hon. Prakash Ramadhar on that same day:

“When you take a gun and you have to gain membership in a gang, as you rightly said, sometimes by taking a life to prove, I think the Attorney General said that, you are worthy of entering the hallowed halls of that gang, then you must deal with them as the criminals they are.”

That is the hon. Prakash Ramadhar. But today we must not deal with them as criminals. We must love them. We must embrace them. [*Crosstalk*] He goes on. That is the hon. Prakash Ramadhar, in total violation and opposition to what the Member for Naparima says today:

“They must know there is a serious consequence associated with others who are criminals.”

What absolute hypocrisy. But we must love them today. We must love them.

Madam Speaker, when the Member for Naparima said we must stop arresting people and we must go back to pre-school, we must go back to primary school, we must go back to the secondary school and stop the supply, I want to remind this country, through you, Madam Speaker—I am speaking to you and the country, not to them. When this current Prime Minister, in the year 2002, when he was Minister of Planning and Development—and that was one of the first times I heard him speak in the Parliament, in 2002—he floated the idea of taking at-risk youth between the ages of 17 to 25. Those of us who are in the politics for a long time should remember that contribution by the then hon. Keith Rowley, Minister of Planning and Development.

Hon. Member: And “what they tell him”?

Dr. Gopeesingh: Sing for your supper.

Hon. T. Deyalsingh: He said:

Let us take at-risk youths between the ages of 17 to 25 and train them, possibly use COSTAATT as a mechanism of targeting at-risk youth.

He did not define any race. He did not define any ethnicity. But you know what the UNC did? They played the race card.

Mr. Young: They always live with race. Everything for them is race.

Hon. T. Deyalsingh: So that is what we want to do.

Madam Speaker, I really long for the days when Mr. Winston Dookeran was in this House. He was a patriot. Because I have a feeling, if you lift the Whip today, there are at least five Members sitting opposite us who would vote for this Bill—at least five. [*Crosstalk*]

Hon. Member: Call them.

Hon. T. Deyalsingh: I am not going to call them. Because it was Mr. Winston Dookeran, who, after five years of UNC, had the courage to lead a revolt of the then Congress of the People on the morning when we had the Bill to pass those election laws—and led a revolt to vote by conscience. But I miss the days when this Parliament had a serious Member of the Congress of the People. I really miss those days—really, really miss those days.

The Member of Parliament for Naparima made heavy weather of the fact that the DPP and the Law Association did not respond. It took the remnants of the Congress of the People to say here today that it is unforgivable that those two offices did not respond to the Attorney General. And then he went on to say, even when he was chairman of the LRC, they did not respond to him. This Attorney General, like him when he was chairman of LRC, wrote 17 times—17 times.

Hon. Member: Not on this one.

Hon. T. Deyalsingh: Not on this one, but on others, to get comments. This Attorney General wrote to the Office of the DPP and the Law Association on July 06, 2017.

Mr. Al-Rawi: Constant reminders.

Hon. T. Deyalsingh: Constant reminders, and no reply to date. What is the Attorney General to do? Right? Five months. So we are very clear that the Attorney General did everything possible.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Madam Speaker, we are hearing through the grapevine, we must be going to a joint select committee on this Bill. I want to remind the country that I have in my hands the report of the joint select committee, and report on the Anti-Gang Bill, 2010. The Attorney General was at pains—at pains—to point out the fact that this Bill only has about three clauses which are fundamentally different to the old piece of legislation. Let me ask: Is it that you want to go back to a JSC on clause 8 because you want to have further discussions on retaliatory action? Let me tell you what the JSC did for the period.

The Attorney General just briefly mentioned it, but because of the utterances of the Member for Pointe-a-Pierre that they want to go to a JSC, it is now incumbent upon us to put on the *Hansard* what the JSC did, and to show that going back to a JSC is just delaying the process and kicking the can down the road again and criminals are going to run riot again. So this JSC actually met over a period of Tuesday, January 11, 2011 to Monday, February 28, 2011. They met eight times—eight times.

There were preliminary discussions. There was expert assistance from Mr. Nakool Maharaj, Senior Parliamentary Counsel and Mr. Tamara Dookran, Parliamentary Counsel II. There were requests for submissions. And hear who they requested submissions from:

“In keeping with its mandate, your Committee approved the proposal to request submissions from the Criminal Bar Association with a deadline of January 31, 2011.”

Did we receive any? We received none back then. But go back again.

Mr. Al-Rawi: After five months of writing them.

Hon. T. Deyalsingh: Right? We received none back then. The joint select committee also had a PowerPoint presentation:

“At its third meeting, your Committee viewed a PowerPoint feature entitled ‘Criminal Street Gangs’, which was presented by a representative of the Trinidad and Tobago Police Service.”

You want us to go back and do that again? Again? There was also an oral presentation:

“...from the police service that the Anti-Gang legislation would greatly assist in the fight against crime.”

Anti-Gang Bill, 2017
[HON. T. DEYALSINGH]

Wednesday, December 06, 2017

But this is what chilled my blood.

“As the deliberations continued...”

Madam Speaker, listen to this carefully. I know you are. This is on page 7 of the JSC report. You want to have more talk on this point?

“As the deliberations continued, details of parents who actually lived in fear of their children, came to light...”

That was what the JSC considered. In 2011, parents were scared of their children who are in gangs. Six years later, I am scared because I am an MP as all of us are, are MPs in areas that have gangs. And the question is, what is the MP doing? You are going to go back to hear these same submissions from the same people? For the sake of what? So that the Opposition could say the PNM is not dealing with crime.

In the JSC there was also consideration of the Bills, and finally it says—and this is the report by then Sen. Anand Ramlogan:

“During the deliberations there was wide consensus in your Committee with respect to the objective for the introduction of the Anti-Gang Bill...”

Why do they want to go back to a joint select committee? To do what? Other issues raised—and where are the three new clauses, or clauses which are changed, so fundamentally different, so fundamentally flawed, so fundamentally far-reaching that you want to go back and have other issues raised like the receipt of goods and all of that? This is the work of a joint select committee. Why do you want to go back to it now? It is useless. It is going to be frivolous and it is simply an attempt by people deemed unpatriotic not to want to help this Government solve crime.

Hon. Member: Not the Government, the country.

Hon. T. Deyalsingh: This country, correct. Correct.

Madam Speaker, I am again slightly appalled by my good friend, the good criminal lawyer that he is, the Member for St. Augustine. We all know we have problems with the police service. We all know that. But to put forward an argument that you should not pass legislation, or any piece of legislation because you have a few bad apples in the police service who abuse their powers is not, in my view and the view of this side, good thinking.

But what was most difficult to understand is why you would use the case of Kevin Stuart to pillory the police service and to use that instant case as an example of police overreach and police brutality? Why did he conveniently forget the fact that in the Civil Appeal, No. P162 of 2015 between *The Attorney General of Trinidad and Tobago v Kevin Stuart*, also known as Kevin Stewart—the Stuart spelt differently—where on page 7 of the Court of Appeal judgment it states—and the country needs to understand when the scaremongering comes from that side, it is not based on fact. The fact is, in the Court of Appeal—and I want to rebut my good friend from St. Augustine—the judge said:

“In my judgment the judge failed to properly analyse the evidence in its entirety and drew inferences from the evidence of ASP Mohammed and PC Phillips which were not justified.”

But, Madam Speaker, when you go to paragraph 39 of the judgment, that is where we have to be careful how we criticize the police. And what does paragraph 39 of the judgment say? Madam Speaker, I need to put this on the *Hansard* to correct the claim of overreaching by the police in this instant case.

“In my judgment it is quite plain on the facts of this case that the three police officers involved were motivated to apply the law fairly and with bona fides. The difficulty is that the provisions of the Anti-Gang Act require close application. Group action is not always easily proven. Without inside information provided from infiltration of the gang by an undercover police officer or a former member of the gang, proof of gang membership and gang activity was always going to be a hard sell.”

And I remember in 2011 when we were debating that, we spoke about infiltration. But listen to this, because you really have to wonder why the Member for St. Augustine went down the line he did with the police. It goes on to say:

“PC Phillips conscientiously sought over the period of eight months from December 2010 to obtain the requisite evidence on the respondent.”

In other words, he did everything right. He did not overreach. He did not set up:

“While it was not sufficient to arrest or charge, it cannot be said that he acted otherwise than in the bone fide execution of his duties. The judge’s finding that his senior officers were in dereliction of duty has no evidential basis.”

Totally opposite, diametrically opposite to what the Member for St. Augustine put on the *Hansard*. That is why I say I am disappointed about the remnants of the COP in this House.

Mr. Al-Rawi: A Court of Appeal decision versus the *Express* newspaper.

Hon. T. Deyalsingh: Yeah. And this is a Court of Appeal decision versus the *Express* newspaper quoted from. I come to a close:

“That was an issue which did not arise on the facts of this case and would have required an examination of the circumstances under which these senior officers operated at the time.”

And here comes the punchline. Because the police need to understand this. The country needs to understand when they are being misled:

“It cannot be said that the senior officers were guilty of dereliction of duty.”

But that side today would have you believe that this piece of legislation should not see the light of day based on an *Express* article and not based on a judgment of the Court of Appeal of Trinidad and Tobago. So when we say they are unpatriotic, we stand on good ground. [*Desk thumping*]

Why do you mislead the population like this all of the time? Why? To listen to the Member for St. Augustine again, who is a criminal lawyer, talking about “he liming by Busy Corner in Chaguanas, the Travoltas this, and is a gang”, putting fear in the people of Trinidad and Tobago that if this piece of legislation is passed, then any amalgamation of two/three fellas by a corner, the police, using their wide-sweeping powers, will swoop down on “yuh, put yuh up, throw dem in jail”, throw in some dry hay, light a match and walk away from it.

Hon. Member: Just for being a gang member.

Hon. T. Deyalsingh: Right? Just for being a gang member. But you see, if you read the Bill and read things in its entirety and do some cross-referencing, you would see that there is something called First Schedule. And when you cross-reference First Schedule with the definitions, you get this. So on the definitions of gang-related activity on page 3 of the Bill, clause 4 under “definitions”, in this Bill:

“‘gang-related activity’ means—

- (a) an offence;
- (b) an attempt to commit an offence;
- (c) the aiding, abetting, counselling or procuring of an offence; or
- (d) a conspiracy to commit an offence listed in the First Schedule, which a gang leader or member plans, directs, orders, authorizes or requests;”

So if the boys from Presentation College “liming by Busy Corner in Chaguanas, sooting the girls” in a most vulgar way, that is not going to fall under this piece of legislation. That is not criminal activity as described in the Bill. It is not criminal activity under the First Schedule.

Mr. Ramadhar: Would you give way? My friend eluded the statement. When I made the example of the Stuart case, it is exactly what I am speaking to, where the person who sold the marijuana and the person who bought were ganged together, and that was the point I was making. So therefore, the innocent liming is one thing, but, of course it must be attached to criminality. [*Crosstalk*]

Hon. T. Deyalsingh: Madam Speaker, as I said, the remnants of the COP again rears its head.

So, what does the First Schedule speak about? “You liming by Busy Corner. Yuh harassing de girls, yuh sooting them.” As vulgar, as obscene, as uncivilized as that may be, to put that into a debate to frighten the population that this Bill is going to trap them, does not hold water, because the gang-related activities are—and I do not have time to list all 28:

“Larceny of a motor vehicle”—does not apply to Busy Corner and the Travolta boys.

“Arson”—unless they burning down Busy Corner Pharmacy;

“Receiving stolen goods”—unless they receiving stolen Viagra from Busy Corner Pharmacy.

“Gang membership;

Coercing”—you see, I know where Busy Corner is, by the taxi stand there.

“Preventing gang member from leaving gang

Recruiting gang member

Demanding money with menaces

Murder

Shooting or wounding...

Robbery, robbery with aggravation, robbery with violence

Assault occasioning actual bodily harm

Trafficking...”

Anti-Gang Bill, 2017
[HON. T. DEYALSINGH]

Wednesday, December 06, 2017

It does not fall under any of these things. So when they strike fear into people, saying two/three fellas by the corner, “sooting a gal” you will be taken in under the anti-gang legislation, it is all hooey, gooey and baloney. [*Desk thumping*] It does not make sense. It just does not make sense.

Madam Speaker, clause 12, which is a newish clause, as said by the Attorney General which was split with clause 13—is it that you want to go back to a JSC to talk about harbouring a gang member? Why? We already have laws about harbouring, the Vicky Boodram case recently. But this is harbouring a gang member. We are not reinventing any wheel here about harbouring. And it was there already. But you want to go back to a joint select committee to meet again—and this is the report—to meet eight times, to have oral presentation, request for submissions, expert advice, preliminary discussions to talk about harbouring a gang member? My God. I do not understand the plain obstructionism and opposition that pervades our friends opposite.

Why would you object in clause 14? You want to have a joint select on this now? You want to have a joint select to try this case either way in the Magistrates’ Court and the High Court? You want to go back to a joint select committee to meet—and each meeting in a joint select committee lasts, what, two to three hours? You had eight meetings between Tuesday, January 11th and Monday, February 28th. How many man-hours you spent here?

Mr. Al-Rawi: They started 10 o’clock and they finished 1.00.

Hon. T. Deyalsingh: Right. How many man-hours you spent here already? Eight/threes, 24 man-hours, tying up parliamentarians, tying up the Parliament staff, costing, providing lunch, whatever. You want to recreate this simply to say that the PNM cannot deal with crime? But when you were in Government we helped you with 96 per cent of your anti-crime legislation—96 per cent. [*Desk thumping*]

Madam Speaker, I want to take a little while now to maybe refer directly to my friend from St. Augustine. After the Attorney General wrote to the hon. Member for Siparia’s designate on that side, as the conduit for discussions on this Bill, Sen. The Hon. Gerald Ramdeen—

Hon. Member: You are not honourable unless you are a Minister.

Hon. T. Deyalsingh: Oh, sorry, Sen. Ramdeen. After five months, if it is you want a sunset clause, tell us. Recommend something. So the Member for St. Augustine mentioned it in passing.

Mr. Ramadhar: No, I said it very plain.

Hon. T. Deyalsingh: If it is you want a sunset clause, tell us. Let the next speaker get up here and say, you recommend to the Attorney General he look at a sunset clause, and let the Attorney General get up and give you a reply. You could have a sunset clause. We could look at the data after we enact. We could review it. You could have a review clause. You could do anything you want. You could have a comprehensive review of it. You could have a regulatory review of it. You could have a selective review of it. You could have a discretionary review of it.

You want a cursory review? No problem. You want a full review? No problem. You want a sunset clause, tell us, but recommend something instead of just opposing for the sake of opposition, which is what the Member for Naparima did, just oppose for the sake of opposition and the only snippet of a recommendation has come from the remnants of the COP, and I congratulate my friend for that.

Tell us. Do you want a sunset—let the next speaker get up here and tell this country you are willing to support this legislation if you get a sunset clause, and let the Attorney General reply.

Madam Speaker: Hon. Member for St. Joseph, your original 30 minutes are now spent. You are entitled to 15 more minutes if you wish to avail yourself.

3.15 p.m.

Hon. T. Deyalsingh: Thank you, Madam Speaker. [*Desk thumping*] Like my colleague, the Member for Laventille West, I want to relate a couple experiences in the constituency of St. Joseph where there are gangs, which I have to deal with on a daily basis. I have always said in this country that education is the greatest equalizer that we have—education. The People’s National Movement pioneered free education in this country, but people have to take ownership of free education and the opportunities that arise from free education.

Madam Speaker, I was in San Juan hill, just outside the San Juan Police Station—for those of you who know that area, there is the San Juan Police Station, San Juan Health Centre on the road to go up to Santa Cruz by the cemetery, and you could go up to Maracas eventually. I was taking a walk there one day and a young man—this is a true story. I kid you not—started to verbally accost me across the road. “Deyalsingh, yuh so and so”—[*Interruption*]

Hon. Member: A constituent?

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Hon. T. Deyalsingh: A constituent, yeah. So foul language across the road. This is a true story, so I am not going to tell you the foul language here. Not here. So anyhow, I decided to cross the road and to engage this young man—this is a true story. I kid you not on my mother’s grave and father’s grave—he cussed me, he cussed Volney, he cussed Swaratsingh, he cussed Carlos John, he cussed every Member of Parliament for every party for 10 years. So I say, “Brother, what have we done as parliamentarians to you?” He say, “MP you see you, nine years now ah looking for ah job. Nine years.” I say, “Okay.” I say, “Well, what have you been doing to get this job?”—and we have a former chairman of the San Juan/Laventille Regional Corporation in our midst and a former chairman of Diego Martin, so he would know what I am talking about. He say, “All yuh, you, Swaratsingh, Volney, Carlos John, waste ah time.” I say, “What have we done you, my brother?” He say, “Every Thursday for nine years I go down to the corporation and put down my name on the book to get ah wok.”

Hon. Member: Which corporation?

Hon. T. Deyalsingh: San Juan/Laventille.

Hon. Member: Where is the Chairman?

Hon. T. Deyalsingh: It does not matter. “He say he can’t get ah wok yet.” I say, “Well my brother, if after year one you ain’t get de wok, if after year two you ain’t get de wok, after year three, doesn’t that tell you something?” He say, “What?” I say, “Well, maybe they have no jobs there for you.” He say, “Well I want ah wok.” I say, “Okay. What passes you have?” “None, I leave school up to 12.” I say, “You went to YTEPP?” “No, but ah have three children to mine and I need to work for \$10,000 a month.” Right? This is what you get as a Member of Parliament—[*Interruption*] I am coming to that. And he is says, “The only time I get help was with LifeSport.” I am telling you. No, he told me that. He said, “The only time I get help was when Anil Roberts brought LifeSport into a particular part of St. Joseph.” I would not call the community’s name. And I say, “That is your salvation my brother?”

Another constituent—and this is why we have to tackle the gang membership—from that same area came to me. He say, “MP, I want ah wok.” I say, “Okay. What passes you have?” None! Left school cannot read, cannot write. I say, “Okay, I am going to send you to ALTA in Curepe.” ALTA was running some classes in Curepe. He say, “But ah have no money for transport.” I say, “I will give you the money.” He say, “I have no clothes to wear.” I say, “I will buy the clothes.” I buy some clothes for him, I gave him one month passage

instead of coming to me every week to go to Curepe. After two weeks of ALTA classes, he comes back to me and say he dropped out. I say, “Why you dropped out?” Because this was a young man who I wanted to save, who wanted to be saved. He say, “MP, when I put on dem clothes and dey see me going to ALTA, dey threatened me and tell me if I continue that they will beat me up.”

The gang in the area pulled him down. He cannot escape the clutches of the gang. He say, “MP, you try to help meh. Ah grateful.” And do you know what he did? He even gave me back the extra two weeks’ passage. I say, “Keep it brother.” That is what we have to deal with in communities, and that is what this Bill is designed to do, to break the back of these gang leaders who have their clutches in the uneducated, the people who have never been loved by a parent. Let me tell the country this. Madam Speaker, how much more time I have, please?

Madam Speaker: You end at 3.30.13.

Hon. T. Deyalsingh: Thank you. And when I tell constituents who come to me—and this is another true story. Coming out of a grocery, Valpark Shopping Plaza grocery, about six months ago, there is a lady selling sweet bread outside of the door. This is another true story. The lady said, “You are the Minister of Health?” I said, “Yes.” She say, “Hear nah, meh son just leave school, ah looking for ah wok for him. Give him ah wok in the mortuary to push dead people nah.” I say, “Madam, hold on, hold on. Mash ah brakes.” I say, “Your son is 18 years old and the ambition you have for your son is that he should start off his working life in a mortuary pushing dead people?”

Hon. Member: It is a dead end job.

Hon. T. Deyalsingh: No, I mean we could make jokes, but the point I want to make, we need to have ambition for our constituents, and how do we do that? We are not on the streets 24 hours a day. We would interact with them for a few hours a month, but we are not in their homes, we are not in their communities, but the police could go in there and remove the bad influences. And this is why I said, if we want to tackle the thing about gangs—gang membership is multipronged.

Yes, as the Member for Naparima said, you need some sort of social intervention, but you also need legislation, you also need the police to have the powers to go in there and do what they have to do. Go in there and do what they have to do because many of these young boys do not want to be in gangs, you know, but they have no choice. That is where they find salvation. Because they have no education that is where they find success. They do not find success at home or in school, but they find success in gangs. So we have to have this piece of legislation. This is

Anti-Gang Bill, 2017
[HON. T. DEYALSINGH]

Wednesday, December 06, 2017

patriotic. This is time for all patriotic citizens to stand up and say I draw a line in the sand against gangs and gang members and we are going to support this legislation, because to do otherwise will be to perpetuate all of this that we have been doing.

Madam Speaker, I will close with my last true story. A pastor in my community, speaking to her two Sundays ago, I said, "Pastor, you and I often get blamed for not doing enough for our communities." These were her words. She says, "MP, this is like having a cliff, a precipice with a barrier. If these young men choose to jump the barrier, fall over the cliff, then all we are, are ambulance drivers because all we are called upon to do is to drive the ambulance, pick up the dead and mangled body." But she said, "What we in the church are offering, maybe the people don't want." Those were her words, not my words. She says she is tired being an ambulance driver at the bottom of the precipice when these young men mainly take a conscious decision, could climb the barrier and jump off and have their lives snuffed out by age 25 because that is the life expectancy for a gang member. But she says, "MP, what you and I are offering, salvation, hard work, delayed gratification, how do we combat that? We are not on the streets, but who is on the street is the gang member."

So, Madam Speaker, we need strong legislation to deal with gang members, and with those few words, I thank you. [*Desk thumping*]

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much, Madam Speaker. I did have the opportunity to listen to the speakers even though I may not have been in the Chamber, and I am sorry for my friend, the Member for Laventille West, who felt that we were in another place. But like you, Madam Speaker, I returned to the country last night. We both returned, why? Because we had to be here in the Parliament. I could have had a few more days [*Desk thumping*] but I felt it was my patriotic duty on behalf of the Opposition that I lead, that we can join in this very important debate. I have been reading over the past several days the comments made by Members from the other side, and today.

Hon. Member for St. Joseph, you know, I heard you saying repeatedly that we are hypocrites, hypocrites, hypocrisy, hypocrisy, hypocrisy because you supported 96 per cent of legislation brought by us when on the other side. Yes, you supported all except two, and may I say those two, you may want to reconsider them because those two may make a bigger bend in the fight against crime [*Desk thumping*] that we want to see happen before us today. And so, I heard you with this and you said you supported them, okay, and there must be a reason why you supported them. Your answer may be that you supported these Bills because you

are good people. That is the impression I am getting from listening to your contribution earlier today, just a while ago. You know, we are good people, we are great people on that side and so we helped you, we supported you, we supported you and so we go on, but do you know why you supported those pieces of legislation? Because it was good law [*Desk thumping*] and you are good people, so you responded when we brought good legislation. We have said repeatedly we will support good law, good Bills, good policy initiatives, good legislation, and we will do that. As long as we are here we will continue to support good law. [*Desk thumping*] So I give you that commitment [*Desk thumping*] and therefore, I know Government, Opposition—[*Interruption*]

Mr. Lee: Madam Speaker, 53(1)(f) please.

Madam Speaker: Members, I just want to remind you all of the provisions of Standing Order 53 with respect to listening in silence, speaking with hushed tones. Please continue, Member for Siparia.

Mrs. K. Persad-Bissessar SC: Thank you, Madam Speaker. So we will support good law, and we are all here I think—we all understand, not just Opposition and Government, but throughout the country there is great cause for alarm for the murder and the mayhem, and the rising tide of crime, the crime scourge. We have become, people have become, not just prisoners in their homes. First, we had the burglar-proofing, everybody is trying to put burglar-proofing so we are prisoners in there, and now we have become statistics in our own homes. You add to the murder rate, how much is it now? Four hundred and sixty-six, already surpassed the rate from last year.

Now, we have in this Government three Ministers of National Security, we have three AGs or AGs in the Office of the AG—three—and we have virtually in reality three Prime Ministers. The real Prime Minister, [*Desk thumping*] the Minister in the Office of the Prime Minister and, of course, the perpetual actor who has acted for, I think 18 or 17 times as Prime Minister, Member for Diego Martin North/East. And so, we have all of this and here we are today, where the Government which accuses us of hypocrisy, does not remember their own words. They blame us. Some comments came out earlier this week on this Bill; crime rising, blame Kamla, blame Bascombe. I want to read these words here, a quotation from none other the hon. Prime Minister who was then Opposition Leader, and this is what he said. I think he would clearly remember it. He pronounced to the country that when in Opposition—and the hon. Member was then in Opposition—if a Government cannot deal with crime, then the Government is part of the problem. That is what he said. That is what your leader

Anti-Gang Bill, 2017
[MRS. PERSAD-BISSESSAR SC]

Wednesday, December 06, 2017

told the country then. So, where is blame game on the Opposition side, if we cannot deal with the crime, well you know what to do? You cannot deal with it. It is 466 murders. Since you came into office over the past two-plus years, I think over 1,000 murders have taken place in this country and that is endemic to the PNM and I have the stats, whenever the PNM comes in power crime exponentially rises [*Desk thumping*] all the time.

So here we are, we are all concerned. We are here because over the last several days, I am told about 21 murders over the past several days. You know and I want to come back to the point, three persons in Office of the AG, three in Office of National Security and, of course, two in the Office of the Prime Minister. All of you as leaders, and a few weeks ago the social media went viral with somebody saying that there is going to be an increase in gangs and in criminal activity. I do believe, Madam Speaker, that the Minister of National Security came out and say that is not real, it is not true, but did we do any checking, did we do any following, did we do any intelligence? Because just a few weeks later in December, they said it will happen in December, and here we are the first week in December, 21 murders. Did anybody really check that? When you came and you blasted that social media post, but did you do anything else apart from saying it is not true? So finally it is not true, but did we check? Because how come we have—immediately after that came out, it is happening in December. We surpassed last year's rate already in the number of murders for the year, and here we are in December. So, I ask if a speaker on the other side could help us with that. Was any investigation done apart from saying to people, I do not like this so it is not true.

The two are so closely linked, that viral post, and that is where I will come back and support my colleague, the Member for St. Augustine, on the issue of sedition. I will return to that point. Member for St. Joseph, you told us, okay, tell you something and we will consider, and we will tell you, and I will want to deal with that sedition clause. But the most important responsibility of any Government, whether it is ours, whether it is yours, or any Government in any part of the world, the first is to protect its citizens. [*Desk thumping*] That is the first thing, and that protection is enshrined in the very first part of our bill of rights in our Constitution, life, liberty, limb protection. Your life, limb, property, that is the first, and that has totally been breached and is being breached every single day in this country. Every day! So the Government has totally failed to protect its citizens, Madam. That is my respectful view.

And so when you say we are talking against you, or we are unpatriotic and so on, I want you to—really, you talked about the gentleman who did not get a job for nine years and so on, and you say the chairman is here, maybe that chairman

could explain why they did not give him a job. Maybe he was not qualified. Lest you walk out there, there are so many cases like that in this country today because of all the job losses. There are so many citizens who cannot have a job. They come into our offices, they are crying. Look they say, “It is Christmas, ah cyah buy something for meh children. Ah cyah buy even ah lil toy, but then worse than that I can’t even buy food.” And wherever I was away, Madam, and my phone is ringing, “Oh God, I in real trouble, I cyah even buy food.” So this joblessness also contributes—I am not saying it is the cause of the crimes, but it is also a contributing factor to crime.

So here we are, when we thought it could not get any much worse, when we thought that enough blood had been shed in the streets, at homes, and elsewhere, when we thought, okay, maybe it is Trinidad, Trini this, Trini that, Tobago as well. Peaceful, beautiful Tobago as well, blood everywhere soaking into the soil, and no one, on one, from the highest to the lowest to the middle, has been spared from the criminal and the activity. And you know I find it very surprising—I think the hon. Attorney General did make a statement, but if it is 21 murders over the past five days, I thought it would have been appropriate for one of those persons in the Office of the Prime Minister at least, or at best the Prime Minister himself would have made a statement to the nation. He should have come out and tell us look, we are bringing anti-gang yes, but what else are we doing because this anti-gang is not going to stop it you know.

If you think this is the panacea for the ills of crime, this will not. It will not on itself. It will not. [*Desk thumping*] And if you on the other side in your contributions can show us how this Bill that I have listened to your speakers, show me, show us how this will—you say we have to get rid of the gangs, we have to do this, we have to do that, we have to do that. You know there were 2,000 gang members. Yes, yes, oh very frightening, but how will the things inside of here, show me, take me through it, tell me please, so that you can convince us on this side to give you the support that you want for this Bill, and I say we will support anything that will help in the best interest of this country. [*Desk thumping*] So take us through the clauses, and I think the Member for Port of Spain North/St. Ann’s West may speak next. Take us through and show us. Maybe we are not as bright you are, so show us clause this, this will help here, this will help here, this will help there. Show us that. I have not seen that from your comments thus far, nor have I seen it in reading of the Bill itself.

So here we are, an extraordinary sitting of the Parliament, Madam. Why it is extraordinary? Well, it is Wednesday. We do not normally sit on a Wednesday. Why it is extraordinary secondly? Because we started at 10.00 a.m. That is an extraordinary sitting, and we do these things which Parliament allows to do. Some of us had to

Anti-Gang Bill, 2017
[MRS. PERSAD-BISSESSAR SC]

Wednesday, December 06, 2017

leave where we were, of course, for this extraordinary sitting. We do that. Nothing is wrong with it, and given the spate of crime, the question is whether rushing this thing late Friday with the changes by the way, laying it on Friday and say we are debating it on Wednesday, a few days to really consider. So when others on the other side say we did not respond, we did not give any this, we did not give any that, you gave us a few days.

You had sent to me in August some time back—[*Interruption*]

Mr. Charles: August 4th.

Mrs. K. Persad-Bissessar SC: August 4th, the letter from the hon. Prime Minister which I very much appreciated. 28th September, sorry—no, this is when I wrote the response. That version of this Bill that was sent to us was different from the one now before the Parliament in a few regards and I welcome some of those changes. I trust that the comments we had sent would have made some differences, so that you made some—or it was forwarded first to the Senator and thereafter hon. Prime Minister wrote to me. Here it is, the Prime Minister wrote on August 17th to me.

There were some comments there. There were criticisms all around with the original one that we had passed, which is being referred to all the time here, it is our Bill, it is the same Bill, there is nothing fundamentally different. There are things that are fundamentally different by the way. You say there is nothing fundamentally different, so you know what, it is your Bill. Well, I find after two years that you recycle a Bill from the Partnership and say “Look, it is the same. Vote for it because you voted then, vote now.” That is the kind of pressure being exerted on the Opposition. You voted then, vote now. [*Desk thumping*] But the world is not static. The world does not stay the same. It changes, and therefore, the gangs are changing too because they are getting bigger, they are getting more of them, and they are getting more sophisticated with their weaponry, and their methods, and the technology. I mean, this technology is all over, everything is changing.

So yes, we have to change it. You cannot bring it exactly as it is and say vote because you did it before. So, two pressures being put, one, you are hypocrites. You voted for it then, what is wrong now? What is wrong? We will share it with you what we believe is wrong. So out of these 21 people who were murdered, Madam, in the last several days—oh God, the Christmas, the holy month of December, is 21 persons. I am being disturbed from the other side, Madam Speaker. I am sorry to have to ask for your protection.

Madam Speaker: Members, please, I would like to hear the contribution from the hon. Member for Siparia. Please continue.

Mrs. K. Persad-Bissessar SC: Thank you very much. Out of these 21 persons murdered, out of the over 1,000 murdered since you came into office, how many of those are gang-related, do we know? Do we have any idea, hon. Attorney General?

Mr. Al-Rawi: I gave those statistics in—[*Interruption*]

Mrs. K. Persad-Bissessar SC: No, you did not—no, no, I heard him. I heard him. Maybe you could tell us again. You gave us the statistics. You say there are 33 or 40 in the Magistrates' Courts, and so on, that are pending, and there are over 2,000—suspected you said—suspected gang members and so on. What I am asking, out of these 21 persons who were murdered in the last several days—because we are saying this will help that, it will help stem that—are any of these gang-related?

So, for example, was a gang or a gang member responsible for the death of Mr. Ramdath, 33, met his death in a home invasion? Was that a gang? Was the outpatient from St Ann's who murdered Anderson Babwah, 22, who fed him every day, was he a gang member? Was Dwayne Callender, who his family said was at the wrong place at the wrong time, was that gang related? Was the killing of Dulalchan Lutchman, jeweller from Tobago, is it gang related? Because if it is not, then this is not going to help all these murders. Last night another citizen lost his life, chopped to death in Couva, was that gang related? So hon. AG, or Members of the Government, can you tell us, could we with this Bill help save any of those lives—[*Interruption*]

Mr. Al-Rawi: Yes.

Mrs. K. Persad-Bissessar SC:—of these 21 people? Are they gang-related murders? And therefore I ask again, tell us how this legislation will help to prevent. Give us the details for that which I asked for. So it is very important I think we ask this question because you are proposing that we pass this piece of legislation. This is your solution of one of—because you spoke of a suite of legislation—to what we have been experiencing over the past several days, and several months and two years.

I would ask, respectfully, for you to tell us and tell the country how this would stop the murders; how this will make our country safe for our children, for elderly, for fathers, for sons, for daughters, for wives? How? Please tell us. So we see you bring this here, did you rush it through from Friday to now? Because what you sent to

Anti-Gang Bill, 2017
[MRS. PERSAD-BISSESSAR SC]

Wednesday, December 06, 2017

us is not this, what you sent to us initially in August and September. I believe what you sent to the Law Association was not this. What you sent to the Judiciary, what you sent to the DPP, who did not respond as you say, is not what we have before us. That is my understanding of it. What was sent was the one from way back in August but you have made some changes, some of which have made improvements from what came here before.

Now, the persons that you are proposing to be responsible for the detection and prosecution of persons under this piece of legislation are the same persons who admitted that there was a gap in intelligence which caused the Beetham mayhem, the anarchy we saw on the brink of our capital city. It was that same gap and it is that same gap in intelligence who is responsible for persons thinking that they could do unlawful things and get away with it. So will you kindly give us some comfort to innocent citizens who go about their lawful business every day, how again this will prevent another occurrence of what happened on the Beetham?

You know, when we were in office we did several things. We were able to bring serious crime down to about the lowest in 31 years. [*Desk thumping*] After consistent efforts, and unrelenting commitment to take back our communities by 2014, we recorded the lowest number of serious crimes, as I say in 31 years and I have the stats saved. If you are doubting me I can pass it and share it with you. Serious crime was cut by almost half, almost half; burglaries, robberies, car crimes were all down by more than half; [*Desk thumping*] drug crimes came down by more than 15 per cent; shootings down by 19 per cent; kidnappings went down; and murders went down by more than one-fifth, which is 20 per cent. So how did we achieve this? It was not just through legislation. It cannot be through the legislation alone. And when you come and say—you know, I am listening to you, I am listening to the contributors from the other side earlier today and it is like you are not supporting this, you are a hypocrite, you are a traitor—and what is the other word?—you are unpatriotic and so on. Then when we raise other issues, you jumped off on that issue and say you are not supporting this, and the Member for Naparima said let us go back to drill down and go there and prepare. Go back to kindergarten, go to pre-school. All those things are needed. It has to be a holistic plan. [*Desk thumping*] And whilst you tell us about this Bill and its importance, why are we here to debate this Bill? Why do we want, it is to bring down the crime, [*Interruption*] but this, I repeat, of itself will not, will not assist. Madam, I am being disturbed by the Members on the other side.

Madam Speaker: Hon. Members, please, I think we all understand the limitations of the Chamber, and could we please cooperate, observe Standing Order 53. I would not like to rise again on this. Continue please, Member.

Mrs. K. Persad-Bissessar SC: Thank you, Madam. So I am saying we were able to bring it down. What were some of the things we did; and why it is you are dismantling these initiatives that were able to work and bring crime down? So we established a National Operations Centre. Why? To be the backbone for intelligence gathering.

Remember earlier I said to you, I repeated what I read where the national security personnel said that the Beetham matter was a gap in intelligence? You have totally watered down that National Operations Centre. That was to be the hub. That was the backbone for intelligence gathering. That is what it was doing, sharing information among law enforcement agencies so they do not operate in silos. They will work all together. That was what the National Operations Centre was for.

3.45 p.m.

What did you do with the National Operations Centre? Dismantle it and put it into something called the SSA, if I am not mistaken and SSA, that is itself an intelligence gathering unit, cannot gather any intelligence about Beetham. Cannot. *[Desk thumping]* Most countries, developed countries, where crimes are not like ours, they have a national operations centre. They may call it a different name but that is what it is intelligence gathering and intelligence sharing amongst law enforcement.

We also set up a national security specialized operations group. This was a specialized group comprising members of the law enforcement agencies. I heard my colleague from St. Augustine earlier talking about when he was Chair of the LRC and how the consultations—there were regular meetings. There were regular meetings and I am being told that is not happening. Regular meetings with the Judiciary, the DPP. You had scheduled meetings, not just I write you a letter, I send you or I make a phone call. You had scheduled meetings to take place so you will have this on-going consultation because this fight against crime is a war that we are not winning at this time and therefore, we have to keep everyone—you do not just call them and you summon all heads. When something happens, you see busy, busy, everybody come, come. Commissioner, bring all the troops, show me the troops. We sit down in a place somewhere, we take some nice pictures and that is it. This should be ongoing. So yes, you want the piece of legislation but you have to do more than just pass legislation.

We formally established an energy sector security initiative. That looks at the protection of our critical energy infrastructure. Is it still there? Because one day, we might wake up and we hear Petrotrin, something happens. And we did that because with

Anti-Gang Bill, 2017
[MRS. PERSAD-BISSESSAR SC]

Wednesday, December 06, 2017

the threat of ISIS, that is when we set that up. I remember going to the United Nations and we partially—we co-signed with President Barack Obama who was the pilot of that motion, the UN resolution on terrorism. My colleague who was then in Opposition, the present Prime Minister, lambasted us all over: “Why you must do that? Now everybody will come looking for us.” Thank God we had co-signed with President Obama. [*Desk thumping*] The ISIS threat that is now coming in. So we had set up this energy sector security initiative. [*Crosstalk*] Okay. Is it still there? Do they keep a watch? Do they do protection, monitoring and surveying of our—? Critical. That is the source of our income.

We launched the E999. We saw a very heavy increase in law enforcement presence throughout the country and you see that Bill that you condemned. One, that the Member admitted today that they did not support; two, what you called pejoratively, you used it in a very negative way when you said the soldier Bill. Not soldier, “solja” Bill. That is what you termed it. You know today if you had that, you want to bring the community zones, which is not on the Order Paper so you have a policy initiative to bring a Bill about zones, special zones and thing, what are you going to be doing there? You know that is what they are trying to do in a different way? But that one would have made a great difference because you have 5,000 defence force personnel and maybe another 5,000 police, I am not sure of the exact numbers but we have thousands of defence force, police. Why can they not work?

You know, a place like Costa Rica, I remember meeting the President of Costa Rica at one of these meetings and she said they totally abolished the defence force and took the money and pumped it into infrastructure, into education, into social service. I am not, today, anybody with the headline “Kamla says get rid of the defence force”, that is not what I am saying. I want to make that very clear. I am saying let us incorporate them and use them, and they are very able and willing, well-trained regimental persons. So we had that heavy presence. I know there is a joint task force of police. They are located somewhere along the East-West Corridor. I remember visiting them, visiting there with those officers and so on, we need to see more presence.

You know we had set up these bays on the highway. I think it was about 13 surveillance bays. Have you ever seen a police car there? That is what they were for. Those bays along the highway were to have police presence, so you see that visibility. Madam, you have travelled, most people have travelled, when you go abroad, what do you see? You see the police are most present. You see that alone

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

is a deterrent. Just seeing law enforcement personnel visible. So we need higher visibility of law enforcement. And you have the space, you have the bays, they are built. You do not have to spend any more money on that, you just need to deploy the personnel.

We also launched the Community Comfort Patrols. Now, I understand they have been disbanded. That is one of the things that helped us to bring the crime down. We banned the use of these cell phones while you are driving when we amended the motor vehicle. We established a counter human trafficking unit. Several things. We increased the CCTVs. We launched the CCTV centre in Tobago. We opened up the police post on Duncan Street. We built Arima, Piarco, Maloney, Cumuto, Brasso, La Brea, Oropouche, Moruga police stations. And notice not one is in a UNC constituency, not one but you say “we are racists” and you say “we are bias” and you say “we are partisan”. Every time you speak, you say we did nothing. Elsewhere, we worked for the entire country; took care of the entire country. [*Desk thumping*]

And those coastal vessels now from the coast guard, you know, no ships came, the ones that came in and so on, before Austal I think it was and the *MV Su* which we spent so much money on and never one day sailed. Millions. How much for it? Fifty-two million dollars, never sailed. *MV Su*. I think somebody’s spouse is named Sue I think and the boat was named *MV Su*. So here we are, those patrol vessels now doing so good on the seas.

We were lambasted, blazed. The Member for Diego Martin North/East who is now disturbing me again. Member for Diego Martin North/East said those ships as—“tin can”. What he called it? A dinghy, dinghy, like “ah lil pirogue or something”. That his yacht was stronger than that, you see. [*Crosstalk*] Ah, my yellow boat was great, thank you, thank you. [*Desk thumping*] I did not have to pay for that boat, the villagers had it for their floods because they get flooded out all the time. And so can you help us then—[*Interruption*] to take food, yes. Can you tell us then—as I shared some of the initiatives, some which you have shut down, maybe you will tell us why. You know, the Government, some people say the Government is like Scrooge now. We cannot even have Christmas parties so maybe you did not have the money so you shut these programmes down. Tell us why. Because they helped, that is why we were able to bring the crime down.

So help us now to understand how this will make the place safer. How would it ensure that we are no longer prisoners and statistics and targets in our homes? Tell us how this would help law enforcement in detecting persons involved in

Anti-Gang Bill, 2017
[MRS. PERSAD-BISSESSAR SC]

Wednesday, December 06, 2017

criminal activity; tell us how—show me in that Bill—to detect. I am waiting with bated breath for you to tell me. In detecting persons involved in criminal activities, those who are planning to commit acts and so on, tell us how this Bill will help.

Because, you see, this Bill will only kick into action when you detect the crime, so you cannot charge “nobody” under anti-gang, can you? Unless you find them. You have to catch them. Of the 1,000 murders since you came into office, about 1,000, how many of those murderers have you detected? How many are behind bars because they do not get bail. They go in, they do not ever get bail. So the issue of not getting bail helping you to solve the crime is not helping—you have 1,000 murderers, “How many you catch”? How many are behind bars? Come here every week in this Parliament to say “Lock up this one, and lock up that one, lock up the other one”. You have 1,000 murders, you have more murders, how many inside the jails without bail? Because that is what this is going to do with these gang members. You are going to put them in jail without bail. What it is? One hundred and twenty days or something, no bail, then you apply to the courts and so on. Help us please to tell us how this will help us, help the Government and the law enforcement to gather the evidence that we need to prosecute these gang members now. That is a very important point.

So yes, all right, we have passed this stage, “yuh gonna catch them, yuh gonna put them behind bars”, no bail for them. You now have to go to court to prosecute. What do you need to prosecute that person? Evidence. You need witnesses. You mentioned—I think the Member for St Joseph mentioned the story about the gang pulling the person down and the fella—oh, the guy with clothing and so on? Yeah, yeah. “They tell him take off that clothes” and whatever, “they depressed him”, kept him down. You have to get evidence to convict. That is what you are doing, is to get a conviction. I see you have decreased the penalty from 25 years it was, to 20 years, if I am not mistaken, that is what you want. How are you going to convict them? Who will be the witness? If this guy is afraid to even put on “ah nice set ah clothes” and walk his village, which of these will come forward to give evidence? They will only do it if you have a properly functioning justice protection/witness protection programme. [*Desk thumping*]

I think from my research and from those who helped me, every country that has this type of legislation, they have been able to secure success because of a proper functioning witness protection programme. [*Crosstalk*] You see, Madam, please, I think you want to tell somebody take a walk, please.

Madam Speaker: Please continue, Member for Siparia.

Mrs. K. Persad-Bissessar SC: Thank you, Madam Speaker. So I am saying tell me a bit about the justice protection programme, the witness protection programme when you respond. Is it functioning? Is it functioning? Is it functioning? The information I have, it is not but I am not privy to every piece of information so I am asking the Government to share with us—[*Interruption*]

Madam Speaker: Hon. Member for Siparia, your original 30 minutes are now spent. You are entitled to 15 more minutes if you wish to avail yourself.

Mrs. K. Persad-Bissessar SC: Thank you. Tell us about it. And further, please tell us what steps you have taken to implement the systemic changes that have been identified by the DPP about this piece of legislation. Now, you said you sent the Bill, fundamentally the same Bill that was there before and the Act that was there before and the DPP did not respond to you. But the DPP, when this legislation was introduced in 2011, the DPP indicated almost 10 things that were required to make this work, 10 different things. Have you taken that into account? And please update us. He told us there must be proper preparation by law enforcement authorities of cases. Please tell us what steps are being taken to make that happen. He said there should be cooperation rather than competition between law enforcement authorities. Cooperation rather than competition, that is where the NOC was very helpful in coordinating everybody on the same page. Further, there should be proper and current police documentation of gang affiliation and activity which it seems you now have. Fourth, the development of gang databases. Have we started any of that? Is it there? Please, tell us where you are with that step. Step five or point five the DPP made, employment of informants, development of an informant policy. This is from the DPP.

So even though he did not reply to your letter, he had made it very clear what was necessary for legislation of this type to work. Six, a study of gang dynamics and group criminal behaviour. Do we have any? Do we have any of that at all? Seven, a proper appreciation of liability as it relates to gangs. Eight, the development of a gang unit. Do we have a gang unit functioning now? Is there a gang unit that you plan to put in place after the legislation is passed? Gang unit, the DPP says. Nine, effective surveillance strategies. Have we improved with our surveillance strategies? Tell us please. And 10, the employment of gang experts who are thoroughly conversant with gang dynamics in TnT. These are the 10 points that the DPP had indicated needed to be done, initiatives you need to take place to make the thing work properly. So, we wait to hear how many of these systems have been put in place or when they will be put in place. Some might be done now, some might be done after you pass it. So what has been the view of the

Anti-Gang Bill, 2017
[MRS. PERSAD-BISSESSAR SC]

Wednesday, December 06, 2017

DPP? Well, I heard the hon. AG that he did not respond. Did we send him the redrafted piece of legislation? I do not know. I do not think so, we got it only on Friday. So we still do not know with this new piece, the new changes.

Why did we not support it when it came before, when you brought it back? You had brought it for—after the sunset clause, after the sun had set on it, you had brought it. The legislation that was brought then was identical to the 2011, no changes. Okay? That Bill was subject to serious criticism by the courts in the case of Justin Charles and the AG and if we had passed it in that form, it would have been struck down as unconstitutional by the courts so we could not support it then. Then we came to criticism of the DPP himself who shared all these points that needed to be put in place that had not happened when you brought the Bill, the identical thing back, a while back. Further, the Law Association and the Criminal Bar was, you know, very adverse criticism against that version of it and of course, as you well know, no stats were provided. I think the hon. Prime Minister did send me some of the statistics and the hon. AG has shared some of that today with us. So further, we did not support it then.

