

*Leave of Absence*

*Thursday, November 8, 1990*

**HOUSE OF REPRESENTATIVES**

*Thursday, November 8, 1990*

The House met at 1.33 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** The following Members have been granted leave of absence from today's sitting: the Member for St. Joseph (Hon. Dr. Carson Charles), and the Member for Laventille (Mrs. Muriel Donawa-Mc Davidson).

**SPECIAL SELECT COMMITTEE**

**Mr. Speaker:** Hon. Members, one of the committees from the last session has lapsed. This has to do with the consideration of recommendations for honouring the late Mr. Leo Des Vignes.

I should like to suggest that we have a motion at this stage in order to revive this committee and further to suggest that the Members who served on that committee would be the same Members to serve on this committee in order to continue the work.

**Mr. Theodore Guerra** (*Port of Spain South*): Mr. Speaker, I beg to move the following motion:

*Be it resolved* that this House appoint a Select Committee to make recommendations to this honourable House of ways and means that this House could honour the late Member for Diego Martin Central, Mr. Leo Des Vignes.

*Question put and agreed to.*

**Mr. Speaker:** The Members who served then, and who would continue serve on this committee, are as follows:

Mr. Speaker	-	Chairman
Mr. Theodore Guerra	-	Member
Mrs. Margaret Hector	-	"
Mr. Raymond Palackdharrysingh	-	"
Mr. Morris Marshall	-	"

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**STATE OF EMERGENCY  
(EXTENSION)**

**The Minister of Justice and National Security (Hon. Selwyn Richardson):** Mr. Speaker, I have the honour to move the following motion standing in my name:

*Whereas* it is enacted by section 8(1) of the Constitution of the Republic of Trinidad and Tobago that the President may from time to time make a Proclamation declaring that a state of public emergency exists;

*And whereas* the President has by Proclamation made on July 28, 1990, declared that a state of emergency exists in the Republic of Trinidad and Tobago;

*And whereas* it is enacted by section 9(2) of the Constitution that a Proclamation made by the President for the purposes of and in accordance with section 8 shall, unless previously evoked, remain in force for fifteen days;

*And whereas* it is enacted by section 10 (1) of the Constitution that before its expiration the Proclamation may be extended from time to time by resolution supported by a simple majority vote of the House of Representatives, so however that no extension exceeds three months and the extensions do not in the aggregate exceed six months;

*And whereas* on August 10, 1990 the Proclamation was extended by resolution of the House of Representatives for a further period of three months;

*And whereas* it is necessary and expedient that the Proclamation made by the President on July 28, 1990 declaring that a state of emergency exists in the Republic of Trinidad and Tobago, should be extended for a further period, not exceeding three months;

*Now, Therefore, Be It Resolved* that the Proclamation made by the President on July 28, 1990 declaring that a state of emergency exists in the Republic of Trinidad and Tobago be extended for a further period of one month.

**1.40 p.m.**

Mr. Speaker, the Government of Trinidad and Tobago is committed to the observation of the protection of fundamental human rights and freedoms of citizens as outlined at section 4 of the Constitution namely:

- “(a) the right of the individual to life, liberty, security of the person and the enjoyment of property and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) the right of the individual to respect for his private and family life;
- (d) the right of the individual to equality of treatment from any public authority in the exercise of any function;
- (e) the right to join political parties and to express political views;
- (f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;
- (g) freedom of movement;
- (h) freedom of conscience and religious belief and observance;
- (i) freedom of thought and expression;
- (j) freedom of association and assembly; and
- (k) freedom of the press.”

Towards this end lawful measures have been taken by this Government to preserve the rule of law and the democratic process.

The Proclamation of a state of emergency by His Excellency the President, on July 29, 1990 remained in force for 15 days until August 12, 1990 in accordance with section 8 of the Constitution. Thereafter the Proclamation was extended by majority vote of the House of Representatives for a further period of three months which is due to expire tomorrow, Friday, November 9, 1990.

The lawful requirements for any further extension are that such extension should not exceed three months, and the extensions do not in the aggregate, exceed six months. Additionally, proclamations can only be extended from time to time for not more than three months at a time by a resolution passed by both

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Houses of Parliament and supported by votes of not less than three-fifths of all Members of each House. Government has taken the decision to seek approval to extend the state of emergency by one month.

In order to ensure that arising out of the events of July 27, 1990, that no immediate threat exists of such a nature and on so extensive a scale as to pose a danger to public safety, or to deprive the community or any substantial portion of the community of supplies or sources essential to life, the operational capabilities of the Defence Force and the protective services should be substantially enhanced. These capabilities, in fact, were seriously reduced and undermined with the decline in national revenues from the petroleum sector from 1981—I repeat, from 1981 onwards—which resulted in substantial cutbacks in allocations to the protective services in general and Defence Force expenditure in particular—from 1981.

In that year \$16,800,000 was allocated to the Ministry to fund projects under General Administration, police service, prison service, regiment, coast guard and fire service—\$3,300,000 was spent under the Consolidated Fund and \$3,500,000 under the special long term fund. Between 1981 and 1986 stringent spending necessitated the curtailment, and in some instances, the complete abandonment of the under-listed ongoing projects and long term development plans:—

Police Service:

- (a) Extensions and repairs to Belmont, Besson Street, St. Clair, St. Joseph, Toco and Scarborough Police Stations; Small Boats Launch Station—now called Hart's Cut—Police Headquarters—which is now reduced to rubble—and St. James Barracks.
- (b) All resurfacing work at Central police station—I believe that is on Wrightson Road.
- (c) Installation and commissioning of standby generators with sheds at all police stations in Trinidad and Tobago.

All that went by the board.

Prison Service:

- (a) Repair and restoration of Port of Spain prison and the Remand Centre at Golden Grove.
- (b) Fencing of compound at Golden Grove Prison, Arouca.

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- (c) Construction and the commissioning of the sewage treatment centre at Carrera Prison.
- (d) Remedial work at the Youth Training Centre, Golden Grove.
- (e) Building of the Women's Prison at Golden Grove.

You would remember this was only completed in the year 1989, opened I believe in August 1989 by this Government.

- (f) Construction of a maximum security prison, a component of the Golden Grove Complex Project of which the Youth Training Centre is an integral part.

The Defence Force:

- (a) Repairs and restoration of Defence Force Headquarters and the Detachment Camp at Signal Hill, Tobago—completely eliminated.
- (b) Erection of houses for Defence Force personnel.
- (c) Construction of retention wall along approach road to Staubles Bay.
- (d) Repaving of the Regiment's parade square.
- (e) Provision of accommodation for 300 other ranks.

If you go to Teteron now, Mr. Speaker, you will still see the steel standing—no further work whatsoever.

- (f) Restoration of the Chaguaramas Heliport.
- (g) Improvements to marine facilities at Staubles Bay for the coast guard; purchase and installation of fuel storage tanks; improvements to existing electricity supply.
- (h) Setting up of a corporals' club room and library.

The Fire Service/Ambulance Service:

- (a) Completion of extensions to existing salt water mains systems.
- (b) Construction of new fire stations in Diamond Vale, Diego Martin, in Morvant and in Chaguanas.
- (c) Installation, commissioning of standby generators at Chaguaramas, Four Roads, Woodbrook, Belmont, Arima, Couva, Harris Promenade, Siparia, Chaguanas and Point Fortin.

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All gone by the board.

- (d) Expansion of Wrightson Road workshop facilities and procurement of additional facilities for repair of equipment and appliances, subject to the outcome of feasibility studies.

All these things went by the board between 1981 and 1986.

In light of the events of July 27, 1990, and with a view to ensuring that no further threats exist, of such a nature and of so extensive a scale as to pose a danger to public safety or to deprive the community or any substantial portion of the community of supplies or sources, this Government has instituted immediate measures to augment the level of operations of the Defence Force in general and the protective services in particular.

The Police Service:

The Trinidad and Tobago police service, for example, has been operating at a level of just 33 per cent of full mobile capacity from as early as 1981. I repeat, from 1981 the police service—without a police service you have no country—was operating at a level of 33 per cent of mobility. Mr. Speaker, apart from that, let me say that even though they are operating with 33 per cent mobility, some of those police vehicles in operation today are 18 years old, bearing in mind that those vehicles have to work sometimes 12 to 16 hours a day. As policemen change shifts they just exchange vehicles and they keep going for 16 hours out of 24—18 year old vehicles.

**1.50 p.m.**

Arrangements were being— *[Interruption]* I would not be tempted—put in place in 1989 *[Interruption]* speak to the chairman of the Police Service Commission to redress this sorry state of affairs that has been in existence from 1981. This requires adherence to lawful tendering procedure, financial regulation and recent fiscal policies introduced in the present fiscal year.

In November, 1989 the Director of Contracts invited tenders for the supply of a new fleet of vehicles and within one month offers were received. The introduction of the value added tax in 1990 and the expiration of the validity date

of quotations received during 1989 made necessary a re-invitation for tender for the following vehicles.

Mr. Speaker, you will remember that in September, 1989 recommendations were carried to Cabinet showing the disastrous state of the police service. Cabinet had approved the purchase of at least 82 vehicles for the police service on September 15, 1989, but because of all the bureaucracy, the year came to an end and although, as the paper states, offers were received, they had to be re-tendered.

- (i) Three Nissan Patrol Long Wheel Base Jeeps, the original 1989 estimate of which was \$279,000.
- (ii) Twenty Isuzu Troopers Short Wheel Base Jeeps, the original estimate of which was \$1,416,869.
- (iii) Two Rocky Short Wheel Base Jeeps, the original estimate of which was \$136,850.

Mr. Speaker, in addition, offers were also invited for the supply of one riot van, one mobile canteen, one prison van, one 28-seater bus and three wreckers. No tenders were received for the riot vans, mobile canteen and the three wreckers.

Out of an appropriation of \$8 million made available to meet urgent requirements in the protective services in August, 1990—shortly after the events of July 27—\$1,141,962 approved by Cabinet had been disbursed to the police service alone. This sum is being utilized as follows:

Wireless equipment: \$263,487.

**Mr. Panday:** Mr. Speaker, on a point of order. May I enquire of the Attorney General, on what aspect of this motion he is addressing? My point is that it is irrelevant. Where in this motion is what he is saying relevant?

**Mr. Richardson:** I thought it was obvious that I am showing where this Government is taking steps within a very short period of time to put the protective services in general, the police service and the houses of those departments in order to ensure the protection of every citizen of our beloved country. *[Interruption]* Mr. Speaker, may I continue please? I would not be tempted today.

Wireless Equipment: \$263,487 is being spent on wireless equipment for the police service and \$41,560 is being spent on ammunition. Mr. Speaker, when you consider the millions of dollars of ammunition that had to be expended—I can

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assure you for obvious reasons—between July 27, 1990 and August 1, 1990 and continuing, \$41,560 in ammunition was very necessary for the protection of life and limb of our citizens.

Uniforms: \$322,150 is being spent now to clothed members of the protective service.

**Hon. Member:** Were they without clothing?

**Mr. Richardson:** Yes, they were without clothing. Some were without clothing. That was the situation we inherited. Office Furniture and Equipment: \$214,725; miscellaneous and other equipment, \$300,000.

Mr. Speaker, you would have seen letters in the press—you read a lot, Mr. Speaker, I know that—during the past year or two to three years criticizing policemen for not being in full dress uniforms. The reason is not that they like to be out of uniform, it is because they did not have full dress uniforms. *[Interruption]* Because we were embarrassed. We could not answer some of those questions in the press that the public was asking. Some had shirts without trousers; some had trousers without boots, they had to go on patrol in sneakers. We could not justify the policemen on patrol wearing sneakers. Ask them why. Because they do not have boots. Some did not have caps. They are there, you can ask them privately. It is no fault of theirs.

With respect to prison service \$1,811,500 was made available to it out of the aforementioned appropriation of \$8 million towards the performance of the following items. As a matter of urgency, bearing in mind, as it said, you have to follow certain procedures within the public service, we cannot go out and buy them. This is why we need a little more time to make sure that these people are properly equipped.

Wireless equipment for the prison service \$30,000; firearms and ammunition, \$276,000; electronic monitoring and detection and riot equipment, \$293,700; uniforms for prison officers, \$711,500; office furniture and equipment, \$57,100. Other miscellaneous equipment, for example, beds, mattresses, sheets and water pumps, \$443,300 totalling \$1,811,500. These items are expected to enhance considerably security standards communication and operational capabilities at the institution.



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**2.00 p.m.**

The immediate supply of appliances, vehicles and equipment to the fire department is necessary to bring its capacity to respond with and to contain the emergency situations in line with international standards and in line with national and local requirements. Towards this end, existing supplies to the fire service department are to be complemented as follows:

Ambulances	\$520,000
Fire fighting equipment	\$853,611
Uniforms	\$462,818
Wireless equipment	\$140,645

Making a total of \$1,977,074.

The range, volume and responsibilities of the Defence Force, Regiment and Coast Guard has expanded considerably in the preceeding 24 months 1989/1990 and has intensified even further in the light of the events of July 27, 1990. The Regiment and the Coast Guard units have been involved in shoring-in operations, buttressing the efforts of the protective services particularly the police service— joint patrols, marijuana raids etc. You name it.

As with other services, existing resources have been deficient in the Defence Force for some time and have been severely taxed. Releases of \$1,136,652 for expenditure by the Coast Guard unit and \$1,932,812 for expenditure by the Regiment units were obtained by this special appropriation which I mentioned and which took place in August, 1990.

These sums were allocated as follows:

**Coast guard:**

Survival equipment	\$ 131,387
Radio equipment	\$ 144,059
Outboard engines	\$ 67,645
Aircraft spares	\$ 151,602
Equipment for vessel	\$ 146,894
Emergency fire fighting equipment	\$ 58,712
Repairs of vessels	\$ 436,353

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Making a grand total allocation to the coast guard of \$1,136,652.

**The Trinidad and Tobago Regiment:**

Vehicles	\$944,890
Kitchen Equipment	\$566,200
Office Furniture	\$ 59,867
Miscellaneous and other equipment	\$361,855

Making a grand total of \$1,932,812.

The acquisition of articles of clothing for both units of the Defence Force necessitated the submission of a Crown Agent Indent to the Comptroller of Accounts. All these things had to be done post July 27, 1990. This was done in October, 1990. Clothing which can be obtained locally is being obtained by lawful tendering procedures. Tenders have already been invited and the deadline for receipt of such offers is November 15, 1990.

The most recent available figures with respect to Trinidad and Tobago's economic performance, indicate that this country's gross domestic product declined by 4.3 per cent in 1988, by 0.8 per cent in 1989, and by 0.5 per cent in 1990 at the end of the first quarter. However, the second quarter of 1990 reflected a gross domestic product of 1.5 per cent. This expansion was led by the non-petroleum sector.

In the government sector, revenue growth resumed and led to a cumulative fiscal surplus of \$55.5 million. By the end of June, 1990 this country's foreign exchange resources stood at \$740.2 million, having increased by \$407.5 million during the second quarter of the year. *[Interruption]* The source—*Central Bank of Trinidad and Tobago, Quarterly Economic Bulletin, June, 1990, Volume XV No.2.*

In keeping with the commitment of this government towards stabilizing and indeed strengthening the economy and restoring full confidence not only internationally but in local enterprises and entrepreneurship, it has been decided that the duration of the existing curfew would probably be further curtailed. I am hoping that this House would see the wisdom based on the statistics produced, what has happened on July 27, 1990, the cumulative action taken by this Government between August, September and up to October 1990 to put the country's house in order, to agree that it is most necessary to extend the state of

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emergency by the maximum period of one month. As I said, steps would be taken—I am assured by the Commissioner of Police—to roll back the curfew even further within that period to make sure that business activity would thrive again.

Unfortunately, because of the fire that took place at the police headquarters on July 27, 1990—of course as is well known publicly, all the documents at police headquarters were destroyed. Statistics with respect to crime were also destroyed. But, what we do know is that between the years 1981 and 1988, crime increased radically. In 1989 for the first time, there was a decrease in crime throughout the country. I cannot be certain but apart from some major crimes—such as murder, crime decreased radically in Trinidad and Tobago.