I am looking today now, if you want our support—St. Joseph, I do not know if you spoke for the rest of the gang or you spoke for yourself.

Dr. Rowley: Gang? There is no gang over here. There is no gang here.

Mrs. K. Persad-Bissessar SC: There are no criminals here either, Sir. [*Desk thumping*] When the hon. Member spoke, I do not know if that was on your own behalf or on behalf of the Government when you said tell us what do we want.

Mr. Deyalsingh: Yes.

Mrs. K. Persad-Bissessar SC: So you speak for all? Tell us.

Mr. Deyalsingh: Would you give way? I said would you agree to either a sunset clause or a review clause. Tell us.

Mrs. K. Persad-Bissessar SC: Sure, okay. So you have asked us to share our thoughts on this matter.

Madam Speaker: Hon. Member, could you please direct your contribution this way, please?

Mrs. K. Persad-Bissessar SC: To your good self, thank you. So we need to also be told what steps have been taken with the TTPS for successful implementation of this piece of law. And then we come to what steps have been taken. We have thousands of very good law enforcement officers in our country

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

but we also have corrupt officers who give the rest of the service a bad name. What steps are being taken or have been taken to weed out those elements because that is important? They are the ones who have to rescue and thereafter, with the DPP, lay the charges. [*Desk thumping*] And in this whole scenario, the prison service plays an essential part in the fight against crime. They have been crying out to Government for protection as their members are also now under siege. We await for you to tell us how you will secure our prison officers who risk their lives and the lives of their families in service of our country every day. Their cry has remained unanswered to date.

You know, I remember when we were in office, we did something and I know the hon. Prime Minister, at one point in this Parliament, this Eleventh Parliament, as Prime Minister, talked about the morale and boosting morale. I remember when there was a long drawn out period where the increases in salary could not be made and officers said, “Look, help us”. We gave a non-taxable \$1,000 per month [*Desk thumping*] put into place for all law enforcement officers. We said if something happens to you in the line of duty and you are killed, your family will get \$1 million. [*Desk thumping*]

The Government came to us and say we have to pass legislation, well I am waiting two years later, no legislation here. Some persons have benefitted but there is no legislation that was brought with respect to the payments of those moneys so they are being given the money as an ex—[*Interruption*] No, no, they are not all paid, Sir. Do not do that. Madam, they are doing it as ex gratia payments at the whim and fancy of the Cabinet. [*Desk thumping*] If there is law, if the legislation is done, yes, everyone, it does not have to go to the Cabinet to say, “I am going to pay the family of this officer today, I am going to pay that one next year” or three years down the road. The law will standardize the process, the procedure, the application that everyone will be equally treated. [*Desk thumping*] So there is no time frame but if you have the law, there will be a time frame. Within six months, that money must be processed and paid. The breadwinner, the officer, law enforcement is gone. No legislation came here. When we asked about it, that was the cry given by the Government, that we have to bring legislation. You all remember that? We have to bring legislation, now, two years later, none. So here we are now, here we are now.

You know, when I went recently to the Bahamas—I think our colleague from Laventille West was very concerned about where I was. It was a great place.

Mr. Lee: Madam Speaker, just 53 please. My Member has five more minutes approximately. Can I hear her in silence?

Madam Speaker: Member for Siparia, please, continue.

Mrs. K. Persad-Bissessar SC: Thank you, thank you. Yes, very concerned about this visit that we had. It was a great visit, they treated us very nicely and I thank the Bahamian people for their hospitality. [*Desk thumping*] But whilst I was there, I was so reminded of the Government of Trinidad and Tobago. Whilst I was there, you know how we have “soca” and “kaiso” and “chutney” and so on and “parang”. [*Crosstalk*] I will tell you in a minute. Why you want to know that? I mean, be real. So we were there and I asked the driver, I said what is your music? We have “soca, kaiso, chutney, parang” and so on, what is your music? And he said rake and scrape. That is their music, rake and scrape, and I was so reminded of this Government who—they have failed in every regard. [*Desk thumping*] They have failed. “Is ah rake and scrape Government.” Raking and scraping, rake and scrape. I mean, they will rake and scrape every last cent. The problem is, they already took away the cent, “we doh have ah cent again”. No cent in this country, gone. So I was reminded of the rake and scrape Government, so here we are.

When I was Prime Minister, we had a majority on that side which you do not have now, the constitutional majority. We could have passed that law, the anti-gang law, we passed it in 2011. We could have passed it on our own without your support. Yes. [*Desk thumping and crosstalk*] It needed the special majority, we had sufficient votes to give us the special majority. But because this was new law, this was breaching and infringing rights and so on, we put the sunset clause in. [*Desk thumping*] we had put the sunset clause in. So, Member for St. Joseph, we want the sunset clause and I shall be proposing an amendment at the committee stage.

Secondly, I have serious difficulty with the insertion in the First Schedule of “sedition”. My colleague from St. Augustine spoke about it. Sedition. [*Desk thumping*] Because I could be talking to my colleague here and the two of us now, because you have changed the definition of “gang”, two persons or more, two, I could be talking to any one of us. And listen, if you go outside there, I have been out and about a little bit. I was campaigning, by the way, Madam Speaker, so I was out a lot in the last several weeks. On campaign for our party elections. A lot of people, right. Two people, five people, 10 people, the majority of people “bad talking” this Government. [*Desk thumping and crosstalk*] And when I came out of the campaign—[*Continuous interruption*]

[*Mrs. Persad-Bissessar SC sits*]

[*Madam Speaker on her legs*]

Mrs. K. Persad-Bissessar SC: Thank you, Madam. In the few minutes I have left—[*Interruption*] No, I am not surprised. [*Crosstalk*] Madam! I have three minutes left. So, that was in the UNC campaign, campaign amongst the UNC, then I completed the campaign—which I won by the way [*Desk thumping*] completed and won. And when I completed that campaign, then I met other people. So I am in the airport. I am going out to shop because I did not get a chance to do anything in Trinidad here. You know, you go, buy little things to eat and so on, yeah, and there, they were not UNC people, and they were “bad talking” this Government. [*Desk thumping*] And we should know that because from the polling done recently and done in September and so on, the majority of the people are dissatisfied with this Government which is failing, has failed and will continue to fail. [*Desk thumping*]

And I say, sunset clause, delete sedition because you will have to lock up everybody in Trinidad for sedition. My colleague from St. Augustine gave you the definition of “sedition” from the Sedition Act and so on. I will not repeat that, time permitting. So given that that Act—you remember some police officer was charged for sedition? I think it was Officer Seales. Officer Seales, yes, in 2016, for something he said on TV. He was charged—in fact, he was attacking us I think. He said the Partnership did certain things and so on. Anyway, he was charged under this Government for sedition. Guess what? He won the case. The case was dismissed against him. So given the amount of “seditious talk”, in brackets “eh”, not criminal sedition, where people just standing on the street corner or standing in the bank line or standing in the supermarket line and they say, “Oh God, they wish this Government will just rake and scrape and go”. [*Desk thumping*] That is what they say. Will you lock them up? Anything that we say anti-Government, we could be locked up for that [*Desk thumping*] and all you need is two of us. So Madam, it could be me and my spouse, my son, my daughter or it could be Fuad walking down the street with the goodly lady in the Chair, any two people and you just say one bad word, lock up.

So, Madam, my two comments, I will ask the Government to look at: put in the sunset clause so that you can come back and report to see if this worked or did not work and also remove sedition from the Schedule.

I thank you very much, Madam Speaker. [*Desk thumping*]

The Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. As those on the other side congratulate the hon. Member for Siparia, I rise to respond and also to contribute on behalf of Port of

Anti-Gang Bill, 2017
[HON. S. YOUNG]

Wednesday, December 06, 2017

Spain North/St. Ann's West. Madam Speaker, I sat and I took copious notes. I listened very attentively and very carefully to the Member for Siparia and my first observation that I would like to alert to the population of Trinidad and Tobago that after 45 minutes, it was in the last three minutes we got the only two suggestions to amendments to the Bill. So after 45 minutes of contribution from the Leader of the Opposition, we have two proposed amendments to this Bill: a sunset clause and removal of sedition.

Madam Speaker, with the greatest of respect, this responsible Government, after a meeting between the Prime Minister and the Leader of the Opposition, in July of this year, sent to the Opposition on the 4th of August, the beginning of August and I actually signed the letter. We sent to the Opposition because they had said on the previous occasion when they failed to support the anti-gang legislation that they did not have statistics and they did not have information. I would like to put on the record, once again, on the 4th of August, 2017, pursuant to the instruction of the Leader of the Opposition as to who it should be sent to, this Government sent draft legislation to the Opposition along with all of the supporting data, statistics and information since the 4th of August, 2017. We even offered, Madam Speaker—and the population needs to know this—to meet with them at their request at a mutually convenient time and to sit with the drafts people, the CPC's Department and all other experts to amend the legislation during the consensual discussion. Trinidad and Tobago, there was no response. Trinidad and Tobago, they did not take us up with that very, very serious offer that we made.

But what happened is after we kept saying we are not hearing from you, on the 28th of September—so this serious piece of legislation, we only received a response—that response was sent to the Prime Minister on the 28th of September. And in that response, very little was said. A lot of commentary was made and a lot of complaints were made but nothing said of substance with respect to the Bill. So it is quite inaccurate, once again, for the Opposition to come here and to suggest to the population that it was only on Friday this was put to them.

The only changes made to what we sent to them in August and now were actually extractions. *[Interruption]* We took out stuff from the proposed legislation, not getting any response from them.

Mrs. Robinson-Regis: Madam Speaker, may I invite you to look at Standing Order 53. We cannot hear our speaker on this side because the Member for Siparia is making so much noise.

Madam Speaker: Okay. So hon. Members, I recognize that there is a lot of energy and it is a very lively debate but I want to warn all Members to be reminded of the provisions of Standing Order 53. I think we all recognize that we have limitations in this Chamber and our behaviour has to suit our physical environment. Please continue.

Hon. S. Young: Thank you very much, Madam Speaker. Unlike the previous speaker, I will not be seeking the protection. If they want to listen, they will listen. If they do not want to listen, they do not have to listen. The population will be the ones who will test us here today and who are looking on. Madam Speaker, again, for the population and in particular, the civic-minded citizens of Trinidad and Tobago, this legislation is not legislation that the Government of the day is asking for. This is legislation that the Trinidad and Tobago Police Service and other law enforcement agencies are screaming, begging and pleading with us to bring to the Parliament. [*Desk thumping*]

We have our suspicions as to why it may not be—because I still believe that over on the other side, there are those who may be concerned about what goes on in this country. They claim to be patriots, at the end of today, we will see if they are patriots. [*Desk thumping*] Because this is not a PNM Bill, this is a Bill to protect the citizens of Trinidad and Tobago and again, I repeat as I will come to in a short while, it is the Trinidad and Tobago Police Service asking for this Bill.

4.15 p.m.

[MR. DEPUTY SPEAKER *in the Chair*]

Another point to be made, Madam Speaker. Because it cannot be made enough times, this legislation—Mr. Deputy Speaker, this legislation was first brought to the House by those on the other side, and I heard the arrogance a short while ago of the Member of Siparia, which is unlike her, but the arrogance of the Member of Siparia as she stood and told the country that they did not need the support of the then Opposition, that they had a constitutional majority and they could have done it without the support of the Opposition. Because this Opposition is on record as reflected in the *Hansard* and in the historical records, of having supported the legislation.

This Opposition, now in Government, is pleading on behalf of the citizens of Trinidad and Tobago, for us to give to the police service what it is they have asked for. Unlike those on the other side, when they passed the legislation, we have been building out with the police service and the intelligence service all of the points that the Member for Siparia just referred to that were requested by the DPP. All of those points have been ticked.

Anti-Gang Bill, 2017
[HON. S. YOUNG]

Wednesday, December 06, 2017

There is now the intelligence that has been converted into evidence. There is now a specialized unit, and it surprises me that as a former chairperson of the National Security Council, the Member for Siparia did not know that under her tenure, in the police service there existed a specialized unit called the Criminal Gang Investigation Unit. She stood there a few minutes ago and I did not interrupt her but she stood there a few minutes ago, Mr. Deputy Speaker—[*Crosstalk*]

Mr. Deputy Speaker: Silence.

Hon. S. Young: The Member for Siparia stood there a few minutes ago and told this country she does not know if there is a gang unit. Well, we have done better than that now—

Hon. Members: Who is “she”?

Hon. S. Young: “She” is Naparima. [*Laughter*]

Mr. Deputy Speaker: Members, I am on my legs. Members, please. Again, hon. Member, identify the Member for Siparia appropriately and all other Members accordingly by their proper titles or by using the word “Member” accordingly. And, silence, silence as the Member continues. Proceed.

Hon. S. Young: Thank you very much. Mr. Deputy Speaker, citizens of Trinidad and Tobago, a short while ago we had a contribution by the Leader of the Opposition, the Member for Siparia, and during that contribution, the Member for Siparia made it quite clear that one of the tick items that the Director of Public Prosecutions was asking for was a specialized gang unit.

The simple point is, it existed under their tenure, they did nothing to assist that unit, and now under this tenure that unit has been merged with the OCNFB and is now something called the OCIU which is the Organized Crime and Intelligence Unit and they have been doing exactly that. In fact, now might be an appropriate time. One of the questions asked by the Member for Siparia is what has the police service asked for?

The OCIU unit has produced a document called the Re-enactment of Anti-Gang Act, 2017, and this is their plea for this legislation and it starts, if I may be permitted to quote from it:

“The now defunct Anti-Gang legislation of 2011”—under the former UNC administration—“provided an essential deterrent in the commission of serious crimes committed by violent organized criminal gangs in Trinidad and Tobago.”

That simply—[*Interruption*—she, the Member for Naparima, is disturbing me.

Hon. Member: As usual.

Hon. Member: Mr. Deputy Speaker, what is that—

Mr. Deputy Speaker: Members. Hon. Member, first of all, if it is Naparima you are referring to, it is not—Members. [*Crosstalk*] Right, as I was saying, if it is Naparima you are referring to, please ensure that you have the proper gender to quote. [*Laughter*] No, it is not a laughing matter, Members, it is not a laughing matter, okay? And again, Members, as the Member proceeds, silence.

Hon. S. Young: I will repeat for the citizens of Trinidad and Tobago and those who are patriotic and who want to listen. The police service, the Opposition is asking what is the police service's position. There is now a new unit in the police service that is created to deal with gangs. They have put forward a paper and if the Member for Siparia would listen she would be—she, the Member for Siparia is the one who asked for the information:

“The now defunct Anti-Gang legislation of 2011 provided an essential deterrent in the commission of serious crimes committed by violent organized criminals in Trinidad and Tobago. The Criminal Gang and Intelligence Unit (C.G.I.U.) disseminated intelligence to other operational units within the Trinidad and Tobago Police Service (T.T.P.S.) in disrupting violence”—violent—“gang activities. This form of intelligence sharing assisted in disrupting various gang activities between 2012 and 2016; where gang members were prosecuted...”

So, despite what we are being told and being misled by those on the other side, there have been prosecutions.

“...for various offences ranging from Possession of Firearm and Ammunition, Murder, Trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking and robbery.

The Anti-Gang Act came into effect on August 15th, 2011 and provided a unique platform of focus for the C.G.I.U to target its investigations on individuals who were at the head of the criminal gang as well as gang members, with a view of gathering evidence to prosecute them for various gang offences under the Act. Investigations into gang-related criminal activity were more difficult to investigate than other serious related crime because of the interconnected relationships and complex dynamics of criminal gangs.”

Anti-Gang Bill, 2017
[HON. S. YOUNG]

Wednesday, December 06, 2017

Mr. Deputy Speaker, this is an opportune point to remind the nation of one of the failures of intelligence gathering and turning that intelligence into evidence during the period of 2010 to 2015.

During the period of 2010 to 2015, those on the other side dismantled the intelligence-gathering services of Trinidad and Tobago. They dismantled the facial recognition system, they took out the servers for interception—

Hon. Member: These are facts—

Hon. S. Young: These are facts, they have never been able to refute it because it is the truth. They dismantled SAUTT, they took the Special Forces helicopter that was there on standby and for use by the Special Forces of the Trinidad and Tobago Defence Force, and put it as a VIP helicopter—they converted it to a VIP helicopter.

Hon. Member: A taxi.

Hon. S. Young: And it still cannot be used after that. Mr. Deputy Speaker, when we came in, as is now part of the history, the cost and expense of helicopters and a helicopter service is something that we had to stop. But at that time under them, rather than allow the helicopter to be used in the fight against crime, it was being used as a shuttle service at the taxpayers' expense. So the Member for St. Joseph is right to use the words of “unpatriotic”, and “hypocritical behaviour” by those on the other side. [*Desk thumping*]

Again, back to the statistics and the request by the Trinidad and Tobago Police Service and in particular the specialized unit that has been set up to help in the fight—one of the areas they are fighting is against gang units. The legislation was to some extent feared by members of criminal gangs.

Those on the other side and my friends on the other side and some of the sensible ones on the other side have been asking the question, they have been saying provide us with the statistics, provide us with the request by the Trinidad and Tobago Police Service as to why this legislation is necessary. That is what I am doing, they say:

“The legislation was to some extent feared by members of criminal gangs and provided some limited deterrent on their activities. When arrested, gang members went out of their way to identify with crimes that did not fall under the day to day activities of the gangs. This trend by gang members meant that the legislation was indeed having an impact on their activities which inadvertently caused them to consider firstly, their response if caught rather

than focus on the success of their criminal pursuits. This left them vulnerable and enabled where possible, law enforcement to strategically position themselves to conduct arrest.

Gangs in Trinidad and Tobago act as profit making enterprises whereby revenue generated from gang-related activities are directed towards sustaining gang activities and personal profit for the leaders of the gangs. Gang violence is often retaliatory in response to petty disagreements or protection of profit and territory. Gang members are shown to possess more illegal firearms now than in the past. Most gang related homicides are more attributed to drug territory and retaliation. Gang-related activity and violence are increasing as gangs employ violence and intimidatory tactics to control their territory and criminal operations.”

That is the clearest possible language that can be used by the Trinidad and Tobago Police Service as to why they are today, Mr. Deputy Speaker, pleading with the 41 Members of Parliament in this Chamber—well, should be 41, all of them are not here. [*Crosstalk*]

They are pleading with those Members of Parliament and asking for this legislation. A short while ago, the Member for Siparia suggested to the population that under her tenure serious crime reduced.

Mr. Deputy Speaker, I have here the statistics from the police service—you want murders, Member for Naparima, total gang-related murders for the period 2010. Mr. Deputy Speaker, this Bill is about anti-gang legislation, this Bill is about fighting gangs, so the best statistic one can use is murders as related to gang activity which they asked for.

Mrs. Persad-Bissessar SC: Yes, I asked for it.

Hon. S. Young: So total gang-related murders for the period 2010 to 2017 in Trinidad and Tobago: 2010, there were 75 gang-related murders; 2011—pause—2011 is the year that those on the other side called a state of emergency; that state of emergency, right now, up to this point in time, has never been explained by the Member for Siparia and her former Attorney General, who is now the subject of criminal charges.

In fact, that activity by them, we on this side wrote to them, both the Member for Siparia, and I am putting it here frontally on the record again. On behalf of the citizens of Trinidad and Tobago, the Attorney General from San Fernando West wrote to the Member for Siparia, wrote to Anand Ramlogan, asking them to

Anti-Gang Bill, 2017
[HON. S. YOUNG]

Wednesday, December 06, 2017

provide evidence because all of the people they detained under a state of emergency have now sued the State and we have to defend their calling of a state of emergency. Both of them refused to provide evidence, they have refused to protect the taxpayers of Trinidad and Tobago and to explain to the citizens of Trinidad and Tobago why they called a state of emergency.

So now, we are subject to tens of millions of dollars in damages, so let us get back to 20—

Mrs. Persad-Bissessar SC: You are in charge—

Hon. S. Young: Yes, we are in charge, but we need your evidence, Member for Siparia, and you cannot explain and you have never explained to the population, Member for Siparia—[*Crosstalk*]

Mr. Deputy Speaker: Members—

Hon. S. Young: Why it is, Mr. Deputy Speaker, she called a state of emergency—

Mr. Deputy Speaker: Members, according to Standing Order 53—[*Interruption*]—Member for Siparia. [*Crosstalk*] Standing Order 53, the Member is supposed to be—is on the floor, you have to listen in silence. So please let us ensure. Let us ensure. Proceed.

Hon. S. Young: Thank you very much, Mr. Deputy Speaker. For those who did not hear it and for the citizens looking on, in 2011 the Member for Siparia, as the Prime Minister of Trinidad and Tobago and her Cabinet colleague, constitutionally a Cabinet is the Prime Minister and the Attorney General, Mr. Anand Ramlogan, called a state of emergency, rounded up people—

Mr. Lee: Deputy Speaker, repetition—

Hon. S. Young: Rounded up people—

Mr. Lee: 55.

Hon. S. Young: Rounded up people, Mr. Deputy Speaker, rounded up people, carted them off and incarcerated them. They never gave the country of Trinidad and Tobago and our citizens an explanation what that was about. Now that all those people they incarcerated are suing the State, and suing us for our taxpayers' dollars in damages, the Member for Siparia and Anand Ramlogan have refused to give evidence to defend these claims and it is costing us tens of millions of dollars in damages.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Let us get back to 2011. So in 2010 the gang-related murders were 75; in 2011 it went up to 93; in 2012 the gang-related murders under you, Member for Couva South, went up to 144; in 2013 it went up to 197; in 2014 it went up to 142; 2015, 141. These are all gang-related murders, Mr. Deputy Speaker, and listen—*[Crosstalk]*

Mr. Deputy Speaker: Members. *[Crosstalk]*

Hon. Member: The Deputy Speaker is on his legs.

Mr. Deputy Speaker: Proceed.

4.30 p.m.

Hon. S. Young: Citizens of Trinidad and Tobago, I will repeat the statistics for being disturbed. We heard a short while ago from the Member for Siparia that serious crime went down under her. We are here today to debate anti-gang legislation. Gang-related murders for the period 2010 to 2017, started at 75 in 2010, went up to 93 in 2011—there was a state of emergency. In 2012, it jumped from 93 to 144 gang-related murders. In 2013, it went up to 197 gang-related murders. The highest ever level of gang-related murders took place in 2013 under the Member for Siparia and her Cabinet. In 2014, it went to 142. In 2015, it went to 141. It dropped in 2016 due to the work being done by this administration and the fight against crime to 127. So far, as at the date of these statistics which is in June, it stood at 79. *[Crosstalk]* I want the citizens of Trinidad and Tobago to know, the crosstalk taking place from the Member for Naparima at this stage is that they are not going to support the anti-gang legislation because he is upset. *[Crosstalk]*

Let us go now, Mr. Deputy Speaker, to the Bill because it is important that the citizens of Trinidad and Tobago who are looking on at this Parliament here today know exactly the attempts that this Bill is being made for and what it is about, because it is not a PNM Bill. It is not a Bill that is being done for the PNM. It is a Bill that is being done for the citizens of Trinidad and Tobago. I stand here as the representative for Port of Spain North/St. Ann's West and make the plea, as my colleague from Laventille West did, because Port of Spain North/St. Ann's West has its constituency office at the corner of Observatory Street and Quarry Street in Port of Spain—right behind the Harpe Place. It is a fact that out of the 41 constituencies in this House, the most murders for the radius mile of a constituency office takes place in Port of Spain North/St. Ann's West. So the people in that constituency are asking for the support of this legislation for the police service to tackle and fight what is going on with criminality and gangs.

Anti-Gang Bill, 2017
[HON. S. YOUNG]

Wednesday, December 06, 2017

Looking at the Bill and explaining to the citizens of Trinidad and Tobago what this piece of legislation is intended to do, let us go straight to the definition clause of what “gang-related activity” means. It means:

“(a) an offence;

(b) an attempt to commit an offence;

(c) the aiding, abetting, counselling or procuring of an offence...” And it ties back to the Schedule to the Bill, which is the First Schedule, “Gang-Related Activity Offences”, and let those in this House explain why it is they would not support that gang-related offences, specific to gang activity, should not include:

“Possession of imitation firearms in pursuance of a criminal offence” So it is not just the holding or the possession of an imitation firearm, but it is in pursuance of a criminal offence.

“Larceny of a motor vehicle

Arson”

We had a most heinous crime take place yesterday that involved arson.

“Receiving stolen goods

Gang membership

Coercing or encouraging gang membership

Preventing gang member from leaving gang”

There are instances where persons want to turn their life around and they are being prevented from leaving a gang. How could a civic-minded citizen say that should not be a criminal act when you try to prevent someone from leaving a gang?

“Participation in criminal activity in association with gang

Possession of bullet-proof vest, firearm, ammunition or prohibited weapon for benefit of gang

Harbouring or concealing gang members”

Mr. Deputy Speaker, these are all offences related to gang activity. The suggestion that is being made that it is wide and vague and too widespread is simply not true. It is all tied back to gang-related activity. This legislation is to take the fight to members of gangs and those associated with gangs. [*Desk thumping*]

“Recruiting gang member

Threatening to publish with intent to extort

Demanding money with menaces”

We all know that there is criminal activity being undertaken by gangs in this country where they go and extort money from legitimate businessmen. They threaten them. We are now making those specific offences, so we do not have to go to archaic offences. We are making it specific to deal with the situation this country is facing today, and let the citizens of Trinidad and Tobago know, Mr. Deputy Speaker, these are the specific offences. It is not wide-ranging. Any gang member who is engaged in these offences, the police service will prosecute you, because they have been gathering the evidence under the fullest extent of the Act.

Dr. Khan: Could the Member give way?

Hon. S. Young: Mr. Deputy Speaker:

“Demanding money with menaces

Murder

Shooting or wounding with intent to do grievous bodily harm, unlawful wounding

Robbery, robbery with aggravation, robbery with violence

Assault occasioning actual bodily harm

Possession and use of a firearm or ammunition with intent to endanger life

Possession of a firearm or ammunition without licence certificate or permit

Trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking

Rape

Grievous sexual assault

Kidnapping

Kidnapping for ransom”

These are all crimes that gang members are committing, Mr. Deputy Speaker.

“Knowingly negotiating to obtain a ransom

Offences under the Anti-Terrorism Act

Anti-Gang Bill, 2017
[HON. S. YOUNG]

Wednesday, December 06, 2017

Offences under the Proceeds of Crime Act”

And the one offence that they have referred to:

“Offences under the Sedition Act”

So out of 28 listed offences, 27 have not been objected to by those on the other side, and they are all tied in to gang-related activity, Mr. Deputy Speaker.

Mr. Deputy Speaker, going very quickly to the Bill before I deal with some of the issues raised. [*Interruption*]

Dr. Khan: Member, I know you are moving fast. Could you just explain number 12? I see you read it. What do you mean by “Threatening to publish with intent to extort”? Who and where and how? What is it?

Hon. S. Young: Mr. Deputy Speaker, it is all related to gang activity. So any gang member who threatens to publish something and then extort money, for example, there are people on television who use a programme and say: “Look, if yuh doh pay meh money, ah go go and speak about yuh, ah go go and do this about yuh.” That is extortion with a threatening to intend publication. So that type of activity related to gang activity.

Going to the Bill—because it is important that the citizens know what this Act is about. We have defined what is the evidence required of being in a gang. We have set out what are the offences, and I would like to read this. Clause 6:

“(1) A person who—

- (a) is a gang leader;
- (b) is a gang member; or
- (c) professes to be a gang leader or a gang member, in order to gain a benefit, intimidate other persons or promote a gang, commits an offence.”

What is offensive about that? Mr. Deputy Speaker, no citizen who is a law-abiding citizen in Trinidad and Tobago and who wants what is best for Trinidad and Tobago in the time that we are now, fighting this, would say that they do not want an offence of:

“(1) A person who—

- (a) is a gang leader;
- (b) is a gang member; or

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

- (c) professes to be a gang leader or a gang member, in order to gain a benefit, intimidate other persons or promote a gang, commits an offence.”

That is now a specified offence. You are giving the police service the ability to charge a person for that, as opposed to trying to find some archaic law, tie it in, et cetera. What is offensive about that? That is what you need to fight the gang and criminal activity we are hearing about today. It makes it easier for the TTPS, this one. Let those on the other side or anyone who objects, clause 6, subclause (5), we are looking to protect the same prison officers the Member for Siparia talked about—I do not know if she missed this clause—the same prison officers and police officers and defence force officers and other law enforcement officers. Subclause (5):

“(5) A gang leader or gang member who unlawfully and maliciously—

- (a) wounds or causes grievous bodily harm to; or
- (b) shoots at, with intent to do some grievous bodily harm, a police officer, prison officer, member of the Defence Force, constable appointed under the Supplemental Police Act or the Special Reserve Police Act, member of a protective service agency or a person involved in law enforcement or intelligence, commits an offence...”

This is a specific clause to protect those who are charged with the responsibility of protecting us when gang members attack them. Why would you object to that? We are now providing them an added level of protection by making it a specific offence.

Mr. Deputy Speaker: Member, your time has expired. You care to avail yourself of the additional 15?

Hon. S. Young: Yes, please.

Mr. Deputy Speaker: Proceed.

Hon. S. Young: Thank you. [*Desk thumping*] My friends referred already to clause 8 and retaliatory action. That is real. It is life. I have young students in my constituency who have told me that they have to take off their school uniforms before they go home—law-abiding citizens who have to change the type of clothes they wear before they go home so they cannot see where they work because gang members are prosecuting them, persecuting them, attacking them depending on how they look. We are making that a specific criminal offence. What is objectionable to that?

Anti-Gang Bill, 2017
[HON. S. YOUNG]

Wednesday, December 06, 2017

Mr. Deputy Speaker, clause 10, preventing a gang member from leaving the gang. We are making it a criminal offence to stop a person. At clause 11, possession of bullet-proof vest, firearm, ammunition or prohibited weapon for the benefit of the gang, we are giving the police service the specific express offence that when a gang member or a person related to gang activities commits those offences, they can charge them as opposed to just the offence we know now possession of a firearm—they are convicted, some of them are pleading guilty and just getting a fine of \$3,000 and being let off. We are making it specific offences.

Let anybody who objects to this Bill explain to the citizenry and to those officers who we thank for fighting crime and fighting gangs, why it is they would not support this? Harboursing a gang member. Why would you not want a specific offence of harboursing a gang member?

Clause 14, recruiting gang members. We are making it a specific offence if you are known to be recruiting gang members. Give the police service that opportunity, give them that ability, give them that power. If gang members are recruiting innocent people and people who do not want to be recruited or even those who want to be recruited, let the police service charge them for it, Mr. Deputy Speaker. We are giving the police specific powers under Part III. We are saying that you may arrest a person without a warrant whom you have reasonable cause to believe is a gang leader, or a gang member, or who has reasonable cause to believe, or has committed an offence under this Act. This is not the politicians on this side anyway doing it. This is for the police service to do it. Why would they want to prevent that?

We are giving them a dynamic power. A police officer may enter without a warrant, search a place or premises not used as a dwelling house. You are using a factory to store your guns, to store your drugs, et cetera, as gangs, let the police enter without a search warrant, because we have had instances—the police service and intelligence services have had instances, Mr. Deputy Speaker, they are staking out a warehouse, they go to the court to get a warrant, by the time they get out it has been cleared. This is to give them the power to fight that.

Detention of persons. This is a very important, very important power to give law enforcement. We are allowing them to detain persons specifically for 72 hours. If you want to go beyond 72 hours—this is only related to gang activity like what we saw in the Beetham the other day—you go, you could detain these leaders, these people who we all know are gang leaders. We could detain them for 72 hours. If you want to go beyond that, go to court and get a detention order. That is it.

We then deal with forfeiture of property. This is allowing persons after they fulfil a threshold and a burden of proof to seize the proceeds of crime related to gangs, to take money away from the gangs. We have all seen the videos of persons associated in gang and criminal activity, the amount of gold hanging around their neck, the BMWs they are posing next to, et cetera. This is now allowing us to take the money out of crime and to take the fight to them and allowing forfeiture.

And then the last provision is to allow the Minister of National Security to change the Schedule that I read, because as you go along, there may be other crimes that are no longer associated with gang activity. There may be new ones that come in. That, Trinidad and Tobago, through you, Mr. Deputy Speaker, is the extent of the power that those on this side want to give to the police service to fight the criminal gang activity taking place in Trinidad and Tobago today.

Very briefly to just respond, we were told about social media and fake news. There are certain sites associated with those on the other side that are proffering, promulgating and promoting that fake news. Protection of citizens. [*Crosstalk*] They say we are rushing legislation.

Mrs. Persad-Bissessar SC: Standing Order, imputing improper motives.

Mr. Deputy Speaker: Standing Order?

Mrs. Persad-Bissessar SC: 48(4) and (6).

Mr. Deputy Speaker: Member, could you put it another way, please? Retract and could you put it another way, please?

Hon. S. Young: Expose TT and Whistleblower TT and those sites that are linked to them. Serious crime went down. Well, we have shown, Mr. Deputy Speaker, that that is again false and misleading information being given by those on the other side. They always like to repeat—[*Interruption*]

Dr. Gopeesingh: Mr. Deputy Speaker, you asked for a withdrawal, he has not withdrawn. [*Crosstalk*]

Mr. Deputy Speaker: Member, I asked the Member to put it in another fashion. Proceed.

Hon. S. Young: They know what they do. Mr. Deputy Speaker—[*Interruption*]

Dr. Gopeesingh: Mr. Deputy Speaker, Standing Order 48(4) and (6). He says we know what we do.

Mr. Imbert: What is the Standing Order? [*Crosstalk*]

Mr. Deputy Speaker: Member. Members. Member, I have ruled based on the Member for Siparia's request and the Member has made a statement and we are moving on. [*Crosstalk*] Member, retract and say again.

Hon. S. Young: Thank you very much, Madam Speaker. Retract what exactly?

Mrs. Persad-Bissessar SC: Fake news.

Mr. Deputy Speaker: The statement with regard to the fake news and how you put it over.

Hon. S. Young: I will bring the evidence outside of the parliamentary Chamber. Retracted.

Mr. Deputy Speaker: Proceed. [*Crosstalk*] Members. Member for Siparia. Siparia? [*Crosstalk*]

Mrs. Persad-Bissessar SC: Yes, Sir.

Mr. Deputy Speaker: Proceed.

Hon. S. Young: I retract it, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker, very quickly, falling from the lips of the former Chairman of the National Security Council, not only is it completely untrue, it is false and it is misleading. It is something they like to repeat. I can assure the citizens of Trinidad and Tobago, the National Operations Centre is still in existence. It is functional. It is being used better than them, and I think what it is, it is the helicopter that was associated that we are changing from being a VIP helicopter to be back in law enforcement is what is bothering her. So it is not true to say the NOC has been dismantled. The SSA is, in fact, gathering intelligence and is assisting with a lot of the success that is taking place.

We heard about LRC. We heard about the use of the LRC, how it was working and how the Member for St. Augustine chaired the LRC. The question we have on this side is, did the LRC approve section 34? Is it not true that the Member for St. Augustine said that section 34 did not pass through the LRC?

Dr. Gopeesingh: Relevance, Mr. Deputy Speaker. Relevance. Standing Order 48(1).

Mr. Deputy Speaker: Proceed.

Hon. S. Young: We also heard some very strange words fall from the Member for Siparia and we would like to know more about it. The Member for Siparia said under her tenure the LRC was meeting with the Judiciary. What is the LRC which is made up of Cabinet Members and a whole set of them, meeting with the Judiciary to do? What is going on there? [*Crosstalk*] This administration does things properly and there is a judicial committee meeting that takes place along with the DPP, along with the Criminal Bar Association, along with the Law Association and selected Members—that is the Minister of National Security, the Attorney General and myself. It is not the LRC, but maybe that is what they did.

They talked about the “Soldier Bill”. They like to throw, Mr. Deputy Speaker, the “Soldier Bill”, completely irrelevant for the purposes of today which is the anti-gang legislation. Then they also talked about who is going to give the evidence. Mr. Deputy Speaker, I wish that for the giving of the evidence and the fighting of the state of emergency cases, we had the former Prime Minister, the former Attorney General giving evidence. The police service is ready and has, in fact, been giving evidence in these cases and in the fight against the criminals in the anti-gang. What we have heard is a specialized unit now that is tasked with dismantling these gangs and what they are asking for is this legislation to assist them in the fight, Mr. Deputy Speaker.

Mr. Deputy Speaker, although there was a lot of interruption by those on the other side, and as I have told the citizens of Trinidad and Tobago before, and I would repeat it. Make note of those who protest the loudest on the other side and what it is they are protesting to because, Mr. Deputy Speaker, the citizens of Trinidad and Tobago, at the end of day, would be the ones who would weigh in their minds why it is those on the other side are objecting to this type of legislation.

Mr. Deputy Speaker, on behalf of the constituents of Port of Spain North/St. Ann’s West, in conclusion, I can give the assurance that as the Member for Port of Spain North/St. Ann’s West, I will support fully this legislation that has been brought today. Thank you very much. [*Desk thumping and crosstalk*]

Mr. Deputy Speaker: Members. [*Crosstalk*] Members for Naparima and Siparia, I am on my legs, Members. Members, I would just like to draw to your attention Standing Order 53 “Rules for Members not Speaking” and I refer to (e) and (f):

“(e) shall maintain silence while another Member is speaking and shall not interrupt, except in accordance with these Standing Orders;

Anti-Gang Bill, 2017
[MR. DEPUTY SPEAKER]

Wednesday, December 06, 2017

- (f) shall not engage excessively in cross talk or converse noisily with another Member or otherwise disturb the proceedings;”

And again, Members, as the Deputy Speaker, I will enforce the necessary Standing Orders. I recognize now the Member for Caroni Central. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Mr. Deputy Speaker. I take the opportunity to make a contribution on this Act—Bill, sorry—[*Crosstalk*]

Mr. Young: It is a Freudian slip.

Dr. B. Tewarie:—to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters. The first thing I would like to say, Mr. Deputy Speaker—and I do not mean it in any objectionable way—but, you know, if the Attorney General comes into the Parliament very, very angry at something he thinks we might do—and he is very quarrelsome and forceful—and takes the position that the Opposition is being obstructionist and unpatriotic, and then the Member for Port of Spain North/St. Ann’s West gets up, and when the Leader of the Opposition speaks he describes her as arrogant for making suggestions and giving information as to what transpired during her administration and raising specific objections in the Bill and articulating the history in which she was involved in the correspondence between the Prime Minister and herself, if you proceed like that—with two major people on the other side getting so angry and upset with the Opposition and chastising us this way and treating the Leader of the Opposition that way—how do you think we are going to respond?

So, I want to make it clear that the Leader of the Opposition said very clearly, she said that she had correspondence on this matter with the Prime Minister, and she shared with me the correspondence that the Prime Minister sent to her in which the hon. Prime Minister also attached a document which outlined initiatives that the Government was taking related to crime. And she shared with me, the hon. Leader of the Opposition, her response. And I think it is worthwhile to put in the record some of what she said in her response.

She said, first of all—this is in her letter to the hon. Prime Minister. The Prime Minister’s letter was on August the 17th, and the response from the Leader of the Opposition was on September 28, 2017, and this is from the Leader of the Opposition’s letter.

“The draft Anti-Gang Bill 2017 mirrors in many important respects the provisions of the Anti-Gang Act 2011. When the original Act was passed there was inserted a sunset clause which provided that the Act would remain in force for a period of five (5) years. The reason that the sunset clause was inserted was to allow the Government of the day to assess the successfulness of the legislation and to make the appropriate changes where necessary. Despite the steady increase in the number of gangs and their membership, the number of prosecutions under this piece of legislation has been abysmal. While I acknowledge the insertion of new provisions with respect to forfeiture of property and freezing of assets these provisions will be of little or no use if there are no...”—[*Interruption*]

Mr. Lee: Mr. Deputy Speaker, Standing Order 53(e) and (f) please.

Mr. Deputy Speaker: Overruled. Proceed.

Dr. B. Tewarie: Mr. Deputy Speaker: “and freezing of assets these provisions will be of little or no use if there are no prosecutions.”

And the hon. Leader of the Opposition said here that, look, the big issue here is whether, in fact, the last Bill worked and, secondly, whether this Bill is going to work and whether, in fact, it is going to change the paradigm in terms of crime—whether it is going to improve the control, the management, the reduction of crime and murders—and whether it is, in fact, going to work. I continue to read from her letter:

“I am respectfully of the view that the low detection rate and resultant few if any prosecutions have been as a result of the lack of intelligence gathering in relation to the activities of gangs, gang members and gang activities. Experiences in other jurisdictions will show that the prosecutions for gang and gang related activity could only be successfully pursued if persons come forward and provide the necessary evidence. These persons are usually, if not always, members of the gang who will only agree to provide intelligence in exchange for protection by the State. This can only be achieved if there is in operation a proper witness protection program...”

And, again, in her contribution she dealt with that particular issue. She goes on to indicate, the Leader of the Opposition:

“The second reason why the original legislation did not yield the success that was envisioned, at that time it was passed, was because of the difficulty in satisfying the elements of the offences created under the Act because of the

Anti-Gang Bill, 2017
[DR. TEWARIE]

Wednesday, December 06, 2017

legislative definition of “gang”, “gang member” and “gang activity”. I have observed that these matters were not addressed in the new proposed draft and without these matters being rectified there will be no improvement in the detection and prosecution rates under the Act. These are matters that require the careful input and collaboration of the Chief Parliamentary Counsel Department, The Office of the Director of Public Prosecutions, The Law Association and the Criminal Bar. Their input in improving this piece of legislation would be invaluable. The views of these stakeholders, when received, should be shared with the Opposition...”

And she goes on and, again, she makes it very clear—the Leader of the Opposition—that look, we need to make sure that if we do this Bill this time—having had the Bill for five years, sunset clause causes the Bill to elapse—the Bill comes in its original form of 2011 before the Parliament. We say no, that is not adequate. We do not have any statistics. The Bill has not changed anything, there is only one person who has been prosecuted under the Bill, therefore, we need to look at this Bill seriously, we are not supporting it.

When it comes here this time, it is reasonable that the Leader of the Opposition and the Members on this side would ask questions about the Bill, seek to point out flaws in the Bill, and before they can stand up to support this Bill, they must be satisfied that certain basic things that they require are met. [*Desk thumping*]

So that the Leader of the Opposition also shared with me the Bill of 2011 which was modified and sent, I think around August—the track changes—and then the Bill now in 2017 which we have before us which was sent to us, as she indicated, around Friday. So that although the Bill has been in Motion for—[*Interruption*]

Mr. Deputy Speaker: Member, at this time, as agreed by both sides of the House, it is now five o’clock and we will break for tea. We will resume at 5.30 p.m.

5.00 p.m.: *Sitting suspended.*

5.30 p.m.: *Sitting resumed.*

Mr. Deputy Speaker: Members, as we resume, I recognize the Member for Caroni Central, and you have 22 minutes of your initial 30 minutes. Kindly proceed. [*Desk thumping*]

Dr. B. Tewarie: Thank you very much, Mr. Deputy Speaker. At the break for tea I was indicating that the Leader of the Opposition had in fact received a version of the Bill in August, but that version of the Bill was not the same as the version of the Bill we have here now which we are debating. And just to make the point, I want to say that there were changes in Part I, the Preliminary part, under “gang-related activity”. Clause 5, there were major changes there. Clause 6, in Part II, major changes there. Clause 8, major changes there as well, and clause 9, major changes there as well. There are other changes, but I do not want to belabour the point. I just want to make the point that the Bill that we have here is not exactly the same as the Bill circulated in August. So if I might summarize the points I was making in relation to the contribution of the Leader of the Opposition, the first thing I would say is that the Leader of the Opposition made real and important suggestions for the consideration of the Prime Minister and his Government when she replied to him in September to his August 17th letter.

Secondly, the Leader of the Opposition did so without arrogance, and with concern for good governance and effectiveness of the Bill if it were brought to the House and passed, because in that letter she even admitted that the Bill, the 2011 Bill, which was enacted under the People’s Partnership jurisdiction, was not successful and had in fact not worked, and she made suggestions, the Leader of the Opposition, to the Prime Minister as to what he might take into account, what his Government might take into account to make it work. And as I just pointed out, there were several changes to the Bill circulated in August that are now present in this particular Bill here today.

Now, the Member for Port of Spain North/St. Ann’s West said that we dismantled evidence-gathering, that we were unpatriotic, we were guilty of hypocritical behaviour. He talked about the Leader of the Opposition; I do not want to get into that but, I mean, if we would conduct the debate on the issues and stop dealing with those kinds of things which basically turn out to be personal attacks, or basically demonizing of the Opposition or demonizing of the Government, I think we would have better debates and much more successful outcomes after the debate in terms of legislation. I want so say though to the Member for Port of Spain North/St. Ann’s West that, I mean, in no democracy is there the notion of a Minister of truth, you know. What happens is that people make their contributions, so people articulate their points of view. There are, of course, facts and there are opinions.

There is spin, as we know, and there are partisan positions which are aligned to political persuasions, political points of view, et cetera, and when he talks about what happens on social media, and so on, we have been accustomed to, what you call,

Anti-Gang Bill, 2017
[DR. TEWARIE]

Wednesday, December 06, 2017

mediated discourse, in terms of, let us say, a newspaper or on a television, because for all of those you have an editor who exercises editorial judgment, and all of that. With social media we are now into the era of unmediated discourse, and the problem is that if you have unmediated discourse, in a context of freedom of speech, you have a challenge in doing that, but the way to manage that is not to be authoritarian and to intervene and to pass laws in relation to that, and that is why I think the Leader of the Opposition articulated the view that sedition should be deleted from the back of the Bill. She did not refer to this issue, she referred to the normal conversation—[*Interruption*]

Mr. Deputy Speaker: Member, again, the “she” and the “he”—

Dr. B. Tewarie: Sorry, Leader of the Opposition.

Mr. Deputy Speaker: I mean, I know you were saying it and then correcting yourself, but, again, just for the records, just, please, get it proper.

Dr. B. Tewarie: Yes, the Leader of the Opposition. I think that when the Leader of the Opposition, the Member for Siparia made the point, she was talking about other things, but I think I might just make the point in relation to this issue of social media as well, and we have to be careful about how we manage these things. At the end of the day when you make little mistakes like that, they have serious consequences down the road beyond the life of any Government that one might be addressing.