This year, prior to the events of July 27, 1990 and because this Government had already taken radical steps to put the protective services back on their feet—army, coast guard and the police; the steps are well known—crime decreased. We went to the International Productivity Council, we went to Cabinet. We did not hide our candles under a bushel. We made it well known what we were doing. Because of the steps taken by this Government to put the protective services on their feet, prior to July 27, 1990, for the first time in 10 years, crime was drastically reduced throughout Trinidad and Tobago. For the first time in 10 years crime has taken a drastic cut. Crime is drastically reduced throughout Trinidad and Tobago in every sector. Post July 27, 1990, I dare say that when the figures are released, when the figures are collated in whatever way they can by the police service, we will see a reduction in crime, possibly as we have never seen in decades in Trinidad and Tobago.

**2.10 p.m.**

We are not asking for a permanent state of emergency, Mr. Speaker, this is unlike this Government. What I am asking for and I am sure I would have the support of every right thinking member of the citizenry of Trinidad and Tobago, is for one more month and by law we can ask—it is in the Constitution—for a maximum of three months. What I am asking for is a maximum of one month, at this stage, to give time to put the house of the protective services in complete order.

I beg to move Mr. Speaker.

*Question proposed.*

**Mr. Basdeo Panday** (*Couva North*): Mr. Speaker, this debate is not about the competence or the incompetence of the Member for Ortoire/Mayaro, prominent Attorney General, Minister of National Security or whatever he is, from one government to another; it is not about his competence, whether he is competent, whether he is incompetent, whether he knows what he is doing, whether he can do the job which he has been put there to do. These are a number of matters which have to be disputed. It is not relevant as to whether he accepts the recommendation, whether he should resign or not but it is certainly not relevant to the debate.

What is relevant to the debate surely would be the reasons the Government wants a state of emergency to persist in the country. I do not believe that the reasons given to us so far, are the real reasons. Is the reason given that there was no money? If there was money there would have been repairs to the police stations, resurfacing of parade grounds, provision of stand-by generators and some retention wall—

**Mr. Richardson:** On a point of order Mr. Speaker. I did not state that the Government needs more time to build a wall. I was speaking the only language permissible in this House, the English language. I stated quite clearly that between 1981 and 1986 certain projects were abandoned and among those projects were, for example, construction of a retention wall for the Defence Force etc. That is the heading that this came under.

**Mr. Panday:** If English is the only language he understands then I suggest he speaks in another. The hon. Member took the time of this House to enumerate a catalogue of woes as a justification for continuation of a state of emergency. If it was not justification for continuation of the state of emergency, then he was irrelevant, because that is what is before us and nothing else.

From his own lips we heard that we need a little more time to ensure that they are properly equipped. How does another month of a state of emergency assist in having them equipped? Having them equipped consists of having money, placing orders, getting goods and distributing them. Does a state of emergency permit him to by-pass the bureaucratic standards that the Government sometimes suffer? That surely cannot be the reason. There must be some other reason.

The point I wish to make is even more fundamental than that. Before I go on, I think I owe a duty to this House and this country to draw to the attention of this House the prevalence of legal opinion in the country that holds that the present

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state of emergency is illegal. I have a duty to do that. I am not in a court of law and I do not wish any jury to arrive at any conclusion, whether in my favour or otherwise. I owe it as a duty to this country, to this Parliament and to the people of this country to point out that there is legal opinion that says the state of emergency is illegal.

The argument proceeds on two legs, as far as I am aware, and the first is that section 8 of the Constitution states that the President from time to time will make a declaration, declaring that a state of emergency exists. Mr. Speaker you will note that section 8 reads:

"(1) Subject to this section, for the purposes of this Chapter, the President may from time to time make a Proclamation declaring that a state of public emergency exists.

(2) A Proclamation made by the President under subsection (1) shall not be effective unless it contains a declaration that the President is satisfied—"

that first of all this country is in a state of war. That does not apply:

"(b) that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity whether similar to the foregoing or not;"

That does not apply.

"(c) that action has been taken, or is immediately threatened, by any person, of such a nature and on so extensive a scale, as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life."

That I believe is the ground upon which a state of emergency exists.

It also states at 9(1) as follows:

"9(1) Within three days of the making of the Proclamation, the President shall deliver to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to declare the existence of a state of public emergency was based, and a date shall be fixed for a debate..."

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**2.20 p.m.**

That statement, in fact was delivered and it is dated July 30, 1990 and it states what the grounds were. Now the grounds upon which the President declared the state of emergency were submitted to this House on August 10, 1990, and it says:

"At approximately 5.30 p. m. on the 27th July, 1990, an attack was launched on the Police Headquarters at St. Vincent Street, Port-of-Spain, which resulted in major damage to the building.

At approximately the same time, during a sitting of the House of Representatives, a band of armed men threateningly entered the Chamber of the Red House, Port-of-Spain, and violently seized the Honourable Prime Minister and several Members of the Cabinet. Several other parliamentarians, public servants and members of the public were assaulted in the melée or detained. Many of these persons including the Honourable Prime Minister and the Honourable Minister of Justice and National Security were taken hostage by the assailants who took control of the Red House. Some of these persons, including the Honourable Prime Minister, sustained personal injuries.

At approximately 5.30 p.m. on the 27th July, 1990, another band of armed men forced their way into the premises of the Trinidad and Tobago Television at 11A Maraval Road, Port-of-Spain, where they seized several of the persons and detained them as hostages. These armed men retained control of the television station.

As a consequence of these events, I was satisfied that the public safety was endangered to an extent that warranted the declaration of a state of emergency."

That ought to have been debated and that was debated as you would recall on August 10, 1990, at the auditorium of the Central Bank. However, Mr. Speaker, I believe it is section (67)(1) of the Constitution which says:

"Each session of the Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as the President may by Proclamation appoint."

In fact, the place that had been appointed by the President had been the Red House and I am told, Mr. Speaker, that the proclamation—again this is legal opinion which this House may accept or may not accept referring to Legal Notice No. 151, the President purported to use the Emergency Powers

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Regulations 1990 Order made by the President under Emergency Powers Regulations 1990 and in that they declared the venue of the Parliament as follows:

"This Order may be cited as the Venue of Parliament Order 1990. Notwithstanding the Proclamation appointing the Red House as being the place at which the Fourth Session of the Third Parliament shall be held, the remaining sittings of that session shall be held at the Central Bank Auditorium....."

The legal opinion is that it is *ultra vires* to so declare, it must be declared by the President under section 67. I think that is a minor point but I bring it to the House, that section 67 is what empowers the President to declare where a Parliament shall sit and not the Emergency Powers Regulations under which Legal Notice No. 151 is purported to have been made.

Section 7(1) of the Constitution states:

"Without prejudice to the power of Parliament to make provision in the premise, but subject to this section, where any period, of public emergency exists, the President may, due regard being had to the circumstances of any situation likely to arise or exist during such period, make regulations for the purpose of dealing with that situation and issue orders and instructions for the purpose of the exercise of any powers conferred on him or any other person by any Act referred to in subsection (3) or instrument made under this section or any such Act."

As you will recall Mr. Speaker, when the President in fact made this proclamation that there is a state of emergency he also issued regulations known as Emergency Powers Regulations 1990. Legal opinion is that 15 days after this proclamation, it comes to an end. That is the reason it is necessary for this House to extend it by a simple majority because the proclamation by the President itself came to an end and everything that went with the proclamation also came to an end. Therefore the Emergency Powers Regulations 1990 came to an end 15 days after the proclamation of the President ended and, therefore, they are not in force and people who were arrested by virtue of it might be detained illegally.

Now you will recall that when we came to Parliament on August 10, 1990, we extended the proclamation, we did not extend the emergency powers. The legal opinion is that the Parliament should have extended the emergency powers since

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that would automatically have come to an end with the death of or lapse of the proclamation made by the President.

**2.30 p.m.**

I refer again to the legal opinion which I see from the letter I have in front of me, submitted to the Prime Minister on October 29, and which comes from—I do not wish to take credit for any of its legal learning and therefore I must quote my source. The letter is addressed to the Honourable Prime Minister and dated 29th October 1990 from The Trinidad and Tobago Human Rights Bureau and it says:

"A proclamation declaring a state of emergency in Trinidad and Tobago came into force on the 28th day of July 1990. That proclamation by operation of law came to an end after fifteen days and The House of Representatives under the provisions of our Constitution, extended the state of emergency for a period of three months. The Emergency Powers Regulations 1990 which came into force with the proclamation of the state of emergency in our view came to an end when the Proclamation came to an end. The Regulations did not form part of any law which was passed by the Parliament of Trinidad and Tobago in accordance with the provisions of the Constitution of Trinidad and Tobago. It would seem therefore that the present Emergency Regulations are *ultra vires* the Constitution of Trinidad and Tobago. There was no Parliamentary approval for them. Their Regulations abridge fundamental rights and they must be therefore passed in accordance with Section 7(3) of the Constitution of Trinidad and Tobago."

I believe that there is a fallacy that a state of emergency suspends the Constitution of Trinidad and Tobago. I wish to assure this Honourable Parliament that is not so. The Constitution is not suspended, by the declaration of a state of emergency since certain provisions of the Constitution are not the entire Constitution. I bring this information to this House. However, I think there is a more fundamental argument. That fundamental argument is that this House today is being asked to extend the state of emergency declared by the President. So that the state of emergency that this House is seeking to extend is the state of emergency declared by the President but when the President declared the state of emergency, it was based on certain facts. If these facts do not now exist then there is no basis for the continuation of the state of emergency.

What I am trying to say is that this Parliament cannot declare a state of emergency. This Parliament can continue a state of emergency and if this



Parliament had power to declare a state of emergency then the law would have required that the Parliament to state grounds why a state of emergency should be declared but it gives that right of declaration for proclaiming a state of emergency to the President and tells the President what he must do in order to have the right and the power to declare a state of emergency. Now if when the President declared the state of emergency he said those conditions, which I read to you, were existing, and indeed he said it at that time as a consequence of these events, how can we continue a state of emergency when these events do not now exist?

We cannot come to this House and give fresh reasons, that is my point. To give fresh reasons is in effect to declare a state of emergency; to say, I do not care what the President did. The President may have had reasons to declare a state of emergency. We are going to continue the state of emergency that the President declared upon our own grounds. We ignore totally the grounds of the President. What are the grounds? From the learned Member for Mayaro—I keep forgetting, he shifts from office to office so frequently, I cannot remember which one. I mean no disrespect but the reason given by the Member for Ortoire/Mayaro is that the Government, needs a little more time to ensure that the protective services are properly equipped. That was not the reason given by the President.

Now that is not a reason that can sustain a valid extension of the state of emergency. That is why the law is framed as it is. The framers of the Constitution were not unmindful of the fact that the power to declare a state of emergency can be abused by the executive. They were not unmindful of that fact at all, and that is why they hemmed it in to show many provisions and many rules and so many regulations to ensure that an executive will not use the existence of a state of emergency to perpetuate itself in power, for example.

The Constitution states that when the President declares a state of emergency, three days later he must give the Speaker the reasons for it. Then 15 days after Parliament shall meet and discuss what the President did. Do not ever forget that, they must discuss what the President did, they must discuss this statement.

Was the President justified on the grounds that he stated here to proclaim a state of emergency? This is the statement because if you are going to extend it you have to extend it upon the basis on which it was proclaimed. If you extend it therefore, it follows that you must extend it upon the basis upon which it was proclaimed and as far as the Minister of National Security is telling us today those conditions do not exist. He has made no reference to any statement made by the

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President with respect to his reasons for declaring a state of emergency. The Red House is not under siege, the Television House is not under siege and no hostages are being held. These were the reasons that were given.

It is my humble submission that this House would be acting totally contrary to the Constitution if it should decide to extend the state of emergency on the grounds stated by the honourable Member for Ortoire/Mayaro. If the Government, as is now clear, has no legitimate reason for maintaining the state of emergency then we are entitled to question the motive of the Government for so doing. We are entitled to ask: if there is no lawful ground why are you doing this to the country? Why are you keeping the country in a state of emergency? What are the real reasons for so doing? It seems to me that the reasons can be found in the Government's own insecurity. Election is in the air. Whether it is going to be a bye-election in Diego Martin Central; whether there is going to be a general election, I do not know, but it is believed that the Diego Martin Central seat having been declared, there is going to be an election within three months in accordance with the provisions of the Constitution.

Now if there is going to be an election, in a democracy people are entitled to campaign. That is the essence of democracy. The essence of democracy means that political parties go to the electorate and put before the electorate various proposals, various positions they hold and the electorate freely chooses which programme it would follow and which party it would support. That is the basis of our democracy.

As you know, the Emergency Regulations prohibit the holding of public meetings, so that public meetings cannot be held. Elections are in the air, but you cannot campaign. Is not that going to destroy the essence of democracy, which you say you have a state of emergency to preserve? So you kill the calf to prevent it from dying of starvation. That is what you do. You have a calf and you say well look, I do not want this calf to die of starvation, let me kill it. So you kill it. You do not kill the calf if you do not want it to die, you feed it. You are trying to save democracy, that is what you say, and yet you are taking measures that prevent the operation of the democratic process.

What is most important is that while the other political parties are at a disadvantage of not being able to campaign, the Government is campaigning. One only has to look at the electronic media, one only has to look at it and one sees that it is under complete control of the Government and the Government is

campaigning all the time. The same thing you quarrelled about when the PNM Government was in power it is the same thing you are doing now. But then we said that we voted for change and we got exchange. So that is perfectly understandable. We can understand that. You use the television to your own advantage so that you can put forward your views; so that you can communicate with the electorate but the other political parties in the country do not have access to that television.

Mr. Speaker, we held a press conference when we took over the Opposition about two or three weeks ago and TTT simply refused to turn up. There was the All Trinidad Sugar Estates and Factories Workers' Trade Union annual conference which is recognized as an event of some significance in the country and TTT did not turn up. Even the radio station controlled by the Government did not turn up for a press conference. One can see really a hidden reason for holding a state of emergency, so that they may get an advantage in campaigning for the election.

If this extension of the state of emergency is passed it goes on to December and you are campaigning. When will the other parties begin to campaign for the elections? Supposing it is a bye-election, will the Government, in order to avoid being so accused give an undertaking to this House that during that month that the state of emergency exists every political party will have equal time for putting forward their own views to the electorate as the Government has? I am sure it would not do that and that will help us to come to the conclusion, that not only do we find that the Government has control of the electronic media, we find now that the two dailies have now become virtual rags and party organs of the ruling party. We make no apologies for that because that is a fact, and I think that people know that.

#### **2.40 p.m.**

There is a conspiracy which is so blatant—everyone can see it—to keep the UNC out of any kind of political forum. We in the UNC have always believed that the power of the microphone is more powerful than the press and our political right is going to the people. We cannot do that in a state of emergency and we do not have access to the media. It is undemocratic to keep the state of emergency going. There is another reason and that reason is by further extending the state of emergency, the state of abnormality continues to exist. You are preventing a return to normalcy.

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There has been tremendous effects of this state of emergency on business and workers. Only yesterday I visited the Orange Valley Fishing Compound. I visited the fishermen there and I was told by the fishermen that the Government forgot to inform the tides that there is a state of emergency. The tides do not know about the state of emergency and the fishermen work by the tides. When the tides are in the fishermen must go out, regardless of whether the state of emergency is 11 p.m. to 5.00 a.m. before the tides go out. The fishermen at Carli Bay or Orange Valley cannot go out unless the tides are in, and the police attack them and harass them for going to do their work, going to fish at three o'clock in the morning. They have to take it three o'clock in the morning You must tell the tides that you have a state of emergency, so they must come in before eleven o'clock.

Those of us who are familiar with what takes place in the rural areas know that farmers get up two o'clock in the morning to get to the market. Market vendors have been beaten up. I do not know. This is what we are told. Market vendors are prevented from carrying out their work.

**Mr. Ramnath:** Very logical.

**Mr. Panday:** Some workers told me that they were on the verge of physical collapse because of the new kinds of shift rota system that they must work. If the state of emergency catches them, they must stop and work until five o'clock in the morning. It is affecting their health and you must pay overtime for that. It is unfair to say that the business community, the life of workers are not being affected by the existence of a state of emergency.

Why do you want a state of emergency—for cogent reasons? As soon as the Office of the Opposition sets up a committee to investigate abuses against the emergency powers—of course, we see the media is trying to keep that down in a charitable way, they do not want that to be heard for sacred reasons—but in the Office of the Opposition, I will set up a committee against the abuse of emergency powers.