Now, in this particular Bill before us, the Anti-Gang Bill, 2017, all the Ministers who spoke talked about what the Bill is intended to do, and the question we ask on this side is whether in fact it will achieve those intentions. For instance, one speaker on the other side talked about taking the fight to the gangs, and talked about the fact that we all know who the gang leaders are, et cetera. All of that might be true in hearsay, but in a court of law, and I think that was the value of mentioning the importance of the DPP making an input into this or giving his opinion, it is also valuable in terms of the cases that were articulated by the Attorney General and the Member for St. Augustine, that when you come to a court of law this becomes an important factor, and the definition of these things are important or else you will not get past first base. As a consequence, we have to be very careful about how we write the law here. If I may—I have no big issue about it, but even when I read the intention of the Bill in the Explanatory Note, the intention is the suppression of associations created for unlawful criminal purposes, and, secondly, for the better protection of the public. I mean, those are good intentions which, I mean, any decent citizen would want to support, but the question is how.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

And then when you look at the Bill itself, as you look at the Preamble: “Whereas the Constitution...”, et cetera, when you read this carefully, and any Member on the other side could read it carefully, maybe the Member for Port of Spain North/St. Ann’s West, maybe the Member for Laventille West, since they are both lawyers, but when you read the Preamble you realize that the justification for violating sections 4 and 5 of the Constitution really has to do with the rights of the citizens of Trinidad and Tobago, when in fact the rights that are being infringed here are going to be rights of the person who is brought to justice before the law deemed on suspicion to be a criminal. If you read it carefully you will see that that is rather convoluted in the way that it is written, and I am talking about it simply in the context of reading the English of it and the sequence of the sentences and seeing how it really impacts. So when you say:

“And whereas there has been a rapid growth of criminal gang activity within the Republic...”—[*Interruption*]

Mr. Hinds: Which paragraph?

Dr. B. Tewarie: This is in the Preamble.

“And whereas there has been a rapid growth...”

—okay, that is fine.

“...whereas criminal gang activity infringes on the rights and freedoms of individuals as enshrined under the Constitution:

And whereas it is the right of every person to be protected from fear, intimidation and physical harm caused by the criminal activity of violent gangs:

And whereas criminal gang activity presents a danger to public...

And whereas...”—so and so.

You see, so the justification for the three-fifths majority for the violation of sections 4 and 5 is really for the violation of citizens’ rights and not for the violation of a citizen who might come under the scrutiny and jurisdiction of the Bill. I think that this is a flaw in the Bill, so you may look at it on that side.

So this also takes me to another part of the Bill which I want to raise. We have already raised the question of asking the Government to withdraw the sedition issue, and the hon. Leader of the Opposition has raised the question of the sunset clause which we would like to propose, but when we look to Part II of the Bill, powers of the police, there are three subclauses in 15. One is that:

Anti-Gang Bill, 2017
[DR. TEWARIE]

Wednesday, December 06, 2017

“A police officer may arrest without a warrant a person whom he has reasonable cause to believe is a gang leader...”

All right, so that for us is problematic. And the second one is:

“A police officer may, with a warrant issued by a Magistrate so enabling him to do, enter a dwelling house...”

We have no problem with that; that is how it should be done. If you are going to search somebody, you are to get a warrant. But the third one, again:

“A police officer may enter without a warrant and search a place or premises not used as a dwelling house...”

I mean, why would the Government want to do that?

So the question really is—I mean, could we not simply address the question by putting in the need for a warrant? You go, you get your warrant, and you do whatever you need to do. Let us do it under the law “nah” man. Let us do it under the Constitution. [*Desk thumping*] Okay. Listen, I have no problem with a person who is a criminal gang leader involved in the murder of people and involved in creating mayhem all over the place, and manipulating little children all over the place to be gang—I have no problem with these people being put in jail, but I have a problem with how you do it, and I think it is important. It is very, very important. It is very important to do that. It is very important to do it right, to do it constitutionally, to do it by due process, and so on, and we are seeing things happening. Look at the things happening in the United States, and how important due process is in that regard.

There are things at home, yesterday the Minister of Energy and Energy Industries, for instance, I heard him saying that one of his concerns was for due process in the Petrotrin matter. I respect that, but I want to see, of course, as well that the outcome comes out in a way that justifies the concern of the population so far, okay.

Mr. Hinds: Which clause—

Dr. B. Tewarie: The clause is 15. The offending clause is 15(1) and (3). [*Interruption*] Yeah, (2) is okay because it calls for a warrant. Okay. All right. I want to go into some other things too because this Bill—I mean, we stress on this side taking a holistic approach to crime. I think when the Member for Naparima spoke this morning he spoke to that. I mean, attempts were made to try to belittle his contribution, and he took a hard line, yes, that is true, but when he spoke, he

spoke about basically taking a holistic approach. When the Leader of the Opposition spoke, the Member for Siparia also indicated that, you know, it is not just to detect the crime and to catch the persons committing the crime, or to even prosecute the person, but it is a society that you are concerned about because the criminals come out of the society.

Now, I had an incident, when I was Minister for Planning and Sustainable Development, I was responsible for the East Port of Spain Development Company, and for development of certain areas in East Port of Spain, and we did a lot of work there. But on one occasion when I went to Fort Picton I met three young boys who were together and I was talking to them, and they turned out to be high school boys, high school children, young boys. One was in Trinity, I think; I think one was in Tranquillity, and I cannot remember where the third one was from. I really cannot remember where he was from, but they were all high school boys, and I engaged them and I was very taken in by their ambitions. I was very taken in about the fact that they aspired to better things. The next week I had a session at the Central Bank Auditorium in which Earl Lovelace was speaking, so I invited them to that session, and they all came, the three of them. And after they came, and so on, I engaged them a little bit, and then I invited them to the Ministry and I gave them some books, each one of them, different books, and so on, and, recently, I had the opportunity to meet two of the three, and it turned out that one of those young men was a policeman, right. He had become a policeman. He had taken the decision and was in fact a policeman operating. I would not mention the station he is in now, and the second boy was in construction.

He had done some construction work before on an itinerant basis, but it looks to me that he had set up his own construction company, or he was like subcontracting with some other people. But the third boy, the third boy, when I asked about him, both of them bent their heads down, and what they said to me is, you know, Sir, he did not do so good you know, Dr. Tewarie. So I said, what happen? Well, that boy had been caught up in “gangsterism”. He was caught up in a little gang, and so I said, are you still in touch with him, and they said, yes, but they said not that frequent because, you know, things change, and so on. And it just shows you—here were these three boys, all of them school boys, coming from the same area, living in the same place; two of them look like they are on the road to some measure of success, integration into society, and one of them fell along the way.

Now, I mean, I do not know if I can, but I would, certainly, if I could reach that boy and try and help him I would like to help him, and I would certainly like to watch and monitor the fortunes of these two boys to see them do better and better. I think

Anti-Gang Bill, 2017
[DR. TEWARIE]

Wednesday, December 06, 2017

that is the approach we must have in the society, right, you know if one falls down we try to pick them up, because you go to our school system in this country, all right, some will be scholarship winners, some others will be high achievers, there are those who will do okay, there are some who will not do so well, and there are those who will do very badly. There are some who would be of exemplary behaviour, most of them not so hot but, you know, they will manage, and then you have others who will get in crime, will fight, will be involved in violence, and we have to manage these things.

We have 20,000 of these people coming out annually. They are born in the country and at every year that is the point. So CXC have 20,000; SEA, you have 20,000, so we have to manage this thing, and this is where the preventative work must start. While you deal with the crime and the criminal, and I am all for strong legislation, I am all for clear legislation; I believe if you do the crime you must do the time. I also believe that there must be rehabilitation in the process so that you must get a second chance if you are willing to take it. What do they call that in the rehabilitation in the prison? I forgot the word for it. But I do believe that you should have an enlightened view of this, but the main thing is prevention. You do not want this thing to become a recurrent decimal and the percentage of your 20,000 born every year gets higher and higher in terms of those who go into crime, and, therefore, we have to take that into account as well. Take the case of the Beetham recently. Here you had two gangsters, known gangsters who were taken in, the community rose up; the community itself broke the law. They terrorized citizens on the street, and some citizens in the community, I am sure, were terrorized themselves because they were not part of that. So this is what you have out of a simple event in which you make an intervention there.

Now those two criminals were in fact freed. They were freed. We do not know what is going to happen to them, and the situation in Beetham is uncertain. It is kind of quiet now but it could become restive. You do not know what could happen. You do not know whether it could be spread. So what I want to say is that besides the issue of just the criminal gangs itself, the very fact that if you arrest someone you can have that kind of effect tells you that there is something more than law, and preparing a case and conviction and imprisonment to deal with this issue of crime, and I want to say that seriously about Trinidad and Tobago, and that is one of the missing ingredients, which is that we feel that if we deal with the criminal, you solve the problem; that is not true. You have to deal with the community, and do not tell me I do not know about this, because I know about East Port of Spain, and I am very close, and I have very good relations in

Enterprise, okay. I know that. I know that community before it became a criminal community. I knew almost everybody there, and I have seen it evolved, and I have seen what has happened to that community. And almost everywhere you have a housing project in Trinidad and Tobago, you have gangs emerging, and that is not an indictment against the housing projects, it is an indictment against two things: one, when you introduce new people in a settled community it creates problem; that is the first thing. And, secondly, if you just put people in house and you do not manage their life, you do not create the conditions for life success, you are going to have a problem.

I want to say that this holistic approach is very important while we deal with the issue of crime or else we will be perpetually passing strong laws, strong legislation, and hard measures in order to deal with crime in the country, rather than bringing it under control. Just as we speak here earlier today I saw on my thing there was a heist in Piarco today, on the tarmac of the airport. Can you imagine a place like an airport which is supposed to be a high security area; what is the state of the country if you could drive on a tarmac, you have on camouflage uniform, you take charge of a thing, you put everybody on the floor and you take \$5 million just so? I mean, really, what is the state of security? Look at the number of murders, 463 by this morning's count, and the gruesomeness of them too, and no respect, you are robbing priests, you killing pundit; you are attacking imam, it does not matter. There are no boundaries, none at all.

So look at the number of gangs and the spread of them in central, in south, in south-west, in Tobago. I am alarmed to hear that there are 24 gangs in Tobago. Tobago? *[Interruption]*

Mr. Deputy Speaker: Hon. Member, your initial time has been spent, you have an additional 15. You care to avail yourself?

Dr. B. Tewarie: I would like to, Sir.

Mr. Deputy Speaker: Proceed.

Dr. B. Tewarie: So, I mean, this is a troublesome thing. This is not just a crime issue. This is not just social dysfunction, but sociological unravelling of a society, and we have to deal with this, Mr. Deputy Speaker. Look at the issue of violence in the schools, I mentioned it before, we have got to nip that in the bud. We have got to deal with it, all right. The Minister of Health when he mentioned something he talked about some of the issues why it is young people go into crime, and so on, and I appreciate that, but, you know, it is a serious issue. I am

Anti-Gang Bill, 2017
[DR. TEWARIE]

Wednesday, December 06, 2017

saying, yes, the legislation; yes, hard measures; yes, deal with gangs; but we have got to deal with other things, and we must not forget that there is always in these things, context and culture. We are dealing with a problem that has been 60-plus years in the making, from 1956, at least, to 2017, okay.

It is not going to be easy to address this situation. I am not here into any blame thing. I am not going to say that the Government has been in power for longer periods, or they have been there for 30 years, initially, after independence, et cetera; that is not the point. The point is that it is a hard thing to deal with, and you cannot succeed in addressing it by doing the wrong thing, which is why we are cautious about this Bill, all right, or doing something halfway. You need strong laws and you need strong enforcement, but the AG gave us the numbers of the gangs and the gang members. I would not repeat them here, we all know now because they have shared with us, but he did not really tell us, you know, why the anti-gang law is needed in the face of existing laws, because when you look at this Bill all the matters here in the appendix, there are laws to enforce them—in the schedule, sorry. All right. There are laws to deal with all of these things, possession of imitation firearms is a new one, but larceny of a vehicle, larceny, et cetera—I would not read them. The only things that are new are the ones that pertain to the gang law itself, the one before us, okay. And when the Member for Port of Spain North/St. Ann's West spoke, he gave us the numbers for 2011, 2012, 2013, 2014, and, basically, he said the number of gangs and the number of gang members went up. *[Interruption]*

Hon. Member: Murders—

Hon. Member: Gang-related murders—

Dr. B. Tewarie: Yes, So it did not help. The Bill did not help, right. The Bill did not bring down gangs. It did not bring down murders, okay. *[Interruption]*

Mr. Deputy Speaker: Members, silence.

Dr. B. Tewarie: And this Bill, the question is can you argue that this Bill will curb murders, that it will bring down gangs? I do not think so. I mean, we are willing to give them the benefit of the doubt. We are willing to be persuaded. We are willing to listen to what they have to say, but, I mean, 709 murders since the lapse of the anti-gang law. There is no connection between the lapse of the anti-gang law and the 709 murders, is what I want to say. Nine hundred and ninety-eight murders are judged to be gang-related, there is no connection between those murders and the lapse of the law; 2014, 92 gangs; 2016, 179 gangs,

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

June 2017, 211 gangs; the members of gangs 1,500 in 2014; 2,038 in 2016; 2,459 in June 2017. It does not make the case for increase in gangs, gang members, or crime because of the lapse in the Anti-Gang Bill, because the evidence also shows that gangs, crime and “gangsterism” grew between 2014 and 2016, and between 2011 and 2014.

Now, he says that what this Bill will do is interrupt gang activity, all right, because they will have more intelligence, they will have evidence, they will have documentation, et cetera. I am not so sure that it will, and we must be convinced of that. When he gets up to speak he must explain that to us. How will these interventions be possible, and how will it make a difference in terms of the reduction of gangland murders and the reduction of gangs itself, and the reduction of members who join gangs? And the issue of videos, you know, I want to say, I was alarmed one morning several months ago when I got up and I saw in every section of Trinidad and Tobago there was a gangster identified with the territory, except for Point Fortin. The gangsters were identified for everybody. The gangsters got up, said who they were and where they were in charge of, and then they did it for all areas, and then there was a narrative which said, well, in Point Fortin they did not identify anyone, but you also had the criminal activity, the drugs, et cetera, in the Point Fortin area. And I am saying that if a person gets up on a video and says that I am a gang member and I am responsible for this territory, can this evidence be used to put that person in jail? I think that there are important constitutional issues that are going to arise out of that. Okay?

6.00 p.m.

Mr. Deputy Speaker, the AG in his presentation said that it can be used, but I am not so sure that it can, in fact, be used. I want to reinforce again the issue of stakeholder inputs, especially from the Criminal Bar, the Law Association and especially the DPP. The Leader of the Opposition mentioned the 10 points that the DPP made when the Bill was introduced here, I think, in 2016 and we did not support it, but we do need—for this thing to work, it seems to me the DPP has to have an input to make it successful. I do not see how this Bill could work with the DPP taking a hands off approach in this. It has to be a Bill that the DPP is satisfied will bring enough evidence for criminal charge to be laid against the people, against whoever it is.

There are issues here: the gang membership, the freedom of association issue, and whether this can be abused. I want to say that that is one of the reasons—the Member for Naparima mentioned that—why this law does not apply in the United States because of the issue of freedom of association. What in the United States

Anti-Gang Bill, 2017
[DR. TEWARIE]

Wednesday, December 06, 2017

they deem is that you can associate with anybody you want for any purpose. It is the crime that will be dealt with. Okay? So if people associate themselves and they come together, it is an important issue. It may be for all kinds of purpose, and you can also manipulate the law and say that they have come together for a gang-related purpose, and that is why we would not like to see detention without a warrant. I think this is very important.

Now, when the Law Association took a stand against the Bill in the form that it came first to Parliament, they talked about the fact that it was not a deterrent, it emphasized pre-trial detention, it increased the number in the Remand Yard and things related to that, and I think that those are things that we want to take into account as we go forward with this Bill.

I like the idea, I like the point raised by the AG that you do not have to wait for the crime if you have this Bill, you can deal with the gang association and the gang leadership. I like the idea by the AG that you could use it for a disruption of the gang and the suppression of criminal activity. He said that these were positions articulated by the Leader of the Opposition in Jamaica. But I would like to see him demonstrate how that will be done for us. I will like him to show me how you will in fact be able to deal with a gang leader before the crime is committed, how you would be able to disrupt the gangs, how you will be able to suppress criminal activity, how you would be able to reduce the number of gangs, how you would be able to reduce the number of people involved in gangland activity.

Now, I am very cautious about police power. I believe that any society that is civilized needs to have a police force that is very effective, efficient and honest in the execution of their duties and that those powers should exist to allow them to enforce the law, but it should not allow them to manipulate or violate the law in the exercise of their duty. And that is why in some of these things here, while we are comfortable with some of the things, we want to express some caution and we ask for convincing by the Members on the opposite side, and certainly in the wind-up by the Attorney General.

So we take the position, the three things that we articulate that we would like to see in the Bill as we go forward are: First of all, no arrests or searches without a warrant; the exclusion of sedition from the Schedule and, of course, the sunset clause which we feel will give us a chance to come back to Parliament and assess what has been successful and what has not. That is it.

Thank you very much, Mr. Deputy Speaker. [*Desk thumping*]

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mr. Deputy Speaker: I recognize the Minister of National Security, the Member for Point Fortin.

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Mr. Deputy Speaker. Thanks for giving me the opportunity to rise in support of a Bill laid by the hon. Attorney General:

“An Act to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activities, and for other related matters”

I want to take the opportunity again to commend the Attorney General once again for pursuing his legislative agenda, particularly to treat with issues of crime and criminality in Trinidad and Tobago.

Before going into my contribution, I want to put on the record some of the issues that I heard raised by the Member for Siparia and one of the issues raised by the Member for Caroni Central. Once again I have heard the Member for Siparia make this statement and Members on the other side continue to do so, that is, that whenever the PNM is in power there seems to be a rise in crime. I want to say that it all depends on where one sits, because one can also turn that around and say that whenever the UNC is in Opposition there seems to be a rise in crime. Or as I am corrected, there is a rise in crime because they always say that there is always [*Laughter*] something for idle hands to do, and I will leave it like that. So it all depends on how you look at it, so they should desist from saying that.

Then the Member for Siparia went on to state that she believes that we are creating this Bill as though it is a panacea for all ills and so on. It cannot be. No one Bill can treat with the issues of crime and criminality, or violence in Trinidad and Tobago. This is just one such measure which must be placed in the context of other measures that would be adopted. So we do not see this, this side of the House does not see this Bill as a panacea for all the ills to treat with everything dealing with crime and criminality. So it must be taken within context.

[MADAM SPEAKER *in the Chair*]

Then the Member for Siparia went on to say that the world has changed. She said the world has changed, weapons have changed, the gangs have changed, and I would simply want to add well, therefore, the Opposition must change now. But they must change not being just opposing for opposing sake, but understand that there must be some contributions for the benefit and the good of this country, so therefore there must be changes throughout. [*Crosstalk*]

I am hearing some chatters there. It must be exciting.

Anti-Gang Bill, 2017
[HON. MAJ. GEN. E. DILLON]

Wednesday, December 06, 2017

Madam Speaker, the other correction I want to make is that, and there always seems to be some confusion in the mind of the hon. Member for Siparia with respect to the NOC. I know that the Member for Port of Spain North/St. Ann's West mentioned it a while ago, but I want to clarify it, because there is a difference between the National Operations Centre and an NEOC, and I think there were some significant conceptual difficulties in the last administration to understand what an NOC was, compared to an NEOC. NOC deals with purely security matters, and this is what we have created the SSA to do and which we have restructured the NOC to treat with, purely security matters, while an NEOC deals with emergency matters.

So, for instance, if there is a disaster, a flood, whatever, an NEOC deals with that but it never suspends or takes away with what the NOC is treating with, because security concerns continue regardless of whether there is a flood or hurricane as the case may be. So they are different conceptualizations. And the NOC as constructed now under SSA treats with security matters, intelligence gathering and operational matters. So I wanted to make that clarification as I continue to hear some confusion in the minds of others.

The Member for Siparia also mentioned that she wanted to know, and I am answering her question, with respect to the energy sector security initiative whether it is still up and running. I want to put it quite clearly that the energy sector security initiative, which was developed some time ago, is still functioning. As a matter of fact, there was a time when the inter-ministerial committee never met. We have since met, and that committee is still up and running. It deals with, particularly, critical infrastructure treating with the energy sector, especially our offshore platforms and so on, our off-shore explorations. So it is up and running. I wanted to make that quite clear.

Again, the Member for Siparia articulated that Costa Rica does not have a military, and she said, well I am not saying that there should not be a defence force. But I want her to realize that while Costa Rica, as one of the only South American countries, does not have a military, they have a law enforcement element that is more equipped than some of the military in Central America. So they do not have a military by name but I can tell you they have a military by weapons and manner of operation.

Madam Speaker, again the Member for Siparia mentioned about the vessels, the Damen vessels and so on, and I know I have said it before but whenever she talks about the Damen vessels, I also want to do the comparison that they are different to what the offshore patrol vessels would have done for us. The offshore

patrol vessels were built as a platform to operate in an exclusive economic zone 200-mile limit for a period of 28 days. The Damen vessels cannot do that. They were built for no more than 14 days out at sea, so therefore they are different type of platforms, so you cannot compare those to an offshore patrol vessel, and the Member for Siparia continues so to do.

Madam Speaker, I also want to look at issues that were raised by the Member for Caroni Central. The Member also mentioned: Can the Bill achieve the intentions for which it was stated? And the intentions as mentioned here was really in terms of two keywords: discouraging members from criminal gangs and suppression of criminal gangs. The only how we can know if it will exist, if it can treat with the intention, is to give that Bill a chance to do so, because we have to look at what exists now, what exists now to treat with gangs, what exists now to treat with criminality. As the AG mentioned a while ago, and the Commissioner of Police mentioned that sometime ago in the media, that there is no law to treat with gangs in Trinidad and Tobago. That is why we are trying right now to bring the legislative framework to treat with gangs and criminality in Trinidad and Tobago. So the intention is well articulated under the Bill, and I am sure that given the support of the Opposition, he will see the results of the intention.

Madam Speaker, when one looks at the whole question of gangs and gang-related crimes, it continues to be part of the security landscape in Trinidad and Tobago, and we know the definition of crime articulated in the Bill, so there is no need for me to enunciate that anymore. We know what a gang is in accordance with the Bill. So that there are, in fact, gang-related crimes within Trinidad and Tobago. Of course, we know that the murders are the barometer by which we are measured, but most importantly when one looks at the statistics—and permit me, Madam Speaker, between January 01 to December 05, 2017, gang-related murders in Trinidad and Tobago, according to the police statistics, 82; drug related, 76; revenge related, 70; robbery, 60; altercations, 46; domestic violence, 37; and there is an unknown quantity which is roughly 91. But gang-related seems to be the highest, other than the unknown quantity because again, some of the unknown quantity could be transferred across to gang-related drug events, as the case may be when they are subsequently determined.

So that gang-related was the most common motives for murders to date and accounted for 80 per cent of the total murders. So, therefore, there is a reference to gang-related murders, and therefore actions must be taken to treat with gang-related murders. When we look at gang-related murders, what are some of the basket of activities that we talk about? We are talking about guns, gun importers,

Anti-Gang Bill, 2017
[HON. MAJ. GEN. E. DILLON]

Wednesday, December 06, 2017

gun runners, shooters, recruiters, and some of those are articulated in fact under the First Schedule. I would not go into them again, because they were well enunciated by the Port of Spain North/St. Ann's West representative, but I will touch on a couple of them.

When you look at the basket of activities: robberies, murders, recruiting gang members, these are all things that are happening today as we speak; these are occurrences that happen on a daily basis in Trinidad and Tobago. We are not blinded, I do not think we are blinded at all. Most of the gang-related activities listed here in the first schedule, are, in fact, activities that are occurring today as we speak, and in order for us to take the necessary actions, we have to put legislation in place, and this is what we are doing today. This is what we are doing today.

We have listed 28 related activities, and I am glad to see that the Opposition only objected to one, plus a suggestion with respect to sunset legislation. So it is clear to us in this House I believe, that the gang-related activities that are listed in the First Schedule are in fact upon us, and therefore, the only way we can treat with those is in fact through legislation.

Madam Speaker, we have to understand the culture that we are looking at. The gang-related activities are not only within the communities and so on, and I have heard speakers before me mentioned it; they have gone down into the school system. We have heard—the Member for Port of Spain North/St. Ann's West mentioned that there are children who have to change their school uniforms and so on, so it has gone down deeper into our societies, into the school system. Therefore, we have to put a stop to that gang culture because it could only get worse if we do not stop and use this opportunity to put this legislation. Again I say, the legislation by itself will not bring the desired result, there must be a combination of activities. I will go into some details later on with respect to the Ministry of National Security.

Trinidad and Tobago is not alone with respect to treating with the issue of gangs. This is a phenomenon that occurred from time immemorial, across several jurisdictions. You have seen them in Europe, in Africa, in the Middle East, in the Far East, in North, Central and South America, in the Pacific, in the Caribbean. It is throughout. It is not something that is only dealt with in Trinidad and Tobago. We have seen it in the United Kingdom, where in fact, the Serious Organized Crime Agency looked at gang-related activities, similar to what we are looking at, and looking at legislation which they have done quite effectively throughout the

breadth of England. In Scotland, in Wales, issues there are pertinent to the same issues that we are treating with. We are not treating with this by ourselves, but it is a phenomenon that exists in other jurisdictions of the world.

You have seen that most jurisdictions have done a combination of activities, not just legislation but a number of social issues, a number of operational issues. There is a combination of menus that is used to treat with this issue that confronts us right now.

Madam Speaker, the whole issue of gangs and the whole issue of gang-related culture, it is one which this government treats very seriously. Because we believe that although it affects the individual rights of the individual, there is a time when we have to look at the individual's rights and balance it against the common good for the people of Trinidad and Tobago. This is one such issue. It goes back to the old Hobbesian principle that says in the state of nature life is short, nasty and brutish, and is a fight of all against all. But there is a time when you have to surrender your right as an individual to the State. Hobbes called it the Leviathan.

This is one issue, one area where you have to surrender your rights for the benefit of the State. [*Desk thumping*] One issue where we have to do that, because the issue of gangs and gang-related incidents is too prevalent in our society, we cannot sit by and do nothing. While we deal with some softer issues, we have to have the legislative strong-arm to act, as the Bill mentioned, to discourage and to suppress. Those are the key words; those are the actionable words in the Bill, to discourage and to suppress. So it is important for us going forward to be able to treat with those issues in a manner that would act as a deterrent to those who are intent on going down that road and shaping the whole gang culture.

Madam Speaker, it is critical to know that Government's role and obligation is to protect and safeguard its citizens. Thus this Bill is designated to bring the kind of deterrents that are required, to prevent people, to deter them from going into a life of crime and criminality. Right now it does not exist. As the Attorney General mentioned, while we could go, we can attack those in gang culture separately, separate parts of the law, unless we have this all-encompassing gang-related Bill, we would not be treating with the actual event.

Madam Speaker, when you look at the whole question of the related guns and ammunition, and let me give you the stats so far. I talked about the gang-related a while ago. When we look at what is happening with respect to arms and ammunition, which again is related to the whole question of gangs and the gang-related culture, as mentioned in the First Schedule, the whole question of arms

Anti-Gang Bill, 2017
[HON. MAJ. GEN. E. DILLON]

Wednesday, December 06, 2017

and ammunition, to date 2017, the Trinidad and Tobago Police Service has in fact recovered 962 firearms off the streets of Trinidad and Tobago. That is only what is recovered, and today they have recovered 14,316 rounds of ammunition, these are all related to the whole question of gangs and gang culture in Trinidad and Tobago. This is only what they have removed. The guess is how much is still remaining, and they will continue to work assiduously to remove arms and ammunition off the streets of Trinidad and Tobago, which again would have an effect on the gangs and the gang culture in Trinidad and Tobago.

The whole question of gang evolution in Trinidad and Tobago has its own history. We will not go back into that right now, it started some time ago. It is not new; however what has happened is that the weapon of choice has changed over the years. In years gone by it used to be the bottles and the cutlass and so on, now we are seeing a proliferation of guns leading to murder, leading to the type of crimes that as a society we can no longer tolerate.

We look at the whole question of finances, and the Attorney General mentioned a while ago, we are talking about the whole question of money laundering directly related again to whole gang activities and so on. Money laundering—they disguise the source of money obtained via illegal means through legitimate businesses, such as stores, contracting companies, security companies, entertainment companies, et cetera. This Bill will treat again as a deterrent to discourage those people from in there.

The emerging trend is that the gangs right now, even in Trinidad and Tobago, are adopting what we call a “business model”. Our intelligence sources have told us that even right here in Trinidad and Tobago the gangs are in fact hiring MBA graduates, university graduates to treat with their finances and so on. In other words, they are employers right now. They are employers because they can afford to pay. They can afford to give the kind of salaries and the kinds of attractions to those graduates, because they see it as a business and, therefore, it is important for us as a Government, it is important for us as a people to dismantle these gangs. Now is the time, we cannot put it off any longer. The time is now.

We can only do so as we tackle the legislative agenda, as we tackle the operation agenda with the support of the Opposition, which I believe we could get. We can only do so then because, again, of the three-fifths majority that is required.

Madam Speaker, when we look at the whole question of what is happening in our prisons right now, and it was highly shown in clause 5(a) and (b), with respect to prison officers, with respect to police officers, members of the Defence Force.

The prison officers association has been clamouring for some kind of protection for their members. We have had a couple of prison officers who died in the line of duty for the year. This will treat with that. Clause 5(a) and (b) will treat with that, because it will give a sense of deterrence again for anyone, member of a gang who shoots or harms a member of the Trinidad and Tobago Prison Service, member of the Police Service or the Defence Force will face the kind of penalty. So again, a deterrent measure.

We also looked at the whole issue of social media. When you look at the communication aspect, the gangs explore social media to increase visibility on equipment. As I said before, not just this legislation but a combination of activities. When you look at the slate of legislation that the Attorney General has put out this year, if you put them together in context, you would see that we are treating with the whole issue of gangs, but also the whole question of criminality and violence in Trinidad and Tobago.

Madam Speaker, I want to look at some of the areas that we have put in place from the Ministry of National Security to treat, as I said, with the whole combination of effort, because we strongly believe that the passage of this Bill would deter and prosecute those engaged in criminal activities. We believe that it would preserve the peace and stability of the society. We believe that it will rupture the adverse impact of transnational organized crime, illegal guns, human trafficking, contrabands and drug trafficking, among others. It will ensure that our economic, strategic and industrial resources are protected from external aggressors, restoring national confidence and good governance in handling the crime factor.

You see, Madam Speaker, is the whole question of the fear of crime. We have to be able to give our citizens a sense of the qualitative aspect, that the Government is doing something to treat with the gangs, because other than that, the citizens feel that the gangs are operating with a sense of impunity, and so we believe that the measures we are adopting, I certainly believe that they would give the kind of results that is expected, discouraging and suppressing the whole question of gang activities. The passage of this Bill will certainly help establish a safe and secure environment for the people of Trinidad and Tobago.

Madam Speaker, in the Ministry of National Security we will continue several initiatives to treat with the whole question of the gangs and the gang culture. We continue to adopt, as we said, our whole strategic imperatives of prediction, deterrence, detections and prosecution. In this aspect we strengthen that deterrent product. This Bill will strengthen that deterrent product. It will take away the kind

Anti-Gang Bill, 2017
[HON. MAJ. GEN. E. DILLON]

Wednesday, December 06, 2017

of attractions for those, especially the young people, who feel attracted to the whole question of gangs and gang-related activities. You see, there is a consequence now for joining a gang, and what has been missing from our society is consequence for the actions.

So we will take away that kind of attraction, but also place a certain kind of consequence. If you want to believe you should join a gang, there is a consequence to that. If you are a gang member, there is a consequence to that. If you partake in gang activities, there is a consequence to that, and it is listed, it is legislated. As it is now it is not, and therefore, I believe that this legislation would speak volumes in treating with that.

The Government has pursued a number of measures. As I mentioned before, we cannot take this Bill in isolation. The Bill by itself will not give the desired measures, and so in contributing to the effect of this Bill as a number of menus, the Government has established and continues to work on the electronic monitoring programme, which is as we call it the electronic bracelets, and that is well on its way.

We continue to build the question of DNA custodian and DNA lab, which again, Government measures to treat with. Construction of the video conferencing centre—while it is long overdue, we continue to work with the contractors. It is about almost 80 per cent completed. Construction of the new remand prison at Golden Grove—and I am saying this because, again, putting it into context, that it is not the Bill by itself. There must be a combination of activities in support of the Bill, to work together with the Bill if you really want to bring the results that you expected.

We have continued to build on the Defence Force. We have restructured the national security agencies to bring the kind of intelligence aspect to the whole operation, to treat with, to look at, not only gang-related activity, but in this case looking at gang-related activities. We continue to transform these institutions, capacity building, and institutional strengthening in national security, but again we cannot do that operationally by itself. There must be a combination of operation imperatives and legislative imperatives. It is together those two will bring the kind of results that we can in treating with the whole question of gangs and gang-related activities.

We have to look at bringing a set of cultural and attitudinal change in the people in our society, those miscreants, those who are intent on joining gangs and bringing its gang activities. That attitudinal change and behavioural change can

only come about, as I said, by way of consequences. We have to look at how do we prevent the young people from being attracted to these gangs and gang activities. So, in the Ministry of National Security we continue to work with our youth programmes. The Trinidad and Tobago Cadet Force, we have extended that programme considerably throughout the schools of Trinidad and Tobago. The Civilian Conservation Corps, we continue to run that programme, albeit we have reduced it a bit, but we continue to emphasize and attract the young people in those programmes.

6.30 p.m.

The MiLAT programme we continue also along that line. But also, Madam Speaker, the police youth clubs will be playing a very important part. You see, while we treat with the operational aspect, we also look at some of the soft, psycho-social aspects. Police youth clubs right now have a total of about almost 15,000 young people spread across the length and breadth of Trinidad and Tobago. [*Desk thumping*] And it is growing right now to the extent where now, based on what the police have been doing with the youth clubs, the Trinidad and Tobago Fire Service is now introducing fire service youth clubs, the prison service is introducing prison youth clubs, and I understand the defence force is thinking about it right now. Because you understand, Madam Speaker, when we can change the minds of these young people at that tender age we will prevent them from down the road, joining these gangs. So that there is a combination of all the efforts that are taking place. As I said before, it cannot be treated in isolation, but a combination of initiatives.

And so even the Trinidad and Tobago Police Service has, in fact, effected several initiatives: assignment of school liaison officers to various primary and secondary schools, utilization of police youth clubs to reduce the activities of youth perpetrators in various communities, and what you have seen is an increase in police activities in most of the communities.

Parental workshops have been organized by the Trinidad and Tobago Police Service, community meetings, and they have done quite successfully in terms of parental workshops. It is one in which the parents have commented that they have learnt quite a lot in terms of what the police had to offer to manage the responsibility of parents, especially in terms of deviant behaviours with respect to their children and so on.

Counselling and mediation services to both parents and children have been done by the Trinidad and Tobago Police Service. Lectures are conducted at

Anti-Gang Bill, 2017
[HON. MAJ. GEN. E. DILLON]

Wednesday, December 06, 2017

schools and topics such as crime and violence, bullying and the law, intervention by the Victim and Witness Support Unit which provides support to victims and so on, has also been, again, another initiative by the Trinidad and Tobago Police Service.

The work of the Child Protection Unit which has as its primary responsibilities, the investigation of offences involving children and works closely with the Children's Authority which is another initiative by the Trinidad and Tobago Police Service.

Madam Speaker, these are just some of the initiatives based on the Trinidad and Tobago Police Service. But again, I also want to reinforce that operationally, so we have the soft approaches, we have the legislative approaches, operationally—and it was mentioned by Minister Young a while ago that we realized that we had to change the way we had to do business, and it was based, again, on strategic imperatives, that we had to look at how can we improve the delivery with respect to criminal gangs and gang-related activities.

And it has been done in the United Kingdom, the SOCA was replaced by the crime agency. It has been done in Jamaica, it was done in Guyana where they have merged the units, just as we have done in Trinidad and Tobago so that the OCNFB and CGIU were merged together to give you a stronger unit, bringing together the expertise from both sides and dedicated to treat with not only gang-related activities, but specific crimes and targets in Trinidad and Tobago, Madam Speaker.

And the OCIU has been formed as a result of both the combination, as I said, of OCNFB and CGIU. It brings together the intelligence, the experience and activities of these two units which have been merged to create a more efficient entity to treat with the gang phenomenon, and to date they have had several successes. They have been doing an excellent job. They continue, but they can only do that operationally today, and I want to stress on that, because they can only do that operationally. There is a need for and the Commissioner of Police has mentioned it time and time again, he said literally that he does not have the legislative feet to treat with gangs and gang related. We have to give them support and it was articulated by Minister Young a little while ago what came from the Trinidad and Tobago Police Service. The Commissioner himself reached out, he reached out publicly and said that the parliamentarians must give me the kind of legislative teeth to treat with the issues of gang and, that is why we are here, ladies and gentlemen, Members.

Madam Speaker: Hon. Member for Point Fortin, your original 30 minutes are now spent, you are entitled to 15 more minutes if you wish to avail yourself. Please, proceed.

Hon. Maj. Gen. E. Dillon: Thank you, Madam Speaker. And that is why we are here. The Commissioner reached out for us. We, as parliamentarians, that is our duty. Our duty is to pass the kind of legislation that would give the Trinidad and Tobago police the legislative framework to do their job effectively and efficiently, and as we treat with the issue of gangs, this Bill will give them that kind of strong hand. This Bill will give them the kind of tools to treat with the issue of gangs and gang-related activities in Trinidad and Tobago.

Madam Speaker, to my mind when I looked at the Bill, the 18 clauses before us, they are ready made to serve its intended purpose, discouragement and suppression of gang-related activities. They are ready made, Madam Speaker. When we look at the whole question of what happened on the Beetham recently, with this legislation it will strengthen our hands to make a different kind of intervention in the Beetham and any other place where they have identified gang-related activities. And I can tell you that we will ensure that what happened in the Beetham will never happen again, we will put measures in place to treat with that; that will not happen again. But we need also the legislative framework to strengthen the hands of the Trinidad and Tobago Police Service, we need that.

We have done some work in the prisons. We have ensured that they have the sort of grabbers and jammers and so on, the video conferencing centre, the DNA custodian, the DNA lab. These are measures that we are putting together, as I said, a combination of menus to treat with the issues of crime and criminality and in particular in this way to treat with the whole gangs and gang-related issues.

Madam Speaker, I close by saying that let us as parliamentarians do what we are duty bound to do, provide the necessary legislative framework for the operational entities of law enforcement and security to do their jobs effectively and efficiently. This is our duty. This is our duty and this Bill before us will give the necessary teeth, will give the necessary legislative framework for the Trinidad and Tobago Police Service and other agencies of national security to do their jobs effectively and efficiently.

Madam Speaker, let me close with a quote from the *Guardian* of June 17, 2016. It was an editorial and it says, the headline was “End political posturing over crime”. In the last passage of that editorial reads like this:

Anti-Gang Bill, 2017
[HON. MAJ. GEN. E. DILLON]

Wednesday, December 06, 2017

On the issue of crime, for the good of all of Trinidad and Tobago both parties need to demonstrate maturity and bipartisanship by co-operating on anticrime laws policies. Time to put a stop to the useless, petty posturing and squabbling and focus on what needs to be done in terms of situational changes to transform law enforcement systems and make the country more secure. As much as possible, crime needs to be taken off the political agenda.

Madam Speaker, and I am saying today when we look at the issues of gangs and gang-related activities as outlined in the First Schedule, the amount of activities that lend from 1 to 28, if we can see these as contributing significantly, then all we can do and all that we must do, all that we should do is to give this Bill the support that is required to give the law enforcement agency of national security the necessary support to do their jobs effectively and efficiently. I thank you, Madam Speaker. [*Desk thumping*]

Dr. Fuad Khan (*Barataria/San Juan*): [*Desk thumping*] Madam Speaker, thank you very much. First, I would like to indicate that I am very glad to contribute to this debate:

“The Anti-Gang Bill, 2017 seeks to make provision for the suppression of associations created for unlawful or criminal purposes and for the better protection of the public. The Bill seeks to make it an offence to, *inter alia*, be a member of a gang, to be in possession of a bullet-proof vest, to participate in, or contribute to, the activities of a gang, to support or invite support for a gang, or to harbour or conceal gang members or recruit persons to a gang. The Bill would be inconsistent with sections 4 and 5 of the Constitution and is therefore required to be passed by a special majority of three-fifths of the members of each House.”

Madam Speaker, so the Government needs the Opposition’s support to pass this Bill. And the reason behind, reading that part of the Bill is to indicate that the job of the Opposition is not just to oppose. The job of the Opposition is to make sure that we pass either, I would say, good law, as well as making sure anticipated abuses in the future—we can anticipate it now and put legislation in place so that we can prevent that anticipated abuse.

And we have indicated that we would like the Attorney General to look at the section on the sedition, as well as the section on the sunset clause maybe about two years, Madam Speaker, as well as the no warrant on section, I think, 15. Now, [*Crosstalk*] where they indicate on clause 15(3):

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

“A police officer may enter without a warrant and search a place or premises, but not a dwelling house...”

And we would like to find out if that will be placed—it should be with a warrant; that is 15(3).

So, Madam Speaker, I just want to indicate that these bits of legislation speak about penalties for becoming a gang member, penalties at all levels 15, 20 years, et cetera. Now, when you look at clause 14, clause 14 says:

“A person who recruits a child to a gang commits an offence and is liable—

(a) on summary conviction to imprisonment for fifteen years; or

(b) on conviction on indictment to imprisonment for twenty years.”

Nowhere in this legislation does it indicate what happens to the child, what do we do with the child or the person who is under 18 years of age who now becomes a gang member and who is now the subject of clause 14.

It goes on to say at clause 14(3), it says:

“Notwithstanding subsection (2), a person who, within five hundred metres of a school or place of worship, recruits a child to a gang commits an offence and is liable on conviction on indictment to imprisonment for twenty years.”

Now it does not say—it says about “...recruiting a child within five hundred metres of a school or place of worship”. It really does not say if it is 501 metres. What I am trying to indicate is that why that special dimension?

The fourth part, 14(4) says:

“It is a defence for a person charged with an offence under subsection (2) or (3)—which I just read—“if he proves that he did not know or could not reasonably have known that the person he recruited was a child.”

Now, does that not negate the other two? Does that not negate the other two? I would like the Attorney General to look at that, because by putting a defence in to somebody who is recruiting a child, you are really negating the other two sections, saying that I did not know it was a child, so I cannot be held liable.

You see, Madam Speaker, certain aspects of law and I have learnt from the Attorney General himself when he was in Opposition I was the Minister of Health, taught me to read drafting at that level, and for that I thank him.

Now, the other part of it, Madam Speaker, 15(3), it says:

Anti-Gang Bill, 2017
[DR. KHAN]

Wednesday, December 06, 2017

“A police officer may enter without a warrant”—which we have asked to change—“and search a place or premises not used as a dwelling house if he has reasonable cause to believe that a gang leader, gang member”—two defined people—“or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.”

It opens it widely not just to gang members, not just to gang leaders, to a person.

And when you go into the First Schedule, you see things such as, you know, different things, the whole part of publishing to extort, et cetera, you see, offences under the Proceeds of Crime Act and, you know, you go on with this, demanding money with menaces, receiving stolen goods. Now, if somebody receives stolen goods and they did not know it was stolen, what happens then?

But what I am saying, this could be any person, not just a gang leader or a gang member. So that part, Mr. Attorney General, you should look at it again, because it does not speak to gangs, it speaks to anybody, so any police could use anything on that part of the law which I think you should look at.

Now, it goes on to 16, (1), (2), (3), et cetera, speaking about a person, a person, a person. I wonder if it is possible to change that to a gang member or a gang leader rather than just a person, a person, a person because it opens up that act to a special level.

Now, Madam Speaker, the reason I started off by indicating what happens to the child, and I am very glad I am speaking after the Member for Point Fortin, the Minister of National Security. I have been researching what causes a lot of children to enter gangs, especially under the age of 18. And what I have found, Madam Speaker, is that when parents are incarcerated, or taken into custody, incarcerated into the criminal justice system, you find that the children under the age of 18 have very limited visiting times with the parent, and by doing that you end up with the lack of bonding, the lack of teaching, the lack of whatever at that—where normal parent and child interaction takes place.

And when you look at this paper of the *National Institute of Justice*, paper issue no. 278, May, 2017, it speaks that:

“The most common consequences of parental incarceration appears to fall under the umbrella of antisocial behaviour,”—that is the child—“which describes any number of behaviours that go against social norms, including criminal acts and persistent dishonesty. One meta-analysis of 40 studies on children of incarcerated parents found that antisocial behaviours were present

more consistently than any other factors, including mental health issues and drug uses. A separate study built on those findings by examining the presence of multiple adverse childhood experiences a child may face, including incarceration...found that exposure to multiple adverse childhood experiences throughout development may put children at risk for severe depression and other issues that persist into adulthood, including substance abuse, sexually transmitted diseases, and suicide attempts. Antisocial behaviour resulting from parental incarceration may limit a child's resilience in the face of negative experiences, which could then compound the effects on exposure to other issues.”—such as joining gangs.

Now, one has to ask, prior to joining a gang, prior to being a gang member you have to be what they call pre, what we call a pre-gang member which is what happens to you before becoming a gang member to become a member. Things such as hunger, unemployment, incarcerated parents, antisocial behaviour, lack of counselling, low self-esteem, you may have people who have been charged for prostitution, somebody who was charged who came out of jail with one or two joints, marijuana. These are the things that are taken under the wings of the gang, and the gang itself protects that person or so-called protects it, so they enter into the gang as a result of hopeful protection.

Now, when you look at things such as hunger, and if you look back at the Jamaican, ‘Dudus’ Coke, when he was taken into custody. What happened the whole community came up against it, because why?—Mr. Coke was there supplying food and things to the community so he became as a giver.

So, I am quite certain people who are hungry will enter a gang faster than those who are not. Also, young children under the age of 18 who are very susceptible to influences may also join gangs. Now, what happens then, they have no employment, antisocial behaviour, children, father and mother have been taken across into custody, they cannot see them except, I think, the once a year or twice a year with special occasions.

This paper cites different studies that correctional facilities—in fact, the research shows that generally children whose parents are incarcerated, as I mentioned before, are at higher risks of antisocial behaviour, et cetera.

Now, they said:

“The biggest predictor is the strength of the parent-child relationship.”

Anti-Gang Bill, 2017
[DR. KHAN]

Wednesday, December 06, 2017

For the child not to be in that criminal justice system and in gang systems, you know, because there is decreased educational attainment, et cetera, and it has indicated that if the parent lives with the child, the parent would have provided social and financial support and developed a strong parent-child bond.

“...the long-term negative effects of parental incarceration may be mitigated if the child receives support throughout the incarceration period and is afforded opportunities to maintain contact with the parent. Correctional facilities can support the relationship by providing the child with easy access to and visitation with the parent in a child-friendly environment.”

I want the Minister of National Security to take that on board because I have been advocating, and through different methods, the need for children to meet with their parents on a weekly basis or more, so contact with their parents in child-friendly areas in the actual jail itself.