People have undertaken to write to the Office of the Opposition and complain about the abuse of these powers. I want to read only two letters—there are several of them—that have to do with the state of emergency. I quote:

"Dear Sir,

On Saturday, 18th August, 1990 I went to the Spektakula Forum. The party ended about 5.30 p.m. While walking in a southern direction on Henry

Street, there were some youths who were also at the party making a nuisance of themselves. They were jumping in front of cars which were travelling in a northern direction along Henry Street. Some even jumped upon the cars. On reaching Independence Square, the police in a twenty-five seater police bus arrived.

In front of Cole Cold Bar where the maxi stops, the northern entrance of the bar, the police held one of the youths on the next side of the road. The youth was struck in the face with barrel of the SLR gun. He was made to sit on the low wall a little way from the telephone booth. He was then pulled up and put in a standing position. He was kicked and kicked. He was then thrown on the ground and further severely kicked about the body. I was horrified at such behaviour, especially as it was a youth. The police were in civilian clothes.

At no time did the youth retaliate. I was standing in front of the bar. The police then frightened the crowd to go home. It was about 6.06 p.m. on my watch. They faced the guns towards us. People hustled into maxis afterwards. Some maxis took about 30 persons, so desperate were the crowd to reach home because of the fear caused by the police.

I hope something would be done so an ugly incident like this would not happen again. The police could offer some other human approach.

I know that by penning this letter to you the police and the Government will find me out and beat me up. My house would be searched and drugs planted. I may even lose my job. But I cannot stay quiet as what I saw is disturbing me."

You see what a state of emergency does to people. I do not know whether what he says is right or wrong. This was someone writing, and he gave his name and address. I have no reason to believe that he is right. Look at what has happened. Fear has gripped our people—"If I speak the truth I shall be victimized." It may not be so but there is a perception that is inculcated in the mind and is crippling the psyche of our people. Look how people's mind works. He does not wish to complain but he is complaining and we shall investigate it.

### **2.50 p.m.**

There is another letter having to do with the state of emergency that came to me. I refer to these letters because I noted that the Minister of Justice and National Security said in his speech that the Government was concerned with the

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rule of law and the democratic process, and he read out the human rights. You may believe or you may not believe this one. I quote:

"This is a statement from the Muslims of Munroe Road Mosque Cunupia to the public, authorities and all those to whom it may concern.

We begin in the name of Allah, the Beneficent, the Merciful. We invoke peace and salutations upon the seal of the Prophet, Muhammad, the Last Messenger of Allah.

Throughout the recent years on several occasions, our mosque has been searched and our Muslims have been subjected to harassment and intrusion of their privacy.

People as well as newspapers are publishing and broadcasting lies about this mosque, and its members. We quote the scandalous lies of 'The Bomb' which it published on Friday, August 3, 1990—MOSQUE WATCHED FOR ARMS. 'A Cunupia mosque is now being placed under surveillance by the Chaguanas Police Station following reports that guns owned by the Jamaat Al Muslimeen are being stored there.'

"It further states, ' The Munroe Road Mosque, of which 'the business man' is a member, was thoroughly searched but nothing was found. His son, however, was arrested and charged by the Sangre Grande police for storing arms in a tabot (coffin).

We also quote the following lie published by the *Bomb* on Sunday 5th August, 1990 under the heading of "Prisoners! Women and Children Seek Refuge in Mosque—

'More than five hundred women and children, believed to be muslimeen members, have sought refuge at a Munroe Rd. Mosque.'

As a result of all these lies and false information, about 300 of the armed forces of the Police and Regiment with the aid of two (2) helicopters invaded our mosque, homes and businesses at approximately 5.15 p.m. on Wednesday 8th August, 1990.

One of the most unbearable and abhorring acts of theirs was the disrespect and desecration of our holy Mosque when they entered the sacred ground with their dirty, filthy, muddy shoes and boots, despite being asked politely

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by the members to take off their shoes. They trampled all over the carpet of the mosque and even had the audacity to ascend the sacred pulpit in this detestable manner.

We call upon the nation and relevant authorities to look into this matter and to prevent in future such sacrilegious acts of desecrating and degrading holy places of prayer.

Muslims all over the world consider the Mosques to be the most sacred places on the Earth and they do not enter them except in a state of submission, humility, purity and respect. Let whosoever wishes to enter our mosques do so with reverence and the fear of Allah in his heart, for verily the mosques are the houses of Allah and Allah is well aware of all that we do."

Mr. Speaker, I am reading this letter to show the pain that people are feeling. *[Interruption]* I wish that would go on the record, Mr. Speaker.

**Mr. Speaker:** The hon. Member's speaking time has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. *[Mr. K. Ramnath]*

*Question put and agreed to.*

**Mr. Panday:** Thank you kindly, Mr. Speaker. That outburst was extremely significant, and it has to do with exactly what I am reading here, because the Muslimeen invaded this House—alleged to have invaded this House—and whatever happened, every Muslim—that is the statement coming—must be under attack, and worst of all if he is, what is called, a Muslim of African descent.

I am trying to read the pain and the hurt that the people are feeling. I will read the last line because I thought it was so touching.

"...for verily the mosques are the houses of Allah and Allah is well aware of all that we do. Allah the Exalted says in the *Quoran*, the Final Revelation in Suratul Baqarah Verse 114—' And who is more unjust than he who forbids that in places for the worship of Allah, His name should be celebrated? Whose zeal is in fact to ruin them? It was not fitting that such should themselves enter them (the Mosques) except in fear. For them there is nothing but disgrace in this world and in the world to come, as exceeding torment.'"

Mr. Speaker, I read this one because there is another incident which I have to quote to you before I am through today. The letter goes on:

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"Finally we would like to say that we are law-abiding citizens and love and respect our brothers and sisters in Trinidad and Tobago, for verily we are all the children of Adam and Eve, and we are all human beings, irrespective of creed and race. Our primary mission as Muslims is to call people to the worship of one God, the God of Abraham, Moses, Jesus and Muhammed, and to take mankind out of the bondage and slavery of the creation towards their creator and sustainer.

We would also like to make it clear to the nation that no arms and ammunition were ever found during any of the searches carried out by the armed forces.

We make an appeal to the press to verify their information before publishing anything. In the end we pray and ask Allah to forgive us, bless us and increase us in guidance. (Amen)"

Mr. Speaker, I have read that letter in its entirety because before I came to this Parliament today I received further information, and that information is from none other than a former President of the Senate. That past President of the Senate informs me and I verily believe, that there is a man by the name of Stephen Yusuff Mitchell who is 72 years old. He is an architect who has worked for the Government on several projects. He is a Muslim and he has designed free of charge some 15 to 20 mosques across this country.

About four weeks ago the police came to his home—72 years old—took him to prison. We do not know where. It is believed that it might be what used to be the Magistrate's Court. That is what they believe. They do not know where he was. They kept him for eight days—this old man, 72 years old; allowed him no change of clothes. I am sure you would appreciate what that means to a devout Muslim. This gentleman lives in Malick and he attends the Nur-E-Islam Mosque. His tragedy is, his grandchildren used to go to the mosque at Mucurapo, the Jamaat al Muslimeen. That is his tragedy. And when he was held, he was roughed up and asked, "what do you know about guns? Does the *Quoran* not say you could hold guns?"

That is why I read the statement, because that is what is coming out from the Government. Then he was told, "you may go home". That is what the police are telling him: "Does the *Quoran* not say you could hold guns and so on?"  
[Interruption] I thought it was the PNM who was responsible for the coup. Is it me now? That is nice. That is beautiful. He he was kept there for eight days.



Eight days later he was asked to sign a statement saying he was not a Muslimeen. Then he was told, “you may go home”.

**3.00 p.m.**

Mr. Speaker, one witnessed an outburst in this House today that is extremely dangerous. If that is a Government, then God help us all because what we are seeing is—an incident took place in this country and whether those involved are legally guilty or not is a matter to be determined by the court. Why should this Government treat every Muslim as a criminal? That cannot be right.

I have information which came to me today that the Government has dug up the inside of the Jammāt Al Muslimeen's Mosque at Mucurapo. I should like the Government to say whether that is in fact so or not. Mr. Speaker, you will see why a state of emergency is such a serious thing. It is a serious thing because you have nowhere to turn. It is for that reason that we set up an Equal Opportunities Commission, a committee against the abuse of emergency powers. There is nowhere to turn if people feel aggrieved. I want to tell this Government that it should examine its own policy and see whether it is not the creator of the events of July 27, 1990. When you block the channels for people to complain of what they perceive to be legitimate grievances, you are inviting revolution and insurrection. It is only a democratic system that allows people the freedom to express themselves in a legitimate way; that acts as a deterrent to expressing themselves in an illegitimate way. Under this state of emergency the police—and I want to make it absolutely clear—I am not making any allegations against anyone, but should the people who complain, who are saying we are the victims of brutality, wrong and injustice, should they not have some avenue to which they can complain?

Mr. Speaker, I have already alluded to the fact that for one more month no one will be permitted to hold meetings. I know that the Government may argue that you may apply to the Commissioner of Police in order to get permission to hold a public meeting. Whether the Commissioner is minded to grant such permission or not it is really not relevant, because once there exists a state of emergency people are going to be dissuaded from attending such meetings. A situation of fear exists. Do you think people are so stupid to attend a meeting of an Opposition party during a state of emergency to be identified?

A man writes me a letter telling me that I know I am finished; I know I gone; I know they are going to find me; I know they are going to take me and I am

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going to lose my job and they are going to plant all kinds of things on me. Who is going to come out to a meeting during a state of emergency? Powers are extensive. Mr. Speaker, we are asking this country to bear this for one more month, for the time being. The danger of a continuing state of emergency is that it creates and sustains an ethos of fear. And if you contain and continue that ethos of fear long enough, people begin to become accustomed to being unfree. And once people become accustomed to being unfree, the society becomes accustomed to being unfree and you lose all the rights for which you have fought. It is for that reason it is said that the eternal price of freedom is vigilance. Freedom has a tendency to lapse into unfreedom and a state of emergency does that to people. People begin to get accustomed to being brutalized; accustomed to no meetings; accustomed to a loss of the right to communicate.

One Minister, during this state of emergency, attacks a Senator who was appointed by the UNC. Because a Senator was appointed by the UNC, he becomes a victim of an attack by a Government that has a state of emergency enforced. A state of emergency is enforced and then the hon. Member is talking about how this Government is upholding freedom. I thought the people had the right to join political parties of their choice. I thought people had the right of association. But a Government Minister, who no doubt is espousing Government's policy, attacks a citizen of this country for accepting appointment to the Senate by another political party, and they want us to extend this state of emergency to them. What would have happened if there was not a state of emergency?

Mr. Speaker, I got the impression that the hon. Member for Ortoire/Mayaro was saying that the state of emergency is contributing to the lessening of crimes. If the Government wants to declare a state of emergency to deal with crime it must say so: "We are declaring a state of emergency to deal with crime." But it must not say that the President, having declared a state of emergency because of the events of July 27, we are now going to use the state of emergency to combat crime. How is crime being combatted in this situation?

The UNC office was broken into twice during the state of emergency. Shades of Watergate. They broke into the UNC office twice. On the last occasion that the UNC office was broken into, do you know what they stole? Not money, they stole over 100 UNC letterheads and a typewriter. You will see those letterheads emerging. My friend has told me—he has more experience in this than I do because he also declared a state of emergency on the people. He says: "You must not only check what they take you must check what they leave. Quite right. My

friend has experience. He was part of a government that inflicted a state of emergency on the people so he knows, and if he says so, it is so. They probably left communication bugs to listen to conversations. I do not know. What did you use? Mr. Speaker, we are sure that the office was broken into as the first step in a dirty-tricks campaign. Those letters are going to surface with all kinds of nastiness put upon it by a Government that boasts of the nastiest mind.

Mr. Speaker, within two nights there were two robberies in San Fernando during the state of emergency, so I do not believe that your emergency is contributing to a drop in crimes. Except in one instance, I believe there has been a drop in the larceny of motor cars. There certainly has not been in other areas. Do you want a state of emergency in order to prevent the larceny of motor cars? I do not think that can justify the state of emergency when the price you pay are the letters I have read. Mr. Speaker, is it also that they want a state of emergency in order that they could continue to exist in the Government? When one sees the manner in which these Government Ministers travel, one cannot escape the conclusion that the paranoia has reached its ultimate.

I had the fortune to attend a Mandir in Arima the other day. When I reached the Mandir in Arima I saw policemen with guns, UZI, SLR, AK-47 and whatever you call them, I do not know the difference between these guns but there were heavily armed police all around the Mandir. And to my great surprise I discovered that they were there because two Ministers were attending the Mandir. How long are they going to walk with guns to pray? Is that the state of emergency? Do you not have to end the state of emergency sooner or later? The only way to be able to be free is to walk among the people and not to deceive them. Once you deceive them, you are in trouble; once you betray them, you are in trouble. If you sow the wind, you will reap the whirlwind.

### **3.10 p.m.**

So, the statement by the hon. Minister that part of this reason for the state of emergency is to enhance the capability of the defence force to deal with crime does not hold much water. There is added disadvantage. I frequent the courts and therefore I am in fairly regular and constant contact with people in the protective services and the reports that have been coming to me is that they are reaching the position of tension, physical and mental breakdown because of the enormously long hours they are required to work during this state of emergency. So while you are equipping them with shoe laces and shirts you are working them in such

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terrible conditions that I hope and pray to God that one of them would not break down mentally while he has an UZI in his hand.

Vehicles are one thing and putting up retaining walls is another. Getting shirts and pants when they have none may all be very commendable. But, the hours they work and their physical condition is also very important. The information thus coming to me is that some of the policemen are reaching breaking point because of the work they are being called upon to perform during this emergency.

I have done what I consider to be my duty today. I have raised the legal points that have been mooted around in legal circles as to the state of emergency—I believe that there is a group of lawyers who are now preparing to bring an action in court to challenge the points I have made. I also alluded to the economic hardships that are being caused to both workers and the business community as a result of the state of emergency. I have also alluded to the human strategy which has taken place and what is being perceived in the society as racial and religious discrimination against certain groups.

I am sure that any right thinking member of this society would, upon the Minister's own statement, come to the conclusion that there is no need for a state of emergency. Did you know what the Minister said when I asked him the question: Why are you telling me about these retaining walls, these shirts and pants, etc? He said that he was telling the House these things so that we may know that the Government has instituted measures to augment the service. So, if the Government has instituted measures to augment the service where is there the need for the state of emergency?

I appeal to the Government to reconsider its position today and to acknowledge that the real reason for the state of emergency is its own insecurity, its own paranoia, and its own fear. Continuing the state of emergency is not going to solve the problem. As a matter of fact, it is well believed—I have some statistics here—I would not use them. The statistics are really a continuation of the polls that were published last week; it was those items that were not published. What I want to tell the Government is that you may impose harsh conditions upon the country for a while but you cannot do it forever. You can run but you cannot hide. Sooner or later you have to face the people for the treachery that has been inflicted upon them, the betrayal and so on. Maybe in the interest of the country, instead of an extension of the state of emergency, maybe you ought to do the honest thing—call elections and clear the air. Let the people decide

which way they wish to go but do not keep us in a state of in-betweenity; do not keep stumbling along from day to day having lost the will to run the Government; having lost the will to govern. One sees that in their faces. When you look at them you see a totally devastated bunch. Please do not carry the country along with you. Do the honest thing, call elections and get the country out of this state of limbo that you have put us in. Do not continue the state of emergency, the police are well capable of handling the situation.

Thank you.

**Mr. Morris Marshall** (*Port-of-Spain East*): Thank you Mr. Speaker. I really would have preferred to make these opening comments in the presence of my honourable friend from Ortoire/Mayaro or rather the Minister of Justice and National Security. Whether present or absent, I would like to make these points.

On the Order Paper, it was noted that the motion would have been moved by the honourable Attorney General. I think it is really very unfortunate for this Parliament, in my view that this was not the case. The approach used by the hon. Minister of National Security reflects in my humble view a lack of understanding of what is really going on in Trinidad and Tobago. It was four months of the worst kind of political foolishness. I feel deeply saddened that the hon. Minister was in fact a senior official of my party. When the history of this period is documented by our historians and our political analysts in this period of our Parliament and they assess the performance of those who now form the Members of this honourable House, I say with sadness that the hon. Member, the Minister of Justice and National Security must be placed at the bottom of the ladder.

It is not just a question of the performance in terms of what he said, but the fact that he sought to mislead this Parliament. It is either he was in fact misleading the Parliament or he was seeking to give the impression that the hon. Prime Minister when he dealt with this whole matter of the security services some time ago, was in fact misleading the Parliament. We cannot have it both ways in terms of the previous administration's performance.

**3.20 p.m.**

Just to get to the point I want to draw your attention to the 1988 Budget Speech Mr. Speaker, to put it to rest. When the honourable Prime Minister presented the budget speech of 1988, this is what he said on page 30:

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"Several features of the traditional pattern of expenditure on the Development Programme need to be re-oriented to accord with the current economic environment. Whereas in the past there has been noticeable concentration on expenditure relating to community and social services, general administration, public order and safety..."

He was talking then about the previous administration—

“which are not self-financing, the present situation requires in the short term, rather more emphasis on projects and programmes which will directly stimulate a resurgence of economic activity.”

Mr. Speaker, that was the 1988 Budget Speech. It is their approach to the whole question of the management of the economy, as it related then to our security services, that was partially responsible for the crisis the country found itself in on July. They demoralized the officers of the security services; they dehumanized them; they put pressures on their pockets, on their stomachs by taking away 10 per cent of their salaries and their cost of living allowance and so on. What do we expect to happen? In fact, Mr. Speaker, and I will wish to be so corrected, we understand that the Special Branch, for example, our intelligence department, was virtually disbanded and then they come here today with this foolish talk about what happened before. Ninety-five per cent of his presentation was about what happened before. Even if that was the case why do you think the people elected them on December 15, 1986? The country is fed up with that nonsense and it is really very sad that the first session in this House, we start off on the same track, on the very, very same track. But I will say no more on that because as far as I am concerned, that honourable Member, the Minister of National Security, is in fact dead politically, so I am not going to waste too much time on that.

Mr. Speaker, our approach to this matter, the question of the state of emergency, is one that is rooted in our commitment to the country. We put nation first and if you analyze the performance of our officials' utterances, our attitudes, our behaviour, particularly as of July 27, to now, we attempted not without problems and without weaknesses, not without errors, to take the high road in terms of what we have to say in terms of what we did and so on. It was one newspaper editorial that was forced to congratulate the leader of our organization for the responsible approach that he took at this particular point in time.

I recall Mr. Speaker, as well, that I wrote, I think it was on August 9, 1990, an article in the *Express*, just to emphasize the point that I am making. I want to refer to two paragraphs from this article:

"Now is the time for sober thinking, seeking after the interest and welfare of the country, using all the resources at our disposal to return the country to normalcy; avoiding partisanship, and mobilizing all forces whether it is opposition, religious, commercial or otherwise, to bring some sanity back to the country; to rebuild the morale of the people.

This is the role which we must carry out as responsible citizens of Trinidad and Tobago."

That was my position then and still is—*Express* of Thursday, August 9, 1990, Mr. Speaker and it was written by Morris Marshall.

When the issue of the extension of the state of emergency came up on August 10, 1990, the very next day, the hon. Member did an extremely good job. He was extremely convincing in terms of his argument as far as we were concerned. We got some blows on it. On that very morning at the Central Bank Auditorium—and I was in a very difficult position myself—I remember continuously talking with my colleague, about which way to give our support, because the hon. Member for Couva North at the time was also very convincing. Even though we knew what kind of Government we were dealing with—we had our suspicions and still have—we gave way on the side of caution in the interest of Trinidad and Tobago. That is what we did and we supported the extension because we felt, at that time that it was the best thing for the country, it was in the interest of our nation to so do. So we gave them the benefit of the doubt as I said, because we felt that there was still a lot of clearing of work to do. There were obviously still some problems in the nation and the authorities required some additional time to deal with them. We gave them our support then, not because we supported their policies or anything of the kind.

I made the point as well in another article and I emphasized why we supported them and I want to quote:

"Hence the PNM's support for the Government's motion to extend the state of emergency for three months was based not on a convenient collaboration with the Government or in support of its policies and performance, but rather, that this course of action was absolutely necessary at this time, for the national good."

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We put nation first Mr. Speaker. What is the present situation today, Mr Speaker? *[Interruption]* I do not think that at this time the situation that existed then is still existing at this particular point in time. From their own utterances and from the utterances of other senior functionaries of the administration, they themselves have admitted that the country is virtually back to a state of normalcy. People are going about their business, functions are being held all over the place. The question therefore is: Why do we need an extension and as they put it, for one month in the first instance. Why? How many more guns do they expect to find in an additional month that they have not found during the last three months? I think they said they found four guns in three months. How many more guns are they going to find in one month? Then we hear the statement that the state of emergency will continue until every single gun is found. If that is the case, it means therefore, that the state of emergency will probably end in 2094. There was always a presence of illegal guns in Trinidad and Tobago and there will always be the presence of illegal guns in Trinidad and Tobago. You do not need to have a state of emergency to deal with that. There are existing laws that can deal with such a situation. *[Interruption]* I only make serious statements.

**3.30 p.m.**

The imposition and/or extension of a state of emergency is a very serious matter because what we are talking about, as we understand it, involves the suspension of people's basic human rights and freedoms. We are talking about continuing to give the police and security forces wide and extensive powers. We are talking about the possibility of interfering with the work of the media and so on; we are talking about going into people's homes without warrant, arresting people, detaining them and so on. That is a very serious matter and I repeat that there are adequate provisions in our laws to treat with whatever little existing problems may be still taking place in Trinidad and Tobago at this time. I have tremendous confidence in the security forces to do so.

So I am of the view that the reasons outlined are not the real reasons for coming to this Parliament and requesting an extension of the state of emergency. This Government which may have some level of legal authority is without any legitimacy in the country, there is no doubt about that, no moral authority whatsoever. While some of their key officials referred to the previous administration as a 28 per cent government in Trinidad and Tobago, Mr. Speaker, there is no doubt that their behaviour and their approach to this matter is centred,



to a large extent, on the fact that we now have the most unpopular post-war administration in the English speaking Caribbean area. That is reality.

So it seems that their intention is to set up a perpetual state of emergency to terrorize people while they can go about the place campaigning. As it is clear to all of us, they are putting pressure on members of the other political parties because we have to restrict our work and political activities in keeping with the conditions of the state of emergency and they talk about democracy. Inhibiting political activities, that is what they are doing by continuing the state of emergency. I will agree with the hon. Member for Couva North, this is not normally the case but I am forced to do so on this occasion. If even a date for elections is in fact decided on, nobody will wish to go to any public meeting under the conditions of the state of emergency. Nobody in their right senses will wish to do that.

Serious political activities will be limited at a time when a by-election is expected in a particular constituency and at a time when we are in fact in the last year of this Parliament. It is just not right. In addition to that, in addressing this particular issue in this debate here, we must not lose sight as well of the Government's inherent tendency to tamper with our fundamental human rights and freedoms and all we need to do is to review their attitude from day one and you will realize why so many of us are fearful of giving these additional powers to the present administration. We are extremely fearful because it is the same administration that sought to tamper with our Constitution simply to deal with certain persons.

We are fully aware of their political arrogance, their vindictiveness. We are fully aware of these things and I will simply like to caution this country and this Parliament about giving these additional powers to those who are now in control of this state. It is a frightening situation for those of us and we simply want to make the point to this Parliament and I extend it to the country, that we could find ourselves in a situation where we are laying the basis for a type of fascist regime that would create untold problems for all of us down the road.

The hon. Member from Couva North as well, outlined some of the problems as they relate to our economy. He talked about the small farmers and the fishermen and so on—there are real concerns and somebody will have to analyze the impact—serious and negative—on the economy at an international level. Somebody would have to analyze that and see what it is costing the country; how people view us outside of Trinidad as well in terms of our political stability and

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so on. These are serious matters. How the state of emergency impact on the 1991 sugar crops is a serious matter.

Mr. Speaker, what I think this Parliament, especially this very first Parliament in this honourable House ought to be debating as this time is the root cause of what transpired on July 27, 1990. Why did it happen? What can we do as a Parliament and as leaders of this country to avoid a repeat of that situation? It is nothing in my view short of a scandal that our entire nation could have been traumatized as it was, over the last few months particularly the days following July 27, and no one, absolutely no one is prepared to accept responsibility for that, short of the continuing accusation that either people in the Opposition were involved or it was Libya or it was the United States of America and so on. That is a most irresponsible attitude, and if this nation is in fact going to move forward there ought to be serious debate about that Mr. Speaker.

I make bold to say that "Abu Bakrs" will go but more will come if we fail to treat with the fundamental causes of what transpired. We need to look at the whole question of parliamentary democracy. Parliament must be seen to be operating, not in the interest of any small groups but in the interest of the nation as a whole, and unless we treat with these very basic issues, important issues, we are in fact running the risk of continuing to divide the nation and creating problems for us.

I want to draw to your attention, Mr. Speaker, a position outlined by a group of persons from the Commonwealth Parliamentary Association, that we review this whole question of Parliament and they presented a report in December, 1984 and I simply want to refer to a brief area of the report where they talked about the relevance of Parliament. I am saying that in the context of what transpired we need to look at this matter. The report said:

"The study concluded that if a Parliament was operating efficiently subversive movements would have difficulty in gaining public support, but to retain public confidence it was essential to ensure that the parliamentary system was seen to be operating fairly and effectively in the interest of all.

If however Parliament was not expressing the need of the people and appeared to be operating for the benefit of the MPs themselves or special interest groups, the development of subversive movements would be encouraged and might ultimately lead to the downfall of the Parliamentary system."

I am saying that a serious parliament, a responsible parliament, a parliament made up of persons who have a commitment to country and a government that has a commitment to country would be looking at these matters.

**3.40 p.m.**

We need to look as well at the whole question of how we manage our economic issues, especially in the context of the approach used by the present administration over the last four years. In this context we know of the approach used by the present administration over the last four years. There is no way, if we are serious about dealing with the root causes of what has happened, that we can continue with a situation where the mass of the population will continue to eat the bread that the devil kneads and a small clique continues to enjoy the wealth of our land. They may listen to it, they may accept it, but that is the fact. So it is difficult for us to support an extension of the state of emergency.

This Parliament has not received any solid reasons for supporting this motion. As far as I am concerned there is no way we can even support a motion for an extension of one day, far less a month. To do so will be to give support to the establishment of an incipient police state developing under this present administration. It will, more or less, give support to an unpopular administration that is not interested in dealing with the national concerns but seeking primarily to perpetuate itself in office. We cannot and must not countenance the desire and intention of the Government to play politics with the security of our nation, because that is what they are doing.

This emergency is nothing short of a political strategy on their part to campaign across the country, while putting serious limitations on the members of opposing political parties. We can only do so much. They have the majority and they will proceed to pass it, but the best that we can do is exactly what we are doing, alerting the nation and letting them understand that the sooner we get to the point where we can deal with them politically and democratically so that this country can begin to move forward, it will be in the best interest of all of us.

That day will come because no amount of states of emergency, no amount of additional guns and so on will allow them to stay in power indefinitely. The day will come when the population, in the way that we know it, in a democratic fashion, by the ballot, will deal with them in the way that they have been dealing with the population over the last four years.

I thank you very much.

**The Attorney General (Hon. Anthony Smart):** Mr. Speaker, as a responsible Government, we have come here this afternoon to seek Parliament's approval to extend the state of emergency by one month on the advice of the security forces in this country; and that is the short point. We have received advice from those persons in charge of the security of the nation and we have accepted that advice.

I am amazed that persons who are responsible by the positions that they hold in the Parliament for collectively ensuring that this state remains stable and safe, those are the ones who have come out vehemently to attack the state of emergency. They are the only ones who have come out, and I am talking now about the Member for Couva North, the Member for San Fernando East and now sadly, the Member for Port-of-Spain East and there are one or two others with whom the Member for Port-of-Spain East has publicly associated himself. I thought for a while that there was hope for him, but he clearly demonstrated this afternoon, that there is absolutely no hope for him.

I remember when we sought to get the first extension of the state of emergency, I publicly congratulated the Member for Port-of-Spain East for his mature and responsible approach to the very severe and difficult problems that the country was facing and the attack that it was under. I am really surprised this afternoon to hear him say that there was some doubt in his mind and that he was almost persuaded by the Member for Couva North not to support the continuation of the state of emergency on August 10, 1990 a mere 10 to 15 days after this very Parliament came under attack in the worst way. I am really amazed to hear this and one wonders what the motives are. I thought that there was some hope.

One can understand the Member for Couva North. One sees a pattern in his behaviour and I want to make a declaration here. On that day when we went to the Central Bank Auditorium, when we were forced out of the House of Parliament and sent down to the Central Bank Tower, I saw the Member for Couva North—and I am going to say it here—I have never seen him angrier. I have never seen him more vicious and bitter and that was my response to his contribution on the debate on that day. That was all I said of him. “What anger! and what bitterness!” when his colleagues, when the people with whom he had sat in Parliament for four years in some cases even longer than four years, came under attack in the most vicious way.

We have to understand what we are dealing with. We have to understand the evil that we are dealing with. That evil will embrace national unity when it is in

its interest and talk about the coming together of all the races in the country and when it does not suit that evil purpose, it will take the opposite position and say separate the races; let us fight one another. That is what we are dealing with Mr. Speaker, and we have to be very, very careful and understand this. You see we have not spoken enough in this Parliament and that has been part of the problem. We have not spoken enough in this Parliament, and maybe now is the time to talk, so that the people will understand the manner of man we are dealing with.

**3.50 p.m.**

What has happened over the last three months? This country was traumatized in the worst way. It is not just the Members of Parliament and those persons at TTT—of course, they were severely traumatized; we were all severely traumatized.

**Hon. Member:** Where were you?

**Mr. Smart:** I was right here.

**Hon. Member:** Dressed up in cleaners' clothes.

**Mr. Smart:** We were all severely traumatized. But the ordinary people of this country who have had absolutely no connection with any of us here, people going about their normal business, the people in the public gallery, they were severely traumatized and brought under attack.

We seem to have forgotten that it was a mere three months ago that not only the Parliament but the people of this country were attacked in a most vicious way. I say this because it was not only the Parliament that was attacked, it was the headquarters of the police, the people who are responsible to protect and serve all of us that was brought under attack, that was bombed. That was a demonstration of an attack by these vicious men on the people of this country. Because the police are there to protect and serve the people, they bombed the police headquarters. We have to make that point very, very strenuously.

In spite of all of that, over the last three months people have been saying that the country appears to be coming back to a state of normality—some people say normality; some people say normalcy, it does not matter. What is the reason for this? The reason is that this Government has been very measured and very careful in how it has exercised its very wide powers under the state of emergency. This is a serious democratic Government, an extremely democratic Government.

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In the very early days when some of us were still quaking in our boots, still very frightened—as a matter of fact when some of us here were still held hostage—there was a most irresponsible publication, and there was pressure on all sides for that publishing house to be brought under censorship, which we were entitled to do under the state of emergency. But because this Government treasures the democracy that we have had, and that was attacked just a few days before, this Government said it was better to have a few irresponsible people do irresponsible things than to give the impression in any way that this Government wants to circumvent or circumscribe the freedoms that we have fought for over the years. One has to understand that we preferred to err on the side of not doing anything than to take any steps that might give the impression that we want to interfere with the democratic freedoms to which we have grown accustomed and to which we are entitled. Let them understand that.

The point I was making was that even though we are appearing to come back to a state of normality, the ordinary person in this country is still very traumatized, still very scared by the events that took place on July 27 and the days thereafter. They are still very scared. Fortunately, I have overcome the frightening experience that I had, and I think all of us who have the responsibility to run the affairs of this country have overcome the difficulties that we suffered. I am talking now on the Government side. It appears that those on the other side may not have. We are responsible men. We have a commitment to this country so that we have overcome the difficulties because we have a job to do—we have a country to run. There are many people in this country who are still fearful. We have to take all of that into consideration. I am sure that if a poll was done, if you ask any ordinary person in the street—you can even check the people in the gallery now—they will say to keep the state of emergency going. We are still not sure whether we are totally out of the woods.

You know the very persons who are criticizing the motion to extend the state of emergency are the same ones who would say that this Government is irresponsible if something were to happen two or three days after the state of emergency is lifted. The very people who are arguing against it without any information from the security forces are the ones who will turn against us and say that we ought to have been more responsible. I know that the people  
*[Interruption]*

**Hon. Member:** Put it in the record—"expect to happen".

**Mr. Smart:** We know what we have to do and we are doing it in spite of what the Member for San Fernando East, Member for Port-of-Spain East, Member for Couva North and whoever else want to say. We know that the people expect us to act responsibly and we shall do so.