I tried to get a meeting with the Commissioner of Prisons. [Crosstalk] No. No. General children of incarcerated parents I am speaking about, not the child convicts. I think you should have, if you can, through you, Madam Speaker, the Minister of National Security should have discussions with the Commissioner of Prisons and see if they can deal with this problem. Because you see, from what I understand, under the age of 18 the access and visitation rights are curtailed in the actual jail itself because of how, for whatever it may be. So I think legislation needs to be brought for that, Madam Speaker.

You see, when one looks at the entrance into gangs, well children of incarcerated parents is a main factor. It is said also that a child of an incarcerated parent has a six times incidence of entering into the gang system, the criminal system, because of lack of bonding and anger against society together with all the other factors such as hunger, poor parenting, lack of parenting or sometimes it may just be grandmother and sometimes nobody at all. And so you enter into a system where we are now here making—we will be looking at the law of gangs, anti-gang law trying to stop the gangs, but we should also look at stopping the entrance into gangs. The Minister has indicated that there are a lot of policies and programmes, et cetera.

Now, when the past Prime Minister, deceased Patrick Manning, God rest his soul, he recognized the problem. That is how—I was here—NEDCO came into being, CEPEP came out to being, MiLAT, MYPART and those things came out to be. We looked at the areas where these children or people from the depressed areas

could not get contracts to do anything. So the development of NEDCO gave them the chance at business orientation; development of CEPEP gave them the chance of becoming contractors and working with other people. And for that I think he was futuristic and looking at the whole social scenario.

And I remember sitting, well in the Red House, and the push was looking at the social aspect to prevent the attrition of young people into gangs and into criminal activity. And one place I will push, I will keep pushing, Minister, through you, Madam Speaker, is developing child-friendly atmospheres and systems in the jails, et cetera, for children to enter there or contact with their parents as soon as possible. We cannot say we will do it here, bring legislation and next 10 years we are still waiting. I started this conversation in 1998/99 and we are now in 2017, it is just a ministerial approach.

Now, Madam Speaker, I come to something else. If you intend to decrease the entrants into gangs, you have to look at the whole scenario not just looking at who is a gang member and we could grab them and deal with them. Because what we have to look at is, a lot of people are labelled criminals because of marijuana, small volumes of marijuana less than two grams and they are taken in together with the whole system and become a criminal, targeted as a criminal.

So I have been advocating that we should look at decriminalizing two things, marijuana. So if you decriminalize low volumes of marijuana then you could decrease the amount of people being labelled a criminal who then cannot get a job and who has to end up being taken care of by a gang or something like that.

So, the Attorney General could look at this. It is a topic that is hitting the airways. Canada, Justin Trudeau, Prime Minister of Canada, Justin Trudeau has said, he is going to rebrand Canada in the *Economist* magazine this week or last week; he is going to rebrand Canada by decriminalizing small amounts of marijuana, so it is not something that we are talking off the top of our head.

The other thing, Madam Speaker, a topic that might shake a little bit, a lot of young women go into prostitution and the gangs are used to protect them, and the gangs are usually pimps, and nothing happens to the pimps, nothing happens to the gang members, as a result of taking care of the young prostitute.

So if we decriminalize that prostitute, I did not say legalize, I said decriminalize it so these young women are not subject to the mercy of pimps, men who are pimps, as well as gang members who prey on these young ladies, you will be able to decrease the amount of entrants into gangs themselves if you look at the practical nature of it.

Anti-Gang Bill, 2017
[DR. KHAN]

Wednesday, December 06, 2017

AG, it is a tough topic to talk, but it is a topic that needs to be addressed. [Crosstalk] What is that? No. True, because really and truly, I was the Minister of Health. Five years ago, Madam Speaker, I was the Minister of Health, I was looking after cardiac angiograms and renal failures [Laughter] as the Minister of Health, Member for St. Joseph will tell you, we were bogged down by NCD complications and now I see he is bogged down also.

Now, Madam Speaker, we have spoken a lot about everything of the legislation. The legislation has been spoken about at length. The Attorney General understands where we are and what we want to support the legislation, and I just want to talk about one thing. And the hon. Leader of the Opposition in her contribution brought it up, as well as the Member for Caroni Central; it is the witness protection programme. We do not have a proper witness protection programme to the point that people will feel safe to give evidence against a gang member and that needs to be dealt with. Also, the detection rate for a lot of criminal activities, murders, et cetera, it is not as good as it should be. So, Madam Speaker, yes, Minister.

Maj. Gen. Dillon: I just want to make clearer the whole issue of the witness protection programme.

Dr. F. Khan: Sure.

Maj. Gen. Dillon: The justice protection programme under the Act has been very successful for more than 15 years. What we are confusing ourselves with, those people are under what we call the police protection who have not been endorsed by the DPP as yet. That is a different programme. Those that are under what the DPP has signed off on, a memorandum of understanding between the protectee and the programme, have been very successful and there are over 200 persons in that programme to date. We have never lost one single witness. Okay? All right?

Dr. F. Khan: Thank you, Minister. Madam Speaker, I would also want to say that those that are out of the programme under the DPP, as you said, are they witnesses to some criminal activity?

Maj. Gen. Dillon: Unless they are willing to sign that—because it is a voluntary thing, you cannot compel somebody to join the programme, and there are a number of persons who do not want to be restricted in the witness protection programme and they do not sign a memorandum of understanding. They do not. There is a different level of protection that is given to them.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Dr. F. Khan: Thank you, Minister. So, Madam Speaker, we do need a stronger, as you say, a stronger witness protection programme where people and their family will need to feel safe.

Now, Madam Speaker, I have basically covered in a nutshell, I am not very good at fluff, I have covered in a nutshell what I wanted to speak about, the children of incarcerated parents. I used this opportunity to do it, and I hope the Minister of National Security will, at least, take it on board. Thank you, Madam Speaker.

7.00 p.m.

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Chairman—Madam Speaker—and I am grateful to the Member for Princes Town for giving way. Thank you very much.

Madam Speaker, I am happy, very pleased to join in this very important debate, because it has some very far-reaching implications for education. But before I go into my contribution, let me comment, very briefly, on some of the things that were said by the Member for Barataria/San Juan. It was very plain to me by the tone of his contribution that he would like to support this Bill. [*Desk thumping*] That came across very clearly to me. [*Desk thumping*] In fact, I can see and I can hear very clearly his struggle to tow his party line and also to support this Bill. I could see that struggle that he is experiencing. And the fact, Madam Chairman, that he—Madam Speaker—focused to a large extent on children would really demonstrate the fact that there is need for this Bill to be passed tonight. [*Desk thumping*]

Madam Chairman—

Hon. Member: Madam Speaker.

Hon. A. Garcia: Oh gosh, sorry, Madam Speaker, my mistake. Madam Speaker, the increased levels of crime in this country make this Bill of paramount importance. The increased levels of crime in this country put on all of us a responsibility to ensure that this country is safe, that our children are safe, and in so doing it puts on us a responsibility to pass this Bill. The Ministry of Education has seen first-hand the effects of gang and gang-related activities in the education system. We have been able to see this first-hand. In fact, because of the prevalence of gang activity, many of our children are affected negatively in that they do not have the opportunity to access the type of education that is their right.

Anti-Gang Bill, 2017
[HON. A. GARCIA]

Wednesday, December 06, 2017

Madam Speaker, sometime ago officers of the Ministry of Education, my fellow Minister and others, visited some schools as we have been accustomed to, and in one of our visits to a school in Laventille, we were told by the principal of that school that parents of students attending that school cannot come to that school to attend meetings of parents or parent-teacher association meetings because of border issues and gang warfare. That denies those parents the opportunity of interacting with the teachers of the school and thereby denying the child that closeness between the home, the school and the teacher. And that happens not only in one school, but that situation occurs in so many of our schools when there is this gang warfare.

Many of our students themselves cannot move from one area to another because of turf and gang warfare. That is one area of discomfort that our students suffer. Because, Madam Speaker, you would understand, as young children, there is the need for children to explore and explore the surroundings in which they operate. And not having the ability to explore the surroundings because of border issues, that also puts a dent on the education uplift.

Madam Speaker, what we have found in our school system is that gang activity has infiltrated in many of our schools. In fact, in many of our schools there are students who are members of organized gangs. It places additional pressure on the school authorities to deal with so many matters with respect to the children. I have first-hand experience of a student who attended a school in Arima who was giving problems in the school. His father came to see me in my office in Arima and together with the father and the child, we sat down and we spoke and we tried to see what we could do to help this child. That student belonged to an organized gang. A few weeks afterwards I got the very disturbing news that that student was killed in Maloney resulting from gang activity.

That is just one small example of the infiltration of gangs in our school system. Many of these organized gangs are targeting our schoolchildren. It is clear that many of the gang leaders try to recruit those students, and in so doing they pull them away from their educational pursuits into this life of crime, and that also is unfortunate.

Madam Speaker, soon after I assumed office as Minister of Education, I decided, together with my fellow Minister, that we had to visit a number of schools, and on one occasion I received a very urgent telephone call from the then president of the Trinidad and Tobago Unified Teachers' Association, and he sought my help, because he told me during this telephone conversation that in one of our schools there is rampant gang activity, so much so that if we were not

careful we would have had an eruption. I think the entire country knows that we visited that school and what we found was exactly what the then president of TTUTA was relating to me. We had to take some very serious and decisive measures resulting in identifying some of those students and being able to rehabilitate those students. Those students were referred to what we now call learning enhancement centres, and the information that we have is that those students have been able to re-enter into the schools and their behaviour has undergone a change.

There was another school in the east that we had to visit and there were similar problems in that school. In fact, there were some classrooms where teachers were afraid to even walk by, because there was gambling, obscene language, the trading of drugs. All of those things were going on. You know, somebody earlier today—I think it was the Member for Port of Spain North/St. Ann's West who said that some students were afraid to walk the streets in their school uniform. But in this particular school, you had gang members from outside either purchasing or borrowing school uniforms and coming into the school to engage in gambling. And when one particular person was asked, "Why is it that you identified this particular school?" The response was, "The gambling was good. The pot was healthy." Madam Speaker, you know what we had to do, and the measures we had to take, and that school has returned to a state of normalcy.

Madam Speaker, I can go on and on and give examples of what happened, and I use the word very carefully, what happened in our school system because of gang activity. I am not saying at this point that there is no more of that, but we have been able to curtail this to a large extent, because of the measures that we have put in place, and of course, I would like to borrow a phrase from the Member for Barataria/San Juan, when he stated that there are certain things that must be done, and he suggested that there should be wider consultation between the parents and the school authorities.

We in the Ministry of Education have embarked on a series of activities that are designed to assist our students. First and foremost, it is our intention and our duty to ensure the safety of our students. In fact, the major responsibility of the school authority is the safety of our children. And we have embarked on a system that we call school-based management, and an important component of that is the discipline of our students. And we have put in place a system of discipline in all our schools where each school has to have a discipline plan, and we have insisted on that. In fact, every principal has to report to his line supervisor on this discipline plan that we have, and this has resulted in a tremendous decrease in the incidence of indiscipline in our schools.

Anti-Gang Bill, 2017
[HON. A. GARCIA]

Wednesday, December 06, 2017

Madam Speaker, we also embarked on an initiative that is referred to as the Laventille/Morvant Initiative [*Desk thumping*] and this initiative is based on four important pillars. Again, Members on the opposite side mentioned that, one of which is the parental involvement. It is important that we engage our parents in this fight against indiscipline, in this fight against crime. And to a large extent we have been successful in engaging our parents. We have asked every school to have a parent-teacher group. Whether we call it a parent-teacher association, whether we call it a parent support group. Whatever name the school authorities choose, it is important that we have that formalized relationship between the parents and the school. In fact, they have gone so far as to organize training programmes for our parents, and in the Laventille/Morvant Initiative they have found that this has been working very well, the engagement of our parents.

Of course, this programme deals with literacy and numeracy, and this also has resulted in an improvement in the academic performance of our students. And once our students see themselves improving academically, then the lure to engage in crime and deviant activities is lessened. [*Desk thumping*] And again, we are seeing some tremendous improvements. In fact, Madam Speaker, I would like to congratulate and pay tribute not only to the officers of the Ministry of Education, but also the MPs for Laventille, Laventille West and Laventille East/Morvant who have been working with us closely [*Desk thumping*] to ensure that discipline is maintained in this area, to ensure that we have the parental support, to ensure that our students are equipped with the tools that would allow them to access the type of education that is their right. [*Desk thumping*]

Madam Speaker, a third pillar of this initiative is infrastructure and aesthetics. I have been saying over and over that there is an adage that says the working conditions of the teacher are the learning conditions of the child. The environment in which a teacher operates, the conditions in which a teacher teaches, will impact positively on the children, and towards this end we have sought to improve the infrastructure in these schools. And again, that has been going very well. However, however, Madam Speaker, because of gang activity, we have had to engage the assistance of the Minister of National Security to ensure that the gangs do not prevent the work in this area. Again, that is another area of success.

But Madam Speaker, the fourth plank, which is promoting discipline. I am pleased to say that in the Morvant/Laventille area for this term I have not received one—[*Desk thumping*]
—one—

Hon. Member: “He eh say it yet.” [*Laughter*]

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Madam Speaker: Order! Order!

Hon. A. Garcia: I have not received one request for extended suspension from that school.

Hon. Member: “Aaaah.” [*Laughter and desk thumping*]

Hon. A. Garcia: In fact, at a recently held sports meeting, the coordinator of that programme got up and made bold to say that in the Port of Spain area the discipline of our students has increased tremendously. [*Desk thumping*]

However, Madam Speaker, we cannot rely solely on the gains of the things that we have been putting in place to ensure that our students are comfortable and are safe in the schools. Because what we have realized within recent times is that while the schools have their discipline plans that are now preventing our students from misbehaving in schools, some of them are migrating their indiscipline outside, and this is why it is important for a Bill like this to be passed in this House. [*Desk thumping*] Because, as the Minister of National Security has been saying over and over, we have to ensure that we handle this problem holistically. The school is doing its part, the Ministry of Education is doing its part, but the national community must do its part also. And in an effort for us as members of the national community to do our part, it is legislation like this that must be important, and we must do everything to enact this legislation. I have heard Members on the opposite side speak in favour of this legislation, yet on the other hand they are trying to punch holes in the efforts that we have been making. [*Interruption*] [*Laughter*]

I am telling this House and by extension the national community that once this Bill has been able to gain success—

Mr. Hinds: And become law.

Hon. A. Garcia:—and become law—yes—it will allow us to a large extent to deal with gang activity in this country. We need this type of assistance. We cannot continue as we have been going where people do not feel safe. Madam Speaker, I remember, not too long ago, I could have walked the streets at all hours of the day and night. As everybody knows my pet activity is in the area of All Fours, and when I go to my All Fours games, and those games are over at 11/12 o’clock in the night, just to get exercise I would leave my car home and walk. I cannot do that again. Madam Speaker, what this Government has been able to do, because of the things that we have put in place, we have been able to hang the jack of the former Minister of Education.

Hon. Members: “Aaaah.” [*Laughter and desk thumping*]

Hon. A. Garcia: I therefore appeal to Members on the opposite side to lend their support to this Bill so that we can see an improvement in the way this country operates, so that we can see an improvement in the lives of all our citizens, and most importantly, we can have our children being able to access the quality of education that this Government is determined to provide.

Thank you very much. [*Desk thumping*]

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker. Let me first thank Members of the House for the opportunity to be able to contribute to today’s Bill.

Madam Speaker, on listening to the Minister of Education in his brief contribution, I believe that the hon. Minister sounded like a man who has recently awoken. Madam Speaker, for several months we have raised time and time again issues surrounding school violence, bullying, in this particular House that has grasped the attention of the public. And I was very happy to hear from the hon. Minister that he finally admitted to the real situation that confronts many of our schools throughout Trinidad and Tobago with respect to deviant and violent behaviour.

Madam Speaker, in dealing with the Bill that is before us, I was reminded of two local sayings that are often used when we want to make a point with respect to the attempts that we make in order to get the point we want to get across, and that is, Madam Speaker, first, when we say we will try and try and try again until we get it right. And for many speakers, whether it is on this side of the House or on Government side, I think that was a fundamental point that was raised with respect to this particular piece of legislation—that we will continue to try. But, Madam Speaker, it also reminded me of the flipside to that which says, “If we do the same things the same way over and over again, do we then expect a different result?”

And I agree with the Member for Arima, in that on both sides of the House there were issues that were put before us that supported the Bill, but also that raised particular issues that Members were concerned about in terms of whether or not we will see the desired outcomes and results that we wish to with the passage of this particular piece of legislation. And therefore, Madam Speaker, when the Member for Siparia asked for the statistics and the real measurable results with respect to when this legislation was first passed in 2011, and existed

over the period 2011 to 2015, then do we really say that she was wrong to ask for those things, because then it gives us the real measurable results that this Bill would bring to the public.

Madam Speaker, I believe that today the country is realistically at its wits' end in terms of giving up, in terms of the passage of laws with respect to curbing crime. We have reached to the point where many people believe these are just words on books, and therefore it is not really going to have a real tangible effect in terms of bringing down the serious crimes and the homicides. Today, we as parliamentarians should be about strengthening this piece of legislation, and there have been several public commentators commenting on this Anti-Gang Bill, 2017—with the modifications that we have seen after the piloting by the hon. Attorney General—who have indicated that they believe that this is somewhat of a watering-down of the 2011 legislation, in order to remove a greater degree of burden on the prosecution.

Madam Speaker, we must be careful of this development. And when we look at the definitions in the Bill—and I believe several speakers have raised this particular issue with respect to the wide definitions of a gang leader, of a gang member, of gang-related activities—it gives us no real comfort when the Members opposite are seeking our support, when what they have done is that they have actually broad-brushed and widened these definitions without actual specifics that will then take us into different realms of offences.

Madam Speaker, I believe that the Member for St. Augustine and the Member for Siparia dealt comprehensively with the issue of the stakeholder consultations. But you know, I saw a passion and a fervour in some of the Members opposite, especially the Member for Port of Spain North/St. Ann's West, in dealing with some of these issues, and I would have hoped that we would have seen the fervour and that same sort of passion by getting responses from the DPP, getting responses from the Law Association.

And when the hon. Member spoke about the LRC, as raised by the Member for St. Augustine, the hon. Member for Port of Spain North/St. Ann's West sought to give the impression that there was interference by the then Members of the Cabinet of the People's Partnership with respect to the LRC. But, Madam Speaker, that was actually in reference to a judicial committee that was established among Members of the Judiciary, the law enforcement and the Members of the Government at that time, that gives the opportunity for that. So, Madam Speaker, the Member for Port of Spain North/St. Ann's West, I really would have hoped

Anti-Gang Bill, 2017
[MR. PADARATH]

Wednesday, December 06, 2017

that he would have been in the House, because several of their Members were so concerned about who was in the House and who was not, but really to clarify that particular point that the hon. Member would have made.

Madam Speaker, the hon. Attorney General spent a considerable amount of time dealing with the operationalizing of the Anti-Gang Bill, 2017. The Member for Point Fortin during his entire contribution, only when the Member for Barataria/San Juan raised the issue of the Witness Protection Programme, only then did we hear some clarity in terms of the actual operationalizing of the Anti-Gang Bill and the level of preparedness of the law enforcement agencies, and the Government by extension was in, in terms of actual implementation. Madam Speaker, at this point what is really needed is the strengthening of the operationalizing limb of this legislation. The mere mention of the Witness Protection Programme without going into details and specifics, and without looking at international and Commonwealth jurisprudence and benchmarks utilized by countries who share our jurisprudence, there was no mention of those things.

But, Madam Speaker, I would like to turn your attention, and Members of this House, with respect to Barbados. A fellow Commonwealth nation who shares our jurisprudence, who in 2017 announced that they will be coming with tougher anti-gang legislation at the beginning of October. But by the end of October, after the Attorney General in Barbados had announced the strengthening of the anti-gang legislation in Barbados, by the end of the month what you had happening was the Acting Commissioner of Police in Barbados saying, “Hold up fellas, because we are not ready with the operationalizing limb of this legislation, and therefore what you are doing is that you are really putting the cart before the horse.”

And therefore, Madam Speaker, a same situation arises here in Trinidad and Tobago where we are putting the cart before the horse without dealing with the issues that would confront us in terms of the operationalizing of the legislation. So what did Barbados do, Madam Speaker? Just six weeks ago what they did is that they pulled back. And, Madam Speaker, allow me to turn my attention to an article that appeared on the caribbeannews.com, October 16, 2017 which said that Attorney General Adriel Brathwaite stated that gang leaders are not heroes, but belong behind bars. It was written by Julia Rawlins-Bentham, and I quote:

“Bridgetown, Barbados (BGIS) — Gang members and gang leaders, whether male or female, could find themselves facing between 20 to 25 years in prison respectively when new anti-gang legislation is passed in Barbados.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Attorney General Adriel Brathwaite made this disclosure during the opening of the National Consultation on Violence hosted by the Criminal Justice Research and Planning Unit (CJRPU).

He told those in attendance that studies conducted by the Royal Barbados Police Force, the CJRPU, United States Agency for International Development and the Regional Security System, proved there were gangs in Barbados, and they were problematic.”

The article goes on to say, Madam Speaker:

“He also warned that it was a situation which could not be allowed to go unchecked as gang violence could result in innocent people being injured or killed.

Brathwaite lamented that, too often, he heard of alleged gang leaders living among residents in districts seemingly without fear of prosecution.

‘These persons corrupt many of our young men and women and send them into society to commit some very serious crimes. They are not heroes, they belong behind bars and that is why we want to give specific legislation to deal with them...’”.

Madam Speaker, this is almost identical to what we are hearing from our own Attorney General. And while we agree with that, Madam Speaker, the article goes on to say:

“And, as the government moves to introduce stricter penalties to curb violence, the attorney general also announced proposed amendments to the Bail Act and changes to the Police Act.

While the latter is expected to see a widening of police powers to conduct stops and searches, Brathwaite said amendments to the Bail Act would prevent persons charged for firearm offences from getting bail for 18 months.”

He further stated:

“...The society has expressed lots of concern about the fact that persons who are on murder charges, and persons on serious firearm related charges, can seem to go into prison for a couple of days and come back out....we are placing a window of 18 months within which a person cannot be granted bail...”.

Anti-Gang Bill, 2017
[MR. PADARATH]

Wednesday, December 06, 2017

7.30 p.m.

Madam Speaker, since that announcement by the Bajan Attorney General there has been a plethora of support for anti-gang laws in Barbados. But during that month, from the first week in October to the last week of October 2017, what we saw happening was very similar to what we saw happening the last time that this particular Bill was brought to the Parliament in 2011. And that is, those who are responsible for the actual law enforcement through the DPP, through the Commissioner of Police, in Barbados what they were saying is that this entire process is flawed, not just in terms of the legislation but also in terms of effecting the legislation.

Madam Speaker, I turn to an article on October 31, 2017, entitled, Witness Protection Programme. “Senior Cop Calls for Witness Protection Programme in Barbados”. And it says and I quote, Madam Speaker:

“Barbados’ Acting Commissioner of Police is calling for witness protection legislation and safe houses to prevent accused persons from tampering with witnesses.

Oral Williams says not enough is being done to protect vulnerable witnesses and it is time to enact appropriate legislation to deal with people who directly or indirectly seek to influence witnesses, potential witnesses, law enforcement officers or court officials, by threats or injury.”

The article goes on to say, Madam Speaker:

“I believe the system has not addressed this and similar areas, given what has been happening and is likely to continue...”—and in many instances this is across the Caribbean region.

“I think that at this stage we in Barbados are fortunate to have among us members of the public who are still willing to come forward and tell the courts what they heard or what they have observed...”—despite having seen an increase in homicide in Barbados.

Madam Speaker, so this is the Acting Commissioner of Police in Barbados who was saying that he was still encouraged that persons would come forward and provide evidence, give testimony despite that they were seeing an upsurge in homicides.

We have seen today where there has been over 10 murders that have surpassed the rate that we had seen last year and, Madam Speaker, therefore it comes back to this point where we have in our society, in our population, where

we have persons willing to come forward and give evidence and provide testimony that they will become comforted in knowing that there is a Witness Protection Programme that would provide for their safety.

And, Madam Speaker, there are a few other areas that I would like to turn to, separate and apart from the issue of safety, with respect to the Witness Protection Programme. In going on, I would like to also turn to the Jamaican legislation and the hon. Attorney General focused a lot on the Jamaican legislation. But, in 2013 the Jamaican legislation was passed. In January 2017, there were amendments to that particular piece of legislation. When you look at the operationalizing limb of it— and the hon. Attorney General was very correct when he said that there are a lot of similarities between Trinidad and Tobago legislation, both 2011 and 2017 Bills and also the 2013 and 2017 amendment Bill in Jamaica. But, Madam Speaker, the fundamental difference was the operationalizing limb of the Jamaican legislation.

Madam Speaker, again, the hon. Attorney General in Jamaica lamented when he spoke on the January 2017 Bill about the Witness Protection Programme in Jamaica. And since then what has happened in Jamaica is that they have seen an upsurge in terms of the amount of funding and drastic changes that would support the anti-gang legislation amendments of 2017. The hon. Attorney General did not deal at all with any of that when he spoke about the Jamaican legislation and I am hoping in his wrapping up that he will be able to focus on some of those issues.

But, Madam Speaker, it is very interesting, when you look at the *Hansard* of the hon. Attorney General in the Jamaican legislation, what you will see is specific measures that were put in place through not only funding but also support to their police and also support to their DPP's office to ensure that they gave them that level of comfort through finance and through legislative support, that they would actually be able to see real tangible results in terms of persons willing to come forward, but also making it all the way through the trial in order to get a conviction.

Madam Speaker, again we heard very little about that. I am hoping that the hon. Attorney General will be able to provide us with some of those issues that were raised by the Jamaican Attorney General when he piloted the Bill, in the sense that when our Attorney General today piloted the 2017 Anti-Gang Bill, he focused a lot on the Jamaican legislation.

Madam Speaker, I want to turn to something that appeared on the Jamaican Government's Witness Protection Programme on their website dated—this was January 21, 2017, on the Jamaican website for Witness Protection Programme.

Anti-Gang Bill, 2017
[MR. PADARATH]

Wednesday, December 06, 2017

And it said this and I quote:

“The Assistant Commissioner”—that is the assistant Commissioner of Police in Jamaica—“emphasizes that witnesses are not put in any position that is inferior to what they are accustomed to before entering the programme. We ensure that if we remove you and your family, your children go to schools of the same calibre and quality that they did before, and sometimes even better, and that you are taken care of financially and otherwise. You are not allowed to live in any sub-standard way at all, he points out.

He also says that talks are well advanced with other CARICOM partners for a regional programme. In October 2001, the Senate passed the Justice Protection Act to provide a legal framework for the Witness Protection Programme.

Under the law, the State is responsible for granting protection and/or assistance to witnesses, jurors, judicial and law enforcement personnel.

It also requires the Director of Public Prosecutions to prepare and submit applications for persons considered necessary to enter the programme, while the Commissioner of Police is mandated to carry out investigations of prospective participants in the programme.

The Commissioner is also required to provide physical protection for participants. The law also gives the Attorney General the responsibility to assess applicants’ suitability for participation in the programme.”

Again, Madam Speaker, that is another area I am hoping that the hon. Attorney General will focus on and give us some level of comfort seeing that very little has been mentioned with respect to the Witness Protection Programme. And, Madam Speaker, you know it very well, we have seen time and time again— while the hon. Member for Point Fortin indicated that he had full confidence in the Witness Protection Programme here in Trinidad and Tobago—we saw from time and time again many cases having collapsed because witnesses could not be found, where witnesses were killed and, therefore, the hon. Member for San Fernando West if he is seeking our support, he must be able to tell us how he is going to fix the broken system. You know, Madam Speaker, I am reminded of a former White House Chief of Staff, Hamilton Jordan, when he said this and I quote:

“I think the system is broken; most people think that it’s broken. And we think that what we’re going to do is invigorate the political system and allow for this country to be turned around.”

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Madam Speaker, again, a lot has to do with the system and changing the system.

In Jamaica, a peculiar situation arose when they sought to pass the 2017 anti-gang legislation, and that was one Member of the Opposition party there in the Parliament spoke about the issue of political involvement. Madam Speaker, this was an issue that stole the headlines in Jamaica and I just want to focus a little bit on that in terms of the lawmakers passing the anti-gang legislation. There was an article that appeared on February 24, 2017, and it said this and I quote:

“Crime continues to be a major challenge both politically and economically, as it disrupts business activity and deters investment. Gangs are involved in drug-trafficking, extortion”—and I think the Member for Port of Spain North/St. Ann’s West spoke a bit about that—“a notorious lotto scam...”—had developed over the years in Jamaica.

I assume, Madam, you are nodding because you are probably quite familiar with the issue, but it targeted:

“(...the elderly in the US) and other illegal activities. Jamaica’s murder rate remains one of the highest in the world. Gangs also have political influence, as they are often used by politicians to deliver votes in the communities that they control.”

And, Madam Speaker, we heard a lot about people’s names, like Spanish and English and French and so on. But, Madam Speaker, let me remind Members opposite of a man called “Burkie” who was held in the SoE of 2011 who appeared with a Government Minister at her swearing in. And therefore, Madam Speaker, when you want to speak about one, you have to speak about two; when you want to speak about A, you have to speak about B. So, the level of hypocrisy that I have seen demonstrated by Members in this House today [*Desk thumping*] when they want to talk about contracts and Spanish and English and French and so on, let us not forget the blaring footage where you saw an alleged gang member closely associated to a then Government Minister with a sprawling pool in the backyard giving an interview saying that they had worked closely with this Member of Parliament and they had done so much with the Government. Madam Speaker, that is the level of hypocrisy that we will not tolerate on this side. [*Desk thumping*]

I want to turn to the issue of two other Commonwealth countries with respect to the anti-gang legislation and again we only heard about Jamaica. I am hoping that Barbados will be addressed by the hon. Attorney General seeing that what they have done is that they have backtracked in order to get the operationalizing leg properly on its way. But, Madam Speaker, let us turn to Canada.

Anti-Gang Bill, 2017
[MR. PADARATH]

Wednesday, December 06, 2017

In 2009, the then Prime Minister Stephen Harper had brought the anti-gang legislation to the Canadian Parliament. And he sought just like today where Members opposite are seeking the assistance of the Opposition to have the Bill passed. The then Prime Minister Harper got the support of the then Opposition. The legislation was passed in 2009. Fast-forward, Madam Speaker, to 2012. What you started seeing happening in Canada is that despite the legislation, as admitted by the Member for Port of Spain North/St. Ann's West when he spoke today and he gave us his statistics, the exact same thing happened in Canada, that despite the legislation, the numbers of homicides with respect to gang-related activity increased astronomically. [*Desk thumping*] When Prime Minister Justin Trudeau came in, that was one of the first issues that he sought to tackle and therefore they brought the 2015/2016 Bill to the Canadian Parliament.

Madam Speaker, when they brought that Bill several provisions that were contained in our 2011 by the People's Partnership, many of those provisions were contained in the 2015/2016 Bill of the Canadian Parliament. They had sought to put a sunset clause in that legislation. I am not certain. My research did not take me that far, but I am not sure whether or not they had put a sunset clause, but I know that was one of the issues that was raised and it is one of the issues that we have raised here today with respect to a sunset clause in the legislation. But, Madam Speaker, what that had done in Canada is that you saw an increase in actual gang activity in terms of the percentages. You know, as I sat here today, I saw one "statistian"—"stetition" from the UWI—[*Interruption*]

Hon. Member: Statistician.

Mr. B. Padarath: "Statististian."

Hon. Member: Noooo! [*Crosstalk*]

Madam Speaker: Order!

Mr. B. Padarath: A "stats person". [*Desk thumping*] And that person was able to send, Madam Speaker, they were able to look at the percentages with respect to the murder rate, not only in Trinidad and Tobago but across the spectrum.

Madam Speaker, when you look at the average murder rate per 100,000 in any one country in the world, it was 7.5 per cent. Madam Speaker, in Trinidad and Tobago—that is in any one country that is outside. [*Interruption*]

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you. Madam Speaker, I would like to move the Procedural Motion, please. In accordance with Standing Order 15(5), I beg to move that the House continue to sit until the completion of the business before it.

Question put and agreed to.

ANTI-GANG BILL, 2017

Mr. B. Padarath: Thank you, Madam Speaker. Madam Speaker, I was making the point earlier, that separate and apart from the top 10 countries with respect to the highest homicide rates in the world, when you calculate the average murder rate per 100,000 in any one country outside of that top 10, you will get a percentage of 7.5 per cent. However, Trinidad and Tobago having been ranked among the top 10 countries, when you do the percentage, it shows that Trinidad and Tobago is now at 35.7 per cent.

Madam Speaker, much of that has been attributed to the reality of gangs in our country. We have heard about the social interventions as spoken by the Member for Naparima who went through several of the programmes that existed prior to the coming of the PNM administration in 2015. Madam Speaker, I represent a constituency that still feels the effect of one of the most notorious gangs in Trinidad and Tobago. And that is the Dole Chadee gang.

Mrs. Robinson-Regis: They still feel the effects?

Mr. B. Padarath: They still feel the effects of that, hon. Member for Arouca/Maloney.

Madam Speaker, over the past year, there have been several incidents of arms and ammunition having been found in large quantities in the area of Piparo, which is one of the furthest areas in my constituency of Princes Town. And, Madam Speaker, it has been a very worrying development, but in that entire region—now, I heard the Member for Laventille West and several others speak about some of the other different areas, that gangs are not in one specific area, it is throughout our country. And my constituency is no different. But the reason why I chose to raise the issue of the Dole Chadee gang, is because it took the political will to deal with that situation by a Panday administration between 1995 and 2000. [*Desk thumping*] The Panday administration did not just depend on legislation, Madam Speaker.

Anti-Gang Bill, 2017
[MR. PADARATH]

Wednesday, December 06, 2017

Madam Speaker, there were several different areas that were dealt with, in terms of law enforcement that were able to yield that result. The Member for Siparia was a very active member of that Panday administration who would have contributed significantly to that. But when I talk about the after-effect that still continues to exist, by five o' clock in Piparo, the place is like a ghost town. No one in that area of Piparo dares to speak, and I saw just recently a reporter had gone down from the *Trinidad Express* seeking to have constituents tell their stories and reminisce and so on, and people refused out of fright, Madam Speaker. That fright is still very much present and still exists today.

So therefore, Madam Speaker, if we feel that we are going to pass this anti-gang legislation, therefore people are going to be big and boisterous and bold and come out and say, well, this one do that and that one killed this one, it is not going to happen. And that is why I raise in the context of my own constituency that 20 years later—you know I saw recently one of the members of the Baboolal family, he himself having witnessed the murder of his parents and his siblings, he too still is unable to go beyond having witnessed that heinous act.

And, Madam Speaker, the reason why I tell this story is that those are real life situations that exist not only in Princes Town but it exists in many parts of our country, where people are so afraid and, therefore, if we do not fix the system or we do not fix the operationalizing limb of the legislation, then it is doomed to fail. And therefore when we say, try and try and try again, we must also say we have to do things differently.

Madam Speaker, I also want to turn just for a few minutes on the issue of some of the areas that were raised by the Member for Arima with respect to bringing down the school violence and the violence through—[*Interruption*]

Madam Speaker: Hon. Member for Princes Town, your original 30 minutes are now spent. You are entitled to 15 more minutes. If you intend to avail yourself of it, please proceed.

Mr. B. Padarath: Thank you, Ma'am. [*Desk thumping*] Madam Speaker, several Members have spoken about the nurturing of children at a young age and being able to deal with the issue of gangs holistically. And when the Member for Arima, the Minister of Education spoke, I understood some of the points that he was raising and the angle in which he was going. And, Madam Speaker, when it comes to the children's issues in this country and the way that some of the things that are occurring in our society are affecting our children, many of us try not to be adversarial with those issues, but actually lend support to each other when it

comes—because it is for the betterment of our future generation. But with all good intention and I would like to make some corrections and ask some questions to the hon. Minister of Education in light of some of the issues that he raised with respect to gang violence and how it is infiltrating our school system.

Madam Speaker, in the past year there has been no increase in the boys scout, girl guides, et cetera, through our schools. And I am hoping that probably on another day the hon. Member for Arima will be able to tell us how is he addressing some of those issues. There has been no increases in the Cadet Force. The Technical Vocational Education in several schools has become nonexistent. We have seen what has happened with GATE, but that is also affecting our tertiary level institutions, UWI, UTT, et cetera, but it is also affecting our secondary schools.

Madam Speaker, one of the schools in my own constituency which is a privately-owned school but receives subvention from Government, I believe that is the Christ Church College, Madam Speaker, has had to shut its doors for the past three months because of the lack of support coming from Government through their subventions. And therefore, it is really hypocritical to come and say we have done all these things and beat our chest proudly and say we are contributing to reducing school violence, when truth and in fact by your own actions and your own deeds, what you are doing is having hundreds if not thousands of children away from school looking for other areas of activity and sometimes falling into the wrong hands.

Madam Speaker, that is the area that I would like to raise and this is not only in the UNC areas, but also in areas across the length and breadth of our country and that is the closure of over 400 homework centres which would have benefited deviant students or students who needed that extra level of support.

Madam Speaker, I have gotten time and time again correspondence coming from several of the denominational boards with respect to schools in my own constituency. For over one year the Princes Town Presbyterian No. 1, I have asked this question repeatedly in this Parliament. I was given the assurance that the school will be built during the budget. Then I was told that we are not too sure. Now we have reached the stage, Madam Speaker, where the school has been demolished. The children now go to school at 1.00 p.m., infant children going to school at 1.00 p.m. because they are on a shift system with Princes Town Presbyterian No. 1 and No. 2.

Anti-Gang Bill, 2017
[MR. PADARATH]

Wednesday, December 06, 2017

Madam Speaker, if we are to fix the system and Members opposite were to get our support today with respect to this particular Bill, we want those assurances and therefore there must be a holistic approach—and the Member for San Fernando West and the Member for Port of Spain North/St. Ann's West really cherry-picked what they wanted to tell us from varying pieces of legislation from other Commonwealth jurisdictions that we share our jurisprudence with.

Madam Speaker, I know the Member for Siparia dealt with the issue of the statistics but I want to go through in the last few minutes I have, the statistics that really paint a red picture, a red and a real picture of what exists and what existed under the People's National Movement Government.

Madam Speaker, in 2001 homicides moved from 172 in 2003 to 228 under PNM; in 2004 from 228 to 260 increase, under PNM; 2005 to 2006, 384 to 368, under PNM. Madam Speaker, from 2007/2008, 391 to 550, the highest in the history, unless the way that we are going today, this year may surpass it, but Madam Speaker, in 2009 when they left Government, it was going up to over 600 during the period 2009 to 2010.

Fast-track 2015, 420 again you see the jump and a significant jump of 463. Today in 2017, we are at 468. Madam Speaker, that is the legacy of the Member for Diego Martin West, who spends more time on the golf course than in the National Security Council of Trinidad and Tobago, who is more interested in the grooming of the golf course and comparing it to women in our country, than the murders of our young people and our young women in this country. [*Desk thumping*]

You know, Madam Speaker, during 2010 to 2015, you saw that through the actions of the Member for Siparia and those that had belonged to the Cabinet in the National Security Council who put plans, policy in place, who put their money where their mouth was and ensured and gave the police service the requisite amount of vehicles. Hundreds of vehicles being given to the police service. We gave them the assurance that with \$1,000, non-taxable allowance, that they were able to boost their morale.

Madam Speaker, we were able to put GPS in vehicles. We were able to put cameras throughout the length and breadth of this country. [*Desk thumping*] Madam Speaker you know what was so—and I feel so ashamed for the Member for Point Fortin. The Member for Barataria/San Juan whispered to me. He said like this “man” has nothing to say. And it is true, they had no achievements to

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

speak about, to say this is what we have done [*Desk thumping*] to bring down crime and if you give us this additional support today it would only add to reducing the amount of gang-related activities, especially homicides, in our country.

Instead, Madam Speaker, what we see is a continuance of the same “ole”, same “ole”, same “ole”, of the rhetoric. I have gone through as I have showed you in several parts of the Commonwealth, when we looked at the jurisprudence, the Member for San Fernando West and the Member for Port of Spain North/St. Ann’s West cherry-picked what they wanted. I am asking them to also focus on the operationalizing leg of it. Deal in detail also with the statistics and also, Madam Speaker, tell us, tell us, why did you not go with the fervour and the passion that you seem to have for writing the Member for Siparia, with the DPP, the Law Association and all those other organizations [*Desk thumping*] that really should be lending their voices today in this House to ensure that the rights of Trinidad and Tobago citizens are safeguarded.

Madam Speaker, with those few words, I thank you for the opportunity [*Desk thumping*] to be able to contribute to today’s debate, but, Madam Speaker, before I take my seat I sound warnings to Members opposite, that do not throw stones when you live in glass houses.

Mr. Hinds: You have nothing. [*Laughter*]

Mr. B. Padarath: I have more than you, Member for Laventille West, [*Laughter*] because my constituents see me. My constituents see me. My leader has faith in me. [*Desk thumping*] My leader can reach me at two o’clock. Nobody is protesting outside my office and that takes real balls, [*Laughter and desk thumping*] real balls, Member for Laventille West. So, Madam Speaker, I thank you. [*Desk thumping*]

8.00 p.m.

Madam Speaker: Member for D’Abadie/O’Meara. [*Desk thumping*]

Brig. Gen. Ancil Antoine (D’Abadie/O’Meara): Madam Speaker, I thank you for the opportunity to contribute to this debate on the Anti-Gang Bill:

“An Act to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters”

Anti-Gang Bill, 2017
[BRIG. GEN. A. ANTOINE]

Wednesday, December 06, 2017

I begin by quoting a PNM activist, Harvey Boris, who always says, “I love my country”. And with that, I would like to congratulate the Attorney General on the delivery of an excellent Bill. [*Desk thumping*] You see, Madam Speaker—and as I make my contribution I will show that the Attorney General is attempting by this piece of legislation, to take us to another level in dealing with crime, criminal activity and gangs in our nation.

Mr. Hinds: Not for the first time.

Brig. Gen. A. Antoine: And yes, not for the first time. And that seems to be a problem with the people on the other side. They seem unable, whenever the opportunity arises to take this nation to a next level, to do so, and they just seek to keep us maintaining the status quo.

The Member for Naparima spoke about bad legislation when they passed the Anti-Gang Bill when they called a state of emergency and arrested over 400 of our citizens. He asked: What is the Government doing about crime; what they are doing about murders; what they are doing about public safety? And in answering, the Member for Laventille West spoke about this Bill attacking the developing gang culture in Trinidad and Tobago. He pointed out to them, for instance, that Laventille West is not a depressed area, and he pointed them to all the development that took place in Laventille West. And, really and truly, what he pointed out to them, that gangs are the problem, because what gangs are doing in our community is instilling fear in our citizens, and that is what we, as a Government, must deal with.

The Member for St. Augustine said we must prosecute crime; that we must root out the criminals. But, again, this shows a lack of understanding of gang culture and gang activity by those on the opposite side. They thought that back in 2011 that all they needed to do was to call a state of emergency, enact the legislation and arrest citizens of the country, and that would bring crime down. It did for that year because of the state of emergency and all that goes with it.

The Member for Siparia spoke about protecting our citizens and that that is the first duty of Government, and I agree with her on that. And she spoke a lot—the same thing the Members for Princes Town and Naparima—about statistics. They are in love with statistics.

Mrs. Persad-Bissessar SC: Your AG also.

Brig. Gen. A. Antoine: And that is what I want to speak about here, the inability of those on the other side to take us to the next level in dealing with multidimensional security and other areas of security. And they are always missing the boat—

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

always missing the boat. They missed the boat in 2010 and they are missing the boat now. Moving to the next level is something that those on the other side do not seem to understand. It is why, during my time in another life in the military, we advised the Government to purchase OPVs, and now the Attorney General is again trying to take them to a next level with the Anti-Gang Bill. You see, the OPVs were to take the defence force to a next level. Presently, we have gone back to the status quo with the Defence Force where we can only operate over the horizon. Over the horizon means that our vessels, our boats, must return to shore because they cannot go out into, for instance, our economic zone. And the OPVs were to take us to the next level. But the Member for Siparia says that the war is not on the seas; the war is on the land.

Mrs. Persad-Bissessar SC: And it is.

Brig. Gen. A. Antoine: The war is not on the seas; the war is on the land. And I like her contribution here, because it is the same thing the Member for St. Augustine did in a previous contribution where he said that they sold the OPVs to buy police vehicles. And I ask: What good is having police vehicles in the stations when every criminal has military grade weapons in the communities? By the time the police vehicles arrive in the communities, people are already dead from the use of guns—military grade guns in the hands of criminals. And we see now that is filtering down even to the young people who believe that it is nice to pose on social media brandishing weapons, as the case may be. And that is how it is filtering down, and they do not seem to understand that. This Anti-Gang Bill is taking us to the next level, because it stopped dealing with the individuals and it goes on to deal with gangs. [*Desk thumping*] It is about dealing with the gangs. And I want to give you an idea of what I am speaking about.

At the turn of the century when I was in the military, we recognized that in the Laventille area a number of gangs were operating, and those were in the early days of the gang situation. There was a gang in John John led by a guy named Mark Guerra, a Muslim-based gang. There was another gang up in St. Barbs led by the Sandy brothers. There was another gang in Charford Court, La Cour Harpe led by a guy named “Fresh”. Mark Guerra, Sandys, Fresh, they divided up the territory among “deyself”. But then Mark Guerra decided he wanted to expand and he started to move out of his territory and gang warfare started. So the security forces, in dealing with the situation, set up some forward locations, at VMCOTT and Picton Hill and on Charlotte Street next to Amoco Renegades Pan Yard, and the gang activity—we were able to suppress the gang activity.

Anti-Gang Bill, 2017
[BRIG. GEN. A. ANTOINE]

Wednesday, December 06, 2017

The result is that these gang leaders are no longer with us. But did that end the gangs? And that is the beauty, and that is what I am speaking about here. The elimination of these gang leaders—not by the security forces; they were eliminated by other gang members themselves—did not end the gang culture. Instead, what happens and happens in terms of these gang cultures, the lieutenants take over, and sometimes the lieutenants cannot interact with each other so they diversify and they spread, and then you get a whole other set of gangs popping up in different communities.

And the Opposition, those on the other side, do not seem to understand this. You cannot now, at this point in time, go after individuals. You have to go after the gangs. [*Desk thumping*] And this is what this legislation is about. You have to go after their property. You have to go after their property. You have to eliminate their activity within the communities. Because all the gangs bring to the community is guns because they are involved in the drug trade. And that is what a lot of the fight is about in the communities. They are protecting their drug trade from each other. And along with the drugs come guns, sophisticated weapons to protect them, to protect their turf.