**Mr. Sudama:** People also want you to hold the elections.

**Mr. Ramnath:** You could declare 10,000 states of emergency—

**Mr. Smart:** We know that many people have suffered inconvenience as a result of the imposition of the curfew. People in the early days suffered severe inconvenience gladly in the interest of protecting the state from attack. As time has passed this Government has relaxed the curfew progressively, so that within two or three months we were able to roll back the curfew to 11.00 p.m. to 5.00 a.m.

In 1970 the state of emergency was declared in April of that year and it went on for some eight months. I remember well—you see, I got married in that year, and my wedding was on July 26, 1970.

**Mr. Toney:** You were at school.

**Mr. Manning:** I was still at school.

**Mr. Smart:** April, May, June, July, some four months afterwards the curfew was still on, and the wedding had to be earlier than normal—3.00 p.m.—because it was either a 10.00 p.m. or 12.00 p.m. curfew at that time.

**Hon. Member:** You are much older than I thought.

**4.00 p.m.**

**Mr. Smart:** So that within the space of three months we have been able to assess the situation, at all times mindful of the convenience to the population, what is best for the population. We have assessed the situation and rolled back the curfew as we saw fit based on the advice of the protective services and the security forces in the country. We understand the people are suffering inconvenience. We all are. We are all suffering some inconvenience by having to restrict our movements at any point in time during the twenty-four hour period. But I am clear in my mind that we are prepared to suffer that inconvenience in the interest of ensuring that our homes, our properties, our lives and our institutions are protected from those whose intention is, and continues to be, to destabilize

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and to attack democracy by force and to put us in a state that is completely alien to our existence, our style of life, our democracy.

So I feel that we are totally justified. We are acting responsibly in bringing this motion to the Parliament. You know, there is a word that came to my mind when the Member for Couva North was speaking about the law, and it is a phrase that has not crossed my mind probably since I was a little boy. The phrase is “crapaud foot.” I said to myself, what kind of “crapaud foot” argument is the Member for Couva North bringing to the Parliament on the matter of whether the state of emergency is legal or not? But then I was not surprised because anytime the Member for Couva North gets up to speak on matters of law in this Parliament, he is invariably wrong. He has always been wrong. That has been my experience. He has not disappointed me again today.

His argument is that the proclamation came to an end in 15 days, therefore the regulations under the proclamation have come to an end. You know, he reads—and he reads very badly—and whenever he is quoting from the books it is extremely difficult to understand what he is saying because he misses words. He does all kinds of things. So we have to teach him to read.

Section 10(1) of the Constitution clearly states, before its expiration the Proclamation proclaimed by the President may be extended from time to time. Before its expiration it may be extended. He is arguing that the proclamation comes to an end. We went ahead and extended the very Proclamation that the President published on the 28th. That is the very Proclamation that was extended on August 10 and hopefully will be extended today.

What does the proclamation say? It says that:

"...the President is satisfied that action has been taken or is immediately threatened by persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life."

It was on that basis that the state of emergency was declared. It was not on the basis of the statement given by the President within three days, which is what he is required to do. What else could the President have said? This statement was prepared while a number of us were still held hostage in the country, while it was not clear to us what the motives for the attack were; how extensive that attack was; what the follow-up action might have been. That is when this statement was done. I remember the Member for San Fernando East saying in the last debate for



the extension, that if there is any criticism he has to make in the circumstances, it is that a state of emergency was not declared sooner.

Mr. Speaker, this attack took place at 6.00 o'clock on July 27. Almost the entire Government was held hostage. The Attorney General was held hostage for a while. We did not know what was going on. We were totally surprised. It is to the credit of this Government and those Members of the Government who were fortunate enough not to be in the Parliament, or who were fortunate enough to have escaped the Parliament when these events occurred, that they were able, with the President, to re-group and to put the necessary documents in place to lawfully declare a state of emergency around ten o'clock the next day. It is a credit to them that they were able to bring the situation under control to the extent where the legal processes were put in place in order to declare the state of emergency.

So these things have to be cleared up. You see, we have to talk and talk and keep talking, because, as I said earlier on, maybe our sin is that we sat and kept quiet for too long. We were too busy working, too busy dealing with the problems of this country. As the Member for Pointe-a-Pierre has said, we were too busy achieving.

#### **4.10 p.m.**

I refer hon. Members to an article written by the public relations officer of the National Alliance for Reconstruction. His name is Lennox Raphael. It is an article that was published in the *Express* on October 26, 1990 headed: "Counting the Positives." It is a litany of the achievements of this NAR Government over the last four years. It is not all the achievements, but I commend this article to Members of this honourable House and to the public at large. Go back, get it, read it and you will see, in short sentences, the achievements of this Government. It goes on and on and on. After I read this article, I was surprised that we had done so much. As has been said: "So much with so little in such a short space of time." But more will be said on this. This is not the time to go into the achievements of the NAR Government.

Mr. Speaker, in conclusion, I make reference to a statement made by the Member for Port-of-Spain East during his presentation. He sought to mislead this House, to give the impression that under this Government the parliamentary system and democracy have been brought under attack. Nothing could be further from the truth. What we saw on July 27, 1990 and the days thereafter was the

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triumph of the parliamentary system in the face of the most brutal and severe attack upon it. What he must understand is that the people of this country do not want a system that these people sought to impose upon us. The people in this country came out in support of the democracy and parliamentary system as we know it. There has never been greater freedom of expression and freedom of speech—I make the point all the time—than has been seen under the NAR Government. The very people who attacked this Parliament virtually monopolized the television station. He just had to say: "Press Conference" and the entire media was there, be it at the Hilton Hotel or the Jumaat. They sat, listened and reported what he said. Everybody had the right to go on television. Even during the state of emergency when they were calling on us to clamp down, we refused to clamp down. We said: "Let the democracy reign." It is necessary to continue the state of emergency because we have received advice and we do not wish to be reckless. So let the Member for Port-of-Spain East understand that we in this Government have demonstrated, beyond any shadow of a doubt, that we love and value democracy. We value the parliamentary system under which we operate and we would go to any lengths, even to the point of appearing to endanger ourselves to ensure that democracy continues to flourish in Trinidad and Tobago.

I thank you very much, Mr. Speaker.

**Mr. Trevor Sudama** (*Oropouche*): Mr. Speaker, I will not be very long this afternoon but I think it is important that a few points are made. I thought that the Minister of Justice and National Security would have been the person to tell this Parliament that it was on the advice of the security forces that this state of emergency has been extended. Nowhere in his contribution, which was a long list of failings with respect to the Ministry of Justice and National Security, did we once hear that it was on the advice of the security and protective services of the country that this state of emergency should be extended. The Attorney General seems to have the security forces reporting to him.

**Mr. Panday:** No one knows who is in charge. They are confused.

**Mr. Sudama:** He is now giving this House the assurance that it was on the advice of the security forces that they come for an extension of the state of emergency.

Mr. Speaker, on the basis of the proclamation by the President, I expected the Minister of Justice and National Security to have concentrated his contribution

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this afternoon on this part of the declaration, which I think is the heart of the matter:

"That action has been taken or is immediately threatened by persons or bodies of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life."

This is the crux of the matter. Therefore, he should have made a case this afternoon that action has been taken—we are not referring to the events of July 27, 1990, which is in the past—but since then action has been taken or is immediately threatened by persons or bodies of persons. Not only that actions have been taken or threatened, but it would have to be of such a nature and on so extensive a scale as to be likely to endanger the public which is the safety of the whole of Trinidad and Tobago. You have the safety of the Members of Government but that seems to be their prime concern; their own personal safety with three and four policemen following them from place to place on a permanent basis.

"On so extensive a scale as to be likely to endanger the public safety..."

That is the national safety—

"...or to deprive the community or any substantial portion of the community."

I suppose that means deprive the national community of supplies or services essential to life. It is not enough for them to come to this Parliament as an afterthought to say that it is on the advice of the security services that they are making this proposal to Parliament.

Without going into specifics, they have a duty to this Parliament to tell us in some measure of detail or generality what that threat is constituted of. Is it that many more members of the Muslimeen are at large or expected to be at large who have the same motives and objectives as those who entered this Parliament on July 27, 1990? Are they operating or likely to operate on such a scale? How many of them are there operating or likely to operate on such a scale as to endanger the public safety of Trinidad and Tobago or to endanger a substantial portion of the supplies and services? Mr. Speaker, this is why we have commented on the manner in which this Parliament has been used in the past—

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simply because they have the majority and they come here and talk about parliamentary democracy.

The Member for Diego Martin East comes here and talks about parliamentary democracy when he does not understand the essence of the nature of parliamentary democracy that he so glibly talks about. Then he comes here and threatens this Parliament merely to a tirade. He talks about the stability and safety of the state being threatened. Had it been threatened from July 27, 1990 to today. What evidence do they have that there is a continuing threat to the stability and safety of this country to the extent that you have to have all these draconian powers in place; the suppression of fundamental rights and freedoms on the scale which has been declared in this proclamation and the regulations which accompany it—

Mr. Speaker, people in this country are not aware of the kind of powers you are handing the Government and the security services in Trinidad and Tobago by the continuation of the state of emergency. Therefore, that continuation has to be defined, identified and explained.

**4.20 p.m.**

If I may just read a few excerpts of it which are by no means comprehensive. Let me tell the public what is involved in the continuation of this state of emergency:

"7. (1) Except with the prior permission in writing of the Commissioner of Police, the grant of which shall be in his discretion, no person shall hold or take part in any public march or in any public meeting.

(4) The grant of any permission under this regulation may be subject to such terms and conditions as the Commissioner of Police may think fit for giving effect to these Regulations.

8. (1) No person shall enter any protected place unless he is authorized by the occupier thereof or by the Senior Police Officer of the Division in which that place is situate."

It goes on—

10. (1) Subject to the provisions of regulation 18 a police officer may stop and search any person whom he finds in any street or other public place and reasonably suspects of having any firearm, ammunition or explosive in his

possession contrary to regulation 9 or of having committed or being about to commit any other offence prejudicial to public safety or order.

(2) A police officer acting under subregulation (1) may seize and detain any firearm, ammunition, explosive or other article found in the person's possession, custody or control. . . ."

Then you have the prohibition against possession of certain documents—

"13. No person shall have in his possession or under his control any document of such a nature that the dissemination of copies thereof is likely to lead to breach of the peace or to cause disaffection or discontent among persons."

Then there is the other provision:

"15. Notwithstanding any rule of law to the contrary, a police officer may without warrant and with or without assistance and with the use of force, if necessary—

(a) enter and search any premises,

(b) stop and search any vessel, vehicle or individual, whether in a public place or not. . . ."

16. (1) Notwithstanding any rule of law to the contrary, a police officer may arrest without warrant any person whom he suspects has acted or is acting or is about to act in a manner prejudicial to public safety or to public order or to have committed or is committing or is about to commit an offence against these Regulations; and such police officer may take such steps and use such force as may appear to him to be necessary for affecting the arrest or preventing the escape of such person."

And these prohibitions go on.

This Government is confusing two things and deliberately so. No one on this side is arguing against the enhancement of the capabilities of the security services of this country. If there is need to enhance the capabilities of the security services of this country, that does not automatically mean that you need to extend the state of emergency. They must answer to the Parliament: For how long are you going to extend this state of emergency? You say one month at the minimum. On one occasion, the Prime Minister said that this state of emergency will be extended

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until such time as all the guns—presumably the illegal guns in this country—are obtained by the police. Let us assume—

**Mr. Robinson:** Mr. Speaker, with your kind permission may I dare to say that I never said "all the guns."

**Mr. Sudama:** Some of the guns? Whose guns? Which guns?

Do you see we have a problem? We have a problem of creditability. The question of one month and at the same time, the Prime Minister making such a statement. I have said time and time again that the biggest problem facing this country is the question of the creditability of the Government. That is the root cause of all our troubles—the creditability, the faith that the people have in this Government, the confidence that they have in this Government. What they are attempting to do this afternoon is to permit the security forces to do their work for them.

I want to make a statement about the security services. Nobody on this side would ever conceive of attacking the security services in this country. This is not to say that perhaps there are security forces who have exceeded the bounds of their authority and their discretion. But, you must have faith and confidence in your security services. And, you must also have faith and confidence in the intelligence services in this country. This country wants to be assured by the Minister of National Security that on the basis of the intelligence report which he has received, which he complained that the intelligence services in this country were virtually demolished, that is to say before July 27, 1990, there were hardly any security intelligence units in the police service of Trinidad and Tobago. The country wants to have the assurance that between July 27 and today, the intelligence unit is functioning effectively in order to give the right kind of information and advice on which the Government would base its security policies. We do not have that assurance.

**Mr. Richardson:** On a point of order. I said no such thing.

**Mr. Sudama:** I have limited time and I do not want to engage in any frivolous exchange.

**Mr. Richardson:** Therefore, you should speak the truth.

**Mr. Sudama:** It is so amazing to hear that advice coming from you—to speak the truth. Maybe you had a conversion after July 27.

I say this because you have different Ministers of Government saying different things. We need to enhance the capabilities of the security forces in this country. There was a total lapse before July 27, 1990 for which he should take responsibility and resign. But, he submits a bogus letter of resignation to the Prime Minister. If you want to resign, you resign. You do not ask someone else if you want to resign. You should take the responsibility for the fiasco that happened on July 27—the lapse in the security services.

When you hear members of the Government questioning the loyalty of the security services of this country, you begin to get a little worried. I have a report in the *Express* of October 29, 1990 in which the Minister of External Affairs says to a party meeting:

"If we allow the events of July 27th to be repeated in this country, I can tell you that the army would not be siding with the 'people', but with the forces of totalitarianism."

They are questioning the loyalty of the Defence Force which stood up so valiantly through a period of crisis and trauma in Trinidad and Tobago and you have a government Minister publicly casting aspersions on the loyalty of that Defence Force.

**Mr. Manning:** Who is that Minister?

**Mr. Sudama:** The Minister of External Affairs and International Trade, the goodly Dr. Sahadeo Basdeo, formerly of Canada and of refugee fame. Do you see what is worrying us. The second aspect of this worry is the insidious assertion or relationship that Ministers are trying to make with the continuation of the state of emergency and improvement in economic activity—the improvement in family life, a drop in crime. The logic of that has to be that if the state of the emergency is so good for family life—the Member for Ortoire/Mayaro says most wives agree with that.

**4.30 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Mr. Sudama:** Mr. Speaker, when we took the adjournment for tea I was commenting on the credibility of this Government being one of the root causes for the eruption of events on July 27, and since then its credibility has diminished instead of increased. There is a relationship between the credibility of a

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government and its need to recourse for security. There is a relationship between the level of political confidence people have in a government and the need for that government to resort to a high level of security. The more there is political confidence in a government, the less there is need for any significant degree of security and precautionary measures in the country. But where that level of credibility is wanting, then as a political principle you have to compensate for that by increasing the security presence. This is one of the reasons we are here today in this Chamber, for the purpose of debating a resolution to extend the state of emergency by one month.

Mr Speaker, from the contributions of the Member for Ortoire/Mayaro, and the Member for Diego Martin East, what this Government has clearly displayed is an inability to think forward, to think with a larger perspective in mind. All we have heard here this afternoon is about the failures and the failings in the Ministry of National Security in 1981, 1987, 1988, specifically at those times when the Minister of National Security was not in charge of the security services of this country; a selective recounting of the failings by the political directorate in the Ministry of National Security, and it goes back to his days in the PNM Government and it continues to his stint in the present Government.

We have had here no indication of how this Government perceives the future. The Member for Diego Martin East went into a long discourse of self-sympathy about the events and his experiences of the events of July 27, 1990. My information, Mr. Speaker is that he dressed himself in an apron to try to get out of the Red House. Whether that is true or not I am unable to verify, but he talks here about courage and dignity and the national interest. Well we went through that for five days on the floor of the Parliament. I know what it is like, but he comes here and talks glibly about what has happened, trying to evoke emotions.

The state was endangered and that is true, parliamentary democracy was under threat, was in danger, but of course, it is a threat that was precipitated by the actions or inactions of his government and he will not accept responsibility for that. While we recount the events of July 27, 1990, and the five days of crisis and the subsequent events, this Government is not telling this country or this House what would happen from now on. What will happen from now on? For how long do they envisage themselves being escorted about by armed security in their homes, when they go to shop, when their children go to school? For how long? What are they doing or attempting to do to restore this country to a state of political and security normalcy? No indication has been given here today.



As I have said, we on this side support any proper, legitimate and effective means of boosting the capabilities of the security services, so that they will have the resources to deal with problems which may arise as a result of some misguided persons wanting to threaten the institutions of this country. But they have not said here in this Parliament what beefing up the operational capabilities of the defence staff and the police has to do with extending the state of emergency. What is the correlation? Why can they not do that without the extension of a state of emergency, if as they preach from time to time, things have returned to normalcy in this country.

The Minister of Industry and Enterprise went overseas and declared that Trinidad and Tobago is a normal place and that it is one of the great places in the world to come and invest because conditions have returned to normalcy. Well if conditions have returned to normalcy, why this need for the extension of the state of emergency? Which foreign investor will take your advice or your pleadings when on the one hand you are extending the state of emergency; and on the other hand you are telling him to come and invest, because public safety and order are not threatened in Trinidad and Tobago. It is this contradiction in the approach which gives this country a great deal of cause for concern.

Mr. Speaker, the Member for Diego Martin East also sought to explain to this country why it took so long for the Government to declare a state of emergency, and he went on to say that it was to their credit that they took 22 hours to declare a state of emergency at a time when the necessity for a state of emergency was most urgent. From 6.00 p.m. on the night of Friday, July 27, 1990 to 10.00 a.m. on the following day, they then declared a state of emergency, when there was the greatest destruction of property, the greatest threat to lives, the greatest confusion in Trinidad and Tobago. Between those fateful hours from the evening of July 27, 1990, to the morning of July 28 they did nothing. They knew what was going on. They were getting reports on what was going on, so what prevented them from declaring a state of emergency earlier and putting the security services in a position where they would have been better able to deal with the law and order situation in those fateful hours?

We have asked this question before and it is only today that we are getting a half-hearted explanation for the reason for the delay. Let me tell this House that there is more to the reason given for the delay than we know. There was more in the mortar than the pestle in those fateful hours. Why the delay in declaring the state of emergency? Nobody is convinced. Nobody can ever be convinced by the

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superficiality to which this House has been treated by the Member for Diego Martin East.

Mr. Speaker, I also want to make the point that I am worried and there are very many people in this country at large, who are worried about the insidious relationship which the Government is trying to promote between the existence of a state of emergency and improvement in life in Trinidad and Tobago, whether it is in the economic sphere or the social sphere, certainly not in the political sphere.

**5.15 p.m.**

I also want to make the point that I am worried and there are very many people in this country at large who are also worried about the insidious relationship which the Government is trying to promote between the existence of a state of emergency and improvement of life in Trinidad and Tobago, whether it is in the economic sphere or the social sphere, certainly not in the political sphere. Just to re-emphasize the fact that he made a statement that post July 27, he was quoting GDP figures but that quota increased by 1.5 per cent. Now what is the relationship? Foreign reserve increased, the Government's account improves. If all these are the good consequences of the existence of a state of emergency, why not continue a good thing? That is what they want to subtly throw out to the population: improvement in family life, the home has been enhanced by the state of emergency. Well that should be an important and permanent aspect of social policy, if that is the consequence.

Then we have this bold assertion that the state of emergency really has lessened the incidence of crime in this country. I would like to know what kind of crime has been lessened. From the reports I get crime still goes on. Let us compare the crime rate between the non-curfew hours before July 27, and after July 27. Compare like with like and then on the basis of that you come back to this House and declare whether the crime situation has been alleviated in Trinidad and Tobago. This is to habituate the population to the acceptance of the denial of the fundamental rights and freedoms. Now I want to emphasize this point before it is misconstrued. When people get into the habit of accepting something day in, day out, it becomes like second nature to them, it grows on their psyche and they will accept, as a matter of course, greater and greater encroachment on their rights and freedoms by a government which may be so inclined. You are conditioning the people to the acceptance to the denial of their rights by an unnecessary and

unwarranted extension of this state of emergency; and secondly, the problem is the Member for Arouca North, if I may—

**Hon. Member:** All Muslims are killers?

**Mr. Sudama:** You would never know how a man could remain silent for five days and not say a word. I do not want to be interrupted but if he wants blows he is going to get blows here. He remained incommunicado for five days. That must be a record—in silence, could not say a word, his head was under some desk or the other.

**Hon. Member:** On a point of order, Mr. Speaker. The Member is betraying the code of hostages.

**Hon. Member:** I do not know that code was presented to this House.

**Hon. Member:** I am surprised he was not aware of the code because he violated it even while he was a hostage.

**Mr. Sudama:** There is another incommunicado Member, he was making a lot of noise in those five days but not through his mouth, Mr. Speaker.

**Mr. Manning:** Selby say something.

**Mr. Sudama:** I am just merely bringing the truth out. Anyway, Mr. Speaker may I continue. I am worried a little about the effect a continuation of the state of emergency may have on the psyche of the security services of this country and I want to make the point that this has nothing to do with effectiveness or ineffectiveness of members of the security services, whether they are evil or whether they are totalitarian inclined and so on, but when people get habituated to treating the public at large in a certain way: arbitrary arrest, arbitrary searches, arbitrary confiscation of documents; when the security forces of a country get into that kind of thinking, that habituation, they would naturally tend to feel that this is the normal course of things; that is the normal way in the fullness of time that they should behave. Simply, it is their duty to maintain law and order and to do it in the way they feel is best suited for them to their convenience.

As I said, this has nothing to do with whether the security forces are evil or wicked or whatever, it has nothing to do with the individual members. We are talking about a general psyche that may develop, that you get used to doing something in an arbitrary way and you continue to do it and think that is the

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normal state of affairs. That is a wicked and insidious danger which this country faces as a result of a continuation of this state of emergency.

We have had reports by the Member for Couva North of instances in which freedoms are violated arbitrarily. Action was taken and I am not here to say at this point whether the security officers concerned members of the police service or whether they were justified in their action. That has to be determined by a process of investigation. You could see the possibility of the continuation of that kind of behaviour by security forces, some of whom may feel that this is the normal way to behave, that this is the way they should protect the security of the state, public safety and public order and deal with the fundamental human rights which have been enshrined in our Constitution in this nonchalant and cavalier way.

Mr. Speaker, I want to emphasize finally to this House and to the country at large that all the rights which we have had enshrined in the Republican Constitution of Trinidad and Tobago in Chap. I Part I are subject to arbitrary denial and suspension under a state of emergency and all the rights are subject not only to the whims and fancies of the protective services but to the directions which these protective services get from the political directorate.

It is not an easy thing; it should be a matter of the greatest concern for imposing and extending a state of emergency when you have all these numerous rights for which we have fought, which have been a historical legacy of the past to us and which we are duty bound to protect for the current and future generations. It is our duty to see that these rights are not unduly and arbitrarily violated or we do not impose conditions in the country which permit the arbitrary violation and suspension of these rights.

**5.25 p.m.**

For the benefit of the country. I want to read these rights into the record again.

"It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist without discrimination by reason of race..."

And we will talk later on about who separated the races. Today is not the day for that, so I will deal with the Member for Diego Martin East in due course. I continue:

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"... origin, colour, religion or sex, the following fundamental human rights and freedoms, namely:—

(a) the rights of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;"

Under a state of emergency due process of law is curtailed.

"(b) the right of the individual to equality before the law and the protection of the law;"

The Muslims of this country and whoever else have been subjected to harassment have a right under this Constitution to equality before the law and the protection of the law.

"(c) the right of the individual to respect for his private and family life;

(d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;

(e) the right to join political parties and to express political views;"

Our goodly Minister in the Ministry of Industry and Enterprise probably has not read this section of the Constitution.

(f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;

(g) freedom of movement;

(h) freedom of conscience and religious belief and observance;

(i) freedom of thought and expression;

(j) freedom of association and assembly; and

(k) freedom of the press guaranteed."

If you are to tamper with these freedoms, if you continue with their suspension for any period of time it must be done for good and compelling reasons. Today those good and compelling reasons have not been advanced by the Government, therefore we on this side cannot see ourselves supporting this resolution this afternoon.

Thank you very much.

**Mr. Kelvin Ramnath** (*Couva South*): Mr. Speaker, it is comfortable to be back in the Red House. I also wish to say that the only thing I consider to be very positive that has taken place since July 27 has been the restoration of this fine building or at least part of it enabling us to resume sittings. If my congratulation to the Speaker happens to be scarce, this is one occasion that I must say that I think he has done a remarkable job. At least the Parliament Department.

I would like, Mr. Speaker, to try to be as brief as possible this afternoon and I want to assure honourable Members that it is not my intention to keep them very late. I was very disappointed listening to the Minister of Justice and National Security who moved the motion before the House this afternoon and who sought to justify the extension of the basis of the need to prepare our security forces for handling the situation in the country. Power was granted by the PNM Government at the time to enter and search property looking for ammunition and arms and guns without the existence of a state of emergency and without warrant. In fact, before 1986, it was the Prime Minister of this country who stood up in Woodford Square and elsewhere and denounced the arbitrary use of force by certain elements of the protective services at that time in the name of certain laws which were entered into the books of this country: the Sedition Act, Firearms Act and so on. I think they are found in the Summary Offences Ordinance now. In fact, it was those of us between 1981 and 1986 who saw an abuse of the powers by the then Government who loudly protested the invasion of privacy, the attacks on squatters and their children, the use of the military and the police to break down the shacks of defenceless people, who at the time of boom in the economy could not compete with the employed and the better-off in the provision of housing.

I am quite sure that if one were to look at the laws of Trinidad and Tobago, all of what we are told today the Government is seeking to achieve could be achieved in the month of November through the use of current legislation. I think only the powers of detention will be eliminated or will not be able to be executed by the security forces, and I do not know if the Government really needs the powers of detention at this point after three and a half months. Nothing prevents the police from continuing their vigilance, mounting road blocks, whether close to police stations or in any other part of the country; patrolling the streets of the country as they are doing now. Nothing has prevented the Government from making use of WASA vehicles and telephone vehicles and county council vehicles in the past.

We do not need a state of emergency when your budget is diminished. What you need is really vision. The water situation has not deteriorated as a result of the use of WASA vehicles by the police.

**5.35 p.m.**

What I am saying is in these critical times people become quite innovative. Perhaps something was lacking—and I think we all know what was lacking—and as a result we are seeking today to justify the extension of the state of emergency on the basis of the lack of preparedness or the lack of an enhanced capability of the protective services.

The question we must ask is whether during the last three months we have in fact instituted measures to ensure that what transpired on July 27 will not transpire again; whether we have instituted a system of security for Members of Parliament; whether we have instituted a system of security for the Red House—there is no point in guarding the Prime Minister in St. Ann's and when he comes to the Red House there is no protection—whether in fact we understand that in the age of terrorism and the age of technology that there is need to bring our security and intelligence up to a certain level. If we have not taken this time to correct the deficiency in the system, then no amount of extension will help Trinidad and Tobago.

I am not here to apportion blame but the Minister of Justice was probably right when he spoke about the situation in 1981 with respect to the deterioration of the defence and protective services as far as facilities are concerned. If you go to Camp Ogden—I was taken there for a short while—you will lament the horrible conditions under which members of the Defence Force must operate. That is a kind of Home for the Aged.

**Mr. Panday:** Who did that to them?

**Mr. Ramnath:** That is how certain people are treated. No matter what the Member for Port-of-Spain East wishes to say in the Parliament today, if the protective services were ignored, they must take the blame for it because they had within their power not only power but they had the money to provide the protective services with the facilities required for them to carry out their work. I do not think that the Member for Port-of-Spain East will continue to lay blame at others people's feet when his Government was in a position to do something about it. Their Government ignored Parliament to the extent that Members of Parliament understood the disgrace that this Parliament was subjected to.

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Today we hear the Member for Port-of-Spain East lamenting the state of the security. In fact, before 1986 we had the lowest level of morale in the security services in the country, brought about by their manipulation of the police, in particular, and their use of certain elements of the police force to prosecute those who were seeking to legitimately remove them from office. The country must be told about the crimes that they have perpetrated against this population. I am only waiting for January 1991. There are certain elements in the press who have already begun their campaign because they are looking for certain favours in the event that they get into power.

**Hon. Member:** When?

**Mr. Ramnath:** That is one thing they will not see. They can bring who they want from exile or from wherever they are. They can do whatever they wish. The fact is they must take responsibility for squandering the nation's resources. They must take responsibility for neglecting the parliamentary institution, and they must take responsibility for causing serious economic hardships which have resulted in a great deal of frustration of the population.

The tragedy, of course, is when you take people who are part of that system and you bring them into the Government, like the Member for Ortoire/Mayaro—he was the man who said, when he was in the PNM, that we have a mandate to rule and we shall rule how we see fit. "If I have to declare 10,000 states of emergency, that I shall do."

That is the arrogance that flowed over into the NAR. That is the arrogance that made it impossible for the party to stay together. It is the arrogance that has created a political situation in the country that makes citizens reduce in their minds any respect for politicians and political institutions.

I do not know whether there is any correlation between what happened on July 27 and the performance of the Government. The population will answer that at the appropriate time. One thing I can say is that this country has demonstrated over a period of time that it has lost confidence in politicians and political institutions. That is a very serious state of affairs. When a country expresses no sympathy for people who are held at gun point as hostages and starved, something has to be wrong. When people rejoice at the fact that the Prime Minister and the Minister of Justice and National Security were shot, and some even had the nerve to say that they did not complete the job, something is wrong in the society.



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These are the ills that, as Members of Parliament, we are supposed to attempt to deal with, not to make excuses and apportion blame with respect to who did not provide uniforms and boots and so forth. There has to be will on the part of the Government that is elected to ensure that we maintain the rules which will ensure confidence in the system.

The Member for Diego Martin East must know that ever since this Government came into power, TTT has abolished the right of political parties to time on television. When we were in the Opposition before 1986, each political party was entitled to, I think, three 10 minute slots on television over the air to express their points of view, but that has ceased to exist. You are not going to compensate for three ten-minute slots on television during the year, with 30 seconds of broadcast which simply said that "Ramnath also spoke".

**5.45 p.m.**

When we hear discussion about democracy and how democratic the Government is, we also want to hear what steps have been put in place to ensure that those who must also be heard are given an opportunity to be heard. But the Member for Diego Martin East goes to his constituency conference where he is threatening to close down a certain newspaper.

**Mr. Smart:** Mr. Speaker, on a point of order. I object. The Member for Couva South is misleading the House and deliberately so. I took pains in my contribution today to clarify without saying—at least not to clarify, because it was quite clear what I said on the television—but to repeat what I said. Yet he persists misleading, misleading, misleading. That is all they do. So I object and I want him to withdraw those remarks.

**Mr. Ramnath:** I am quite sure, Mr. Speaker, that you would let him know that you do not adjudicate on facts. But the point remains, whether he has threatened to close down the newspaper or he threatened that they had the power to close down the newspaper, in my view, tells the same story, particularly during a state of emergency.

But the television is there to convey that message to the population. Whenever Government Ministers go to their constituency conferences, the television follows them. I do not mind if the television goes, particularly if they go when Ministers speak in the capacity as Ministers, so that they may wish to convey to the population what the Government is doing. But democracy also requires that others be heard.

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At Trinidad and Tobago Television, Martin Daly, or whoever is the Chairman, and the General Manager, Mr. Kissoon, do not recognize the present Leader of the Opposition. If they do not recognize the present Leader of the Opposition, they use the state resources to deny a person who holds constitutional office in the country from expressing a point of view. The office of the Leader of the Opposition is enshrined in the Constitution.

I do not care what the *Guardian* or the *Express* or the other papers do. They are privately run newspapers and they operate under the ambit of legislation. They are in the free enterprise system and, therefore, they are free to publish what they want and we are free to comment upon what they publish. But the use of the media particularly during the state of emergency—and we heard a discourse this afternoon about an extremely democratic government. We heard discourse this afternoon about the country coming back to normalcy from the Attorney General who was not even permitted to present the motion standing in his name.

The Member for Diego Martin East has no interest in this country reverting to normalcy. As far as he is concerned, what is important is to silence the voices of protest.

We are extremely concerned that the state of emergency will be extended to facilitate political activity by the ruling party. I do not think they will have any election in Diego Martin Central. I do not believe that. I do not believe that anybody is going to be caught in a trap. This Government has no interest in calling an election. In fact, it is going to extend the state of emergency to January next year, and after that, it will say, “we are in the fifth year of Parliament and there is no need to call an election.”