Gangs are a phenomena of this modern society. I would like to use a quote because gangs produce absolutely nothing in the communities. And I would like to take a quote from Thomas Hobbes. He says:

“No arts; no letters; no society; and which is worst of all, continual fear”—as the Member for Laventille West spoke about:

“and danger of violent death: and the life of man, solitary, poor, nasty, brutish and short.”

That is the life of a gang member in the communities in Trinidad and Tobago. It is a life of the gang member in Laventille, in Beetham, Sea Lots, wherever. I was born in 9 Irvine Lane. That is a stone’s throw from the Clifton Towers that the citizens of this country presently are asking the security forces to protect them from the gangs. They cannot even live in their houses without the interference of the gangs and the gang members.

I grew up in Laventille. Those days, believe it or not, we did not even call it Laventille. They called it “Behind the Bridge”, East Dry River. Now, everything is lumped together as one continuous whole. But in those days there was separation amongst ourselves. And the way we spent weekends was having sporting events. I was the opening batsman for “up the hill”, they used to call us. And we would go to John John and play cricket. We used to go to Eastern Quarry; go down on the Beetham, go Sea Lots.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mr. Indarsingh: How many runs—

Brig. Gen. A. Antoine: I was a good batsman. A batsman and a wicket keeper, actually.

Hon. Member: And a goalkeeper.

Brig. Gen. A. Antoine: And a goalkeeper in soccer, and a basketball player. I played for the Defence Force in basketball. I am tall you know.

Hon. Member: Well rounded. [*Crosstalk*]

Brig. Gen. A. Antoine: But that is how we interacted amongst ourselves in Laventille when I was growing up. Just earlier today we were speaking with the Member for Laventille West and we spoke about what happened during the holiday season. We would travel from St. Paul Street, Annisette Street, through Picton Quarry, through Eastern Quarry, Picton Road, Eastern Quarry, over through Trou Macaque to go for mangoes in Morvant.

Mr. Hinds: That is right.

Brig. Gen. A. Antoine: Now, the young people in those same areas cannot even go to the next block because they are threatened. There was a little boy where I grew up on Annisette Street. His name was Andy. All Andy loved to do was to beat pan. The best beating pan side, or the orchestra, was Tokyo. But Andy lived on Annisette Street. He was in Tokyo touring side, and so forth. And they told him, “Doh come dong in John John and beat no pan.” Andy did not take them on. Andy continued beating pan, so they shot and killed him because he disrespected them coming into his area “and beat pan when he from another area”.

Mr. Hinds: What year was that?

Brig. Gen. A. Antoine: Andy was about three or four years ago, not very long ago. So life is solitary, poor, nasty, brutish and short. The impact of gangs is hurting our communities. We do not want them in our communities. [*Desk thumping*] And I thank the Attorney General for this piece of legislation that will allow us to deal with the gangs [*Desk thumping*] that are a cancer on our society. They are a cancer in our communities. They are eating our communities live, and we must deal with them. And a responsible government like the PNM Government in Trinidad and Tobago is putting legislation to deal with the criminal gangs in our community. [*Desk thumping*] Yes.

I have a situation—and this is not in Laventille, this is Carapo, in Race Course Road, where presently a lady went abroad—with a house. They moved into her

Anti-Gang Bill, 2017
[BRIG. GEN. A. ANTOINE]

Wednesday, December 06, 2017

house and now “they telling her she cyar come back there”. So I have to write the police; I have to write the social development, et cetera.

Mr. Hinds: Home invasions.

Brig. Gen. A. Antoine: They are invading people’s homes.

Hon. Member: HDC.

Brig. Gen. A. Antoine: Not only HDC. This is not HDC house. This is Carapo, Government settlement. It is squatter settlement because they are now dealing with the LSA in terms of land, and so forth.

Hon. Member: That is Rajae Ali territory.

Brig. Gen. A. Antoine: Thank God Rajae Ali is incarcerated. It is his territory. We need this legislation. We need this legislation yesterday. [*Desk thumping*] We need this legislation yesterday. We need to deal with the gangs. We can no longer deal with the individuals. We have to go after them holistically. So we deal with the gang leaders and there are special provisions in terms of offences by gang leaders and special penalties, and we need to deal with the gang members as well.

We have to get our act together. And we cannot be pussyfooting around with statistics, about how much murders happen in 2011 and how much happen in 2009 and 2005. Nonsense! Let us get over that. I am asking those on the other side to move to a next level. You failed in 2010 with the OPVs and with SAUTT and with the Blimp. You failed miserably. And that is why we are in this state that we are in today. And we are giving you another opportunity to rise. [*Desk thumping*] Rise to the occasion. Operate at the other level where we can deal with crime and criminality and gangs in our communities.

Is there a calypso that we cannot go on this way? We cannot go on this way, Opposition. We cannot go on playing the fool with the citizens of this country. We cannot go along this way. We have to deal with the crime and I thank the Attorney General [*Desk thumping*] for bringing this piece of legislation so that we can deal with the criminals, deal with the gangs in our midst with this wonderful piece of legislation that will allow the police and the security forces to do their work in bringing these people to justice.

I thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker, for allowing me to join this debate on this particular piece of legislation that seeks to address the whole question of public safety and discouraging gang membership and suppression of criminal activity in Trinidad and Tobago. And if I am to listen—or have listened carefully to the Member for D’Abadie/O’Meara, the Member for D’Abadie/O’Meara pleaded with those on this side as it relates to take this debate to another level, and he referred to Harvey Boris of the famous tag line, “I love my country” and so on, but if the Member for D’Abadie/O’Meara listened to Mr. Boris in recent times, he has been very critical of the PNM’s administration and their style of governance over the last two years. And the Member focused on what he said—focused on taking this to another level, and so on, and I could understand him when he focused on the issue of another level, and the whole “rise up” and so on, because he had seen a sense of development when the UNC was in government, and he understood that Trinidad and Tobago rose collectively under the leadership of Kamla Persad-Bissessar. And also I know that he has been moved to a different level. His leader did not promote him, but his leader gave him a demotion in terms of where he is today in terms of another level.

But more important, Madam Speaker, the Member, for some reason, attempted to focus on the Partnership’s initiatives as it relates to crime-fighting and so on, and focused on the fact that our government at that time did not go through with the OPVs, and so on. But I want to remind the Member for D’Abadie/O’Meara at this point in time that all the major drug hauls that have been caught on the high seas over the last two years have been as a result of boats that were purchased by the Government led by Kamla Persad-Bissessar. And that tells you that when we reviewed the types of ships, or boats, that were needed to man the borders, and so on, we were able to secure boats that were in the interest of dealing with the purpose that it was needed, and today you all must admit that the successes in terms of drug hauls are as a result of this. [*Desk thumping*]

And just on a side note, and so on, the Member for D’Abadie/O’Meara would do well to try and focus his leader, and focus his Government as it relates to the procurement of the *Cabo Star* and the *Ocean Flower II* and to use the proper system of governance and the proper systems and measures that are at its disposal from a procurement point of view in the interest of the people of Trinidad and Tobago and not side-step a state enterprise and usurp the whole process by taking it over through a subcommittee of the Cabinet of Trinidad and Tobago.

But more importantly, too, there has been a narrative on the Government side to paint—or attempt to paint the Opposition as being irresponsible, not being

Anti-Gang Bill, 2017
[MR. INDARSINGH]

Wednesday, December 06, 2017

patriotic and not understanding the needs of the citizens of Trinidad and Tobago. But I want to remind the national community and to ask the Member for D'Abadie/O'Meara, and all who have been singing this song, or this narrative during this particular debate, what was their leader's position when he was the Leader of the Opposition? On the 22nd of September, 2012, when Dr. Keith Rowley, at that point in time—and I quote from the *Trinidad Guardian*:

“We will not co-operate with the Government in any matter”—

Hon. Member: Who said that?

Mr. R. Indarsingh: The Leader of the Opposition at that time, the current Prime Minister of Trinidad and Tobago:

“We will not co-operate with the Government on any matter. We will isolate them as long as they remain in office.”

That was the position of the Leader of the Opposition when the Government of Prime Minister, Kamla Persad-Bissessar, was dealing with the development of Trinidad and Tobago. [*Desk thumping*] Where was your commitment to Trinidad and Tobago at that point in time, and where was your sense of patriotism?

Hon. Member: When did he say that?

Mr. R. Indarsingh: And I am quoting another—[*Interruption*]

Hon. Member: Ignore them.

Mr. R. Indarsingh: I am quoting from another newspaper article, the 10th of April, 2013. You see, it was a consistent narrative from the then Leader of the Opposition because the statement that I quoted from was made on the 22nd of September, 2012, and now on the 10th of April, 2013, from the *Trinidad Express*, the then Leader of the Opposition—and I quote:

“Any time a government resorts to blaming the Opposition for its failure to deliver on their mandate and their responsibilities to the people, it is a clear sign that they have accepted that they have outlived their usefulness.”

And based on the utterances of blame the former Prime Minister, blame the Partnership government, blame Kamla and blame everybody under the sun, the PNM Government has outlived their usefulness over the last two years. [*Desk thumping*] And it is important to note that during this debate a number of the Government Members, in their usual style, attempted to box Members of the Opposition; wanted to berate Members of the Opposition, for not understanding our role and responsibility here today. And I want to consistently indicate that we

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

have always been in support of legislation that is in the interest of a better Trinidad and Tobago [*Desk thumping*] and legislation that will not trample on the rights of the ordinary citizen of this country, and legislation that will offer a sense of hope to the poor, dispossessed and the ordinary man in the society.

And, Madam Speaker, you see, it is important for us because today, from a constituent point of view, I am a very concerned person. Over the last month constituents of Couva South are being under attack. They feel that they are prisoners in their own homes and they do not have that sense of—there is fear; there is panic; there is a sense of overall—sense of hopelessness, and I want to quote from Miss Sharon Bickaroo, who posted on Facebook today. And for the records, Ms. Bickaroo, her son, a young Jesse Beephan was murdered; was a student of the Waterloo High School and he was murdered approximately a year ago, and her post today on Facebook was:

No justice for my murdered son, Jesse Beephan. Police dragging their feet. School withholding information, sickening. Please share his story. Anyone with information please help in getting the ones responsible for this brutal crime caught and brought to justice.

And in addition to that, the Balmain community has been in mourning over the last month based on the brutal murders of Chandroutie Harrilal, young Nishad Radhay of Cameron Street in Balmain, and also Pundit Sunil Ragbirsingh. Although he was murdered in Arouca, his roots—and he really resided in the constituency of Couva South and was the spiritual head of the Balmain—not the Balmain, but the Calcutta Shiv Mandir.

And, Madam Speaker, I am forced to raise the very important issue of what has the State done for the constituents of Couva South in the fight against crime that could give the constituents a sense of feel that, indeed, the Government of Trinidad and Tobago is on the right track, whether from a legislative point of view or from an operational point of view, as it relates to crime-fighting initiatives in Trinidad and Tobago over the last two years?

And the hon. Prime Minister recently ventured into the constituency of Couva South in California, not too far from the UTT campus in California, and when a reporter from the print media, a very hard-working journalist, attempted to get from the Prime Minister a comment about what had happened on the Beetham area, and so on, the Prime Minister, in a very flippant manner indicated that “I am in Couva and ask me about Couva. Doh ask me bout Beetham.” Well, when the Prime Minister was in Couva, he could not have assured the business community

Anti-Gang Bill, 2017
[MR. INDARSINGH]

Wednesday, December 06, 2017

in Couva and neither the constituents of Couva, what he was doing to give a sense of comfort as the Prime Minister and the leader of the National Security Council, from a crime fighting point of view. Because at no point in time during that sod-turning ceremony did the Prime Minister who had the liberty to speak—the Prime Minister, in fact, indicated at some press conference at the—if I am to be corrected, it is either at the Office of the Prime Minister or the Diplomatic Centre. He said he was the most accessible Prime Minister in the history of Trinidad and Tobago when questioned about the whole issue of dealing with the media and so on.

8.30 p.m.

The point I wanted to make is that when he got the opportunity to speak to the constituents of Couva South, and also the community of Couva that has been rocked with murders over the last month, he failed miserably to do so from a crime-fighting point of view, or from a reassurance point of view. And, Madam Speaker, I want to indicate to all and sundry here today that we have heard from the Attorney General, and we have heard from a number of speakers; and especially from a statistical point of view, the Attorney General has indicated during this debate, and even before this debate he admitted that he was in possession of the names, the whereabouts and the alleged activities of 2,459 suspected gang members, and he was very emphatic that they are responsible for the mayhem and the spiralling-out-of-control crime epidemic grappling the country.

As far as I could conclude, the Government is in a panic mode. The Government is reacting based on what is occurring in Trinidad and Tobago, whether it is from the response of those living in the Beetham community, or their inability to deal with the murder rate in this country because we have crossed last year's numbers more or less. We are beyond 466, and as far as I am concerned, as the Member of Parliament—because I have been in the constituency of Couva South over the last month more or less on an ongoing basis, and the people in Couva South are of the firm opinion that the Government has lost the war on crime in Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, the Member for D'Abadie/O'Meara indicated that because of military involvement at that point in time when he was—at that point in time, I would want to get it correct—probably he would have been enjoying the rank of the Chief of Defence Staff, and so on, and he referred to Mark Guerra and the Sandy brothers and Fresh, and so on, and he said that military involvement was able to suppress gang activity in Trinidad and Tobago.

Madam Speaker, I want to remind those on the other side that if it is any Government, or any political party that has had a very rich relationship, a very rich relationship with purported criminal, or gang members, or gangs in Trinidad and Tobago, is the People's National Movement. [*Desk thumping*] In 2002 when you indicated, Member for D'Abadie/O'Meara, that the military was able to suppress criminal activity in Trinidad and Tobago, we must never forget that your former leader, your former Prime Minister in the person of Patrick Manning, hosted gang leaders at the—it is known now as the Radisson Hotel, but as the famous or infamous Crowne Plaza Accord. We must never forget that, and gang leaders, known criminals were embraced by the then PNM Government and you no longer saw them as criminals, but you saw them as community leaders. You embraced them and you sustained them, and that is part of the big responsibility that you must accept in terms of where we are with the number of gang members and gangs existing in Trinidad and Tobago today. [*Desk thumping*]

Madam Speaker, even the then Prime Minister—may his soul rest in peace, he has gone to the great beyond—he indicated to Trinidad and Tobago he knew who Mr. Big was. He knew who Mr. Big was, and up till today we have not been told who Mr. Big was and whether he has been brought before the judicial system of Trinidad and Tobago. In fact, we know the history. We know the history in terms of who was rewarded and who was not rewarded in terms of the gang culture and the funding and support that they got from those in authority at that point in time.

And as I said, the Attorney General confessed to knowing who the suspected gang members are and indicated that they are under surveillance. What puzzles me really is that why has there been no action to bring these criminals to justice based on the detailed intelligence that the Attorney General and all those on the other side continue to speak of? Today, we have heard from a policing point of view, and the police, rightfully so, because she broke the law. She has been recaptured, and so on. We hear the police boasting of the modern technology and the interception of communication, and so on, in terms of monitoring phone calls that were made by Vicky Boodram who has a slew of fraud charges, and so on, pending before the courts of Trinidad and Tobago.

I commend all those who played their role in apprehending and bringing her back within the—what we would call the law enforcement system of Trinidad and Tobago—but why have we not used the same technology to intercept and used it to play its role in prosecuting and bringing gang members before the courts of Trinidad and Tobago under the existing laws that are designed to deal with criminals in Trinidad and Tobago? And that is very important. [*Desk thumping*]

Anti-Gang Bill, 2017
[MR. INDARSINGH]

Wednesday, December 06, 2017

So I hope that somebody on the other side, and probably the Attorney General, will be able to address this particular issue in winding up this debate and telling the country that, based on the information he has, tomorrow morning, that we will be able to see the 2,459 suspected gang members being brought before the courts of Trinidad and Tobago.

Madam Speaker, as I said too, that we have focused on the debate from a legal point of view and you would have heard from the leader of the Opposition, you would have heard from the Member for St. Augustine, and so on, and when my colleague, the Member for Naparima, made his intervention and he indicated that there was the need to give support to the vulnerable in society, and so on, those on the other side attempted to berate him for trying to point the Government in a direction, to indicate to them that law enforcement must not only be seen from a punitive point of view. He attempted to focus the Government's thoughts from the angle of crime fighting, gangs, especially the young.

We would have heard from the Member for Arima today as it relates to the challenges within the education system, how the Ministry is trying to grapple with the young ones in our education system, because if we do not catch them at this very vulnerable stage and try and rehabilitate them, and so on, then we will all be contributing to the escalation of the numbers and the gangs and so on in the country. And my colleague, the Member for Naparima, simply attempted to go in the direction of focusing the Government from what he would have called from a holistic point of view, in terms of fighting crime.

Madam Speaker, as I said, from where I stand, we would have heard from the Minister of National Security, and I am sure that I would recollect that from the Prime Minister, or the Minister of National Security, that the Government was committed to enhancing the manpower strength and the competencies to successfully investigate and prosecute offences, and the Government would have boasted about its intent to increase crime scene investigators from 15 to over 75 at some point in time, and I hope that has become a reality in the crime-fighting strategy of the Government. In addition to that, the Government has continued to boast also that there is the need to deal with crime fighting from a community-based point of view.

We would have heard in successive budget presentations from the Minister of Finance that there was a commitment on the part of the Government of Trinidad and Tobago to recruit 100 municipal police officers in the 14 regional corporations of Trinidad and Tobago. Madam Speaker, I am very concerned in terms of where this process has reached because while we are speaking about this,

I would want to find out whether the Government has established the appropriate support mechanisms which will give legitimacy to this recruitment of this 100 municipal police officers, for example, in the Couva/Tabaquite/Talparo Regional Corporation. And I say so, Madam Speaker, why I am concerned. I am concerned at this point in time because from the point of view of the Couva/Tabaquite/Talparo Regional Corporation, they are only getting releases to pay for wages and salaries. There is nothing allocated, from a releases point of view, for development projects.

Madam Speaker: Member, please, I have allowed you some leeway, but please stick to this Bill. I will not allow you to go into development programme and all that sort of thing, please.

Mr. R. Indarsingh: I am guided, Madam Speaker. I was simply attempting to make the point as it relates to where this particular process is in terms of the 100 municipal officers, and whether there will be allocations from a financial point of view to deal with salaries and boarding and lodging, and all that will go in this particular initiative that has been enunciated by the Minister of Finance in successive budget presentations.

Madam Speaker, from a law enforcement point of view, the Government continues to boast of the support of law enforcement operations and to use formations of the Trinidad and Tobago Defence Force to support law enforcement efforts throughout Trinidad and Tobago. It is commendable that it has been introduced in areas such as Laventille and Enterprise, and so on, which are hot spots, or have been defined as hot spots in Trinidad and Tobago—well more so in Trinidad. But the way that crime has escalated in this country, virtually every nook and cranny have now become a hot spot in this country and that is why I have continued to probe the Prime Minister as it relates to the introduction of joint police/army patrols in the constituency of Couva South.

I have heard that—and I have heard from the Prime Minister that it is taking place, it is occurring in the constituency, but as I stand here today, as the Member of Parliament for Couva South, at no point in time any constituent has reported to me that a joint army patrol has taken place in the constituency of Couva South or on any street of Couva South. [*Desk thumping*] And as I said, this has left a very sour taste in the mouths of the constituents of the said constituency.

Madam Speaker, from a legislative point of view, we on this side, we have more or less indicated that the Government must be prepared to listen to the concerns of the Opposition. The Opposition is part of the parliamentary process of

Anti-Gang Bill, 2017
[MR. INDARSINGH]

Wednesday, December 06, 2017

this country, [*Desk thumping*] and from where I sit, up till now, no speaker from a Government point of view has been able to say whether they are committed to restoring a sunset clause, and for how long into this piece of legislation.

Going forward too, in schedule two of this particular piece of legislation that has been piloted by—not schedule two, but the First Schedule under “gang-related activity” offences, the Attorney General has introduced three new areas: Offences under the Anti-Terrorism Act; Offences under the Proceeds of Crime Act; and under 28, Offences under the Sedition Act. Very important—

Madam Speaker: Hon. Member for Couva South, your original 30 minutes are now spent. You are entitled to 15 more minutes if you intend to avail yourself of it. Please proceed.

Mr. R. Indarsingh: Thank you, Madam Speaker. From where I would have served in the other place during my working life, the Constitution of Trinidad and Tobago is very important in terms of the sections 4 and 5 guaranteeing the freedom of movement, freedom of association, and so on, freedom of speech. I am sure that in the consultative process, while we would have alluded to the fact that we have not heard from the Office of the DPP, the Criminal Bar Association, and so on, and the Law Association of this country, I would want to ask the Attorney General if at any point in time did he attempt to consult with the Joint Trade Union Movement, the National Trade Union Centre, the Federation of Independent Trade Unions on this particular Offences under the Sedition Act? [*Interruption*]

Minister of Finance, whilst you may attempt to distract me, the important thing to be understood here is that when a PNM Government is in operation they cannot be trusted, and when they want to get their way they will do anything to [*Desk thumping*] undermine the fundamental rights of the ordinary citizens of Trinidad and Tobago, and that is why—

Mr. Deyalsingh: Madam Speaker, Standing Order 48(6), please.

Madam Speaker: Member, just withdraw that and say that in another way. I do not think that that is within the Standing Orders. Please?

Mr. R. Indarsingh: Yes, Madam Speaker, I am guided. I am merely focusing on preserving the—

Madam Speaker: Please withdraw it and continue.

Mr. R. Indarsingh: Madam Speaker, I am guided. I withdraw, but I am simply focusing on the—

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Madam Speaker: Member, having said that, please move on.

Mr. R. Indarsingh: Thank you, Madam Speaker. In terms of the particular offences under the Sedition Act of Trinidad and Tobago, I am concerned whether it would be manipulated against voices that are opposed to the Government of Trinidad and Tobago [*Desk thumping*] and that is why—

Madam Speaker: Member, I have asked you to move on. I am now ruling that that point has been dealt with extensively. So please move to your other point.

Mr. R. Indarsingh: Thank you, Madam Speaker. I move on, but I was simply making the point on behalf of the labour movement of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, as I look at winding down on my particular contribution here this evening, from the point of view of the PNM's manifesto, they indicated in their manifesto, at page 22, that:

“The UNC-led Government had been an abject failure at controlling crime and ensuring the security of”—its—“citizens.”

In less than two years, everything that this PNM “Red and Ready”, “Let’s Do This Together” Government has committed from a crime-fighting point of view has collapsed and they have failed to deliver from a crime-fighting point of view. They indicated that:

“The PNM will simultaneously reform, upgrade, modernise and transform our Police Service and utilise the strength of partnerships through an inter-agency approach.”

I have not seen nor I have not heard the results of that, and this Government is in its third year.

Madam Speaker: Member, could you tie that into this Bill? This is not a general debate on crime. So could you tie that into the Bill that is before us, please?

Mr. R. Indarsingh: Yes, Madam Speaker, I am guided, but I was just attempting to—

Madam Speaker: Member, I am sure you do not mean it, but when I rule, I please do not want you to then try to explain. I have already ruled. Please move on.

Mr. R. Indarsingh: Thank you, Madam Speaker. I am guided in relation to your ruling. Madam Speaker, a number of Members on the opposite side, besides focusing on the legislation, also focused on the issue of youth criminality and attempted to focus our thoughts on this side to say that there was a commitment on the part of the Government to tackle youth criminality head-on outside of this particular piece of legislation.

I would want to ask those on the other side what have they really implemented new? What have they implemented new that will give the young people and the parents of these young people, where gangs are said to be prevalent throughout Trinidad and Tobago, that will take into account that indeed they are focusing on the problematic issues of bullying, poor mental health, addressing the issue of family risk factors whether from a socio-economic stress, poor neighbourhood point of view and also analyzing the risk factors in youth offending and anti-social behaviour in an attempt to deal with this spiralling problem of gang violence and gang membership in Trinidad and Tobago?

Madam Speaker, legislation is not the only—

Dr. Gopeesingh: Panacea.

Mr. R. Indarsingh:—panacea to dealing with the crime problems in Trinidad and Tobago. It has to be action-oriented, it has to be one that will focus on a holistic—

Mr. Mitchell: Multifaceted.

Mr. R. Indarsingh:—a multifaceted approach and so on, Member for San Fernando East. But at the end of the day, when we bring laws, or attempt to bring legislation to the Parliament of Trinidad and Tobago, it must be done in a way that will have the consensus of the main stakeholders of Trinidad and Tobago. It must be law that will preserve the fundamental rights of the ordinary citizens of Trinidad and Tobago and not law that will not take into consideration the views of the wider citizenry of this country.

So therefore, Madam Speaker, from where I sit, I will have and we will have serious reservation in giving support to this particular piece of legislation. I thank you. [*Desk thumping*]

The Minister of Sport and Youth Affairs (Hon. Darryl Smith): Thank you, Madam Speaker, for giving me the opportunity to join this debate, an Act to make provisions for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and

for other related matters. I am the seventh speaker on this side, the Government side, today, that will make it 12 speakers we have had. In a little more than an hour we would have been here for almost, not almost, for 12 hours.

Madam Speaker, I see you were getting your share of exercise having to stop a number of speakers because we have literally ventilated this Bill length and breadth, upside down, sideways. The only thing we have not done is translate it to French or Spanish, but nevertheless we are here to do the people's business. I am the representative for Diego Martin Central and the Minister for Sport and Youth Affairs. I will be brief. I would not indulge in some of the repeat information that we seem to have gone into that realm now, but there are just three things I will touch on. I will answer a few of the people on the other side. I will talk a bit about the Bill and the history of gangs, and, more importantly, what else has to be done in an alignment with regard to this Bill.

Madam Speaker, real brief, just to touch on the Member for Couva South with some of the—I do not want to use wrong information, but he mentioned two things that struck a chord with me in his contribution. One was our Prime Minister, then in Opposition, saying that he will never support and do not trust those on the other side. One of the reasons why they may have forgotten, and I think the people of Trinidad and Tobago need to remember what the Member for Couva South was talking about, was the infamous section 34 which is one of the reasons why they are on that side and we are on this side. I think probably the most important reason why, where they came and “the thief of the night” and changed certain aspects of that Bill, and I think it is in that background where the Prime Minister now, then Opposition Leader, was speaking of.

And just to remind him, that the first Bill they brought, the first piece of legislation they brought as Government in 2010, was the budget debate, and I remember our then Opposition Leader getting licks from the party and from several people for supporting that Bill. First time in the history of Trinidad and Tobago an Opposition Leader and a team supported a new Government with their budget debate because he understood. And most importantly, he was mature enough and the team on this side—on that side at the time—was mature enough to understand that it was a new Government coming in, there were a number of young new Ministers at that time and we supported that at that time. So I just wanted to clear that up.

Madam Speaker, we would have heard a number of stories here this evening. The Member for St. Joseph spoke of a young man in his community and a number of others, but there is one that struck all of us, not just Trinidad and Tobago, the

Anti-Gang Bill, 2017
[HON. D. SMITH]

Wednesday, December 06, 2017

region, because I got several calls from Trinidadians and Tobagonians who live abroad on the issue. If you would recall two years ago two young boys were murdered in their uniforms in Laventille. I mean, we hear of murders all the time, but to have two young youths—and I was the Minister of Sport and Youth Affairs—being murdered in their uniforms really struck a chord with me, and I think the entire country and the region. But I do not know if a lot of people understand or know the story.

The Member for Laventille West is the MP for where that situation occurred, and a number of MPs went to the home of the young boys to grieve and to lend support to the family. But it is a story that I have heard in different capacities that I have held throughout my adult life—as Chairman of the Diego Martin Regional Corporation, as chairman of different schools, where—and I am sure MPs would have heard it as well—the journey for young boys and girls, secondary school, primary school, from their home to their school might be a few metres, a few miles, but it seems so long with the issues that they have to go through from just that journey, whether it is walking or taking a taxi, where there are a number of obstacles that are between point A and point B.

9.00 p.m.

And those two young boys, what really was important in this particular matter—that they were doing well in school but they also represented their school both in football and in cricket. I think one was the captain for football and one was the vice-captain for cricket. And I have heard it several times in Diego Martin and in other areas where they get teased. And we heard a number of people, from the guys on the block, the gang members: “Why yuh going to school? Yuh wasting time. Yuh could make money. Look at the nice life. We driving the “wet man”. We have the girls. Dey have the gun in dey waist” and so on and it is attractive and they try to attract the young boys who are trying to do something positive in their lives. And apparently the story with those two young men is that they were bombarded with that every single day from primary school to the Form 5 that they were in, and apparently, the story is that they got fed up and they retaliated and said something “out ah timing” to the persons, and well, we know the end of that story. And that is something in the terms of what we are watching here.

[MR. DEPUTY SPEAKER *in the Chair*]

Two clauses strike me with regard to that: clause 7 and clause 12. And I will read clause 7 which speaks with regard to that where it says:

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

“...seeks to make it an offence for a person to coerce, encourage, entice, aid or abet another person to be a gang member and would carry a penalty of twenty-five years’ imprisonment on conviction...”

Mr. Deputy Speaker, this clause is in direct relation to that story that I have just told you about, where we have a number of people recruiting young people at the corners, at the schools and so on, and it will definitely answer, at least, to that situation with those two young boys.

Mr. Deputy Speaker, we are not saying and we have not said since we have been here that this is going to be the answer to crime, the final answer. Mr. Deputy Speaker, we know that. Crime, more so, gangs are nothing new. We all grew up watching gang movies and the black and whites, *The Godfathers* and so on. I myself, 50, 60 pounds ago when I played football, I was able to play in North America on a scholarship in Colorado and in New York. And when I was in Colorado, a couple of the guys who were on the basketball team were members of a gang called the Bloods. I do not know if you all are familiar with the notorious gang the Bloods and the Crips, but particularly the Bloods. One of them was my roommate and he would show me the culture, he would explain to me what he went through as a young boy and basketball was his only way out of LA to get away, and he got this scholarship to Colorado. And I mean he still had connections. His family members were still involved. He had friends who were still involved who lost their lives who stayed back, who did not have the opportunity like him to go out of state to a different place where he could have actually graduated, and he is doing quite well now. In fact, he is back in his town assisting, helping people.

But again, gangsterism and crime that is associated with that, again, have been around for hundreds of years. Over 400, 500 years when you look at the history of it. And there are a number of other notorious gangs that are out there, not just in North America but worldwide, and we talk about our figures and our data and I want to thank the AG on bringing this Bill, but more importantly, drilling into the figures and the data and the information so that the population and the people here in the Parliament could understand.

But there are gangs like the MS-13, Mr. Deputy Speaker, where, I mean, we talk about the 2,000-plus gang members that we have. They have as much as 70,000 members worldwide. We talk about the Latin Kings out of Chicago, 50,000 members worldwide. Some of these gangs are as old as 50, 60 years, Mr. Deputy Speaker. You have the Latin Kings, the Aryan Brothers, the Bloods, the Crips, as I spoke about, 1.5 million gang members just in North America alone.

Anti-Gang Bill, 2017
[HON. D. SMITH]

Wednesday, December 06, 2017

And as I said, some of them have been around for several years. And when you watch at the US and Canada and a lot of them come from the Central and Latin American countries, they already have gang legislation. This is our first piece and they too have not been able to conquer the problem of gang warfare and gang membership and these are countries that we consider First World that we look up to. And there are a number of other gangs that manage the prison system but what is more important, these gangs, there are a number of shows that actually go into the prisons and talk to the gang leaders, the Datelines and the 20/20 and so on.

I remember seeing one the other day with a former gang leader where he joined the gang, I think it was the Crips. When he was nine years old, he was brought in and did his own to get into the gang and so on, and they were asking him what was the reason why he joined the gangs and it reminded me of when I speak to the young people in Diego Martin as Minister of Youth, when I speak to people all through Trinidad and Tobago. It starts off as being part of a group, being accepted. A number of these young men do not have a father figure. It is a grandmother or a great grandmother that is bringing up these young boys and of course, they may not be as fast as a nine-year-old or a 10-year-old or 11-year-old where they could disappear and they have their other business to do as an elderly women and so on. So they look to these young men in the environment who are attractive. We see them now with the gold and the flashy cars and so on and they promise them the world and this fast life, and they go into gangs.

Mr. Deputy Speaker, we have our versions of those. We spoke of the Rasta Cities and the Muslims and so on that they talk about here, but it is pretty much the same thing. It is nothing new, it is nothing new under the sun with regard to this. And again, we are not saying that this is going to solve it overnight, a lot has to happen on the side. And I know Members on the other side were asking what different agencies in the Government are doing to ensure that everything and the stars are aligned so we could have a reduction, at least with the gang membership and the crime by extension.

Mr. Deputy Speaker, as Minister of Sport, it is no secret, apart from section 34, I inherited something called LifeSport that really caused issues and the Member for D'Abadie/O'Meara would have spoken of Mr. Rajae Ali who came from his constituency and the issues and situations that we had in the Sports Company and the Ministry of Sport with regard to LifeSport. I remember—and I think Trinidadians and Tobagonians need to remember and I was going through it with my PS the other day, because I mean, we all know it, it is no secret that we are going through difficulties now, financially, and it struck me again. When it

came up, it really stuck me that during the period 2012, 2013, 2014, \$150 million was borrowed from First Citizens Bank to fund LifeSport and it was a short-term loan that was paid back very quickly. That is half the budget that we have this year for all the athletes and all the youths in Trinidad and Tobago, just disappeared in that one loan.

You know, you heard the Prime Minister, when they were in Opposition then, talking about borrowing money to “tief”. Well, Mr. Deputy Speaker, it was exactly that. I was going through the list of the ghosts that they had in the so-called LifeSport which were all affiliated to gangs: the Michael Jacksons, the Jennifer Lopez, the R. Kellys, getting \$60,000 to clean a community centre for one day; \$5,000 to do food testing. Ghost. Funnelling to the gangs, and they have the gall to come here, Mr. Deputy Speaker, and try to slow down the process. How many hours have we spent? Hours that you all could have been in your constituencies, hours that Ministers here could have been working to help the very same young people and now they want to carry it to a joint select again to slow down the process. Mr. Deputy Speaker, but Trinidad and Tobago is watching and they understand what is going on and they are not fools.

He spoke about local government and the police. I am proud to say, as coming from local government myself, I was part of piloting that part of the manifesto which is now policy for local government reform, and we are well on the way, Member for Couva South, who has left, the Minister of National Security and the Ministry of Local Government are working closely to have those 1,400 police on the ground, which is needed. We have also spoken with regard to the Minister of Education and the Minister of Local Government and myself with local government reform to start to spark the community sports again and the maintenance of all the grounds where we are going to be working with the local government councillors to have them and give them enough funds that they could go back down at the grassroots and have sporting and cultural events with the Member for St. Ann’s East as well.

Mr. Deputy Speaker, we are also doing work in the prisons. I am working very closely with the Member for Point Fortin, the Minister of National Security, where we are working with the former Trinidad and Tobago Captain Clayton Morris, where we are doing Futsal in the prisons. It has been very successful. We have former gang leaders and gang members, who would have been killing each other on the same team, playing with each playing against each other for the love of sport, and exercise and they are enjoying it.

Anti-Gang Bill, 2017
[HON. D. SMITH]

Wednesday, December 06, 2017

We are also right now working with the Member for San Fernando West, the AG, to finalize an MOU with the Chilean Government for a programme that is going to be working in Laventille West and East where we are going to have a programme called Futsal, football. Where it is a programme that is done in Argentina, Brazil, El Salvador and so on, where we go into the communities, they are coming down here to coach our coaches, to teach life skills and you are going to be seeing that within the next few weeks being launched once the MOU is finally signed and we could move forward with that programme in Laventille, Beetham and those, where we consider hotspot areas.

Mr. Deputy Speaker, you would also know that I had the opportunity—was invited by the Government of the People's Republic of China and we were able to sign an MOU with them as well for the first time to have, not just scholarships for young people to attend the University of Beijing, but also to have internships where young people from the various communities, from all levels, will be able to go to China and learn and work for six months, and they are going to have an exchange programme where they are going to send their young people here as well. So we are doing things with regard to giving young people the opportunities. The Ministry of Sport and Youth Affairs as well has Persto Praesto and Chatham where just this week, we had the orientation for 60 new students to go into the youth programme. It is a two-year programme where they will learn life skills and a trade and so on, and we are working with the UTT with that.

We are also for the first time with the number of world-class facilities that we have opened within the last year, we do not want them to be white elephants; there is a lot of space that could be utilized. And just two weeks ago, we had a distribution ceremony for seven youth groups across the country where they got \$30,000 each. And what we are working with them is to also find homes for these youth organizations who usually meet at a Rituals or at a Starbucks and so on, we are finding a little office for them in all of our facilities throughout the length and breadth of Trinidad and Tobago, these young organizations could have a home where they could come and meet weekly, monthly and do exercises, and more importantly, work with the MPs and the councillors to have things happen in their constituency.

Mr. Deputy Speaker, again, for the first time in five years, we are doing a new youth policy, where we are, again, consulting the length and breadth of Trinidad and Tobago, and again into the next few months, we are going to have a new youth policy and a new sport policy which is in front of the Cabinet now as we speak. So, Mr. Deputy Speaker, I could go on and on. There are a number of

things that we are doing, we have to all synergize everything. This Bill is a start, it is the first gang legislation that this country will have moving forward. Again, it is not going to solve all the problems, it is not perfect, but we are here to work together to get it done. So all the other things that we are doing with the different Ministries: Culture, Sport, Education, National Security and so on, could all bridge the gap with regard to that.

And Mr. Deputy Speaker, and finally, we are working with the Member for Arima who is the Minister of Education, where for the first time, we have the most amount of sports being played and offered at primary schools, secondary schools and tertiary schools, and we have realized that that is where we have to be with regard to development for our young people, but making sure that they have something to do, that they could burn their energy, that they could play together, that they could work together towards a common goal and it is something that we are working with.

Just to let you all know, just a case in point, tomorrow, I am meeting with the ITF, which is the International Tennis Federation, where they are coming to Trinidad to make the Racquet Centre a satellite development hub for this region, and we plan to do that with a number of the other youth facilities that we have opened. So young people, not just from Trinidad and Tobago, but from the world will be coming here and we will be able to work with these young people and learn and calibrate how we are doing in sport.

So, Mr. Deputy Speaker, I do not want to ventilate too much more on this Bill, it is a good Bill. The people of Trinidad and Tobago understand that, they want it, we need it and we are hoping that we get the support from those on the other side. With that, I thank you. [*Desk thumping*]

The Minister of State in the Ministry of Education (Hon. Dr. Lovell Francis): Mr. Deputy Speaker, good night. Good night to Members of the House on both sides. I was taught a long time ago in school that brevity is the soul of wit and I think the issues on this Bill have been ventilated widely and deeply so there is no need for me to come and expound too much more upon it. It is quite clear by now that this is legislation that we need. It is a sound Bill and it is my hope that at the end of tonight's session, that good sense will prevail. I do not want to steal my colleague's phrase about rising to the level, so I will simplify and say good sense will prevail.

Before I get into my short discussion tonight, I just want to respond to statements by two Members who unfortunately are missing at the moment. The Member for Princes Town, in his usual very animated and very theatrical way, gave an

Anti-Gang Bill, 2017
[HON. DR. L. FRANCIS]

Wednesday, December 06, 2017

interesting contribution this evening. I was very intrigued to hear him admonish the Member for Laventille West, that he is always present in his constituency and his constituents see him all the time, and I would be very happy, for my own sake, if he were to inform his constituents of that so that they will stop flooding my office and actually go to him. And I find that very interesting because his office is located, I cannot even say a stone throw away from the Christ College, it is actually a feather throw, it is that close but yet somehow, he manages to not know the name of the Christ College. I find that very interesting.

I was also intrigued by one statement from the Member for Couva South who, of course, in his own mangled and rabbling way, went through a discussion that was high on pitch, low on content, but he managed somehow to invoke the name of our former Prime Minister, talking about him as though somehow he was colluding with community leaders of a criminal element. I think the Member has been around in the political scene long enough to know better; to understand that the then Prime Minister was trying to do something that we have not historically done well enough in this country, which is to rehabilitate people, to reintegrate them, to acculturate them to a more socially adept way of thinking and he was trying to do that. Unlike what Members on the other side did during their previous regime, which was to try to build up straw men in terms of these community leaders as political activists for them. So he might best be served by not calling the name of the former Prime Minister.

I could pick on the Member for Naparima but he never says anything worth discussing so I will leave him alone. [*Crosstalk*] I agree. We finally agree on something.

Mr. Deputy Speaker, we have heard this evening a lot of lazy thinking on the part of Members opposed to us. We hear the same banal statements over and over again: every time the PNM comes into power, crime spikes, which really amounts to nothing because it does not attach any cause to the effect. What are you saying? Are you saying that the PNM is colluding with criminals? Are we soft on crime? There is never an explanation, just a very open banal statement that really has no meaning; that is just used to rile up people. Crime is not really that kind of situation. It requires cogent thought, it requires level thinking, it requires maturity, it requires some patriotism. And while I do not want to go down the road of castigating anybody as being unpatriotic, it definitely requires a different brand and different kind of thinking.

Now, Mr. Deputy Speaker, I could be similarly lazy. If I were to be lazy in my thinking and in my discussion, I could simply say: Why should I stand and discuss a Bill on dealing with gangs? I am the MP of a very rural community where, as I have said

*Anti-Gang Bill, 2017**Wednesday, December 06, 2017*

on numerous times in this House, growing up, the idea of a crime was stealing a yard fowl and the idea of a violent crime was something that was a bridge too far. [Interruption] “Killing ah fowl, yes. Dah was ah violent crime.” The notion of actually seeing a human perpetrating violence on another human being was something that was beyond the pale. But it is interesting how sometimes we misapprehend the things that are in front of us, and if one has to understand the culture of gang violence—[Interruption]

Mr. Charles: Standing Order 48(1). Irrelevant.

Mr. Deputy Speaker: Overruled.

Hon. Dr. L. Francis: Thank you, Mr. Deputy Speaker. Much like everything he has ever said in Parliament. But it is interesting how gangland culture can be pervasive and can spread, and I will give you a good example. Right now, in Moruga, we have the good fortune of having our major thoroughfare, our major road going through some serious and critical repairs, which is, to some extent, unprecedented because it is the first time in my living memory, I remember road works being done without an election anywhere in the immediate future. There is a major upgrade of the road going on, there is no local government election, there is no general election and the PNM Government is, at this point, doing major works on the Moruga road. At the same time, we have the HDC building a number of houses. So there is a lot of work going on there that is not meant to be a gimmick to win votes but is meant to be developmental and that is a very good thing. And even though there is some discomfort and some concern about the way it is done, the constituents are generally happy of what is happening, but it is interesting.

Word came to me indirectly that there were elements who were trying to extort money from the contractors who were doing the road works, suggesting to them that they would have to pay X amount of money to receive security services, and that if they did not pay the money demanded, that there will be dire consequences. Prior to that, there were one or two murders in the village where I reside, St. Mary's, and when I, as the MP, took it upon myself to go and discuss with the police, not to pry into their investigation but to get a sense of what was happening, even though they could not tell me the details of an on-going case, Mr. Deputy Speaker, they were able to tell me that there is the assertion that they were somehow related to an attempt to extort money from the contractors who were building the houses.

Anti-Gang Bill, 2017
[HON. DR. L. FRANCIS]

Wednesday, December 06, 2017

Now, it is not for me to say that in my community, very rural, very prosaic, that there are gangs existing but from the evidence available, it is quite clear that there is a gangland culture in existence. So it is not the case that this is an urban phenomenon, it is somehow trapped or centred on one or two communities and it is not important to the entire nation because crime, just like every other phenomenon, is a cultural phenomenon, and if something seems to work in one community, it is very easy to have other people try to replicate the behaviour. If something is successful, people copy it. So now, we have the circumstance way down in Moruga where we see people perpetrating or attempting to perpetrate this kind of behaviour. [*Crosstalk*] Wow, okay.

So what is the point of this? The point of this is that gangland activity and gangland culture is not relegated to any geographical locale. It is spread throughout the entire country, it is cultural. It is a behaviour that people are copying, people are attempting to replicate because they see potential profit in it. It is something in this country that we need to be tremendously concerned with. So it is very important for our country to understand that if we are to progress in terms of dealing with gangland culture and organized crime, we need to understand that it is sophisticated, it is complicated, it is laterally growing, it is also growing horizontally and it is dangerous. We have a very, very clear kneejerk reaction to the violence that we see and it is bad, it is heinous. We should be very concerned but gangland culture is dangerous in other ways that do not have to do with perpetration of violence.

When we look at the way that these criminals entrench themselves in communities, when we examine the way that they subvert our young people, when we look at how they impact and destroy the educational opportunities of our young people, what they do sometimes that we do not see because it is not as kneejerk worthy, it is not as bloody, it is not as heinous, well, indirect observation, is sometimes far more dangerous.

Minister Garcia stood and he talked about going to Laventille—Minister Hinds as well. And he talked about when those two boys were murdered. I was also on that sad trip up to Laventille and aside from dealing with the grieving family, the thing that stood out to me most was talking to a resident who said that every day on his way to work, he had to walk with his children because every day, he would pass armed gunmen on the same building, and the only reason that he survived every day is because they, at least, would not shoot at him if he had children with him. That is the kind of society we are living in, that is the kind of community relations that are breeding here, that is the kind of thing we cannot allow if we want to have a developing, safe society.

And while we understand, as has been said on both sides, this is not an omnibus solution to the entire problem of dealing with gangs in this country, while we have talked about the other things that we are doing—the Minister of Sport talked about sport, the Minister of Education talked about education, the Minister of National Security talked about a melange of things—it is one part of an important response to dealing with a very, very critical national security situation. And it is our hope that despite the rhetoric and despite the posturing, that at some point, both parties in this Parliament—or, sorry, three parties in this Parliament, will put their personal or their political animosities aside and do what is best for the nation. [*Crosstalk*] Well, Naparima, you need to hear it 10 times.

Mr. Deputy Speaker, it is important as a nation that we deal with crime, it is important that we have this legislation, it is important that we understand how dangerous gangland crime culture is in the violent way and in the non-violent way, and it is important that we do the right thing for our nation and its development. Thank you. [*Desk thumping*]

The Minister of Housing and Urban Development (Hon. Randall Mitchell): Thank you, Mr. Deputy Speaker, and I thank you for recognizing me and for giving me the opportunity to contribute to this, the Anti-Gang Bill, 2017. Allow me to congratulate the hon. Attorney General and his team for bringing such a piece of legislation at such a very crucial time in our nation's history as it relates to crime and criminality.

Mr. Deputy Speaker, with this piece of legislation, we are sending the message to our law-abiding citizens that we recognize that there is a serious problem as it pertains to criminality, as it pertains to gangs. And we are also putting gangs on notice that their behaviour is not acceptable and that their behaviour will not be tolerated. [*Desk thumping*]

Mr. Deputy Speaker, we have heard on both sides, national problem as it pertains to gangs and criminality and my colleagues have all spoken at length of—with this piece of legislation—the need to attack the organized nature of gangs and criminality. We need to attack the organization, the organizational structure as it pertains to gangs because, Mr. Deputy Speaker, this is not a person engaging in a one-off crime or engaging in several crimes, this is a full organizational structure, communicating and terrorizing the peaceful people of Trinidad and Tobago and with their organizational structure making it easier and easier for them to get away with crimes and sophisticated crimes in society. Mr. Deputy Speaker, with this piece of legislation we seek to stop this type of crime, this kind of gangland culture, or at the very least we intend to interrupt it.

Anti-Gang Bill, 2017
[HON. R. MITCHELL]

Wednesday, December 06, 2017

9.30 p.m.

A lot of the speakers on both sides would have spoken about gangland culture as it pertains to murder, as it pertains to drug related offences. Well, Mr. Deputy Speaker, I would like to reserve my very short intervention here today to speak, like the Member for Moruga/Tableland as he touched on slightly, to speak about how gang-related activity impairs national development in Trinidad and Tobago. How it impairs national development and I will use under the Ministry of Housing, two examples, one under the HDC and one under the LSA.

Mr. Deputy Speaker, we turned the sod at the HDC, our very first sod turning, our very first planned housing development; a place called River Runs Through, Arima, a PNM constituency. And that project was planned and it was planned to yield about 116 housing units, and we tendered and awarded contracts to about seven or eight small contractors because we intended to use small contractors, we intended to benefit from the competitive nature of the process, so that the taxpayer can achieve the benefits as well as the house seekers can achieve the benefits of lower cost of the houses.

And for about three or four months, Mr. Deputy Speaker, things went smoothly, houses were being built, people were being employed. Until we started to receive some complaints, of persons rolling up onto the developments and robbing each contractor. But not just that, Mr. Deputy Speaker, demanding by menaces that each contractor pay these thugs about \$80,000. And that was the price to conduct your work peacefully and without interruption from the criminal elements.

So, Mr. Deputy Speaker, what the HDC would have done in response was to increase the security on the site. We increased the security. The thugs then started to wait until work ended when the workers were leaving to go home and they would catch them on the road sides. So we further increased the security, further increasing the cost to develop these housing units.

But, Mr. Deputy Speaker, something very strange happened after that, something very, very disturbing. The contractors and the workers of the contractors, started receiving phone calls. They started receiving phone calls, they started to receive threats. The persons calling the contractors and the workers, the persons on the other side of the phone call, knew where the contractors and the workers lived.

They could describe it, where they lived; they could describe their family members. What is worse, Mr. Deputy Speaker, they could describe all the prices in the bills of quantities that the contractors would have tendered. And that is when we realized,

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mr. Deputy Speaker, how pervasive, how entrenched and how powerful these gangs were. Because they had persons in the HDC giving them information about where the contractors lived, their names as well as the prices—the gang members even knew the profit margins on each contract.

Thankfully, in this instance, members of the Police Service, who would in another case, go to the contractors and say, “Well you need to hire us, you need to pay us extra duty and we would protect you, we will guarantee you protection”. But, we negotiated with the police, because police need housing too.

Hon. Member: That is right.

Hon. R. Mitchell: And we negotiated with the police, and the police were able to go onto Calvary Hill and put an end to that sort of thuggery. [*Desk thumping*]

Mr. Deputy Speaker, another example with the LSA. This one occurred in a place called La Paille, Caroni; a UNC constituency. So I am demonstrating, Mr. Deputy Speaker, it is not a PNM thing, it is not a UNC thing, it is a national thing, it is a national thing; a national problem, Mr. Deputy Speaker. The LSA would have awarded some, again, small contracts to small contractors to do some infrastructural upgrading works to some developments that were formerly squatter settlements, to ensure that those developments would get all the approvals so that we could finally give leases to those certificate of comfort holders under our Squatter Regularization Programme. Two contractors in particular, they had to do some very large box drains, so they mobilized on site, they brought their containers, they brought their backhoes. In one case a contractor would have had security on site. On one night, the gang members came, they tied up the security and they torched the backhoe, burn it down completely. In another case, both very similar circumstances, both similar facts. In another case no security, they just went and they burnt down the backhoe. Burn it down flat to the ground. There had been no approaches prior to that, so they burnt down the backhoes.

In the following days, they would have received calls purportedly from inside the prisons. “I know all your backhoes get burn down, my boys do it. I sorry about that. Dem fellas was wild but here is what is going on, those works cyah go on unless you pay \$80,000.” So the contractors, because they are relaying all this to the LSA and the LSA is relaying it to me, will say “Well, why did you not come first, why did you have to burn down the backhoe?” “Doh worry about that, pay the \$80,000. Doh call the police.”

Anti-Gang Bill, 2017
[HON. R. MITCHELL]

Wednesday, December 06, 2017

And in that case the person on the other end of the phone, the purported gang leader was able to quote the security component in the contracts, negotiate to say well, you all got \$100,000 for security so what is \$80,000. Again, the far-reaching consequences; the far reach of these gangs, Mr. Deputy Speaker. They are getting information from in these State agencies to go and target and retard the national development in this country.

And, Mr. Deputy Speaker, that is why at the Ministry of Housing and Urban Development, and the HDC and I speak on behalf of the LSA, we are in support of this legislation. [*Desk thumping*] Because at the very least, we can interrupt that sort of behaviour by arresting and detaining the perpetrators of these crimes.

Mr. Deputy Speaker, and I will just touch very quickly on the matter of recruitment and it is very important, that there is a section that treats with recruitment and allow me, Mr. Deputy Speaker, to quote from a document “Gangs in the Caribbean Responses of State and Society” by Anthony Harriott and Charles M. Katz, published in 2015. And in this study they looked at gangland culture in Trinidad and in Jamaica and here is what they say:

“The early evidence from Jamaica and Trinidad and Tobago indicates that among school-aged youth, males compose the majority of street gang members, although female members are prevalent as well.”—For example:—“Katz, Choate and Fox..., for example, have reported that among a national sample of Trinidadian youth in urban schools more than 40 per cent of self-reported gang members were female...”

So, Mr. Deputy Speaker, it is very important that we not only deal with the symptoms of gang-related activity but we also treat with the formation—at the very beginning, the formation of the gangs.

Mr. Deputy Speaker, again as representative for the people of San Fernando East, we support this legislation. We thank the hon. AG and his team for bringing forth this legislation and we look forward to a better Trinidad and Tobago because of it. Thank you. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of National Security (Mrs. Glenda Jennings-Smith): Thank you, Mr. Deputy Speaker. I am anxious to give my contribution this evening on this Bill which is:

“An Act to make provision for the maintenance of the public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters”

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mr. Deputy Speaker, I sat here and I listened to my colleague, the Member for San Fernando East and what I want to say as I start off here is that desperate times call for strong measures, [*Desk thumping*] desperate times call for strong measures.

And, Mr. Deputy Speaker, you know, criminals are emboldened when there is no legislation in place and in this instance, I will say no legislation in place for criminal gangs, suppression of criminal gangs and for other related matters with criminal activities. Mr. Deputy Speaker, but before I go into that, I want to respond to a comment made by the Member for Couva South and it is about time we start looking at things differently in this House. Because as a past police officer, I do not look at crime one on one, we look at crime trends and I am going to say something here tonight in this House, Mr. Deputy Speaker, because in 2011 the total murders for that year was 352; in 2010, it was higher than 352 and we know what happened in 2011, with that government in place in 2011 so hungry they were there, they like statistics, that they were pleased and they were willing to call a state of emergency just to impact on the statistical data at the end of year.

So they got it, they got it, 352 but you know what happened the following year, Mr. Deputy Speaker. The murders were 380 and what happened in 2013, it went to 408, and what happened in 2014, it went to 405. I am just giving you these figures to show you that crime continued to rise from since 2010 going upwards. So when we came into office, Mr. Deputy Speaker, we did not get a good hand over, crime was on the increase and to stop crime, it does not happen overnight. It does not happen overnight.

And every time I sit here and I listen to those on the opposite side, it angers me. I was a police officer. I never sat and said the PNM in office now, so let crime rise, or the UNC in office now, so let crime lower. No! Never! [*Desk thumping*] And this is something that is going on in the country for too long, every single day, every single Friday. We are hearing when PNM in office, crime up; when UNC in office, crime down. It is a shame and disgrace because we are labelling the Police Service, the Trinidad and Tobago Police Service and officers there, they swear, they take an oath in office to protect the citizens of this country and so too, Mr. Deputy Speaker, [*Desk thumping*] I was very disturbed by the contribution of the Member for St. Augustine when he spoke about—he asked the question—let me get it. He said, I heard you say that you asked for legislation and they are the same persons that had asked for the state of emergency. The police officers never asked for a state of emergency.

Anti-Gang Bill, 2017
[MRS. G. JENNINGS-SMITH]

Wednesday, December 06, 2017

I remember that day quite well, when officers were called to a house in Siparia. The Commissioner of Police was out of the country and instructions were given, round up officers and charge first and we would deal with it later, and today, today our Attorney General has to deal with that. We have to pay the cost for that and they sit there smiling coldly, coldly and feel good about things like that.

9.45 p.m.

Mr. Deputy Speaker, these things anger me. From where I came from, we are very neutral. I want to ask again, Mr. Deputy Speaker, what are we here for? What are we as Members of our constituents here for? We are here to fulfil an obligation to the citizens of this country—the people we are here to serve. We need to make legislative action. And, again, Mr. Couva South, he seems to know a lot about policing, because he spoke about legislation is not the only “pancrea” to reduce crime.

Hon. Member: Panacea.

Mrs. G. Jennings-Smith: Panacea, thank you.

Hon. Member: He is a “pancrea” though. [*Laughter*]

Mrs. G. Jennings-Smith: And I want to say something here, you know. We need action. He asked for action. Mr. Deputy Speaker, legislation—[*Crosstalk*]

Mr. Deputy Speaker: Silence.

Mrs. G. Jennings-Smith:—will give police officers the teeth to bring action. It is the only way they will get the teeth, and this anti-gang legislation is what the police officers are asking for and I want to step back.

In 2016, Mr. Deputy Speaker—[*Crosstalk*]

Mr. Deputy Speaker: Member. Members, Standing Order 53 still stands. Proceed.

Mrs. G. Jennings-Smith: Mr. Deputy Speaker, in 2016, the hon. Attorney General, he brought to this House the same anti-gang legislation when the sunset clause came in and we know what happened then. But following that, members of the police service, they started to cry out. The head of the Central Division—and I want to quote from the *Guardian*, October 05, 2016 complained that:

“...criminals who were once behind bars are the reason for a spike in criminal activity in the Central Division...”

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

I read further—especially in the Enterprise area where two recent murders occurred. Mr. Deputy Speaker:

“General Secretary of the Police Service Social and Welfare Association”—he—“said then the expiration of the legislation now removed one of the tools in the police’s armoury in their fight against crime.”

And we talk about teeth.

And, Mr. Deputy Speaker, we in this country, we witnessed a spike in criminality. The *Trinidad Guardian* headline: 1,300 prisoners may walk free. Mr. Deputy Speaker, in 2015, October month, there were 34 murders. In 2016, after the failure of the sunset clause, we had 40 murders. In November, the previous year, we had 19, it went to 35. December, 39 to 43. So, criminality was high and the Opposition was happy. They were happy because they came here week after week and condemned us on this side that we were not doing our job, that we were not competent, we do not know about crime fighting.

Mr. Deputy Speaker, when I stand in this honourable House, I represent my constituents. And I know that I am their voice because they put me here to represent them and I will stand as their voice. And I want to know here, this afternoon—so to all of you on the other side, you all sit here and represent your constituents—could you safely say that you really care about the condition of lawlessness in this country by your responses for when a Bill comes before this House?

And I want to say, criminals do not distinguish between religion. They do not distinguish between political parties. They do not care. Criminals look for opportunities. Criminals look for opportunities. The absence of this anti-gang legislation gives them the opportunity. It empowers the criminals, it empowers them because you know what they are looking at? They were released from prison. Mr. Deputy Speaker, 400-odd people were released from prison and we were talking about them. So they are brandishing their weapons all over social media and they are brandishing their big weapons all over town and they are happy because there is no legislation in place to deal with them. But, Mr. Deputy Speaker, this Government will pursue, we will persevere and we are going to deal with them. [*Desk thumping*] We must deal with them. [*Desk thumping*]

But, Mr. Deputy Speaker, you know, all other Caribbean nations experiencing this have gone forward. We have the Jamaican experience. I want to quote because, you know, I heard a lot of quotes taking place today. I want to quote an article from Mr. Paul Burke. He is the former General Secretary of the People’s National Party. He:

Anti-Gang Bill, 2017
[MRS. G. JENNINGS-SMITH]

Wednesday, December 06, 2017

“...supported legislation to empower the prime minister in council to declare zones of special operations as a far-reaching measure to stamp out rampant criminality in communities overrun by crime.”

And, Mr. Deputy Speaker, I visited Jamaica and was there first-hand to see the effects of gang culture and gang criminality where young women, young girls, had to go and sleep with gang men. You understand, Mr. Deputy Speaker? This is the scenario in Jamaica. Do we want to go there, Mr. Deputy Speaker? Do we want to reach to that point where we have to hand over our young ladies to gang members for a week or a night? Mr. Deputy Speaker, we in Trinidad and Tobago, we need to take stock and we in this honourable House, we need to take stock quickly.

So, Mr. Deputy Speaker, most Caribbean nations have seen the need to have anti-gang legislation. And globally I can say that gangs destroy communities, societies and countries. Today, I want to praise the Attorney General and the Prime Minister for bringing back this Bill to this honourable House. [*Desk thumping*] I want to praise them. You could say what you want to say. I heard a lot of utterances—somebody trying to talk about the Prime Minister today. I want to say, this Prime Minister—one thing I am certain he is good about—he stands for integrity and he stands against corruption [*Desk thumping*] and he stands for this gang legislation, Mr. Deputy Speaker.

Mr. Deputy Speaker, so again, our commitment on this side is to ensure safety and security for our country but, unfortunately, Madam Speaker, we on this side, we are 21—Mr. Deputy Speaker, sorry—we on this side, we are 22.

Hon. Member: 23.

Mrs. G. Jennings-Smith: 23. Thank you very much. We on this side, we are 23 Members, and we require a three-fifths majority to pass this Bill. After tonight it will show who cares. The votes will show who cares, and it will be shown clearly who cares about this country and who wants to harbour gang activities, and who wants to feel sorry for gang men and who wants to feel sorry for those kind of people. Mr. Deputy Speaker, after tonight, I am going to sit here and I know—Mr. Deputy Speaker, through you, I know that people at home now—it is now 10 o'clock—the people at home are looking on too.

I call on you Trinidad and Tobago, look at their faces, look at their activity, look at their action tonight, because this honourable House, we are supposed to represent Trinidad and Tobago, and Trinidad and Tobago is tired of the dancing around and playing around with words. When we sit in this honourable House, we

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

always find an excuse why we cannot support a legislation. Mr. Deputy Speaker, tonight, tonight is the “bongo night”. [*Laughter and desk thumping*] Trinidad and Tobago will see who really cares about crime and reducing crime in this country. [*Crosstalk*]

And, Mr. Deputy Speaker, I spoke earlier about opportunity, and why people commit crime. Not only criminals look forward for opportunities, Mr. Deputy Speaker, politicians also quest for opportunity, and opportunities such as these, Mr. Deputy Speaker, they would have a yearning because it is an opportunity for this side of the House, the Government of the day, to look bad. So it is their opportunity, quest for power—seeing power just beyond the horizon—they will say they are not supporting. So do not support and the people of Trinidad and Tobago—the blood of this land will be in your hands. Those on the other side, the blood of this land—the young boys, the young girls, the women who cry every day—will be on their hand.

I want to quote, Mr. Deputy Speaker, that in 2010—because we are talking about fundamental rights—it was the AG—your AG, your AG, who said and I quote:

“Mr. Speaker, this is a law that will have an effect on the fundamental rights and freedoms of our citizens, but law-abiding citizens have nothing to fear by this law, nothing to fear, because what we are seeking to contain is a problem that threatens the peace and security of law-abiding citizens.”

And he goes on to say:

“The Constitution as you know, Mr. Speaker, gives a right to life, liberty, security of the person and enjoyment of property, but these freedoms are not absolute. And the very Constitution allows for legislation that is inconsistent with the fundamental human rights, if it is warranted and justified in a society that has proper respect for these rights. So the issue is whether this legislation, which needs a special majority, is one that can be said to be reasonably justifiable in a society that has proper respect for the rights and freedoms of the individual.”

And he goes on to say:

“Mr. Speaker, I submit that beyond a shadow of a doubt this legislation meets the criteria.”

That was 2010. What is so different today? What is so different today, Mr. Deputy Speaker? And that came from your side. That came from my colleagues on the other side, Mr. Deputy Speaker. So what is so different today?

Anti-Gang Bill, 2017
[MRS. G. JENNINGS-SMITH]

Wednesday, December 06, 2017

Mr. Deputy Speaker, and you know what? In 2010, it was that, but in 2017 it is better. It is better legislation [*Desk thumping*] because the Attorney General and his staff, they have done their homework. You all could laugh as much as you want to laugh, but I am speaking from my heart and I am speaking with passion, because it takes somebody who comes in this House new, looking at you all to see what you all are made of. I worked with that Government. I worked with the Opposition for five years before coming here and I know of you all. I know of your attitudes and I know of how you think. [*Crosstalk*] Mr. Deputy Speaker, the people will know you by your ways.

Mr. Deputy Speaker: Members, silence.

Mrs. G. Jennings-Smith: Mr. Deputy Speaker, I am proud to be a police officer, but today I am a politician and I am on the right side, the PNM side. [*Desk thumping*] The fundamental point tonight, Mr. Deputy Speaker—[*Crosstalk*] No, I could handle that. Mr. Deputy Speaker, the fundamental point is this. Is there a need for this legislation? The country says yes. The country says yes, and let me say something. We must be conscious that we do not facilitate an environment for criminal gangs to grow. Right? If the law is not perfect, how can we work together to do it better? The PNM say “Let’s do it together.” Let us do this together. [*Crosstalk*]

In 2010, your Government offered—the other side offered a process through the anti-gang legislation. This PNM Government, always a caring Government, supported the Government of the day. This PNM Government supported that Government of the day. [*Crosstalk*] Today, and I can tell you, as a police officer then, the legislation helped. It was a new piece of legislation that the police officers had to work with. And, today, we have said—and you heard the utterances of the Attorney General, you heard the utterances of the Member for Port of Spain North/ St. Ann’s West. You heard him outline the procedures that we are now going to be adopting.

And, Mr. Deputy Speaker, this hard-working Attorney General has been working off his feet [*Laughter*] to meet with the Law Association, TTPS and many stakeholders to make way for adjustments. Mr. Deputy Speaker, I am asking those on the other side, let us take this as an opportunity to do good. Let us restart the process. Let us make the country feel good about us. You see, when we die—when people die, we the living, we distance ourselves from death. [*Crosstalk*] And, Mr. Deputy Speaker, I am hearing Miss Naparima—[*Crosstalk*]

Mr. Charles: Mr., Mr. I am Mister. [*Crosstalk and laughter*] If you want to find out “check meh”.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mr. Deputy Speaker: Members, it is 10 o'clock in the evening. All right. So please, let the Member finish her discourse and, again, we can do it in a lil silence. Proceed.

Mrs. G. Jennings-Smith: Mr. Deputy Speaker, you know, some of us live near the cemeteries, but others, it is only when the dead are close to us that we will feel it. [*Crosstalk*] Yes. It is only when the dead are close to us we will feel it. Right? Today, today, with all of these senseless killings, Mr. Deputy Speaker, people are telling people that they are at the wrong place at the wrong time, because we have allowed it to happen. We sit here and we are allowing gang members to take over this country, take over social media. Is it that we want to get for the future? Are we satisfied that that is what we want to have?

Mr. Deputy Speaker, criminals flourish when law is absent. Crime pays when bloodline is not cut. And as I said before, gang activities affect all of us. We all live in this country. We have our families, we have our friends and gang and gang-related activities affect all of us in one way or the other.

So, Mr. Deputy Speaker, what we are here tonight for? Why are we here at five past ten tonight? We are here because we need to discuss and pass good legislation. We need to provide teeth to the law enforcement officers. We are here to partner around issues for our sovereign nation, for the safety and better quality of life. We must be conscious of these issues. We have talked about gang and gang-related issues all day and all night. We must not facilitate an environment for criminal gangs to grow. One of the greatest concerns for gang members is their freedom. One of the greatest concerns, Mr. Deputy Speaker, for gang members is their freedom, and this we must impact on.

So, Mr. Deputy Speaker, what I want to ask those on the other side, would you sit by and speak about rights and privileges? What about the innocent victims? Who will speak for the innocent victims? Mr. Deputy Speaker, we are all here and we are the voices for the victims, the victims of gang-related activities. I ask this question before I sit here, will those on the other side support legislation to protect the voiceless of this country whom we are supposed to stand and support? This is what we are put here for. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Tobago West.

The Minister of Tourism (Hon. Shamfa Cudjoe): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I want to thank you and the Members of this House for the opportunity to contribute to this Bill to make provision for the

Anti-Gang Bill, 2017
[HON. S. CUDJOE]

Wednesday, December 06, 2017

maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters.

Mr. Deputy Speaker, it is indeed a privilege to stand before you here today. I would have been a part of the previous Parliament—I was in Opposition at that time. I was an Opposition Senator in 2011, when the previous Government would have brought to the House anti-gang legislation. At that point in time, it was needed in Trinidad and Tobago, and members of this public were crying out as we were told. We were told that 70 per cent of homicides are committed by gangs and 80 per cent of our murders in Trinidad and Tobago were done through firearms. We were all ready to support this piece of legislation and that we did.

I can recall in the previous Parliament and Parliaments before, Senators like Sen. Helen Drayton, Sen. Prof. Deosaran and a number of other Senators like even Sen. Dana Seetahal, now deceased, would have cried out and lobbied for anti-gang legislation.

So I know as legislators, we always grapple with the issue of striking a balance between respecting the human rights of our population and protecting public safety. But as my colleague, the Member for Toco/Sangre Grande, would have mentioned earlier, that serious times call for serious measures. We have to be mindful of who we are and where we are located even as a Caribbean country. We are smack in the middle of the drug-producing south and the drug-consuming north. So, by geographical location, we are prone to organized illicit activity to drug trade, to the trade of firearms and moving illicit materials through our country as a trans-shipment point. So, of course, we would have experienced over the years, a proliferation of gang activity, a proliferation of illicit activities and we have watched the murder rate rise from year to year.

I think it is safe for me to say that so many studies would have been done that would have identified Trinidad and Tobago as being prone to crime; identified Trinidad and Tobago as one of the most dangerous cities in the world, even comparing us to cities like Baghdad. I think that crime, violence and, more specifically, gun violence, has pretty much consumed Trinidad and Tobago.

We can look around and see that it is not just a problem here in Trinidad and Tobago, but the proliferation of gangs are affecting all over the world, especially in the Caribbean because of our size, because of the nature of the crimes and even with the proliferation of social media and technology, the news is spreading fast, so we are getting the chance to see it more up close and personal. So serious times, Mr. Deputy Speaker, call for serious measures.

I listened as some of my colleagues here in the Parliament would have listed and stated the number of violent crimes and so on, but we must be concerned not just with the quantity, but also with the type of crimes. Over the years, even under the previous Government, we would have witnessed some of the most heinous crimes against children. I can remember when this young child—I think it was Daniel—

Mr. Al-Rawi: Guerra.

Hon. S. Cudjoe: Right—when he died. I remember the Opposition now, then Government, was speaking about this is the last murder of this kind that we would see in this nation, and the Prime Minister of that day established the Daniel decree and all this—let me be kind—camera tricks; all this stuff suited for PR. But, Mr. Deputy Speaker, here we are today and our crime situation still remains very, very serious and more dire than it has ever been before. So I am here to place on record my support for the advancement of anti-gang legislation and more stringent measures to treat with criminal activity in Trinidad and Tobago.

Now, I want to say, Mr. Deputy Speaker, I find it incredible, unbelievable, even distasteful to see, to watch, to listen to politicians in this House, especially those on the other side, as they turn the discourse about crime and criminal activity into a proverbial football. I was in Tobago this morning because we launched the Tobago Tourism Development Fund to offer assistance to the stakeholders in Tobago through the Government Loan Guarantee Programme, so I was unable to actively participate in the debate this morning. But on my way to Parliament, in the ride from the airport, I listened to the Member for St. Augustine, and at one point in time, I got the opportunity to listen to the former Prime Minister, the Member for Siparia. I must say how disappointed I felt as a female parliamentarian, as a young parliamentarian. [*Interruption*]

I would not be distracted by the Member for Naparima, because I could remember, quite clearly, Mr. Deputy Speaker, when I speak they like to shout out “We in charge”. When they were on that side, when they were in Government and they were shouting out: “We were in charge” and all these things—because I could remember it was September 10th of 2010, where a number of them stood up in this House and they were talking about they were in charge and it was not a problem then. Right? It was not a problem then, but now it was mentioned on this side and we want to run with that. All of this is camera tricks and PR activity to try to rile up the population, but we are well aware and we just want to say, we have not forgotten. Yeah? So, Mr. Deputy Speaker, allow we to continue with my business.

Anti-Gang Bill, 2017
[HON. S. CUDJOE]

Wednesday, December 06, 2017

I want to say how disappointed I am, because this is a former Prime Minister who gave herself silk; who ill-advisedly took the stance that the prevalence of crime in Trinidad and Tobago is based on the PNM being in power. I would like to call that bunk, hogwash, balderdash. I do not expect that kind of material, even coming from a former Prime Minister or even somebody who gave themselves silk, Mr. Deputy Speaker. I must say I am disappointed because you expect a higher level of discourse, higher level of conversation of information coming from a Member like that.

We have seen the number and the nature of criminal activity changed significantly over the years, despite whatever party is in power. So I want to tell the goodly Members on the other side that they should not try to fool the people. I witnessed, as we are in Government, Mr. Deputy Speaker, it seems to be like a celebration when crime is on the rise for them. It seems to be a celebration. When you follow their pages and their supporters on social media, it is like they rejoice whenever there is any uproar or any unrest taking place in the nation because over the years politicians of that nature have used unrest in the nation and ride that as a wave to get back into power. I have witnessed an Opposition that was once in Government and people of this nature who would use any and every thing to ride on the backs of Trinidadians and Tobagonians to get into power. They do not care who they disrespect, they do not care who they destabilize, they do not care who they mislead, as long as they are in power.

I want to say, Mr. Deputy Speaker, that the people of the Trinidad and Tobago, we are well aware—we are educated, we understand you, we know you by name and nature and that is why you would remain in Opposition for a very, very long time. [*Desk thumping*] So, Mr. Deputy Speaker, they are not concerned about Trinbagonians; they are concerned only about themselves.

I want to state, Mr. Deputy Speaker, when I was a high schooler in the 1990s in Signal Hill, we as students would bet because as sure as night to follow day, when you look at the news at seven o'clock there would be a murder in Trinidad and we used to bet in school. It is a silly game, but it is something we used to do, because as sure as night would follow day, there was a murder in Trinidad. I have observed, Mr. Deputy Speaker, when I listened to the discourse over the years, Trinbagonians—and I want to say even more so, Trinidadians—have grown to accept a murder a day as something normal. I would listen to the discourse and you would hear some politicians say, Mr. Deputy Speaker, or “Mr. Speaker, today is the 46th day of the year, but we have 50 murders.” Since when a murder a day became okay? When did we get to that, Mr. Deputy Speaker?

I just want to express my disappointment. Government after government—whether it is PNM, UNC, NAR, NJAC, whoever, would have represented us over the years—would have sat or would have—I think we would have worked diligently in one way or the other in order to grapple and to control and treat with the matter of crime, but it has not been successful but it is disappointing that we are at this place at this point in time.

I want to say also, Mr. Deputy Speaker, I listened to the Opposition and they say, well this is what you get because the PNM is in power. There are no quick fixes. There is no magic wand or magic potion that anybody could institute on this nation to make this thing go away. It is something that we all have to put our shoulders to the wheel and work towards controlling and reducing.

10.15 p.m.

So I hate the fact that sometimes the Opposition Members try to create the feeling like there is a quick fix to this and if they were in power it would have been different, and I think that is an affront to the intelligence of the people of Trinidad and Tobago, and we should not encourage or endorse that kind of behaviour. We have to at least be able to respect and acknowledge the intelligence, the sense, the common sense of the people that we serve. So, Mr. Deputy Speaker, that is one matter I really wanted to raise. I listened to the discourse over the years too because in the years when you had PNM in Trinidad and PNM in Tobago, you would see crime rising in Trinidad, and we would have experienced two, three, four murders. In Tobago, we say one murder is too much, and it is the same People's National Movement that has been in power in Tobago for the past—over 15 years—should I say for the past 16 years. So it obviously cannot be the political party that is in power.

You look at the proliferation of criminal activities and gangs going up the islands, there is no PNM in Barbados, no PNM in The Bahamas, no PNM in St. Lucia, but crime is rising up the islands also. So we have to first be respectful to the people we serve, and at least respect ourselves and show that we went to school for something and carry on a higher level of discourse than that. I believe, Mr. Deputy Speaker, that criminal activity is a reflection of what is taking place in our community, because we know that as a people we play a critical role in lifting the standards, in maintaining peace and order in our communities. We have a duty to raise our children right, to preserve values, morals and ethics. We have to improve how we treat each other, how we relate to each other, even how we mind each other's business. And I want to say that again, even how we mind each other's business.

Anti-Gang Bill, 2017
[HON. S. CUDJOE]

Wednesday, December 06, 2017

So in Tobago it is our business to look out for our neighbours, whether you have called us a “macco” or not, but it is our business to look out for each other, and we have to see ourselves as one here in Trinidad and in Tobago, and be able to look out for your neighbour also. I think that the situation in Trinidad is a little bit more complex as it relates to—you have racism, you have classism, a number of other items that cause people to not feel like they are a part or that we are one as a people, and these are issues that we must treat with. We have to develop an attitude in our community that my community, my village is no place for crime.

I think the focus, Mr. Deputy Speaker, has to deal with treating with the root cause of crime. Efforts on the prevention side have proven to be much more rewarding, and the would-be murderer or the person prone to committing these heinous crimes must think twice about the damage that they are doing to their community, and to their country. *[Interruption]*

Mr. Lee: Mr. Deputy Speaker, 48(1), please. I really do not want to do this at this hour of the night, please.

Mr. Deputy Speaker: Overruled. *[Desk thumping]*

Hon. S. Cudjoe: Mr. Deputy Speaker, I would not be distracted. Mr. Deputy Speaker, Member for Pointe-a-Pierre, of all people, call 48(1) on me. *[Laughter]*

Mr. Deputy Speaker: Member, I have ruled, proceed.

Hon. S. Cudjoe: Let me say, Mr. Deputy Speaker, yes, everybody has a role to play. The police have a role to play also, and the police have been working over the years, but we have to also identify that there are some changes and some improvements that must take place even within the police system.

Mr. Deputy Speaker, I want to also draw to our attention that the police really come into play after the crime has been committed, and that is why I want to commend the Minister of Sport and Youth Affairs for the work that is being done in preventative methods in instituting sports, and so on, to keep the young people busy; the work that is done through the Office of the Prime Minister in mentoring young men; work done through the Ministry of National Security to provide a positive role for our young people to follow.

I want to say, finally, Mr. Deputy Speaker, that criminals do not wear party colours. They do not decide to commit a crime because of who is in power or because of who is sitting on the Cabinet table. I want to say that the criminals do not care who is the National Security Minister, the picture is much bigger than that, and we have to develop our system and develop our legislation in such a

way—and our strategies—that the incentive to commit crime is lesser than the penalty that they have to face. So I am for instituting strong, harsh measures to deal with crime, to deal with criminals, and to arrest this problem of the proliferation of gangs in Trinidad and Tobago.

I want to say that crime poses a threat to all of us, to our livelihood, to our ability to enjoy our property, our safety, business development, and even from the position of Minister of Tourism. We go out there, we market Trinidad and Tobago, we invite visitors to come, but at the end of the day there is always this fear and there is always this concern about the safety and security of our visitors. If you are out there reading these stories about Trinidad and Tobago, think about it for yourself, would you want to visit here? So we have a duty to improve Trinidad and Tobago, not so much for the benefit of our tourists, but for the benefit of the people of Trinidad and Tobago, the citizens who we serve. A great place to live is an even greater place to visit, and we have a duty as politicians, as legislators, as leaders, in order to create a proper environment for us to live and enjoy. So I want to place on the record my support for this anti-gang legislation. Mr. Deputy Speaker, I thank you. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the hon. Prime Minister. [*Desk thumping*]

The Prime Minister (Hon. Dr. Keith Rowley): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, we started at 10 o'clock this morning and at the end of this debate—as we are coming towards the end, it is now 10.20, and I just stand to make a few observations and express my support for the excellent work done by the Office of the Attorney General, [*Desk thumping*] and the outstanding presentation of the Attorney General here today. Mr. Deputy Speaker, under normal circumstances I could be very combative on this issue and make all kinds of engagements which might not sit well with my colleagues on the other side, because one cannot treat with this issue without referring to how we got here, and for the record it might be very important for that to happen against the background of a couple of the observations that I made during the day.

Mr. Deputy Speaker, nobody in this country, nobody, not man, not woman, not child could present an argument to us in Trinidad and Tobago, a convincing argument that we do not have a serious crime problem. We can apportion blame and reasons, that is academic, but also nobody could advance an argument that is believable that we do not—across Trinidad and Tobago, we are learning—have a serious crime problem rooted largely in the gang culture. We have always had a certain element of criminal conduct in our country over the decades, but in recent

Anti-Gang Bill, 2017
[HON. DR. K. ROWLEY]

Wednesday, December 06, 2017

times, the last 15 years or so, with the coming of the drug trade, the level of criminal conduct in Trinidad and Tobago has exploded and has remained intractable. Mr. Deputy Speaker, as my colleague spoke today, especially coming out of Government for the last seven years ago—they started in 2010, and 2015, we are continuing two years into 2017—but my colleagues, much of what was said today was said in the context of protection of the public interest.

[MADAM SPEAKER *in the Chair*]

I did not hear any argument from the other side that we do not have gangs. I did not hear anyone from the other side arguing that the gangs are not destroying the quality of life and threatening the economy of Trinidad and Tobago. I did not hear anyone on the other side say that, so I take it that they are in agreement with those of us on this side that we do have the gangs that we had mentioned, whether it is 2,000 or 2,500, or whatever it is; we have a lot, too many. And, of course, I did not hear any of them say that we should not do anything about it. What I have heard argued very forcefully today, as we seek to respond to the criminal element by way of legislation, is that the measures that we have put before the House, the measures which have been advanced before the House have the potential, or will encourage a propensity for abuse. That is the strongest argument I heard today. And examples were given, one of which was patently wrong and misleading by my colleague from St. Augustine who misquoted the judgment in proof as established by him that there is abuse to take place. But some of it, Madam Speaker, was quite “high-schoolish”, because to give an example of a policeman who abused any law is not a basis to abandon the effort of the law to treat with the wider wrongdoing, and the fact that someone was charged for murder and got off does not mean that the law to deal with murder should not be enacted.

And, of course, Madam Speaker, we were told with great fanfare—my colleague from St. Augustine, he spoke about the constitutional rights quite correctly, we have to bear that in mind, but I simply want to draw to his attention, one of the main reasons why vagrants populate Port of Spain, Government after Government, night after night, is because the effort or the willingness to treat with it comes up against the constitutional right of the vagrant. That is a national argument in Trinidad and Tobago. You go to pick up people who are living on the street blocking the pavement, defecating in the drain right there, to pick them up, there are people telling you, leave them there. As a matter of fact, a small square next to the cathedral was protected by the city fathers and closed, and a major law firm went to the court to demand the right of people to enter and live in the square. Waste the court time, waste taxpayers’ money in the court, because

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

somebody in this country, and not anybody you know, serious major Port of Spain law firm provided legal support to go to court and to tell the court that they are here to argue that vagrants must be allowed to live in Columbus Square. Get real.

I do not know how many citizens of this country, when they go abroad, would make an argument in anybody else's country that they have a right to live in a public square if city fathers in those countries say the square is closed. In London, in many squares, they close at sunset, Trinidadians "walk along and go dey way", but in Trinidad and Tobago you go to court to argue that you have a right to live in the square. And that if you are living on the street, becoming a public nuisance with your persona and your conduct, to be picked up and taken to a place that is clean and warm, that is an invasion of your rights under the Constitution. Those are interpretations, but, of course, vagrants do not frequently kill us, and those who sleep in Columbus Square, I do not think they killed any of us, but the gangs threaten our very existence; that is the difference.

And, of course, in the midst of that argument of rights, my colleague from Naparima, in one of a Freudian slip, I might say, made the point that did have merit and continues to have merit, that there has to be a balance between these rights and our existence. And that is why we are here tonight, because I am sure that any Member of my colleagues on the other side who came here this morning expecting that the Government would have brought law that missed the balance, by now you would have been convinced that there is balance in what we are trying to do, [*Desk thumping*] because you have not presented a case that we do not have these gangs, and you are not now going to present a case that they do not threaten our very existence. There are communities in our little society, a small island of 1.3—a group of islands, two main islands, 1.3 million people, where in every single community the knowledge of these gangs exists, and in my communities the quality of life is dominated for the worse by the existence of criminal gangs amongst us.

We did not invent this. We did not invent it. We have always had some element of group behaviour in our society, sometimes for the better. A cricket team, a football team, an all-fours team, a liming team, and then it sometimes became a "saga-boy" team, but when violence enters these groups, a different creature emerges. Earlier on it used to be physical strength and the ability to fight without weapons that gave you "pips" in these groupings, in these gangs. Many of them belong to the calypso culture of the '50s and the '60s, but then when firearms entered the picture, a completely different situation developed in

Anti-Gang Bill, 2017
[HON. DR. K. ROWLEY]

Wednesday, December 06, 2017

Trinidad and Tobago, and, of course, the economic benefit of the drugs and the money, the fast money, and, of course, worse, worse, the devaluation of the life of a citizen. [*Desk thumping*]

I could take you now, Madam Speaker, and show you where I was when the first murder occurred in my lifetime in my community, and up to this day I have not gotten over it. I was about nine years old when a person was murdered in my village, and every time I think about it now I relive the trauma of that experience. Today, in Trinidad and Tobago, 16 murders in 72 hours is passing—of course, it is the Prime Minister fault, it is the Government fault, it is the Parliament fault, but that is a societal problem, and I want to encourage my colleagues to disconnect from any expectation that you could not support the fight against crime and prosper politically. You do not know who the next victim would be. None of us would know, because on many days the crime is so strange we ask ourselves: How could this happen, what is the reason? Because the criminal has an advantage which he would never give up, and that advantage is this, they choose when to commit the crime and which victim is today's.

We have come here today into tonight to enact into law to make it illegal for any of our citizens to choose crime as a way of life, to arm him or herself, and act in concert with others to bring about the demise of law-abiding citizens, or even their criminal friends. Without that enactment into law that conduct remains beyond the reach of the police service. There are other laws—it was made very clear by my colleagues today, and some of you made the points as well—there are other laws that we could use to treat with certain aspects of their operations, but the criminal enterprise called a gang is a business.

It is a business, and there is one peculiarity about that business, that law enforcement in that business on the street cannot use the State's police service to file complaints. Nobody in a criminal gang would walk into a police station and tell the police what somebody else did, and so on, and so on. You know what happens, they enforce their own rules on the road. They have their own way of carrying out law enforcement among themselves and on other people, and that is why all this "tit-for-tat" killing, you kill my horse, I kill your donkey; you kill today, I kill tonight; you have rank, I have more rank; you have a big gun, I want a bigger gun, and we have moved from revolvers to automatic handguns, to small handguns, and now the weapons of choice are assault weapons where they are even beginning to feel that they could take on the State's officers and outshoot the authorized agents of the State. [*Interruption*] Yes, done it with impunity because every time they do it they get rank, and others see the prosperity that goes with it,

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

and, I dare say, the lack of effective enforcement of the law and the protection of persons and, of course, all businesses operate to grow, so too criminal enterprises; they have to grow. They make money. They need more money. They need more personnel so they have to recruit, and even when the recruiting is not forthcoming in an easy way, they have to shanghai people into the gang, either you come in or you go out. I as a Member of Parliament, it has come to my attention that people are threatened that if you do not do so, if you do not comply by so and so, leave or die.

I have had it reported to me on more than one occasion where citizens have chosen to walk the straight and narrow way and be law-abiding, and the lawless lay down their rules of existence for them. I have had it reported to me about families who are afraid of members of their own family because of the lawless life that is being lived, but the worst report I have had, Madam Speaker, is a report of a member of the community who sought to report misbehaviour in a police station in Port of Spain, and a police officer in uniform in the station advised the complainant to go and tell that to “so and so” criminal gang leader. That is where we reach. A police officer in uniform so recognized the authority of the gang leader that he directs the law-abiding citizen to the law enforcement possibilities and effectiveness of the gang leader, and if that does not tell us that we are surrendering the State, then nothing else will. And if we as parliamentarians here, all 41 of us, will come in here and try to score political points and play football with crime, then we too need to be held, drawn and quartered for dereliction of our duty. [*Desk thumping*]

I will be the first to tell you that not every police officer in this country is a rising star. We have a significant number of bad eggs in the police service, but those who want to work, the vast majority of them who work hard, let us not tie their hands behind their backs. Let us give them a fighting chance. [*Desk thumping*] And let us not do what we have done badly, and let me tell you what we have done badly, colleagues, when we in the Opposition voted for the anti-gang legislation in 2011, it was with a sense of, I have done my part; now, police officers, commissioner, acting or otherwise, go do your part. And we expected that this tool, this weapon, this new body of law would have allowed them to go out there, build on what they know, get information, convert information into evidence and prosecute those who have chosen crime as a way of life; that did not happen.

What happened was 11 people were killed over a long weekend, or something like that, the Government panicked and declared a state of emergency, take basket from people who do not respect legal procedures, authorized by way of Attorney General statements, and, carte blanche, pick up of people left, right and centre. I saw them

Anti-Gang Bill, 2017
[HON. DR. K. ROWLEY]

Wednesday, December 06, 2017

on television, open-tray trucks, picking up people, “throw dem in de tray”, and just throw them. And when the community was saying, what is going on here, the Attorney General said they are going to jail and “jail eh make to ripe fig, jail make for dem”. That was the behaviour of a Government that panicked, starting with a limited state of emergency, it ended up with a full state of emergency and then locking up people without evidence. No law by enactment is available to be used without evidence.

The lifeblood and the currency of prosecution is evidence, and if you did not have any evidence, after a law that was there for eight days, when you had no time to collect any evidence, the outcome was predictable. My colleague from Naporima today talked about the abuse by officers. Let me tell you what happened during that same period too and you will see where abuse is available, once you have laws and you have human beings enacting them—even judges have been known to abuse the law. It had one being elected sometime—is it Tuesday night?

Hon. Member: Moore.

Hon. Dr. K. Rowley: Yeah. Twice he was thrown off the bench for abusing the law. But the bottom line is, I was in the Opposition when the then Prime Minister called me in my office and told me she wanted to speak to me urgently. I made myself available to her. I said, but what is happening? She said, there is a plot to assassinate me. I became extremely alarmed. I said, where is that information coming from? She said it is coming from the police. I said, well—she said, I want to talk to you. I said, but just like that? She said she will send the police to give me the facts of the situation, because something about it did not sound right to me.

A very senior officer in the police service—a fella called Richardson, he was sent to my office, Deputy Commissioner Richardson, he was sent to my office to tell me the facts surrounding this alarming development. The following morning he came to my office, he told me they had arrested, I think, was eight people. It was during the state of emergency. When he outlined the alarm, I asked him a couple of questions. Question number one: “Have you apprehended anyone?” “Yes.” “Have they been charged?” “Yes.” “What have they been charged with?” “They have been charged under the conditions of the state of emergency.” It was close to the end of the emergency. I said to him, “So that means that when the emergency ends”, because it was a limited period of time, “when it expires what are you going to do with these people?” “They will then walk.” “If you have not charged them for the offence that you accuse them of, that means you

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

have arrested them under the condition of the emergency?” “Yes.” And the next question I asked him: “What was their motivation?” He said, “They are Muslims.”

I said, “And that is the basis on which they have been arrested? He said, “Yes.” I said, “What is the evidence that these Muslims were trying to assassinate the Prime Minister?” And that senior police officer said to me, “We are going to get the evidence.”

10.45 p.m.

So the major state of emergency was “lock up people, then find the evidence”. But the same thing was said to me by a Deputy Commissioner of Police talking about an assassination of the Prime Minister of Trinidad and Tobago, and eight persons—needless to say, it ended up in legal wranglings and they are all released, and I suspect that they have claims against the State. If that was not abuse, all the carryings-on this morning by my friend, the Member for Naparima, about how a law could be abused, abuse would not start with this law, if it is abuse. Abuse would not start with this law. And if that could happen at the level of Prime Ministerial complaint and Deputy Commissioner execution, I could tell you, what we have here today is good law and I dare say safe law. [*Desk thumping*]

I heard it raised twice here today and I want to again, for the record, correct something. I initiated contact with my colleague, the Member for Siparia, who holds the Office of Opposition Leader and I hold the Office of Prime Minister. I initiated contact with her to discuss the preparation of this coming back here, and in the meeting we had sometime earlier this year—it went very well, very cordial, very respectful, and at the end of it we agreed how we would advance. And I asked my colleague, the Member for Siparia: “How do we continue to communicate because much of what I raised with you would be worked upon in the AG’s office, so who does the AG communicate with?” She said, “Ramdeen, Gerald Ramdeen;” so he is to communicate with Gerald Ramdeen. I accepted that and I relayed that information to the media and to the AG, and that was duly done.

I was very surprised in a few weeks later to receive correspondence from my colleague, the Member for Siparia, asking why the AG communicated with Ramdeen. I took that to mean that there is so much fishing for blame-throwing and points-making, that a simple thing like that—you gave me an instruction to communicate with Ramdeen. I did that, the AG communicated with Ramdeen and

Anti-Gang Bill, 2017
[HON. DR. K. ROWLEY]

Wednesday, December 06, 2017

then you are writing me and asking me why I am breaching protocol, and inferring that I am disrespecting the Leader and the AG writing to Ramdeen. We were simply following instructions given. If she had said, “communicate with David or with Suruj”, we would have done that.

But there seems to be a pattern here which bothers me, and the pattern is this—it has been bothering me for a long time, and I put it on the record now—because my friend, the Member for Siparia seems to make that a pattern. We sat in a car together, both of us, in South Africa, and there is a matter that was of great concern to us, and that matter was the nature of the inadequate pensions for judges and parliamentarians. We agreed, when we got back to Trinidad, the Government would deal with this matter by consultation with the relevant people and bring to the Parliament legislation by way of the SRC report, or I think it was independent of that. The SRC report was due. There was an SRC report that was due, and we agreed, Prime Minister and Opposition Leader, sitting in the same vehicle in Pretoria.