So I think their minds have been made up. What they are concerned with is being able to perform the functions they have to perform without any political opposition in the country. They know better than we do, and the country, how the people feel about them. Instead of trying to make peace with the population, they are seeking to further antagonize the population through this means of extending the control of the lives of people through the use of the protective services.

I do not believe that they need to do that at all. I do not know whether the Member for Diego Martin East is aware of the cultural traditions of the Hindus in this country, but Divali is one of the most significant celebrations of the vast majority of Hindus in the country. This year’s Divali celebrations had to be curtailed to such an extent that what was intended to be a festival of lights, turned

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out to be the darkest Divali for the longest while. Christmas is coming; carnival is coming. People want to get back to doing those things to which they are accustomed. The earlier we can afford the population to return to their normal way of life, I think we will be doing a great justice to the country.

You did not require a state of emergency to have the army patrol with the police before July 27. If your police did not have the required facilities to carry out the work, as you did in the past with joint patrols, you could have made use of the services of army personnel. So there is no excuse. It can be done; it was done and it could be done. In fact, no politician protested the use of the army jointly patrolling with the police in the country. There was no protest from the public; there was no protest from politicians who are the ones who protest most, I imagine.

Why can it not be done? Why do you need to take away the rights and freedoms of an entire people? The July 27 uprising was not popular, it was not similar to what happened in 1970 where you had a mutiny in the army and that the security of the nation was therefore threatened by action which could have taken place as a result of a mutiny in the army, a major force in the country. It is not analogous to 1970 when there was a popular uprising of the people. In every part of the country in 1970 people were rising up against the oppression meted out to them by the last Government. Therefore, it might have been necessary in 1970 to do things that were completely different from what should be done in the current state in Trinidad. You have arrested people who allegedly took part in an insurrection. You have brought them to courts which are dealing with these matters and the entire nation has to suffer as a result of the perception of the Government that there exists in a state of emergency in Trinidad and Tobago.

We hear this idiotic comment from the Attorney General.

**5.55 p.m.**

**Mr. Panday:** What do you expect from an idiot?

**Mr. Ramnath:** He does not understand the difference between assisting the administration of justice. I am speaking the truth. He was not there for the six days we were there. Perhaps one of these days he will know whether we are speaking the truth. I suggest that we should place our confidence in the security forces; in the intelligence gathering of the army and the police in the country, and let them deal with whatever problems the security must deal with to restore to the citizens of Trinidad and Tobago their rights and freedoms which are being taken

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away during periods of emergency. Mr. Speaker, do you know what makes it even worse? It is the scandalous state of affairs with respect to the participation of top people in the Government, in the hope of fear, prosecution and trial.

Mr. Martin Daly is reported to have said that he wants to be kept out of the bacchanal of deciding who should prosecute. One learned attorney made it clear that he was withdrawing from the prosecution. Then, up comes the Deputy Political Leader of the party in power, described as the million-dollar attorney, who one day in addressing the National Council of the ruling party is making judgments on those who allegedly participated in the insurrection, and the following day he is marching up with wig, robe and gown to prosecute those members, ably assisted by a Member of Parliament who is a Member of the Government. Then they say that justice—

**Mr. Robinson:** Mr. Speaker, I should like to make it absolutely clear that the Prime Minister had nothing to do with that. That is a matter for the Director of Public Prosecutions.

**Mr. Panday:** I knew for a long time that he had no power.

**Mr. Ramnath:** I was not at all attributing blame to anyone, but the Prime Minister will recall the stand he had taken, at least when I was there, on the role of Ministers and Members of Parliament. I think he knows what I am saying. There is a code of ethics for Cabinet Ministers and Members of Parliament. I imagine that in his party there is a code of ethics. If you want people to believe in what you are doing, as the Member for Oropouche said, "Appear to be credible." It does not seem right in our view that you should take the Deputy Political Leader of your party and every time an opportunity arises to represent the Government of Trinidad and Tobago, he re-appears from exile and takes a leading role; so much so that he becomes involved in the hiring and firing of Ministers and Mandir heads. I do not want to get involved. I understand the difficulty my friend is experiencing at this time. He has to choose between the NAR or what is left of it.

Mr. Speaker, these attorneys have a convenient way of having the best of all worlds. It is all right to be in Government and it is also all right to appear in the courts. There is no conflict of interest. But do the people of the country separate the functions of politicians who happen to be lawyers? If you want the country to

believe in the system of justice of which you are speaking, the best thing to have done was not to involve your leading Member politicians in the trial of the people who are allegedly involved in the insurrection. *[Interruption]* That is the kind of remark. I would not get involved in any cross-talk.

Naturally, the Member for Port-of-Spain South is very worried because one of these days he will have to account on how many briefs he collected from the Government that talks about no patronage. That is the height of patronage, to take briefs on behalf of the state and give it to Members of the Government, particularly Members of Parliament. The code of Ethics should prohibit a Member of Parliament who is a Member of the government party, from appearing in any legal matter on behalf of the Government. *[Interruption]* I am quite sure he is a brilliant attorney. If I were in trouble I would seek his services. You will understand the frivolity. We are dealing here with confidence and credibility. The Deputy Leader has demonstrated that he is judge, jury, prosecutor and executioner in this matter.

I am surprised that the Prime Minister would not say a word. He says: "I am not responsible, it is the DPP." He is accustomed to speaking so fluently on such matters here and abroad, particularly when it comes to conflict of interest and people who become involved in financial matters. He has surprisingly kept extremely quiet about this matter.

**Mr. Panday:** He has no say or power. He is a prisoner of the NAR.

**Mr. Ramnath:** Mr. Speaker, I love to speak in this House. I did not realize that even on this warm afternoon we would have had so much interest. I do not know how these matters come into the debate but it tells a very interesting story. We must separate what happened on July 27, 1990 from many things. We must stop seeking to invoke sympathy. I understood the pain that people went through. Those who speak most did not even have the benefit of being there. The hon. Member for St. Ann's told me that was such a great experience that he would not wish to share with even the best of his friends. It is an experience that very few men are fortunate to have in a lifetime.

**Mr. Shand:** Mr. Speaker, the hon. Member did not qualify which section of the St. Ann's he speaks about. Was it east or west?

**6.05 p.m.**

**Mr. Ramnath:** What surprises me is that those who spoke the most about what happened were not even there or they were partially there. One even threatened to send zandolees back in their holes while in the bosom of Colonel Theodore, guarded by the best security in the Caribbean. And he was playing man walking around the place behaving as though he was in charge. The other was partially there—my friend from Diego Martin East. I do not think he should be blamed, I spoke to him minutes before, he and ex-Senator Moore, and we were told by the Member for Toco/Manzanilla that the Prime Minister would not wind up that afternoon.

**Mr. Toney:** You are an honest man on this information.

**Mr. Ramnath:** I tend to be honest.

But they are the ones who talked the most about what happened. What happened on July 27 is not the subject of this debate today. It is really what happened after July 27. and what steps we have taken to ensure that there is no repetition of those events.

I understand the pain and suffering of the Member for Diego Martin East who was more concerned about fleeing the Red House than saving the lives of his colleagues who were held hostage. So great was his love for the Prime Minister and Members of his Cabinet that he was hiding under tables, changing his attire and looking like a different person. You should do like the Prime Minister who told his captors that he was not leaving until every man had been freed.

The one who speaks the most is the one who was fleeing and leaving behind the people he loved so much. If one were to follow his political history one should ask the Deputy Leader of the party when he comes back from Grenada, the loyalty that the Member for Diego Martin East is so famous for. I want to tell him [*Interruption*]. One of these days, I am quite sure that the Prime Minister and my friend the Member for Ortoire/Mayaro would speak the truth. They would both say to this country that they were extremely worried about the state of affairs outside of the Parliament. I do not want to say very much at this stage. They were both very concerned, like the rest of us, about what was happening on the outside.

So those who seek to pat themselves on the back for creating freedom for those of us who were inside the Red House, I want to warn them that when the truth is spoken, we would soon discover what was actually taking place. But, the

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Member for Diego Martin East is seeking to evoke sympathy. We all knew that what happened was a dastardly act. We on this side have made it absolutely clear that we condemn the use of violence in the overthrow of any constitutionally elected government. But, that is not sufficient for them, so much so that the deputy political leader of the party while prosecuting on one occasion and parading as deputy political leader on the other occasion, deliberately sought to mislead the population. *[Interruption]* A public statement was issued by the leader of the party with respect to our stand on the crisis. And the Member for Diego Martin East who abandoned his colleagues in the Red House in time of need is asking, why did I not give a statement to the police. I do not have to give an account to him, I would talk to the police. I have an excellent relationship with the police. Nobody knows him in the country, that is why they did not recognize him. Nobody takes him seriously.

**Mr. Speaker:** The speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. *[Mr. J. Humphrey]*

**Mr. Ramnath:** Thank you very much. I do not want to spend the rest of my time on the Attorney General.

We know that people were traumatized. Indeed, the whole nation was traumatized. We know what the entire country had gone through during that difficult period, but we cannot continue three months and four months later to use what happened on July 27, 1990 as the excuse for the continuation of the state of emergency.

People in this country are ready to return to work; people in this country have spoken out with respect to what happened on July 27. The matter is before the courts at the present time. We were told that when the state of emergency had to be extended by three months, that the Government required this period of time to put its house in order so that we could return to a normal state. Today, we are told that we only need one month at this stage. But, by the middle of December, we might be told that on the advice of security, we would require more time. I do not expect the Minister to say what advice he got from security—although Parliament should be afforded an opportunity to be at least informed and I do not expect the details to be made public. But, I expected that the Prime Minister would have consultation on matters of public importance and that the Prime Minister would

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have been magnanimous enough to call the Leader of the Opposition in a state of crisis. *[Interruption]* Anyone who was leader at the time—

**Mr. Robinson:** May I say Mr. Speaker, with your permission that I was quite willing to do so but the Leader of the Opposition made his position quite clear before any decision was taken.

**Mr. Ramnath:** I do not want to get involved in any conflict. All I am saying is that if you want to appear to be magnanimous and the security of the nation is at stake, that is the time when one who is in the position of the Prime Minister should seek an audience with the Leader of the Opposition to discuss this very important national issue.

It is no accident that the country has very little confidence in the system of government, when there does not appear to be at the highest level in the country the kind of cohesion that is necessary at a time of crisis. Instead, what members of the Government have sought to do is to apportion blame and in a most callous and reckless way seek to use the situation for political mileage by asking: Where were you? I am sure that question could be asked of many people. That is the level to which the discussion degenerated in Trinidad when the country was in its darkest period.

**6.15 p.m.**

Questions are being heard all over the place, particularly by those who were not the beneficiaries of that six-day incarceration and who are seeking to apportion blame and who are asking questions about where were certain people. What did they expect? That anyone who was not in the Parliament would run down Frederick Street the next morning and announce that "I am alive and well?" Is that what they expected? Or to even seek to get an audience on the radio? But you see I guess you use everything for political mileage, even a state of emergency, an insurrection and so on.

I want the Attorney General to understand that this population is not going to fall for the sympathy that he is trying to evoke. People want to go back to work, they want the country to continue to operate in the way it was operating. Industries must continue to function at optimum levels and you cannot have a state of emergency and a curfew which prevent people from working their normal shift work. You cannot have a curfew and expect companies not to have to pay overtime for work or to pay extra time for people. In fact, the whole industrial production in Trinidad has been affected and whether or not gross domestic



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product has gone up as a result of what happened in the Middle East, that is totally irrelevant to the situation in this country today.

There is no way I will join with the Government to extend the proclamation for another month. I think what they should do at this stage is to put the country back to work. The security forces in Trinidad and Tobago should be kept on full alert and they should be allowed to continue to man their operations in their respective areas and I am quite sure that with the experience they have had over the last few months, the level of security would be such that we would have very little difficulty.

I understand the difficulty my friend the Member for Ortoire/Mayaro is experiencing with the kind of criticisms levelled against him, but he must understand that he has responsibility for the portfolio of national security. There was, in fact, a breakdown in national security in the country and he is responsible. This is what the Prime Minister has lectured to Members of his Government for a number of years and the hon. Minister should not seek to use the opportunity or seek to use that as an excuse for wanting an extension of the state of the emergency.

He spoke about a one-month extension but I think that is really the beginning of a series of one-month extensions and I do not think the country is ready for it.

Mr. Speaker on this note I want to indicate my unhappiness with the present motion. I hope that good sense will prevail and the Government will just end the state of emergency so that the country could go back to a state of normalcy.

Thank you, Mr. Speaker.

**Mr. Patrick Manning** (*San Fernando East*): Mr. Speaker, the Westminster system of democracy that is practised in Trinidad and Tobago assumes the existence of a Government and an Opposition. To the Government, it accords executive functions and to the Opposition it accords the responsibility to, as it were, show the other side. It is hoped that in so doing the population will have a chance to see at least two sides of the story and on that basis come to some kind of conclusion as to what in fact a proper position to adopt will be.

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Mr. Speaker, the Opposition has a right to ask questions of the Government and the Government has a responsibility to answer those questions. In the same way, whenever a matter is brought before the Parliament and whenever a Minister makes a presentation, be it on a bill, on a motion, or a resolution, the Westminster system of democracy assumes that the Minister will advance cogent reasons to Members of Parliament so that those reasons could be used as a basis for proper discussion in the interest of making the facts known to the people of the particular country, in the instant case, Trinidad and Tobago.

When the hon. Minister of Justice and National Security made his presentation this afternoon, I must tell you that I was less than happy. At no stage, in his contribution was there the recognition of this responsibility that Westminster democracy imposes on a Minister of Government to carefully explain to the Parliament the reasons for any course of action the Government may wish to take. At no stage was that clear nor did it become any clearer, when the other Member of the Government side, the hon. Attorney General, made his contribution.

What did we get from the hon. Minister of Justice and National Security? We got all kinds of figures about economic growth, about foreign exchange reserves, about a curfew period, incidentally putting it over as a decision of the Commissioner of Police. When all of us know, as indeed, was pointed out by his colleague, the Attorney General that it was in fact, a political decision. However, the Minister of Justice and National Security gave the impression that it is a matter for the Commissioner of Police. No Commissioner of Police can determine the length of a state of emergency or when it is to be imposed, without some kind of political input.

We heard from him about a by-election in Diego Martin Central; we heard from him that he was seeking an extension of the state of emergency by one month and after prompting, he added, "at this stage". Mr. Speaker, the words "at this stage" were very relevant indeed in any careful analysis of what really is before the Parliament this afternoon, by accepting the advice that was given to him by this side of the House. What in fact, the Minister of Justice and National Security did was to expose very clearly the strategy of the Government which now seems to be to extend the state of emergency for one month at this stage, and come back at the end for another month and another month, since the Constitution permits an extension of up to six months by a simple majority of the Members of the Lower House.

**6.25 p.m.**

It was not enough for the hon. Attorney General to come to the Parliament and say as justification for seeking parliamentary approval for a state of emergency by a period of one month, they are doing so because they have received advice from the security services and they have accepted that advice. How could Members of the Government expect that any responsible Member of Parliament, purely on the basis of a statement "that we have received advice from the security services and we have accepted it," agree to suspend the fundamental rights and freedoms of our citizens guaranteed in the Constitution for a further period of one month? Need I remind you, Mr. Speaker, that the hon. Attorney General who advanced that reason for asking the Parliament to go along with the Government's proposal, forms a part of Government which is headed by a Prime Minister who sometime ago said that he had in his possession, the names of Ministers which appeared in a Drug Report. My copy of the drug report had no such names and when pressed—

**Mr. Robinson:** Mr. Speaker, I protest on a point of order. The hon. Member knows that he is misleading the House. What I said was "I have the names of Ministers referred to in the Drug Report," I never said "that appeared in the Drug Report". Everybody knew the names were not there.

**Mr. Manning:** Now we hear a different version of it, but so be it. The fact of the matter is that under the pale of parliamentary privilege five names were called and the hon. Prime Minister purported to have read from a communication that was given to him by a member of the security services, a high ranking officer who has only recently taken leave of the position of Commissioner of Police and when asked to lay the document on the Table in accordance with the Standing Orders of the Parliament, we found ourselves in the curious position where the document could not be found.

**Mr. Robinson:** Mr. Speaker, may I point out that the document was asked for some three weeks after it was presented in Parliament, not on the instant it was presented as it should have been.