When we got back, this matter where people who served this country, gave virtually their life’s contribution to this country in public office, Parliament should do right by them and not have judges in penury now. As I speak to you now there are judges in this country who are living in very, very embarrassing circumstances, because they have lived long enough that their pension cannot now carry them. Their medical bills are four times their pension, and they are living there and hurting. This country can do better than that.

Parliamentarians—in those days we had Eulalie James, she has passed on since then. We had Joan Yuille-Williams, we had Eddie Hart, we had Trevor Sudama; these people who served this country well, but the parliamentary pension cannot now, especially those who have lived to a long life and have serious ailments, but this country has a habit of feeling that if I could set you down, if I could stamp on you, if I could pull you down, if I could embarrass you, then maybe I would have got justice.

I say tonight, when that matter came to this Parliament, my colleague the Prime Minister behaved as though that never happened, and when I stood up to support the Government in dealing with that matter, turned it around on me as though it was something I wanted, and it was my fault and my friend, the Member for Naparima, the great “wheel man”, he was outside telling people that I was greedy, and all their mouthpieces, I was greedy. Greed is not something associated with me. I grew up with little and I am very happy. [*Desk thumping*]

But what shocked me was the inability of a Prime Minister of Trinidad and Tobago to hold an agreement with an Opposition Leader, that I could trust what you said to me and on behalf of the people who are hurting, execute so that they would not hurt. Madam Speaker, it is this Government's intention—

Madam Speaker: Prime Minister, you have 15 more minutes if you wish to avail yourself of it.

Hon. Dr. K. Rowley: Thank you very much, Madam Speaker. I did not mean to be this long. But I intend as leader of this Government to do what has to be done and what can be done to ensure that those persons who serve this country do not end up where some of them ended up today. This is all we can do for most of them.

This Bill before us today is not a perfect piece of legislation. I do not know many that are, but what I do know is that the very existence of this law, if it is passed into law, will cause some people to think twice before they engage in gang activities. [*Desk thumping*] And those who intend to proceed, thinking or unthinkingly, if they break the law it will give the police the opportunity and the clear pathway to accuse them of a breach of the law of Trinidad and Tobago, to the annoyance and detriment of the people of Trinidad and Tobago. And if the police have this in their hands, it is then for those who run the police service to ensure that what has to be done is done to make this law contribute, not to end crime in Trinidad and Tobago, but to contribute to crime fighting in Trinidad and Tobago.

All the arguments about it being a panacea, nobody has said that. None of us has said that, that you pass it into law and all crime in this country would end, no, but if it helps us to hold one, 10, 20 out of the 2,000, and if it saves one life tonight you would have saved the life, and the life you save might be your own. [*Desk thumping*]

Madam Speaker, west LA used to be infested with gangs, so was New York and currently Chicago, and good, strong governance and policing drove the criminals to think twice or to get out. Today, New York is one of the safest cities in America, and it started with those who are required to make the law, to enforce the law, to police the area, because say what you want about the police service—it will never be the doctor, the teacher nor the priest who has to confront the criminals, it is the police—it is the police. We have bad police, we get bad policing. We have good police, we might get good policing, but at every step of

Anti-Gang Bill, 2017
[HON. DR. K. ROWLEY]

Wednesday, December 06, 2017

the way we have to work with the police to make a better police service in Trinidad and Tobago, and we are doing that and we are seeing results—we are doing that.

We have to weed out from the police service those who will abuse this and any law. What we have to do is to give them the tools, and this is a major tool. Twenty-five hundred gang members on our little islands is just too much to bear. And those who believe that there are not people who choose crime as a way of life because crime pays, some people, risking their lives for the prize, we have got to encourage them to find a different vocation. Encourage the police to go after them and ensure that there is law enforcement. Because we have said to this country, while we are the Government, and hopefully with the support of the Opposition, because we have 41 of us in here, no area in this country, no street, no lane, no byway, no highway should be beyond the reach of the police service and law enforcement. [*Desk thumping*]

I made that commitment to this country recently after the carryings-on in Beetham. I was out of this country following what happened in Enterprise a few months ago, where there was virtually war in Enterprise, and the response was to get people to go in and negotiate with criminals who had taken over the streets, and who were brandishing weapons. Come on, let us not pretend that this is not a national problem, and for those of you who feel “is a PNM problem in PNM strongholds”, you are wasting your thought. This is a national problem, from Cedros to Toco, from Buccoo to Carenage.

Imagine Tobago, I am hearing Tobago has 24 gangs. Where they learn that? Where and when did Tobagonians learn to have gangs? And when they have problems with the boat, and the boat does not come, they come and tell me, “de bread van eh come, we cah have bread, and you have 24 gangs, overrun with bush”? [*Laughter*] “If I doh go in Tobago and raise two sheep and plant an acre of peas, none is done, and you have 24 gangs?” That means the whole country is infested. Let us start tonight, colleagues. Let us start tonight.

I told you all before when I was in the Opposition we will support every measure brought by the Government, as long as the measure was for the benefit of the people of Trinidad and Tobago, and we did that. [*Desk thumping*] Tonight I ask you to walk the same road. Not the PNM you are supporting, not me you are supporting. You are one, each of you will vote independently tonight, because this matter is going to the vote in a few minutes. You will vote independently, one by one, and there is a line drawn in this Parliament tonight, an imaginary line, and you will vote and we will vote, and hopefully all us will stand on the side of the

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

line that says we stand on the line of the law-abiding and the lawful in this country. [*Desk thumping*] And let there be no one on the other side that stands on the line of those who choose crime as a way of life.

I will give you another piece of advice. You do not have to vote against us here or against this Bill to win the election, because we voted with you throughout—90-odd per cent, 96 per cent of the time. And we from the Opposition won the election, so it is possible to vote and win, but you have got to do more. [*Desk thumping*]

Imagine, when we said we voted 96 per cent, my friend, the Member for Siparia, who is the queen of non sequitur, got up and said the reason is that all the laws were good, 96 per cent was good. But this was in the 96 per cent, you know. This law was in the 96 per cent, and it was good as she said, because it was all good, that is why you voted for it. But suddenly the political shift, we came from Opposition to Government and “the law ent good”. You are fooling no one.

If you do not support this measure tonight colleagues, you will be fooling no one, because there is an inherent and an intrinsic attitude over there that if you support this you know more than we do that this will affect positively the fight against crime. But I do not want to tell you, as some persons have told me, because I do not really believe that is what you are, that you want us to fail in the fight against crime to give you a political argument against us. You do not need it. If you are any good, you do not need it. Because I do not want to believe that you want to see more bloodshed in this country and more killing in this country, and you could say just “yea”, just say “yea”, say “aye” and you save a life, but you would not do it because you want to be able to campaign on crime?

You have friends, you have mothers, you have sisters, you have communities. You are MPs, you represent 29,000 people. And you want to allow crime to flourish to campaign in 2020? I do not believe it, but that is what it is. I implore you tonight, put that aside, let us come together in the fight against crime.

Madam Speaker, I am not going to say much more tonight, except that the people of Trinidad and Tobago can count on 21 votes on this side. We need four more from the other side to pass this Bill. Now is the moment of truth. Thank you. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Thirteen hours ago we commenced debate in this House on this particular Bill. It is very difficult for a Member of Parliament to stand and speak after the Prime Minister of the country, particularly when the arguments put forward by the hon. Prime Minister are as compelling and truthful as those rendered here tonight.

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

This debate has not been very far ranging quite simply. Let us treat with this in a strict context of law. Number one, the supreme law of the land is the Constitution of the Republic of Trinidad and Tobago, so declared by section 2 of the Constitution. Number two, pursuant to the Constitution, Parliament makes laws for the peace, order and good governance of our society. Number three, the Executive has the role and responsibility to bring legislation for governance to the Parliament. Number four, this law is a derogation, so expressed in the context of this Bill, from the rights in sections 4 and 5 of the Constitution, and it requires a three-fifths majority to obtain passage.

Specifically, Madam Speaker, we are in a balancing of rights of laws, section 4(a) of the Constitution, which is the right to liberty and not to be deprived thereof, except by due process of law, is one which is in the balance. From a utilitarian perspective, the right of every citizen in this country to the right to life, to the right to make sure that criminals do not come against you, to make sure that your children are safe, to make sure that your constituents are safe is the right to life.

Similarly, in that right to life 4(a), there is the expression for due process of law. Section 4(b) of the Constitution, the right for the protection of law; section 5(2)(a) which is the right not to be subjected to any arbitrary detention or imprisonment; section 5(2)(e) of the Constitution, which is the right for a fair hearing; section 5(2)(f)(iii), which is the right to reasonable bail—all fall within the balance.

We ask the Parliament tonight to acknowledge the wording of section 13 of the Constitution. Section 13 of the Constitution says a law may derogate from these rights in sections 4 and 5, if it is passed by a three-fifths majority of the Parliament, and if it is reasonably justifiable in a democratic society such as ours. That, in law, has been translated to a concept of proportionality. And proportionality has had its fair expression from the Privy Council, come back, into really a very narrow context of law.

One, is there a legitimate aim for the law? Two, is that law one which derogates from rights only insofar as it is necessary to so derogate? In other words then, that the law does not go any further in terms of derogation than it must. Those are really the two main limbs of the prongs for proportional consideration at law. Does this law have a legitimate aim?

Madam Speaker, the square legitimacy of this aim is that we seek to reintroduce into the corpus of the laws of Trinidad and Tobago, the concept of treating with gang activity, gang membership, gang leaders who enter into an enterprise to commit as

a grouping certain offences listed in the First Schedule of the law. The offences listed in the First Schedule of the law are things including serious crimes. They include threatening, demanding money, murder, shooting and wounding, robbery, assault occasioning bodily harm, possession of a firearm, ammunition, rape, sexual assault, kidnapping, kidnapping for ransom, offences under the Anti-Terrorism Act, offences under the Proceeds of Crime Act, et cetera.

So this law is intended to add a law which does not currently exist on the books of Trinidad and Tobago. And the aim and the legitimacy of this aim is that it brings to life the ability more on the preventative side of the law, because in the Bill before us, we seek, in defining in clause 5, what evidence is required for proving gang activity.

In clause 5 of the Bill, we speak to what evidence is necessary, saying that you do not have to go so far as showing that it is a common name or an insignia or a flag or a secret signal, et cetera, but instead you can use evidence which reasonably shows or demonstrates the existence or membership in a gang. That can include an admission that you are in a gang, evidence that you have associated with a gang, evidence of criminal activity, evidence of a person knowingly assisting, evidence of a person knowingly concealing, statements made or information given, distributed or communicated, that shows that that person is in a gang. Statements made by or on behalf of a person, whether orally or in writing or published or otherwise distributed by him, on his or on his behalf indicating involvement in a crime.

I have taken my time to speak to the evidence in clause 5 of the Bill because it is this kind of evidence which allows for us to bring alive the use of circumstantial evidence. Now, circumstantial evidence is a feature of the law. It catches in the legitimacy of the aim of this law the well-known current trend of advertising of gang membership, of boasting of gang membership, of recording evidence of crimes and, in that, we are giving the Trinidad and Tobago Police Service, law enforcement agencies, the fighting chance against crime and more so on the preventative side.

Madam Speaker, Trinidad and Tobago finds itself in a situation where the Government has—through its support in lawful channels, through the Ministry of National Security, through the National Security Council—we have organized something called the Organized Crime and Intelligence Unit, the OCIU. It is a combination of the OCNFB and the CGIU—the Organized Crime Narcotics Firearms Bureau and the Criminal Gang Investigation Unit, which both existed.

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

The Trinidad and Tobago Police Service has come together and said to the country, taking a veil of intelligence, we have a new entity. In fact, the authorized manpower is 400 persons. They are currently populated with 159 persons which is much more than the 12 which existed when the hon. Member for Siparia was Prime Minister.

But in the justification for the reintroduction of anti-gang laws, I would like to put on to the record that there has been an active disaggregation of gangs. The intelligence agencies have come to Trinidad and Tobago—and I would like to say, pursuant to the hon. Leader of the Opposition's request, I passed across documents treating with statistics. Specifically, they are but some of the statistical information, but the hon. Leader of the Opposition was very gracious in accepting that information. She had requested it and I so passed it this afternoon.

When we look to what the intelligence on gang activity demonstrates, we do have in the period 2014 to 2017, a 129 per cent increase in gangs. We have moved up from 92 known gangs to 211, and we have moved up, from the number of gang members in 2014, we have moved up from 1,500 persons to 2,459 persons, or a 63 per cent increase.

Madam Speaker, in this environment I would like to say that the intelligence agencies have disaggregated that 2,500-odd number of gang members as follows into: Rasta City gangs, 42 of them with 589 members; Muslims gangs, 55 of them with 670 members; unknown gangs, meaning not labelled by either one, at 11 of them with 81 members; and something called "neutral" gangs, 103 of them with 1,444 members.

In the justification for re-enactment, the Trinidad and Tobago Police Service has told us that of these gang types we can focus on street gangs, which would be Muslim, Rasta City and neutral gangs, as a first category, street gangs. Secondly, drug-distribution group gangs. Thirdly, prison gangs. Let me repeat that, prison gangs. Fourthly, youth gangs. The street gangs are gangs which operate in almost all the divisions, the nine divisions of the TTPS, and they are those entities that are divided into those two major street gangs, those who refer to themselves as Muslims, and those who refer to themselves as Rasta City. Then, there is of course that other grouping that says, look, we are neither. Let me explain how this operates.

The Muslim gang is really the gang which says that they have done shahada. Shahada is to declare your belief in Islam. Shahada means "I swear" in Arabic. I swear that I believe that there is one God. The Muslim gangs have come about in

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Trinidad and Tobago and they are, according to intelligence, engaged in narcotics, in firearms and ammunition, and these gangs are seldom in rivalry amongst themselves. That is the Muslim gangs. They are well coordinated and organized. They have a heavy youth involvement. They are very technologically savvy on social media, and they have a robust propaganda machinery. That comes from the intelligence agencies of Trinidad and Tobago. [*Interruption*] Yes it does.

The Rasta City gang was created out of the need to protect themselves from the more organized Muslim gangs. They were an amalgamation of several smaller gangs, largely in the East Port of Spain district, and then they migrated elsewhere, and they were avoiding the levies put on by the Muslim gangs, which the Muslim gangs incorrectly call a zakat, which is, of course one of the pillars of Islam, meaning charity. But they call this unlawful tax of criminal behaviour a zakat, and they should never do that because in Islam that is haram or forbidden.

Madam Speaker, the neutral gangs are those that are comprised of more mature, older in age, living on the fringes between the Rasta City and Muslim gangs, and they are really the brokers that go in between to broker the peace arrangements between these gangs.

When we come down to the drug distribution and street gangs, there is a significant network that goes on. This has been mapped by the intelligence agencies by street name, by location, by gang leader name, by known associate names. All of this has happened in the last two years. All of this has happened in the last two years. But the one that got me was the prisons gang. Prisons gangs have been formed where gang members go into prison and they continue to have the ability to run criminal empires from within the prisons. We heard an excellent contribution from the hon. Member for San Fernando East tonight talking about the levy on a contractor of \$80,000 per month.

11.15 p.m.

But, Madam Speaker, in coming with some information, I want to tell you, because the other side is wont to say, “What have they done?”—the Member for Naparima in particular. I mean, it really is a chore to listen to the contribution, but the hon. Member for Naparima is insistent: “What have they done? They have done nothing. Crime is this. Can they show us what is happening?”

The hon. Member for Port of Spain North/St. Ann’s West said to the country on several occasions in and out of Parliament that the Members of the Government sitting under the leadership of the hon. Member for Siparia presided over persons who sabotaged the law enforcement surveillance mechanisms in this country. That has been said openly.

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

One of the sabotage aspects was the failure to upgrade the prisons in terms of surveillance and to physically turn on the grabbers and the jammers. I would like to put on the record because they would like to know what is being done and whether we are operationally ready for this.

In 2017, at the Maximum Security Prison, intelligence agencies intercepted coming out of the prison by virtue of the technology that is used there, 1,809,825 telephone calls. They intercepted at Maximum Security Prison 337,489 SMS messages; at Remand Yard the number of calls that were intercepted, 1,331,809; the number of text messages at Remand Yard, 80,870; at the Royal Jail in Port of Spain, 1,164,966 calls and 89,070 text messages. That, Madam Speaker, tells you that the operational systems for looking at what is happening inside of the prisons' gang side of it is something that is well afoot. Intelligence exists, data is in possession of the law enforcement authorities lawfully so, pursuant to the Interception of Communications Act, section 6(1) and section 6(2) of the Interception of Communications Act and that is something which is lawfully organized.

But, Madam Speaker, we hear the hon. Members ask the question and the hon. Member for Siparia asked a very important question: How do we know how many murders are involved as gang murders? Because murder is the number one barometer, and we have confirmed that in 2017 there were 79 gang-related murders; in 2016, 127; in 2015, 141; in 2014, 142; in 2013, 197. So what we are showing is that from 2013 come down to 2017, the number of gang-related murders in this country is going down and not the way the hon. Member for Siparia put it, that under PNM it goes up.

And, Madam Speaker, when we go further and we look to the percentage this year alone, between January 1st to December 4th, there were 462 murders in gear, and of that 82 of them were gang related, almost a 20 per cent factor, we see that this is something which is intolerable. I am putting this out to demonstrate that there is a legitimate aim borne out by way of statistical information not elsewhere in the world, but right here in Trinidad and Tobago.

Madam Speaker, the hon. Leader of the Opposition and several Members asked about consultation with the DPP and the Law Association, the Criminal Bar and the Judiciary. We have put onto the record that we wrote, we called, we asked, we begged, we requested, we went to the justice committee meetings, but we got no responses from anyone other than the TTPS.

But I would like to say this, it stands to reason—because there are 40-plus matters in the High Court, 33 matters in the Magistracy, with the DPP having been involved since the proclamation of the Anti-Gang Act in 2011, and there are ongoing prosecutions at the High Court and the Magistrates' Court on the old expired law—that there have been no complaints coming from the DPP's office and therefore, it stands reasonable to conclude that the DPP has nothing to add by way of improvements, because he is engaged in prosecutions. And in fact, in those cases where there was no evidence, he discontinued on the basis that there was no evidence, never was it a submission in the courts of law that there was no good law.

Madam Speaker, I would just go very quickly over a few points. I would like to say that the hon. Leader of the Opposition said something which caused me great concern. The hon. Leader said that there were serious criticisms on the old law and the hon. Leader referred to the case of Justin Charles v the Attorney General. I pulled the case of Justin Charles v the Attorney General, it is *Justin Stuart Charles v the Attorney General*; it is CV No. 74 of 2016. It was heard together with CV 3475 of 2016 which is the matter of *Danielle St. Omer v the Attorney General*.

The appearances in that matter were Gerald Ramdeen, Anand Ramlogan, and what they challenged and what the judge dealt with from the opinion, the 51-page judgment of the honourable judge was not a reflection on the anti-gang law. It was solely a reflection on the bail amendments which were made in 2015 by the UNC Government. So, understand this. Attorney General for the United National Congress, Senator for the United National Congress, Gerald Ramdeen, are in court challenging the amendments made on the Bail Act and related it to the constitutionality of the Bail Act. And I have every page of the judgment here tonight out of caution and there is not a single bit of reflection on the anti-gang law. And that is important to put on the record because there is no judicial frowning upon the anti-gang law as it was standing on the books of Trinidad and Tobago from 2011 go forward.

Madam Speaker, very importantly, in that judgment, the court traversed the history of amendments and I ask members of the public to read in particular the extracts lifted from the speeches of Bridgid Annisette George as she was Attorney General in 2008, from Anand Ramlogan as he was Attorney General, from Garvin Nicholas as he was Attorney General, and the judge traces the 11 amendments on the Bail Act which do not form part of this law tonight, but treated with how Trinidad and Tobago has become more and more a dangerous place and what Parliament's reaction to limiting rights stood in terms of justification.

Anti-Gang Bill, 2017
[HON. F. AL-RAWI]

Wednesday, December 06, 2017

Madam Speaker, it is very important to note in relation to this that there is truth to the hon. Leader of the Opposition's position that the law that was circulated under the letter of August 4th, the draft Bill is slightly different. It is different, number one, because we have removed the references to civil asset forfeiture because we will bring that in stand-alone legislation.

And number two, and very importantly, we cut out the amendments to the Bail Act. This law does not coordinate with 120 days no bail or that you can only have bail between 120 days and one year if your case does not conclude before one year, this laws does not have that as a feature of the law, and therefore, the law that we bring now is not at risk of judicial criticism because we have left out the Bail Act and is a very important point.

So, I will give you now the last summary. There are three positions raised by the hon. Members of the Opposition. One, that there should be a removal in the First Schedule of the reference to the sedition laws; two, that we should have a sunset clause; three, that we should treat with section 15 of the Bail Act by removing the ability to enter without a warrant.

I have circulated amendments to hon. Members which we can discuss in committee stage, I will just deal with one of these points and then I will end. The point that I must put onto the record is in treating with the warrant positions in clause 15 of the Bill.

First thing that I wish to say, clause 15 of the Bill is an exact replication of the clause 12 of the last law which went. And clause 15 of the Bill which says:

"A police officer may arrest without a warrant a person whom he has reasonable cause to belief that he is a gang leader or gang member or who he has reasonable cause to believe has committed an offence..."

Number one, it was the old law; number two, in the Joint Select Committee's report into Parliament, it was actually specifically included as an amendment agreed upon by every single Member of the Government now Opposition, but more importantly I wish to put onto the record, that the Police Service Act, Chap. 15:01 at section 45 and section 46 specifically provide for arrest without warrant. Section 45(b) says:

"A police officer—

may arrest, charge and bring before a summary court a person found committing any offence rendering him liable to arrest without warrant, or whom he reasonably suspects of having committed an offence;"

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

And 46(1)(f) says.

“A police officer may arrest...”

a person whom he finds in any public or private place or building and whom he suspects upon reasonable grounds of having committed or being about to commit an offence;”

I heard across the floor, “Why not leave it there”?

Number one, we are permitted to leave it there in the Bill as it stands because we would be directly within the dicta of Baroness Hale in the Surratt case because even if a court were to look at this as a derogation from the existing law, which it is not clearly, it goes no further than the existing law, and that is the material part of the dicta in Baroness Hale which is the Privy Council decision which stands as the supreme ruling in this area of proportionality and of balance of rights.

Number two, it is necessary for consistency of judicial application and approach that the law is clearly stated.

Lastly, and this is perhaps the least of the reasons, if it was good enough for the Government when it was a UNC Government, then it should certainly still be good enough for the Government, notwithstanding the fact that there has been a change in the political party which sits in Government.

Madam Speaker, I welcome the recommendations and discussions in the committee stage. This is proportionate law, it is long overdue, these laws should never have collapsed from the books of Trinidad and Tobago, it gives us a fighting chance against criminality, we are definitely within the realm of proportionality as it is supposed to be within the meaning of section 13 of our Constitution and the Privy Council dicta, and 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 House.

House in committee.

Madam Chairman: So, Members, we will take clauses 1 to 5 in a block. Is there agreement on that?

Mr. Al-Rawi: The first amendment is 15. [*Crosstalk*]

Madam Chairman: Clause by clause?

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed: That clause 2 stand part of the Bill.

Madam Chairman: Member for Siparia.

Mrs. Persad-Bissessar SC: Thank you. Through you, Madam Chairman, to the hon. AG, this is another piece of legislation which gives a future date for a proclamation. Do you have any idea as to when the Government proposes, any idea at all? Because we have some that have been passed for quite some time with these kinds of proclamation dates and have not been proclaimed. Do you have any idea when you may want to bring this in?

Mr. Al-Rawi: This one will probably be with extreme urgency, so I do not think that it could take more than a couple of weeks quite frankly because there is not much in the way of this kind of point. It would be just the usual writing to the Judiciary and the DPP in particular to inform that this is the law and ask if there is any objection to its proclamation, and that is just a formality.

Mrs. Persad-Bissessar SC: And this time you will give them a deadline if they do not?

Mr. Al-Rawi: I give them a deadline every single time. I call every Monday morning and I write follow-up letters every single week, and I phone call and I visit their offices and, in fact, I chase them down the corridor when I see them as well.

Mrs. Persad-Bissessar SC: But you will proceed if they do not respond?

Mr. Al-Rawi: Yes.

Mrs. Persad-Bissessar SC: Okay.

Madam Chairman: Member for Tabaquite.

Dr. Rambachan: Hon. AG, you said it is a mere formality with the DPP that you will write him, it is a mere formality. What do you mean by mere formality?

Mr. Al-Rawi: I should not say it is a mere formality. It is a formality which I must exercise, a formal process in respect of those stakeholders. I usually write to all, the Law Association; the Judiciary; the DPP; the Criminal Bar and inform that this law has been assented and we wish to proclaim it, could they advise if there are any steps. There are several pieces of law that I am waiting right now for their response on, for instance, the plea bargaining, because there are some forms that have to be done and printed, et cetera, so those things are being sorted out as we speak.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Dr. Rambachan: And did you mean anything special when you said “provided that he does not have any objections”.

Mr. Al-Rawi: Well, sometimes you make—it is out of an abundance of caution and to make sure you have perfected the record. So, at least, somebody cannot say that, “Look, it was discourteous of you to not have written”. And you would recall a similar exercise happened when the DPP wrote in the section 34 matter. It was the DPP writing to say that this was not on, that caused, in fact, the amendments to come to the House.

Dr. Rambachan: But as you know he had also publicly stated his position on the last Bill.

Mr. Al-Rawi: That was prior to the Joint Select Committee. So those 10 points as read out were prior to the Joint Select Committee. And in any event as I have said before, the Office of the Director of Public Prosecutions is actively engaged in, at least, 77 matters on the anti-gang and saw the discontinuance on 234.

Dr. Rambachan: And since these 10 matters, you are certain in your mind that he now has full agreement with what you—

Mr. Al-Rawi: I would not dare to cross the constitutional boundary into section 90 of the Constitution. I would not dare to do that.

Madam Chairman: Member for Caroni East.

Dr. Gopeesingh: My colleague asked the question. It was answered already.

Question put and agreed to.

Clause 2 ordered to stand part to the Bill.

Clause 3 ordered to stand part of the Bill.

Clause 4.

Question proposed: That clause 4 stand part of the Bill.

Madam Chairman: Member for Siparia.

Mrs. Persad-Bissessar SC: Thank you. To the hon. AG, where you have:

“‘gang-related activity’ means—an offence;...”

And then the marginal note reads the “First Schedule”, I do not know if you want to consider—I have to look at clause 6 and this particular clause together, so I do not know if you want to take the point then or now.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mr. Al-Rawi: I have no objection, subject to the hon. Chair's position.

Madam Chairman: Well, I think we will take the both clauses together. I think we may very well run the risk of what we have discussed here, having to repeat it at clause 6.

Mrs. Persad-Bissessar SC: Okay.

Madam Chairman: So we will take 4 and 6 together.

Mrs. Persad-Bissessar SC: Thank you, Madam Chair.

Madam Chairman: Okay? So can we just vacate and go to clause 5?

Clause 4 deferred.

Clause 5 ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Mr. Al-Rawi: Madam Chair, just for the record we have a few minor amendments to clause 6, really it is just to insert a word after the word "intelligence" as it appears in subclause (4) and subclause (5), so that it would read:

"...member of a protective service agency or a person involved in law enforcement or intelligence gathering..."

So you have added the word "gathering" to both subclauses (4) and (5), wherever the word "intelligence" appears, we have inserted it after. Those are what the circulated amendments include. So with that said, could we then consider now the recommendations as the hon. Leader of the Opposition for 4 and 6?

Mrs. Persad-Bissessar SC: This may be just a drafting issue.

Mr. Al-Rawi: Sure.

Mrs. Persad-Bissessar SC: But I am a little concerned. I am seeing at clause 6, I did not propose an amendment because I am seeking clarification. Okay? On this clause 6. Where:

"A person who—is a gang leader; ...gang member; professes to be..."—some such—"commits an offence."

Okay? So just by virtue of being a gang member—

Mr. Al-Rawi: Yes.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mrs. Persad-Bissessar SC:—that is just an offence simpliciter. You do not have to do anything else?

Mr. Al-Rawi: Correct.

Mrs. Persad-Bissessar SC: You do not have to commit any of the offences in the Schedule?

Mr. Al-Rawi: No. But they will because the gang member is involved in gang activity. So, the first element of it is that you are a member.

Secondly, is that you are involved in gang activity. The two actually flow together. There is a school of thought that says that one does not actually require a definition for gang-related activity because it is subsumed by the whole operation of the law. We have had the benefit of the Stewart decision from Mr. Justice Bureaux who traversed how someone commits an offence because it is sort of intertwined in a chicken and egg kind of argument which I saw the Joint Select Committee wrestle with as well in 2010. A gang member must be part of a gang which is engaged in criminal activity, so the two are never divorced from each other.

I do understand, I saw it in the verbatim reports of the 2010 that there was wrestle on the same point. I preferred not to eliminate the definition of “gang-related activity” even though there was some live discussion to that effect in the CPC’s department. So that I would keep with what the original context of the law looks like. And secondly, because it had already passed through the Court of Appeal decisions. And, in fact, I should add, there was a prosecution, a successful prosecution under the Anti-Gang Act, and it was, God rest his soul, by PC Manwaring who was murdered outside of the prison. He, in fact, was the prosecuting officer that took a successful conviction under the Anti-Gang Act. So there have been several cases that have already passed through and I did not want to disturb that.

Mrs. Persad-Bissessar SC: Okay. Now:

“‘gang-related activity’ means—an offence;”

And the offence now is as contained in the First Schedule, those are the offences.

Mr. Al-Rawi: Yes.

Mrs. Persad-Bissessar SC: 4(a), under gang-related.

Mr. Al-Rawi: Understood.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mrs. Persad-Bissessar SC: I do not know if you may want to consider, you said they have grappled with it elsewhere, but if you may want to consider to actually re-use the word “offence” and define it as being in the First Schedule rather than the way it is done here. Gang activity means an offence and then, of course, attempts and so on and aiding and abetting. Sure.

Mr. Al-Rawi: I understand and I think that you are referring to the fluidity of how it is written. The statutory interpretation which comes from the Bennion—I usually mispronounce that word, is that you read the chapeau, the indentation and the chaussure, the top, the middle and the bottom of the clause together. So it actually reads:

“‘gang-related activity’ means—an offence;...listed in the First Schedule, which a gang leader or gang member plans, directs, orders, authorizes or requests;”

And that is made so by the disjunctive “or” which flows after (c). So any one of these (a), (b), (c) or (d), read chapeau, the thing and then the chaussure. So:

“‘gang-related activity’ means—an attempt to commit an offence; listed in the First Schedule...”et cetera, et cetera.“...means—the aiding, abetting, counselling...”—et cetera.

So that is the current style I should say of the CPC’s department.

Mrs. Persad-Bissessar SC: AG, I love your Latin, I mean it is so eloquent, but look at this.

Mr. Al-Rawi: Oh, French.

Mrs. Persad-Bissessar SC: Oh, French. Look at this. Look at what you have done, gang-related activity (a). Okay?

Mr. Al-Rawi: Yes.

Mrs. Persad-Bissessar SC:—which you have just explained the chapeau, “bla, bla, bla, bla”. Then when you come to (d), I am sorry, when you come to (d), look at what the drafters did.

“a conspiracy to commit an offence, listed in the First Schedule...”

Mr. Al-Rawi: Yes.

Mrs. Persad-Bissessar SC: That is all I am asking, that you do an offence listed in the First Schedule. And your marginal note says “First Schedule”.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mr. Al-Rawi: But they are all subjected to be listed in the First Schedule, every one of them, (a), (b), (c) and (d) is listed.

Mrs. Persad-Bissessar SC: So why have you done it in—maybe there is a difference; why have you done it in (d) and not in (a)?

Mr. Al-Rawi: No. It is because the description of inchoate offence is done that way, “a conspiracy to commit an offence”. And we did this because we married section 66 of the Interpretation Act with this.

Mrs. Persad-Bissessar SC: I see no harm quite frankly, eh, and it would make for those of us who practise this kind of law, it would make it easier for them to identify immediately, because I had to read it a few times, an offence. Okay. Why the Schedule? And when you get here, you do have it in the Schedule gang-related activity offences to 20 or whatever. Is there any harm, Sir, in inserting it for clarity?

Mr. Al-Rawi: Respectfully, hon. Member, it is clear. So how would you suggest (a) read?

Mrs. Persad-Bissessar SC: (a) can be read gang-related means an offence listed in wherever, and then you can say an attempt to commit whatever that is (a), and then underneath, aiding and abetting with respect to (b).

11.45 p.m.

Mr. Al-Rawi: So the word listed at the end of offence. But the point is that it is at the bottom which must be read, so you plug it in just before the word “listed”, so it reads correctly as is. Or, if I said “listed” at the end of (a):

“‘gang related activity’ means—an offence listed; listed in the First Schedule...”

—is how it would read. So the listed would be twice, so it would be wrong to put it that way.

Mrs. Persad-Bissessar SC: No, no, no, you would not have to list it twice. You just refer back the (b), and the one in (b) you just refer it as in (a), and (c) as in (a). You have done it in other parts, you know. It is done in other parts.

Mr. Al-Rawi: Hon. Leader, it reads right, and the CPC department is also confirming it as well.

Mrs. Persad-Bissessar SC: Well, they have no choice, do they? Your Prime Minister has said no. Thank you very much. We proceed.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Clause 6 deferred.

Madam Chairman: I will now put the question in respect to clause 4.

Clause 4 reintroduced.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 6 reintroduced.

Madam Chairman: The question is that clause 6 be amended as circulated.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8.

Question proposed: That clause 8 stand part of the Bill.

Mrs. Persad-Bissessar SC: Seeking clarification in respect to “retaliatory action”. Whilst I understand the normal meaning of the word, would it be a term of art? Retaliatory action, what would that include? If I make a phone call, is that retaliatory action? If I call someone and say, “Do not do that, or do this?”

Mr. Al-Rawi: Okay. So as a whole, the clause would be read, we have lifted literally verbatim from Jamaica where they have actually had judicial consideration of it. It would be read:

“Ejusdem generis and of the quality and type set out in section 8(1).”

So a person shall not take retaliatory action—it will be read in the normal and ordinary meaning—against another person, or any other persons’ relatives, et cetera, on account of that other person doing certain things. So it is left wide open for judicial interpretation and discretion.

Mrs. Persad-Bissessar SC: Thank you.

Question put and agreed to.

Clause 8 ordered to stand part of the Bill.

Clause 9.

Question proposed: That clause 9 stand part of the Bill.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mrs. Persad-Bissessar SC: Thank you, Madam. Again for clarification, “a person who knowingly counsels”, would that include a lawyer?

Mr. Al-Rawi: Perhaps. Because it must be within the quality of a person who knowingly counsels a gang leader, gang member, or gang in furtherance of its participation involvement in/or commission of a gang related activity commits an offence. So if the lawyer was involved in unlawful behaviour, yes, it could.

Mrs. Persad-Bissessar SC: Okay. Just being clear. If I give legal advice, but I do not do this kind of matters.

Mr. Al-Rawi: I am sure it is not in furtherance.

Mrs. Persad-Bissessar SC: Not in gang related matters. Okay. Thanks.

Question put and agreed to.

Clause 9 ordered to stand part of the Bill.

Clauses 10 to 12 ordered to stand part of the Bill.

Clause 13.

Question proposed: That clause 13 stand part of the Bill.

Mrs. Persad-Bissessar SC: Thank you. Through you, Madam, I have seen in other parts of the Bill where you offer a way out of an offence—as a defence. In the case here in clause 13(2) and (3), and so on, there is nothing for (4).

Mr. Al-Rawi: It is page over on subclause (4).

Mrs. Persad-Bissessar SC: Okay, fine. So the defence there, if he proves that he did not know.

Mr. Al-Rawi: Yes.

Mrs. Persad-Bissessar SC: So, that is one defence. I am considering where, for example, not necessarily I am harbouring one of these people, a person is not necessarily concealing a gang leader, these are enquiries that are being made, and I do not give the information. Can we consider where it is, I may be under duress, they might have my child somewhere, they might have my husband somewhere, or my daughter somewhere, can we consider an issue—

Mr. Al-Rawi: That is a proper defence.

Mrs. Persad-Bissessar SC: I do not know. No, I do not know, it is not there. *[Interruption]* No, please, I am asking the hon. Attorney General for his legal advice, which I respect.

Mr. Al-Rawi: I think, hon. Leader, that—I think it is a good question to raise, because carving out subclause (4) as a defence, one might—

Mrs. Persad-Bissessar SC: That is one kind of defence.

Mr. Al-Rawi: Yes,—be led into the belief that it is just one kind. The purpose of putting the subclause (4) the way we have, borrowing from the old Bill in fact, is really to treat with knowledge. So, we are reversing the burden temporarily, so the burden goes to the defendant, the accused to say, well, okay, I have a defence, and then that is done on a balance of probability, it is not on a proof beyond reasonable doubt on a reversal of burdens standard, and then it pitches back to the prosecution, and all defences are available otherwise. [*Interruption*] Correct. So all of the other defences available, whether they are under statute or common law, including duress, would kick in at that point.

Mrs. Persad-Bissessar SC: Okay. So, all you have done here is to shift the burden of proof?

Mr. Al-Rawi: Yes, just temporarily, and the caution and fairness of it is that it is on a balance of probabilities on that shift, on the initial shift.

Mrs. Persad-Bissessar SC: Okay. Fifteen, somebody will have the old 15, eh.

Question put and agreed to.

Clause 13 ordered to stand part of the Bill.

Clause 14 ordered to stand part of the Bill.

Clause 15.

Question proposed: That clause 15 stand part of the Bill.

Dr. Gopeesingh: Madam Chair, I have a serious concern with 15(1), with respect to the issue of without a warrant. The police officer may arrest without a warrant. I would like to suggest for consideration, replace the word “without” and insert “with”. Replace the word “without” with the word “with”. And insert after the word “warrant” the words “by a magistrate so enabling him to do.” I am telling you this because many of you would know I was subjected to this type of humiliation in 2002 by police officers coming into my medical practice without a warrant and asking to search, and when I asked them for the warrant, they had none.

So they told me that—I had patients in my office—they will come back with a warrant. They came back at one o’clock, had no warrant. They searched my office, they searched my patients’ notes area, which they ought not to have done, they took nothing

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

with them. Then they proceeded to indicate to me that they will search my home. My wife who was an attorney for almost 27 years and a post graduate of the Hugh Wooding Law School, sat at home, and they came without a warrant there as well, and my home was subjected to humiliation, and the privacy and the sanctity of my home was lost. They found nothing. They took nothing. A charge was laid upon me before Chief Magistrate Mc Nichols. Not about corruption or anything, and Mc Nichols told them after two years that these charges are not known to law. The State was not satisfied. The State appealed the matter before Justice Mayers. He heard it for three days. He also agreed these charges are not known to law, so, I am very uncomfortable, and you may not get my support because of that issue.

And therefore, I find it is unconscionable to go and search somebody's home or premises. Further on in this, it has where premises are to be searched. My office is a premises, and so therefore what I am asking for is that “with a warrant by a magistrate so enabling him to do.” And I do not see any major difficulty with that. And that goes for 15(1).

Mr. Al-Rawi: Thank you.

Dr. Gopeesingh: You would understand, Attorney General, that could happen to anybody. Based on what our hon. Prime Minister has been saying, there are bad elements within the police service, as well; there are good police officers. There are bad people who may have their agenda of their own, and after I had practised for almost 28 years as the leading Caribbean gynaecologist to be humiliated—*[Crosstalk]*

Mr. Al-Rawi: Hon. Member—*[Crosstalk]*—hon. Member—*[Crosstalk]*

Madam Chairman: Order!

Mr. Al-Rawi: Madam Chair—thank you for sharing such a personal—

Dr. Gopeesingh: You could understand how I feel?

Mr. Al-Rawi: Yes, I certainly do and I can understand the vindication that was worth the while, and the tragedy of how the course went. I do understand and I have great empathy for the position. But, in listening to you, first of all, I would say that I understand the concern. I note that the disposition of that particular matter you referred to fell upon the basis of the charges not being known in that law. Not on whether the search was conducted lawfully or not, because it would have been open to say that a warrant was required.

If it was, because I am coming to the second point, that under section 45 and section 46 of the Police Service Act there is express authority in that legislation for searching any place, private, or public, or otherwise, if there is reasonable suspicion. The balance to that draconian measure in law is the remedy in tort of malicious prosecution, albeit there is a difficult hurdle there, and also if somebody is incarcerated it is usually accompanied by false imprisonment. There is excellent dicta on that all the way from the Privy Council come back. In fact, as Attorney General, on a constant basis I am faced with having to pay damages for false imprisonment and malicious prosecution. So, if I could answer your concern in summary:

One, the current law is that you can exercise without a warrant at any place anywhere for reasonable cause. It is so set out in sections 44 and 46 of the Police Service Act, Chap. 15:01.

Two, it was included in the law by way of repetition from the 2011 law, specifically because we wanted to make an exception for dwelling premises as we do in subclause (2), and to make sense of the law and not have this argument of implied repeal of law, and particularly where you have statutory provisions which are in conflict with other statutes, the law is the more recent statute impliedly repeals or amends the previous law. Because we wanted to make sure that nobody could come into a home without a warrant, in subclause (2) we had to treat with subclause (1) the way we did, and in fact subclause (3).

So, subclauses (1) and (3) are an exact replica of without warrant entry as we had in the old law, which was section 12(1), 12(2) and 12(3); it is exactly the same. The rationale is, it is known to law, and specifically to make an exception to the known law, the Police Service Act, to make sure you have a warrant for subclause (2) for dwelling house, we had to treat with the other two examples.

Dr. Gopeesingh: I heard you. It does not mean to say that because something has been under the statute under the Police Act, which has not been challenged, unfortunately.

Mr. Al-Rawi: May I ask you this. This terrible incident that you spoke of, did it happen prior to 2010?

Dr. Gopeesingh: Yes, in 2002.

Mr. Al-Rawi: Good, and in the five years and in the fulsome debate that we had on 16 occasions when we debated the anti-gang law in 2011, when this exact formula appeared in 12(1), 12(2) and 12(3), save for the introduction of the words “gang leader”—that is the only thing that is different—none of this was put forward?

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Dr. Gopeesingh: I had serious discussions with my Attorney General, and as a member of the Cabinet I almost had to recuse myself, and that came. And my colleagues would tell you that, when he brought some of these things to Cabinet, I was not in agreement. So I still hold out the fact that I am still not in agreement with it.

Mr. Young: But you went ahead with it?

Mrs. Robinson-Regis: But you went ahead?

Mr. Hinds: But you went ahead with the law?

Mr. Al-Rawi: Regrettably, Madam Chairman—

Madam Chairman: May I just, Attorney General—

Mr. Al-Rawi: Yes.

Madam Chairman:—take the comments from the Member for Laventille West, and then I will revert to you. Member for Laventille West.

Mr. Hinds: I was merely about to observe the Attorney General then still got his support, you know. But we can pass that.

Madam Chairman: Yes, Attorney General.

Mr. Al-Rawi: I thank the hon. Member. I do appreciate and understand the very personal reflections brought too. I think that in the round in making law under the veil of ignorance that we must in law, I think that the law speaks well, because we want to give the benefit of the dwelling house in subclause (2), and more particularly, I do not want to run the risk of having an allegation of an implied repeal of sections 45 and 46 of the Police Service Act, Chap. 15:01.

Dr. Gopeesingh: [*Inaudible*—enactment will nullify—

Mr. Al-Rawi: Can potentially, yes.

Dr. Gopeesingh:—the previous one. So what about if I take a constitutional matter to nullify this subsequent to it being passed, on this issue?

Mr. Al-Rawi: It would fall to the deliberations as to whether it was proportionate and reasonably justified.

Dr. Gopeesingh: Well, suppose I decided to take it to the Privy Council myself personally?

Mrs. Persad-Bissessar SC: If you vote for it today, it will have the special majority.

Mr. Al-Rawi: But still subject to reasonableness.

Mrs. Persad-Bissessar SC: Yes, but he will not be able to charge it—

Mr. Al-Rawi: So section 13—for instance the case that I referred to, the Kevin Stewart case, the St. Omer case, that case the entire Parliament, the PNM and the UNC voted in 2015 to amend the Bail Act. We gave it 27 votes. We voted for the law, both with you and us together, and the court still struck it down, saying that it was unconstitutional notwithstanding the passage of three-fifths, notwithstanding the fact that the very person who was advocating the case was the Attorney General who passed the law himself.

Mrs. Persad-Bissessar SC: [*Inaudible*—justifiable.

Dr. Gopeesingh: A matter before the Appeal Court, an Appeal Court can change its original version. A judge would go by precedence in the First Court, but in an Appeal Court—

Mr. Al-Rawi: In any court it is open for a judge to change the law on that point. So, in the round, hon. Member, respectfully, I cannot agree. I do appreciate and understand the submission made however.

Dr. Gopeesingh: Yeah, well, I just want to reiterate my objection to it, and I stand to vote by my conscience.

Mr. Al-Rawi: I hear you. I did not understand the Whip was lifted. [*Interruption*] So the Whip is lifted? That is a serious question, eh.

Mrs. Persad-Bissessar SC: We would decide that when we come to vote. We still have changes we want to see. We want to see some amendments.

Question put and agreed to.

Clause 15 ordered to stand part of the Bill.

Clause 16.

Question proposed: That clause 16 stand part of the Bill.

Mr. Al-Rawi: Madam Chair, the Government proposes an amendment to clause 16 to literally just make it read a “little bit” better. If Members were to flip to page 12 of the Bill in the actual Bill itself, not a photocopied version, what we are seeking to do in subclause (6), even though it says delete and replace, it really is not a significant amendment. What we seek to do is to take the words appearing at 6(a) “necessary to”, move it up into the chapeau so that the chapeau reads:

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

“Where the police officer under subsection (5) has reasonable grounds to believe that the continued detention of the person beyond seventy-two hours without charge is necessary to.”

And then we take what is (i), we make that (a); we take what is (ii), we make that (b); and we take what is (b) and we make that (c). So it would read as just read where it is necessary to:

- “(a) obtain, secure or preserve evidence relating to an offence under this Act to be sure that it was under this Act we were bound;
- (b) prevent interference with an investigation of an offence under this Act; and
- (c) prevent the commission of an offence, the police officer may apply ex parte to a judge.”

In the old law it was a magistrate, we are bumping it up now to a judge in the form set out in Form 1. That is in a nutshell what the circulated amendment at clause 6 proposes, Madam Chair, but I—16, forgive me? And I do know, however, that there are circulated amendments to 16(1) by the Opposition. Perhaps I should give way.

Madam Chairman: It would be renumbered as subclause (5)?

Mr. Al-Rawi: Oh, forgive me. [*Interruption*] Forgive me, I jumped straight on to (5)—I skipped straight pass (5). So in subclause (5) we are proposing to delete the words, “the police officer shall order the release of the person”, and not leave it up to just that police officer, because it could be abused, and we are saying the detained person shall be released. So that once the circumstances upon revision demonstrated that the person should no longer be held beyond that 48 hours, within that review period that nobody could run an obstacle to say well that officer must be present for it. It must just be a release factor.

Mrs. Persad-Bissessar SC: So you removed the discretion of the officer?

Mr. Al-Rawi: Yes. Yes.

Madam Chairman: Okay, and we have some amendments also circulated by the Opposition for 16(1), Member for Siparia, or if this is also the Member for Caroni East.

Mrs. Persad-Bissessar SC: Yes, 16(1), let us just see.

Dr. Gopeesingh: That is the same issue.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mrs. Persad-Bissessar SC: That was the same issue with the warrant.

Mr. Al-Rawi: Understood.

Mrs. Persad-Bissessar SC: Yeah. Yeah.

Madam Chairman: Okay.

Mrs. Persad-Bissessar SC: Contrary without warrant detain, and so on so on. All right, we would move on from that.

Question put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17 ordered to stand part of the Bill.

Clause 18

Question proposed: That clause 18 stand part of the Bill.

Madam Chairman: There are two sets of amendments. Attorney General.

Mr. Al-Rawi: Madam Chair, in the recommendations of the Government, we propose to split the Schedules for different treatment. The First Schedule which is the very important Schedule, gang-related activity offences is one which we believe should stay as the old law had it and be subject to affirmative resolution of Parliament. However, the form which is a perfunctory sort of thing which can from time to time be in need of amendment, which is how you set out the application for a detention order, which is just simply a form, we preferred if that could be a more flexible route and to have that done simply by way of Order.

We are, of course, open in those circumstances to have clause 18(b), 18(1), we delete the words and “Second”, so what you are having is “The Minister with responsibility for national security may by Order subject to affirmative resolution of Parliament amend the First Schedule”, singular. And then (2), we would insert “The Minister with responsibility for national security may by Order amend the Second Schedule.” Those are the reasons for the proposal to amend clause 18 as we have suggested. I note, if I may just touch it, that there is a recommendation coming from the Opposition for treatment of a sunset clause. We do propose to introduce a sunset clause, but as a separate clause.

Mrs. Persad-Bissessar SC: The responsibility being given to the Minister is the first part. It seems to me that you have taken our suggestion to remove sedition from the list of gang related offences.

Anti-Gang Bill, 2017

Wednesday, December 06, 2017

Mr. Al-Rawi: Yes. Sorry, we would have come to that in just a little while because we have not dealt with the Schedule yet.

Mrs. Persad-Bissessar SC: Okay, but it is related you see.

Mr. Al-Rawi: Yes, ma'am.

Mrs. Persad-Bissessar SC: So if we do that and remove sedition, based on our recommendation, and we thank you for taking it on board.

Mr. Al-Rawi: Which we accept.

Mrs. Persad-Bissessar SC: However, if you leave clause 18 here—I am asking it be deleted—it would be a fillip kind of thing, because the Minister may at any time change it. So that same sedition we remove today—

Mr. Al-Rawi: No, no, no. Sorry hon. Leader.

Mrs. Persad-Bissessar SC: One moment please.

Mr. Al-Rawi: Please go on, I am listening.

Mrs. Persad-Bissessar SC: He just cannot speak quiet. So we have the Order subject to affirmative resolution of the Parliament, which is a given. A given being that once the Government does it through the Minister's Order, then the Government is going to support it by the affirmative. So I think it can be this week we have sedition taken out, and next week an order comes we come back for affirmative resolution, and sedition is back in. Anything could be happening. I am very serious. I mean, almost everyone here has spoken about the sedition issue, and you know the other offences you have there, the other issues are slight to us but that sedition matter is very serious for us, and therefore I respectfully, again, recommend our proposed amendment where you take out 18 altogether for orders with respect to the First Schedule.

Mr. Al-Rawi: May I—

Mrs. Persad-Bissessar SC: With respect to the Second Schedule, certainly you can go ahead with how you have reworded it here.

Mr. Al-Rawi: Sure. May I ask you to consider the following: So this clause 18 is literally the same as was in the previous law.

Mrs. Persad-Bissessar SC: It may have been, but—

Mr. Al-Rawi: Not just because, okay, just let me get through it. So it is the same clause as was previously in the 2011 law. But any amendment to the schedule, even if it was going to be by a full Act of Parliament, is going to be on a

simple majority. It is not going to be on a three-fifths majority to amend the schedule. So whether I did it by way of Order or by way of moving the entire Parliament to do a Bill as opposed to an Order, it is going to be on simple majority, and anyone who has the majority will be able to achieve that.

We recognize that the TTPS's recommendation which, by the way, is where the sedition recommendation came from, is to be removed. We thank you for raising the position. We agree with you and we have removed it. But to give you a little bit of comfort, the position of amending the Order, amending by way of Order, and amending the Bill itself, will both be by simple majority. So, we found that there was merit in the original approach in the 2011, save only as to separating out the forms from the First Schedule. We agree the First Schedule is a matter of priority for the attention of the full Parliament, not by negative resolution. In fact, the Joint Select Committee report suggested negative. When it came to the Parliament the Independent Bench suggested affirmative, and that is where it was changed in the Senate, and then the House accepted the Senate amendment. So we added them, Opposition and Government in 2011. We all went for negative, and now we are stuck with the positive approach. I am hoping I have persuaded you somewhat.

Mrs. Persad-Bissessar SC: Well, I have other Members who were very concerned, so let us see—

Madam Chairman: Member for Caroni East.

Dr. Gopeesingh: Thank you, Madam Chair. This Bill as it is here now requires a three-fifths majority, and this clause no. 18 is part of the Bill, and what I am getting from the Attorney General is that this here, if the Minister or the Attorney General has to change anything on the Order, it just requires a simple majority, and that is the dilemma that I have in my mind. The entire Bill requires a three-fifths majority, but this part which is significantly important, because you can change any part of that schedule to suit the situation that you may require, and which does not need the special majority.

So why must that be so. And I support the Leader of the Opposition in asking for that 18 to be deleted as far as the First Schedule is concerned. I hope you heard my—

12.15 p.m.

Mr. Al-Rawi: Yes, I did, I did. Madam Chair, I see the Member for St. Augustine is asking—

Madam Chairman: Member for St. Augustine.

Mr. Ramadhar: Thank you very much, Madam Chairman. I too endorse the sentiments of the Member for Siparia and the Member for Caroni East. To do otherwise would really be to undermine the purpose for which we have been arguing for the removal of that section. And the Member for Caroni East is quite right. If it requires a three-fifths majority now to pass with our approval, how could it be—and there must be a mechanism by which we could prevent a Government from bringing an Order that requires just a simple majority to fundamentally change the offences that we are seeking to have out now.

Mr. Al-Rawi: Madam Chair, I have just had an opportunity to do a small caucus. Honestly, I am prepared to agree that we change the position. If it is that hon. Members do not want the First Schedule to be amended at all other than by way of an Act of Parliament, it is not objectionable to me, because the same logic would apply, Order or Bill. So if hon. Members—*[Interruption]*

Mrs. Persad-Bissessar SC: We only saw this a couple of days ago. Out of the abundance of caution, we thank you if you remove it.

Mr. Al-Rawi: Sure. No, problem.

Mrs. Persad-Bissessar SC: Clause 18, gone.

Mr. Al-Rawi: So the question is whether we want the ability to at least do the forms so that—

Mrs. Persad-Bissessar SC: Schedule Two is fine.

Mr. Al-Rawi: So what we could say instead, in clause 18, is that:

“The Minister with responsibility for national security may by Order”—strike—“subject to affirmative resolution of Parliament”—“amend the”—strike—“First and” and have it read—“Second Schedule”.

So it will be:

“The Minister with responsibility for national security may by Order amend the Second Schedule.”

Mrs. Persad-Bissessar SC: And those are just the forms, yes?

Mr. Al-Rawi: Those are just the forms. If you turn the page over—

Mrs. Persad-Bissessar SC: Yeah, applications and so on. No problem with that.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Mr. Al-Rawi: Is that acceptable, Madam Chair.

Madam Chairman: Yes. So, the question is that clause 18 be amended as follows:

“The Minister with responsibility for national security may by Order, amend the Second Schedule.”

Mr. Al-Rawi: Yes, Ma’am. And of course we will amend the marginal note on the side as well, right? Which is consequential, but just for the record I am saying it.

Question put and agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Mrs. Persad-Bissessar SC: Madam Chair, before we go to the New Clause that we are proposing, which will now become—it would still be clause 19. Can I ask, through you, if we can just quickly look at clause 13? I am not going to object to anything. I just want to raise this because I would leave it for the guys in the Senate to raise it. Clause 13(2), (3) and (4), which is about concealing a gang member, but it talks about law enforcement making an enquiry—in response to an enquiry. We discussed a part of this already, AG, and you clarified it for me in terms of the defences of duress and so on. But the second part of it is, “...in response to an enquiry from a law enforcement authority...” So it is in (2) and (3) as well.

Mr. Al-Rawi: Yes.

Mrs. Persad-Bissessar SC:—“...in connection with an investigation...” Now, when we go back to the definition section, “law enforcement” is defined herein as comprising police, defence, I think also prison and so on. And is it then now that we are giving to non-police law enforcement people, the powers of the police and then creating an offence if a person fails to give a response? And that brings me back to the famous soldier Bill.

Can a defence force person come to your house then, and say listen, two and three, whatever it is, I am asking you, X, Y and I do not answer you, you are now giving the defence force that power? You are giving the prisons that power and I know that is something that you were never happy with. There are several defined as law enforcement. So I am a little concerned there—it slipped me when we were doing it on the other issue explained on the defence aspect of it.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Law enforcement is defined in your definition section, in this Bill, page—
[Crosstalk] It is on page 4 of this printed copy.

Mr. Al-Rawi: Yes, yes, I have read it. Sorry, I was listening to see if there was something further you were adding.

Mrs. Persad-Bissessar SC: So you now have the police service, customs, BIR, defence force, prison service, any other state agency would investigate the powers. Are we now giving all these others police powers?

Mr. Al-Rawi: No. So we are not giving—[Interruption]

Mrs. Persad-Bissessar SC: Wait, wait—

Mr. Al-Rawi: We are not giving them police powers. We are saying:

“13. (1) A person who conceals”—these things—“commits an offence...

(2) For the purposes of”—that consideration of concealing—“a person conceals a gang leader, gang member or a person wanted by a law enforcement authority for a gang-related activity if, in response to an enquiry from a law enforcement authority as to the whereabouts”—that—“person does not reveal...”

So if I were to take the considerations that you put forward, the question could perhaps be posed this way: Would a Trinidad and Tobago Defence Force person be exercising police powers if he asked you if you know John Brown is?

Mrs. Persad-Bissessar SC: No. But then if you do not answer him, he will charge you.

Mr. Al-Rawi: No, he cannot charge you.

Mrs. Persad-Bissessar SC: You are committing an offence. You would have committed an offence by not answering the defence force, not answering a prison officer.

Mr. Al-Rawi: So that is why I have put it in the formula that I just did. So the issue would be if we factor the mischief that you are thinking about—and I understand that it is a good interrogation—would a TTDF member be exercising any form of police power by asking a question, the consequence for which a police officer can act upon? And I think that the TTDF person would not be—
[Interruption]

Mrs. Persad-Bissessar SC: Should not be.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Mr. Al-Rawi: Perhaps with the word “should”, is there. But I do not think that we traversed or tripped the positions here. I will look at it further, insofar as—*[Interruption]*

Mrs. Persad-Bissessar SC: Can I give you a scenario?

Mr. Al-Rawi: Yes, please.

Mrs. Persad-Bissessar SC: A scenario planning. A defence force or a BIR or a customs officer comes to where I am or you are and they ask you, I am asking you a question on the commission of gang-related activity. If I do not give that information, this officer then goes and makes a complaint that I have committed an offence. And I am going to be charged based on that complaint that I did not answer a prison officer, I did not answer a customs officer.

Mr. Imbert: No, no, no. If you know the person is a gang member and you have not revealed their whereabouts—

Mrs. Persad-Bissessar SC: Yeah, that is what I am talking about. That is the point. Should such an officer have that power to come and ask me questions and if I do not answer I am going to be charged?

Mr. Imbert: AG, let me just come in here.

Mrs. Persad-Bissessar SC: That is police powers.

Mr. Imbert: The offence is not answering the question, you know. The offence is that if you know that there is a gang member in the house and they ask you, “Do you know this person is here” and you do not answer, that is the offence.

Mrs. Persad-Bissessar SC: Minister, no, that is not what it says.

Mr. Imbert: Read it, read it, that is what it says.

Mrs. Persad-Bissessar SC: Look at (2) and (3). It says:

“...if, in response to an enquiry from a law enforcement authority in connection with the investigation...does not reveal the information...”

In other words, I do not speak.

Mr. Imbert: Reveal the whereabouts.

Mrs. Persad-Bissessar SC: Both the (3).

Mr. Al-Rawi: Member for Siparia—

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Mrs. Persad-Bissessar SC: Yeah.

Mr. Al-Rawi:—if I may. I think that there is a lot of merit in your questioning. This formula, not in the precise frame came from section 10 of the old law. So in section 10 we had harbouring and concealing together and we said:

“10 (1) A person who harbours a person whom he knows or ought to know is a gang member or is wanted by any member of law enforcement authorities for any gang-related activity commits an offence and is liable...”—et cetera.

Subclause (2) says:

“Where in subsection (1)—”

Mrs. Persad-Bissessar SC: May I just pause.

Mr. Al-Rawi: Yes, please.

Mrs. Persad-Bissessar SC: Did that define law enforcement with all these wings and arms?

Mr. Al-Rawi: Yes, exactly.

Mrs. Persad-Bissessar SC: Well, I have that before me. Law enforcement police, customs, BIR, defence, prisons, any other.

Mr. Al-Rawi: So law enforcement under the old law was Trinidad and Tobago Police Service, customs, Board of Inland Revenue, defence force, prison service, any other agency in which—so it was exactly the same formula.

However, I will say that I do intend to look at this a little bit further. I would not be precise in the answer tonight, but you have struck a chord even though it was the same as what we passed in 2011, I will still look at it. We do have another House to visit the issue at.

Madam Chairman: Might I just say, I have allowed the questioning because what I understood the Member for Siparia to say is that she is not taking the point here. This clause has already been passed, but she was raising it, sort of flag it early so that it would be raised in the other place. So I think this has already been determined. I hold that we are bound by what we have already done and I think the discourse was really very important to flag the issue for the next person.

Mrs. Persad-Bissessar SC: I hope you look at that later.

Mr. Al-Rawi: I will. Even though it is there squarely, I certainly will.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Mrs. Persad-Bissessar SC: Yeah. Certainly with the majority that you are getting—if you get it, you would be giving these people police powers.

Mr. Al-Rawi: I hope that smile is a good smile, Member for Siparia.

Mrs. Persad-Bissessar SC: You could smile all you like, Sir.

New Clause 19.

“Duration 19 This Act shall continue in force for a period of 18 months from the date of its commencement.”

New clause 19 read the first time.

Question proposed: That the new clause 19 be read a second time.

Madam Chairman: Now, there are two new clauses 19. So I will take the Opposition Members own first because that is for 18 months. Attorney General, I will take yours after. Yes?

Mrs. Persad-Bissessar SC: Okay, so here we—

Mr. Al-Rawi: Madam Chair, I am so sorry. The list that I have, signed by the hon. Member for Siparia says, “Insert New Clause 19” and that is:

“The Minister with responsibility for national security may by Order, subject to...”

Mrs. Persad-Bissessar SC: No, I am sorry.

Mr. Al-Rawi: So that was not a new clause 19?

Madam Chairman: No, the new clause 19, Opposition Member, Leader of the Opposition, may I suggest that your new clause 19 is:

“This Act shall continue in force for a period of 18 months from the date of the commencement.”

Mrs. Persad-Bissessar SC: Madam, we have it as under clause 18. What had happened and the Clerk did raise it with me and I said if you refuse to delete 18 then this will become 19. We changed 18. So it is just the numbering.

Mr. Al-Rawi: Understood.

Mrs. Persad-Bissessar SC: Put the appropriate number. I said I would explain that. That is what happened there.

Madam Chairman: Yes, I understood, so that is why I said there are two amendments to clause 19.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Mr. Al-Rawi: Okay. I was just going with what was circulated for formality. So I understand now that the Leader of the Opposition's recommendation for a new clause 19 is what is reflected as clause 18 on the circulated amendments.

Madam Chairman: Yes.

Mr. Al-Rawi: Thank you, Ma'am.

Madam Chairman: So, Member for Siparia.

Mrs. Persad-Bissessar SC: We are suggesting the sunset clause. I think we have agreed with them on this point, it is just the time period. The Government is asking for five years of a sunset clause and we are saying 18 months. Now, when the hon. Member for Port of Spain—[Crosstalk]—I am sorry. [Crosstalk]

When the hon. Member for Port of Spain North/St. Ann's West was kind enough to read some statistics for us, I asked the hon. Attorney General because it went so fast, I asked him to provide me with something which he did. And when I saw this it seemed to me, these are the gang-related murders which was something we have been trying to find out and I am very happy we found this out now. When we read this, we saw that the number of gang-related murders were less when there was no anti-crime Act.

So in 2010, there was 75 gang-related murders. In 2011, 93 and I think we passed it in 2011. In 2011, it was 93; 2012, 144, Anti-Gang Act enforced; 2013, 197; 2014, 142; 2015, 141; 2016, 127 and 2017 where there is no Anti-Gang Act, down to 79. So on the two ends of the spectrum as well, this is evidence that this Anti-Gang Bill is really not going to be very effective, or makes no difference to the scheme of things.

Mr. Al-Rawi: Perhaps we can say one is enough. One murder is enough.

Mrs. Persad-Bissessar SC: None is enough.

Mr. Al-Rawi: I mean, one is enough to trigger the need for an anti-gang law.

Mrs. Persad-Bissessar SC: Okay, I think your Prime Minister was very clear on that point. If you could save one life tonight we try to save it. But at the same time, we are not looking at that now. We are looking, how long should we leave this thing in, okay? So you want five years, we are saying 18 months.

Now, when we first passed it I think we had a lengthy, the sunset clause was quite long. When it came back in 2014, I think it was two years. There were two years—no, that is when you brought it back—

Mr. Al-Rawi: When we came in 2016, we had asked to go for two years.

Mrs. Persad-Bissessar SC: So what has changed?

Mr. Al-Rawi: The bail. The reason why we wanted two years was because the law in relation to the constitutionality of detention of no bail is in flux, in fact, it is before the Privy Council right now. Because when we came to extend the sunset clause in 2016, in June 2016 when we brought this Bill we still had the bail amendments associated with it and it was only because of that.

Having separated out the bail matter from the anti-gang matter and having received such fulsome statistical information from the Intelligence Agencies and the TTPS, in particular, we feel that an appropriate period would at the very least be the five-year period which the 2011 law had, mainly because it is not associated. The real draconian part of the anti-gang law was that we were amending the Bail Act. So that if you had a charge and your matter started in 120 days, no bail for you, and you were in pretrial detention till the end. And that was a very draconian step to take.

Mrs. Persad-Bissessar SC: So we are requesting an amendment to include the sunset clause which was not at all in your Bill for us. You have now shifted a bit—[*Interruption*]

Mr. Al-Rawi: And which we agree.

Mrs. Persad-Bissessar SC: And we are asking for a sunset clause for the sun to set, for a period of 18 months thereafter; after a period of 18 months.

Mr. Imbert: May I ask a question?

Mrs. Persad-Bissessar SC: Sure.

Mr. Imbert: Your Bill had a sunset clause for five years—

Mrs. Persad-Bissessar SC: That is right.

Mr. Imbert:—which we agreed to, because five years was a reasonable period to see whether the legislation was working or not. Why would you want to reduce it to 18 months?

Mrs. Persad-Bissessar SC: Why would you not want to reduce it?

Mr. Imbert: Because you need some time—

Mrs. Persad-Bissessar SC: You have two years.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Mr. Imbert: To see whether—18 months is two years? We need some time to see if the legislation is functional. Eighteen months is far too little. That is why we agreed when you asked for five years, we understood the logic of that and that is why we gave you the five years.

Mrs. Persad-Bissessar SC: And we were wrong. Because you see what we are doing now, if we had it for the two years and we had made these changes then, that Bill, that law would have been far more effective. I said it very clearly, that the 2011 Bill, it was new of its kind—I wonder if you understood how we reached with that Bill at all.

The people out of the United States, the other officers had met with us and they gave us a draft Bill. They said that they had been trying to get this anti-gang law in place in Trinidad and it did not happen. They gave us a draft which we brought here and we pushed it through. It was new to our jurisdiction and so on; we went through. There were good parts of it, there were bad parts of it. The point remains that if we cannot get this going and get our act together for the two years, why am I going to be depriving people of their rights for longer than that? Two years you give us a report and we go from there. Twenty-four months, I have shifted based on what the AG has said.

Mr. Al-Rawi: So most respectfully, hon. Leader, the deprivation of rights at most in this Bill is for 14 days under judicial supervision. That is the maximum deprivation. And in fact we have pumped it up to say look, it is not good enough to go to a magistrate, go to a judge. The anti-gang law, pursuant to Mr. Justice Bereaux's reflections in the Stuart case, is as the judge put it, no slam dunk. It really is something which we feel requires more than two years and we felt and we still feel that the five-year period is a reasonable period. I ask that you kindly consider that position because we have taken out the real danger bomb which was the bail amendments and that is out of this. The detention under clause 15 of the Bill is now subject to a judge of the High Court and not a magistrate and therefore, there is an ample amount of proportionality in the position.

Madam Chairman: Member for Laventille West.

Mr. Hinds: Thank you very much, Madam Chair. In addition to this, hon. Member for Siparia, at that time in 2011 this was a new effort. It was new law. We were all uncertain as to how it would go and as a result, along with the bail amendments, it was considered to be draconian and therefore we put the five years in to see how it would have gone. We would have learnt, and I agree with you, long before the five years expired, that things had gone wrong by the operationalization of it.

Now, we have had the benefit of that five years, we have learnt, we understood what the problems are, what the problems were. We have addressed in the course of this debate all of the issues, all of the problems that we together have identified and now it is no longer new. The issues that troubled us, we have now resolved in the debate as we have settled and therefore, in my own view, we need not even contemplate a sunset clause. But if this Parliament insists that we have one, at the very best, at the very minimum we should do it for at least five years. Eighteen months is absolutely unrealistic and unreasonable. Thanks.

Madam Chairman: Member for St. Augustine.

Mr. Ramadhar: Thank you very much. I think the intervention of the Member for Laventille West proves then the need for a shortened sunset clause. If we are all ready to go, literally, the trigger is to be pulled, I cannot imagine why it is, this huge problem that we face cannot be cleaned up in a very short period of time. And if there is a need beyond that sunset clause that we—there is an 18-month proposal, maybe we might extend it a bit more to two years, but five years now in the environment that we have spoken about really does not make sense and that it could come back at a later stage if there is a further need. But there are serious issues here apart from the bail issues about—

Mrs. Persad-Bissessar SC: Warrants.

Mr. Ramadhar: Warrants and a host of other things. So really it serves no purpose for us to quibble over five years to 18 months when in fact the Attorney General has put on the record that they are ready to go forward in relation to the prosecutions of these matters. And therefore the time frame, I mean, the work always expands to meet the time given. Let us really work with some level of urgency and imagine that we could do this in a shorter than five-year period.

Mr. Al-Rawi: I ask hon. Members to reflect upon the fact that it is well known that the Government is focusing on improving the criminal justice system. That is not a fast product, obviously. The average trial, we had arrests in 2011 under the Anti-Gang Act that are still before the courts five, six years later. How could one possibly give a fair estimate of the functioning of that whilst the criminal justice system moves a little bit slowly? It is not that people are being denied bail. Remember, the big difference that we are offering here is that we do not treat with the draconian positions on bail the way the last law did. And if we recognize the reality of the pace at which trials move, we are asking for the room, realistically bearing in mind Trinidad and Tobago situation to have something work. And I cannot see, respectfully, that asking for the same thing that you asked for and that we agreed to, that the country saw in operation for five years could be unreasonable. I really cannot.

Madam Chairman: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Chair. To the Attorney General. You know, I listened tonight when the Prime Minister was, you know, doing his debate and he was really asking us and pleading, I use the word “pleading” to let us have consensus.

Mrs. Persad-Bissessar SC: Requesting.

Mr. Lee: Requesting consensus. And at this Committee Stage I feel that we were looking for consensus, we were looking for bargaining and we gave up, we have put forward some amendments and we—[Crosstalk] No, no. You see, you keep, with all due respect AG, you keep going back to, it was our law and if it was good at that point in time it should be good at this point in time. I respectfully beg to differ. I mean, at that point in time it was a trial to see how it would work. It was not successful in our view and we feel that it needs some compromise and two years, 24 months to come back to Parliament to see and to report to us and to see if you need more time and put forward your case of how it has been working.

Mr. Al-Rawi: Thank you, hon. Member. Madam Chair, through you, I would not be so fast to say that the last law did not work. There are 77 matters in the system right now that are progressing. That is no small thing. There are 77 matters, 40 in the High Court, 33 in the Magistrates’ Court that the DPP has allowed to continue and that are still afoot. That is no small thing; 77 people taken off the streets under the old law is a big deal. The problem is that the pace of the judicial system is the issue as to whether we should settle upon 18 months or five years.

So, I have not given up hope that those—but the fact is even to get an indictment, a committal from the Magistracy on a summary court matter, to the High Court, to the Assizes, takes more than a year. So if we are real—and this honourable House is aware because the Government has come with statistics as to where we are on preliminary enquiries, what the backlog looks like, the introduction of criminal proceedings rules. We are not doing this thing in a vacuum. In all honesty, looking at each other across the floor dead in the eye, there is no unreasonableness in the five-year period.

Dr. Tewarie: Chair, through you to the Attorney General. I mean, I do not know that the shortening of the length of time, where we put this sunset clause, is going to affect the ability of the Government to make this law work for them if indeed it does work. The way we are going to be able to assess that is if gang leaders are charged; if the number of gangs are reduced; if the number of gang

*Anti-Gang Bill, 2017**Thursday, December 07, 2017*

members are reduced; if perhaps there is a fall in the number of gang-related murders. And I think it is important for us if we are going to pass law that requires a three-fifths majority which accepts the fact that constitutional rights are being taken away. that we at once give the Bill a chance to work, to give the law a chance to work and to give the Government a chance to execute with the executioning agencies under them. But at the same time, we give ourselves a fair chance to assess the validity of what we are doing here today, because I think in the presentations from this side, there was a lot of skepticism expressed by a number of Members who spoke on this side.

So I do not think a compromise of a shorter period as suggested by the Leader of the Opposition, she suggests two years, she has moved from 18 months, I think that that would be reasonable. I do not think it would hurt your case in any way.

Mr. Al-Rawi: Thank you, hon. Member, through you, Madam Chair. We seemed to be on the last point. We agree that a sunset clause is something we agreed upon. I have asked you to factor, respectfully, the pace and circumstance of our criminal justice system, because we have laid it out chapter and verse. You have made a very good point, both you and the Member for Siparia about the need to keep something alive and that perhaps if we stick at something the squeaky wheel gets the oil. That is in essence what we are saying.

But I do not think that it takes away from the fact that the ability to assess by way of statistical output is always going to be required when one considers, because the difference between 2016 and now as we have come, is that we have come with a lot of statistical demonstration which we could not produce then because we had only just been in Government and we said so in the debate which is why we had asked for the time. Would Members be prepared to agree upon 48 months?

Madam Chairman: Member for Pointe-a-Pierre.

Mr. Lee: Just let me stick a little pin, Attorney General. I mean when you debated, when you opened, you talked about, you know where all the gang members are, you know where all the gangs are located, street by street and you were waiting on this piece of legislation to give you the teeth to go after, because you are ready—[*Interruption*]

12.45 a.m.

Mr. Al-Rawi: Forgive me for interrupting. In telling that, they know it as well.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Madam Chairman: Member for Caroni East.

Dr. Gopeesingh: No, I am listening. I think we will wait on what the Attorney General is saying and then we will make a decision on it.

Mr. Al-Rawi: So we have asked for 48 months by way of a concession. We still believe that five years is the correct approach to go, but you must remember in announcing to the public, as we have, the information that we have, and bearing in mind Justice Bereaux's observation that the best intelligence is the human intelligence of people that you insert, et cetera, so that it is no slam dunk. You get the evidence. Time is critical to allow the law to work. It worked well for the five years that it was there.

Dr. Rowley: Madam Chairman, I do not want to get involved in the legal exposition, but I simply want to say that the most important part of this law will be its requirement. To make it function the police would need time to observe, to penetrate, to infiltrate, to convert information into evidence, and that requires time. My colleagues on the other side gave this law eight days before. It crashed and for five years it was not put to use. We are now at a point where I think we need to make a decision. We need to give the police time to be able to go and convert information into evidence.

So I do not think that we can concede—we concede to 48 months. It is either you are going to support it or you are not going to support it. But I think it is time. It is one o'clock in the morning. We are not getting anywhere with this. Let us give the police time to convert it to evidence. Without evidence this is going to go the same way as the last effort. I do not know what is this two months, three months, four months, five months, six months we are carrying on with. So I ask that this come to a head, 48 months, and we are not going any less than that, otherwise we are limiting the police ability to penetrate gangs.

Mr. Al-Rawi: So, Madam Chair, we would propose, therefore, in our new clause 19 that:

“This Act shall continue in force for a period of four years from the date of its commencement.”

Madam Chairman: Member for Caroni East.

Dr. Tewarie: Madam Chair, we heard the Prime Minister and, I mean, we understand the case that he is making and that he is arguing, but we really feel that the measurement and accountability factor—

Hon. Member: Bhoe, be reasonable “nah”

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Dr. Tewarie:—are very important in this matter. This is literally a question of life and death—

Dr. Rowley: For whom?

Dr. Tewarie:—related to this legislation.

Dr. Rowley: Listen. Put it to the vote.

Dr. Tewarie: And the question for whom is legitimate because if it does not work, it is the cost of innocent citizens' lives, and we need that accountability and we need that time limit to allow the accountability factor to come to this Parliament. Because if the Government at that time, at a time within a shorter period—we are suggesting two years—if the Government comes and says, "Look, this is the situation and we need more time", they would have to account with the statistics. And if the Government comes and it has not worked—

Dr. Rowley: We not doing that.

Dr. Tewarie:—the statistics will, in fact, reveal what the situation is and the Parliament will act on precedent.

Madam Chairman: So I think what I will do now is put the Opposition's amendment as further amended. Member for Siparia, am I putting it, as circulated, the 18 months, or further amended as the two years?

Mrs. Persad-Bissessar SC: Twenty-four months.

Madam Chairman: And based on that vote, then we go to the next position.

Question, on amendment, put and negatived.

Madam Chairman: So I am now going to put the other question which is as circulated by the Government. Would it be as amended?

Mr. Al-Rawi: Yes, please, Madam Chair.

Mrs. Persad-Bissessar SC: As amended to—

Madam Chairman: As amended to 48 months.

Question, on amendment, put and agreed to.

Madam Chairman: I now propose the question that new clause 19, as amended, be read a second time.

Question put and agreed to.

Question proposed: That new clause 19, as amended, be added to the Bill.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Question put and agreed to.

New clause 19, as amended, added to the Bill.

First Schedule.

Question proposed: That the First Schedule stand part of the Bill.

A. Delete item 8 and substitute the following:

“8. Counselling a gang leader, gang member or gang”

B. Delete item 10 and substitute the following items:

“10. Harboursing a gang leader or a gang member

11. Concealing a gang leader, gang member or gang-related activity”

C. Delete the words “28. Offences under the Sedition Act”

D. Renumber the items in the First Schedule accordingly.

Mr. Al-Rawi: Madam Chair, we have circulated amendments to delete item 28 which is the offence under the Sedition Act. We also are suggesting at item 10, because we have split “harboursing” and “concealing” in the parent law, we propose that item 10 say, “Harboursing a gang leader or gang member” and we take account of how we split it in the clauses above in the Bill, and we say there will be a new 11 to say: “Concealing a gang leader, gang member or gang-related activity”. Then we will consequentially renumber 11 to 27 accordingly.

Madam Chairman: And AG, could I ask with respect to 8, are you leaving that as it is, or are you—

Mr. Al-Rawi: And we propose to delete item 8, which is the “Participation in criminal activity in association with gang”, because that is no longer an offence due to the reconstruction of the clauses of the Bill.

Question put and agreed to.

First Schedule, as amended, ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, with amendment.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Question put: That the Bill be now read the third time.

Madam Speaker: This Bill requires a three-fifths special majority.

The House divided: Ayes 21 Noes 12

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. C.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Gadsby-Dolly, Hon. Dr. N.

Smith, Hon. D.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Miss N.

Antoine, Brig. Gen. A.

Leonce, A.

Mc Donald, Miss M.

NOES

Lee, D.

Anti-Gang Bill, 2017

Thursday, December 07, 2017

Persad-Bissessar SC, Mrs. K.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Gopeesingh, Dr. T.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Khan, Dr. F.

Padarath, B.

Bodoe, Dr. L.

Mr. P. Ramadhar abstained.

Question negatived.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, despite the unpatriotic display of those opposite us, we will continue to act in the interest of the people of Trinidad and Tobago. [*Desk thumping*] Madam Speaker, at this point, I beg to move that this House do now adjourn to Friday, the 8th day of December, 2017, at 1.30 p.m. at which time we will be doing the Finance Bill.

Madam Speaker: Hon. Members, there is one matter that qualifies to be raised on the Motion for the adjournment of the House. I now call upon the Member for Caroni East.

Basic Health Care (Government's Failure to Provide)

Dr. Tim Gopeesingh (Caroni East): Madam Speaker, I raise this Motion of the failure of the Government to provide basic health care to the population, and I bring this Motion on the Adjournment because the people of Trinidad and Tobago, at this time as stated—[*Interruption*]

Hon. Member: Speak to yourself.

Dr. Rowley: Talk to yourself!

Mr. Young: Unpatriotic! [*Crosstalk*]

[*Some Government Members walk out Chamber*]

Dr. T. Gopeesingh: Madam Speaker, should I continue? The general population has been stating that this Government has failed to deliver the health care that is necessary for its people. People are going into the hospitals afraid of being looked after within the health care system, and it is basically like a killing field within the hospital system. There is a lack of basic needs that the Minister of Health ought to take responsibility for. Basic blood tests are not being done in a proper manner. And you came here recently speaking about creatinine and troponins being done at Eric Williams Medical Sciences Complex, when these basic things are needed to save people's lives there on the spur of the moment.

Then there is the lack of oral medication. San Fernando Hospital did not even have a basic—they did not have even Panadol at one time to give to the population in terms of what their needs are. Then you had no chemotherapy drugs at one time to give to our cancer patients. Then there is an absence of appliances and issues related to things for orthopaedic surgery, knee replacement equipment and so on. You came here speaking about screws and so on, and screws costing \$3, but the basic needs of the people with orthopaedic injuries—they need the equipment for them to have the surgery done—that is missing. Patients are waiting for extraordinary long times now for their surgery because you have reduced the external patient programme. You have not paid the company for the cardiac bypass surgery and a number of people are dying while waiting for the bypass surgery to be done, because you have not satisfied the team that is providing the cardiac surgery.

You have reduced the amount of health centres that are providing basic health care to the populations with diabetes and hypertension. Where we had over 65 health centres open beyond four o'clock in the evening, you have significantly closed a number of them. So when patients have these diabetes and hypertension and they cannot be taken care of in the primary health care centres, the disease process becomes worse and they have major complications. And this, hon. Minister, is something that you know but you pretend. And here it is you are pretending that this is not going on. You have reduced the training of nurses. You have over 300 young doctors waiting for jobs. The health care system needs some revival and you have 300 young doctors who are qualified, who have—
[*Interruption*] Madam Speaker, he has his time to answer and he is disturbing me.

Over 300 doctors waiting for jobs for almost a year and a half now. That is a shame. Most of them are Island scholarship winners. They have not been given jobs. You know what an impact that will have, having 300 doctors more in the health care system?

The PNM Government came in saying that they will look after the health care of our people. They said that they will wait for the Welch Report. The Welch Report took two years to come. There are recommendations in the Welch Report and nothing has been done subsequent to that. Then recently you have a Member of the other House writing recently about cockroaches running in Port of Spain Hospital. One patient taking—it took 12 days for the doctor to see that patient. They have to put Sevin powder around in the hospital. Is that not shameful?

It needs management. The health care system is deteriorating. Patients are becoming sicker and patients are going through the hospitals with a little disease and coming out dead at the end. So the health centres are failing. The hospitals are failing. The district health facilities are failing and the Minister is failing terribly in the provision of health care. And this is as a result of lack of management capability. You have 10 hospitals, 10 district health facilities, 105 health centres and the Minister takes no action to get his boards working, walking the wards of the hospitals to see what is going on. Our Prime Minister, at that time, appointed a team with the Minister of Health to help in a number of these areas. The job is too big for you, Minister. And every day you come here with a degree—I would not want to say that word, “arrogance”, but a degree of trying to fool the population from time to time.

You remember the Zika issue? All these things are happening under your watch and you have the responsibility for it. And if you cannot get your act going, you should give up the job. You cannot control your boards. Your boards are not doing what they are supposed to do. So how is it that the health care system will continue to do better? So, no chemotherapy drugs, no oral medication in the hospital—

Mr. Deyalsingh: How you could say that?

Dr. T. Gopeesingh: But that is a fact. That is a fact.

Mr. Deyalsingh: No oral medication?

Dr. T. Gopeesingh: So, Madam Speaker, I will raise a more substantial Motion subsequent to this but for the 10 minutes, I wanted to bring these to the attention of the hon. Minister because basic health needs of the population are not being satisfied while the Minister is turning a blind eye to a lot of these things that are going on in the hospital system.

Basic Health Care
[DR. GOPEESINGH]

Thursday, December 07, 2017

So you had the Gladys Gaffoor Report with a number of recommendations which the Minister of Health at that time, Minister Fuad Khan, implemented a number of those recommendations. There are a lot still to be implemented. The Welch Report came out with some recommendations. You have not implemented anything on that. So where are we going as a country while people are dying, hon. Minister? You cannot play with the lives of people. This Government has not done anything for the health care system for improvement. It is going backwards, and the responsibility is on you, and if you cannot do the job properly you should tell your Prime Minister, “Look, I cannot do it”, and should leave the job. But to go on, on a daily basis and try to fool the population, the profession is seeing you as only—well, what should I say?—trying to fool the population from time to time with your statements.

I would say when Minister Imbert was Minister of Health in 2000 to 2001 for two years, he did a better job than you. Minister Rahael and Minister—but Fuad was the best that we had in this country for a long, long time. He worked hard. He had the support of his team and you should take example from what has happened, Minister.

And, therefore, in this short period of 10 minutes, I want to tell you that you have failed. The waiting time for surgery is longer. The medications are no longer there. The appliances are not there for people to do the surgery. The blood tests are not being done in the hospital, endangering people’s lives. The cardiac bypass surgery is not being done. The health centres are closing at four o’clock. There is no training of nurses. You have 300 doctors unemployed and you have the Children’s Hospital closed still when you said that you will have a private sector/public sector partnership, and after 27 months there is no partnership. You have thrown up your hands in despair. And your Prime Minister recently said he wants the help of two of our colleagues on this side to know what to do with the Children’s Hospital.

So I close, indicating that there is a lot of work that needs to be done. The country demands better health care and you have the responsibility to provide better health care.

Madam Speaker: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, the un-patriotism continues. [*Desk thumping*] When we offered the Member for Caroni East the opportunity to go to a joint select committee on the Welch Report,

he said no. You could have been patriotic and accepted that, but no. You have no real interest. You run around this country, in and out of Parliament, saying health centres close, which is a lie.

Madam Speaker: Member.

Hon. T. Deyalsingh:—which is an untruth.

Madam Speaker: Thank you.

Hon. T. Deyalsingh: Tell me which health centre has been closed. [*Crosstalk*]
Tell me one.

Mr. Young: You always standing up here and misleading.

Hon. T. Deyalsingh: Tell me one. Give me one health centre that I have closed.

Dr. Gopeesingh: There are 30 health centres that are closed—up to four o'clock.

Hon. T. Deyalsingh: No, you said I closed health centres.

Mr. Young: Name them. Name them.

Madam Speaker: Order! Order!

Hon. T. Deyalsingh: Tell me one health centre that I closed.

Madam Speaker: Order!

Hon. T. Deyalsingh: Name one. [*Crosstalk*]

Madam Speaker: Order.

Hon. T. Deyalsingh: He knows none!

Dr. Gopeesingh: Ste. Madeleine. You have closed Ste. Madeleine.

Madam Speaker: Could we please proceed in accordance with the Standing Orders and also observe what will be considered parliamentary behaviour?

Hon. T. Deyalsingh: Thank you, Madam Speaker. But, Madam Speaker, the biggest dereliction of duty of this government was opening and building Couva Hospital and neglecting the central block of Port of Spain Hospital. Why did you not spare a thought—one thought—to replacing the central block that we have to do now? But, no. You know what they were busy doing? Giving out contracts to

Basic Health Care
[HON. T. DEYALSINGH]

Thursday, December 07, 2017

CEPEP. My friend, the Member for Caroni East, sat on the National Health Council and all that council did—together with the Member for Chaguanas East, together with the Member for Oropouche East—and all they did was give out contracts to CEPEP that brought absolutely no benefit to this country.

You mentioned orthopaedics. It is this Minister of Health that brought Operation Walk Maryland that performed 53 orthopaedic surgeries on 43 patients in Eric Williams Medical Sciences Complex when the rate of production of that facility was six per year. We did 53 on 43 patients in three and a half days. You could not do that. That is our record on orthopaedics. It is this Minister of Health who has instituted, with the board of NCRHA, something called Surgical Sundays, Madam Speaker. Surgical Sundays is where the doctors come out to work on a Sunday—every other Sunday—and we have performed 18 hernia surgeries, per Sunday, clearing up the backlog. You could not do that, my friend.

It is this Minister of Health that is bringing down the rate of maternal mortality in Trinidad and Tobago to First World levels. It is this Minister of Health that is doing that when you could not do it. It is this Minister of Health that is bringing down the rate of infant mortality. It is this Minister of Health who is doing that because you could not do it. All your solution for the health care system was, build Couva and open Couva. You paid no attention to the lithotripter in San Fernando. We have to buy it. You paid no attention to the Cath Lab at Eric Williams. We are buying a new bi-plane machine and fixing the single phase. You paid no attention to infrastructure. Your PSIP rate was 31 per cent. Mine is 70 per cent. Because of that, the ceiling at the dialysis centre at San Fernando Hospital collapsed because you could not fix the ceiling. Your board, led by the hon. Member for Fyzabad, did not fix the ceiling in San Fernando Hospital.

You want to talk about boards' inefficiency? The Member for Fyzabad did not fix the ceiling and the ceiling in the dialysis centre fell. What more incompetence do you want demonstrated? You did not fix—[*Interruption*—]you did not fix the electrical system in the Eric Williams. That is why the current goes there four times for the year. But we are fixing that. The switch gear at Eric Williams, you did not fix it for four years, five years, and that is why Eric Williams falls off of the grid. That is what is causing the problems. We are fixing that because your PSIP was 31 per cent. Mine is 70 per cent, in a time when the price of oil and gas is dropping.

1.15 a.m.

It is this Government that saved the PEPFAR funding from the United States where your administration ignored the United States for five years and refused grant funding to tackle HIV/AIDS. It is this administration that saved PEPFAR and is channelling those funds through MRFTT, and we have brought 569 HIV positive

people back onto it. It is this administration that moved this country in one year from delivering 6,000 doses of flu vaccine to 70,000 doses, and you know what is the result of that? For the first time in 10 years you had nobody dying of seasonal flu in Trinidad and Tobago. That is my record. That is my record. That is my record.

Let me go on further. It is your board that ignored the Rochard Douglas Health Centre. It is your board under the chairmanship of Member of Parliament for Fyzabad that did not fix the Rochard Douglas Health Centre. We are fixing it. It is this board, this Minister that is fixing the Rio Claro Health Centre. We are doing that. It is this Minister that has launched the most successful NCD plan possibly in the entire world. It is this Minister that is doing that. [*Desk thumping*] The world is now looking to Trinidad and Tobago, praising us for our stand on banning soft drinks in schools. You had no interest in saving our schoolchildren from a life of diabetes and obesity. It is this Minister that you are ridiculing who did that, my friend. It is this Minister who did that.

So I want to challenge you, when you go about talking about that, ask this country, let this country ask you why you did not fix the Central Block at Port of Spain General Hospital? Give me one good reason. Give me one good reason why for five years the Member of Parliament for Siparia, and if the Member for Barataria/San Juan was this super Minister of Health, why did you all not address Central Block in Port of Spain? Because you wanted that facility for your people in Couva. [*Desk thumping*] That is what you wanted.

Mr. Lee: 48(6), Madam Speaker. 48(6). [*Crosstalk*]

Madam Speaker: Order! Order! Member for St. Joseph.

Hon. T. Deyalsingh: Thank you. Ask yourself the question, why build the Couva Hospital, why build a children's hospital with 80 beds—[*Interruption*]

Mrs. Persad-Bissessar SC: I cannot hear the Member. I am being disturbed.

Hon. T. Deyalsingh: Why build a Couva Hospital, a children's hospital with 80 beds and you know that the Central Block in Port of Spain was a danger? That falls on you, Member for Caroni East, because you have the audacity to come here to bring this Motion which I cannot use the word "lie", but I would use the word "deceit"—[*Interruption*]

Madam Speaker: Member. Member, you cannot do that, please. That is out of order. We have ruled that "lie" is unparliamentary. So we cannot do it that way. Please, please.

Hon. T. Deyalsingh: So I will use the word “deceit”, I will use the word “deception”, I will use the word “dishonesty”, I will use the word “disinformation”, I will use the word “distortion”, and I diss this presentation.
[Desk thumping]

Question, on adjournment, put.

Hon. Members: Division.

The House divided: Ayes 11 Noes 11

AYES

Robinson-Regis, Hon. C.

Al-Rawi, Hon. F.

Madam Speaker: We will take the division in silence, please.

Division continued.

Young, Hon. S.

Deyalsingh, Hon. T.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Gadsby-Dolly, Hon. Dr. N.

Imbert, Hon. C.

Jennings-Smith, Mrs. G.

Antoine, Brig. Gen. A.

Smith, Hon. D.

NOES

Lee, D.

Persad-Bissessar SC, Mrs. K.

Charles, R.

Karim, F.

Tewarie, Dr. B.

Gopeesingh, Dr. T.

Basic Health Care

Thursday, December 07, 2017

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Khan, Dr. F.

Padarath, B.

Bodoe, Dr. L.

Madam Speaker: With no agreement of the House, in accordance with Standing Order 11, this House is now adjourned to next Friday, which is, Friday, the 8th of December, 2017, at 1.30 p.m.

House adjourned accordingly

Adjourned at 1.22 a.m.