**Mr. Manning:** Mr. Speaker, we are not here to argue that. The Prime Minister as a parliamentarian of long standing knows that you do not quote from a document if you are not prepared to lay it in Parliament. Having regard to the nature of the issue with which he was dealing he should have tabled that

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document as soon as he had utilized it, but so be it. All I am saying is that we were given names, when asked for a document from which the names were supposed to have come, the document curiously could not be found. Therefore, there is a major credibility gap existing between the Government and Members of the Opposition, and not just Members of the Opposition, but there is a serious credibility gap existing between the Government of Trinidad and Tobago and the people of this country by whom that Government has been elected to lead and serve. Therefore, in those circumstances we would have to be quite unreasonable to sit and merely accept what has been said by the hon. Attorney General and that is, "that the security services advised that the state of emergency should be extended by one month and they accepted the advice". It is as if to say that the length of time for which the state of emergency should be extended was a decision of the technocrats and not of the politicians. This is the point, it is a political decision, all of that is implied.

**Mr. Smart:** Mr. Speaker, the Member for San Fernando East knows very well that is not what I said. What I did say was, "that on the basis of advice given to us by the security services, we have come to the House to seek an extension of the state of emergency for one month."

**Mr. Manning:** Mr. Speaker, what the hon. Attorney General in fact said was, "we have received advice from the security services and have accepted that advice."

Mr. Speaker, it is not that we are unreasonable at all, I draw the attention of hon. Members to the position adopted by the PNM when the confirmation of the state of emergency was required in the first instance and when the Government came to the Parliament and asked for a three-month extension. I was able to convince my colleague, the Member for Port-of-Spain East, that we should support the Government on that particular proposal in the national interest, contrary to the position taken by our colleagues, who today occupy the front benches of the Opposition. So that it is not that our tendency is to oppose for opposition sake.

We recognized very clearly, particularly in the context of national security that there is a position that has to be responsibly dealt with, as I have said before,

I put myself in the position of the Prime Minister. Suppose I were in his position on August 10, 1990, what would I have done? I would have done exactly what the Government did. I would have come to the Parliament to seek a three-month extension of the state of emergency. It was on that basis that we agreed. So that we are not unreasonable, but in a situation where the Hon. Prime Minister and Member for Tobago East very recently was quoted as having made the statement that "Trinidad and Tobago is rapidly returning to a state of normalcy"; and then as if somebody realized that statement prejudiced some position that they may wish to adopt, you had a statement coming sometime later from the Minister of Justice and National Security, that speaking in a personal capacity, he would recommend an extension of the state of emergency. You understand the dilemma in which we find ourselves.

Mr. Speaker, it is not that we expect the Government to come here and outline in clear and detailed terms the security services considerations on which their decision is based; we do not expect that at all. We are not unreasonable, we have been in Government for sometime so we understand it.

**Mr. Wilson:** You are in school—

**Mr. Manning:** I do not understand what is happening to my friend from Point Fortin. In the event that the hon. Minister does not know, Parliament has been described by a previous Speaker as the best school of all. We are all in school.

The point I am making is that we are not unreasonable people. We do not expect the Government to come and say that the details of the considerations of national security are A, B, C and D; we do not expect that. However, neither do we expect the Government to merely come and say that "we have been advised by the security services and we have accepted their advice". We in the Opposition are none the wiser of the considerations as is the population. In those circumstances, it is entirely unreasonable to expect that we are going to support the proposal of the Government.

I draw your attention to a statement which I made as leader of the Opposition early in 1987 at the first sitting of Parliament. I said then, "We are not going to oppose for opposition sake, we will agree with the Government when we consider that the proposal is good," as we have done on several occasions over the last four years. In circumstances where we do not agree with the approach of the Government, the Westminster system of democracy expects that as a reasonable Opposition we will disagree and we will state the basis of our disagreement. This

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evening this Parliament has not been given any cogent reasons on which we can even consider agreeing with the position taken by the Government of Trinidad and Tobago in its request for a one-month extension of the state of emergency.

**6.35 p.m.**

**Mr. Ramnath:** Were you consulted?

**Mr. Manning:** I was not consulted. The point about consultation raised by the Member for Couva South is not without merit. Again the Prime Minister does not have to tell the Leader of the Opposition all the details. For all you know the Leader of the Opposition might be one of the persons they are looking at. Having said that I am now reminded to retract my point. It is not unreasonable to expect that the Prime Minister could consider it appropriate on matters of this nature to say a word or two to the Leader of the Opposition. I never for one moment suggested that he be given all the details. That is how a civilized democracy is expected to work. In fact, I can tell you *[Interruption]* Yes, I have learnt a lot since I am in the Opposition. There is no question about it. Perhaps it has been one of the best developments in my political career.

**Mr. Robinson:** Mr. Speaker, I do not think the hon. Member for San Fernando East was here when I made it clear that I was prepared to consult with the Member for Couva North but he had already said that he was going to oppose the request for an extension to the state of emergency. He made his position publicly clear. I would like to inform him that I was in the opposition before he was.

**Mr. Manning:** You were also in the Government before I was. I was in the Government after you were on one occasion, and I am sure I will be in the Government after you on yet another occasion.

What has caused a deterioration in this debate, in the first place, is the fact that a number of extraneous issues were brought to bear on our deliberations by the mover of the motion, the Minister of Justice and National Security. Under normal circumstances I would have ignored them but you cannot because there is parliamentary record that has to be corrected. Years from today when the historians go through the history of Trinidad and Tobago and when they seek to write it and consult the official records of the Parliament, they must be in a position to see that notwithstanding the fact that the Government may have said

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“a”, that the Opposition said “b” to ensure that the records were accurate. Therefore let me deal with a few of the issues he has raised.

In particular I want to deal with a point that suggests reasons other than the real reasons for what may have taken place on July 27, 1990. I want to begin by expressing my sympathies. My heart goes out to members of the protective services and particularly to members of the police service. Policemen will tell you that wherever I see them, whether I know them or not, it does not matter. I always try to say a kind word to them because I understand what they face.

I draw your attention to the *Trinidad Guardian* of June 5, 1987. The article is headlined “Shake up in the Police Service”. With your permission I would like to read it into the records. It is an article by Mr. Francis Joseph:

"There has been a major reshuffle in the Trinidad and Tobago Police Service. The shake up involves eight of the nine divisions and includes an Assistant Commissioner going on pre-retirement leave and a woman police heading a division.

In the reshuffle made by Acting Commissioner, Clive Sealy, Assistant Commissioner, ACP South, Clinton Whitehead proceeded on pre-retirement leave last Monday and Acting Commissioner, Joseph Francis formerly of the Police Training College (PTC) is reassigned as ACP South with immediate effect. Woman Police Superintendent, Lorna Robley goes to the Eastern Division to replace Superintendent Randolph Wooding. Superintendent Robley is the second highest ranked woman officer behind Assistant Commissioner Doreen Lumpress-Noel who is based at the Operations Branch. Senior Superintendent Hugh Roach leaves the Traffic Branch to act as ACP North. He replaces ACP Kenny Mohammed who went on three months vacation from June 1st. Superintendent James Best is transferred from head of the Central Division to the Police Training College. Desmond Prime, once a leading detective in Port-of-Spain is removed from his south-western division office at Siparia and sent to Tobago.

Superintendent Prime replaces Superintendent Elton Keith who has gone on pre-retirement leave. Assistant Superintendent Robert Celestine, another veteran crime fighter was recalled from vacation to act as Superintendent in charge of the central division. Superintendent Aldwin Aguilera is transferred from his north-eastern division office at Morvant and put in charge of the northern division at Arima. Assistant Superintendent Mumtaz Hosein has

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been appointed to act as Superintendent in charge of the north eastern division. Superintendent David Williams of the Port-of-Spain division acts as Senior Superintendent in the Traffic Branch replacing Hugh Roach. Senior Superintendent Lennard Taylor who was head of the Port-of-Spain division acts as Assistant Commissioner at the PTC.

Court and Process Branch, Chief Superintendent Anthony Jack is transferred to act as Senior Superintendent in charge of the Port-of-Spain division.

This is the extent of the shake up. As a result the second most senior man in the Court and Process Branch, Assistant Superintendent Frank Phillips heads the Branch. Superintendent Gordon Snaggs head of the Mounted Branch replaces Superintendent Williams in the Port of Spain Division. Acting ACP Malcolm Bobb remains in charge of the Traffic Branch while Acting Superintendent Dennis Richardson stays at the helm of the Western Division at St. James.

Acting ACP, Crime, Malcolm Kingston is out of the country on private business. Acting Senior Superintendent Hubert Williams, Head of the Port of Spain CID is acting for Kingston. National Security Minister Herbert Atwell has been informed of the reshuffle."

What I have just read is an article in the *Trinidad Guardian* dated June 5 1987, which demonstrates major changes within the administration of the police service which I am sure you will agree would have put a serious strain on the ability of policemen who are moving into new positions to settle down. It takes time to understand your job and to settle down when you make changes as comprehensive as these. That was June 5, 1987 to be followed by the budget speech of 1988 delivered in this Parliament on Friday, January 8, the section to which my colleague from Port of Spain East has already referred and for emphasis I wish to read it again:

"Several features of the traditional pattern of expenditure on the Development Programme need to be re-oriented to accord with the current economic environment. Whereas in the past there has been noticeable concentration on expenditure relating to community and social services, general administration, public order and safety, which are not self-financing, the present situation requires, in the short term, rather more emphasis on



projects and programmes which will directly stimulate a resurgence of economic activity."

Not only was there a serious shake-up in the police service that would have required time for those who had been given new responsibilities to become accustomed to their jobs and to be able to carry out their jobs to the best of their ability, but shortly thereafter, there was an attack on the police service by curtailing the allocation to it in 1988 purely on the basis that it was not self-financing. Law and order, not self-financing and, therefore, has to be accorded a lower priority in the Government scheme of things. What is even worse is the statement that goes before law and order. The statement that goes before that of public order and safety, social services. At the same time that the Government decided to curtail its expenditure on public order and safety it also took a decision to curtail expenditure on social services in circumstances where a social problem had already begun to manifest itself in the country and where it would have been reasonable to expect that as you curtail your expenditure on social services one of the results of that undoubtedly would have been an increase in crime. It is in circumstances where an increase in crime is anticipated that the Government now takes the decision to curtail its expenditure on public order and safety.

**6.45 p.m.**

**Mr. Wilson:** Mr. Speaker, through you, I want to ask the hon. Member for San Fernando East if he can indicate by what amount was the expenditure curtailed.

**Mr. Manning:** Mr. Speaker, I would expect the Minister of Finance, in his capacity as Minister of Finance, to make that kind of information available to the Parliament. Even if it was not curtailed at all, to make such a statement, especially when the statement comes from the head of Government, a very important signal is sent to our law enforcement agencies with the concomitant consequences that such an action will have on the morale of the members of the protective services.

I take the opportunity this afternoon to salute the gallant policemen and policewomen of this country who have been called upon to carry out their duties under very adverse circumstances at the hands of a very uncaring Government.

**Mr. Richardson:** Mr. Speaker, on a point of information straightaway, \$16.7 million was spent by this Government on the Police Service in 1988 as opposed

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to 1985 when \$16.6 million was spent by the Government of which he was then a member—he was a member of Cabinet then. That is the care which he has for the police.

**Mr. Manning:** Except, of course, Mr. Speaker, that there was no problem existing in 1985.

**Hon. Member:** Morale.

**Mr. Manning:** There was not that problem in 1985. It does not matter.

It was the hon. Attorney General who, in his contribution, made reference to the events of 1970, and I think it was the Member for Couva South who in seeking to make a comparison between 1970 and 1990 pointed out that the 1970 situation was far worse than the 1990 situation in terms of the extent of the popularity of the uprising in the minds of the population. What he said was—*[Interruption]*. For some reason Members of the Government prefer not to hear me speak. I listened quite patiently to them this afternoon, and the minute I begin to speak it is interjection of one type or another, most of it frivolous, but I will continue.

The Member for Couva South was the person who said this afternoon that the 1970 situation in terms of its popularity on the population was far worse than the 1990 situation.

It is the hon. Prime Minister who from time to time tells this honourable House the following statement: "He who sows the wind will reap the whirlwind". In 1971, the person who today is Prime Minister of Trinidad and Tobago, the hon. Member for Tobago East, was leader of a coalition called the "ACDC/DLP", and it will be very interesting to note the reaction of that party and some of its leading members to the events of 1970. In the *Express* of March 10, 1971, one Mr. Lequay—

**Mr. Toney:** Which one? Do you know him.

**Mr. Manning:** Yes. You do not know him. Ask your leader if he knows who he is.

**Mr. Toney:** Go ahead. Let us hear you.

**Mr. Manning:** Mr. Lequay, who today is General Secretary of the ruling party and the leader of Government Business in the Senate, had this to say in the *Express* of March 10, 1971.

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"Mr. Lequay stressed . . ."

By then you know that trials were going on—

"... that all political charges and trials must be quashed—court martial, treason and sedition."

This was Lequay speaking.

"The ACDC/DLP made several demands on the then PNM government. Among them were:

- (i) Immediate resignation of the Government.
- (ii) Appointment of an interim Government; and
- (iii) Holding of general elections in three months."

**Hon. Member:** Was he advising the Muslimeens? Who advised the Muslimeens?

**Mr. Manning:** Mr. Speaker, because of the similarity between those demands and demands of the recent past, you begin to ask yourself if there is any connection that any of us may not have yet been able to identify. He was not the only one.

Page 3 of the *Express* of March 8, 1971 states:

"The party, ACDC/DLP held three motorcades to support the people's total repudiation of the trials. They called the day, 'National Day of Mourning for Justice in Trinidad and Tobago'."

**Hon. Member:** Where were you—in school?

**Mr. Manning:** I continue:

"They said the reduction of sentences given the soldiers was not enough. That would only be a 'recognition and acceptance of the fact that justice has not been done.'

On behalf of the majority of the people of Trinidad and Tobago, the ACDC/DLP is asking for complete withdrawal of all decisions of that court and an end to the trials."

That was the position they took in 1971 in circumstances where there was an uprising in 1970, which has been described by the Member for Couva South as far worse than the situation that took place in 1990 from the standpoint of public

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involvement and acceptance. I ask the question: Is the leader of the then ACDC/DLP, the hon. Prime Minister of Trinidad and Tobago today, prepared to adopt the same position in respect of the events of 1990? We are talking about consistency.

I began by saying that what we have done, while we have been in Opposition, was that we have been responsible. At no time have we sought merely to oppose for opposition sake. Even when it has cost us politically, we have on occasions supported actions of the Government. On occasions when we were not convinced that those actions were in the best interest of the country we did not support them. I am merely asking whether the hon. Member for Tobago East and then leader of the ACDC/DLP, and today the Prime Minister of Trinidad and Tobago, is prepared to be as consistent as we have been and to make exactly the same recommendations in respect of the events of 1990. Surely not, Mr. Speaker. Today the boot is on the other foot. That is the difference in the situation. Today the boot is on the other foot and they begin to realize that what the Prime Minister has been saying all the time is quite correct, and that is, that he who sows the wind will reap the whirlwind.

**6.55 p.m.**

He had something to say about the Special Branch too. He said it in the *Express* of March 24, 1971 at page 2. Attacks on the police by the Prime Minister are not new, Mr. Speaker. They are not new by any means. There is a history to it. On March 24, 1971, I was not yet a Member of Parliament.

**Mr. Robinson:** Mr. Speaker, will the Member explain what he means by, attacks on the police by the Prime Minister are not new? What does he mean by that?

**Mr. Manning:** A little patience, hon. Prime Minister, and it will all manifest itself. I am making reference to an article in the *Express* of March 24, 1971, on page 2: "A.N.R. plays Special Branch at politics."

**Mr. Robinson:** May I ask the Member whether he is saying that the Prime Minister is now making attacks on the police? Is that the implication of his statement? Would he state that very clearly?

**Mr. Manning:** Mr. Speaker, if the hon. Prime Minister—

**Mr. Robinson:** Mr. Speaker, the point is, what he is reading there, I am going to reply to it and say the reason why I said what I said. There is evidence of

it. But what I want to know is whether he is suggesting that the Prime Minister is now making attacks on the police, because I will deny it vigorously.

**Mr. Manning:** Please, hon. Prime Minister, do not allow your blood pressure to rise. You were calm all afternoon and I want you to remain calm. He said:

"Special Branch was creating tremendous mischief throughout the country."

The Prime Minister now, ACDC/DLP then, talking about the Special Branch:

"Assistant Commissioner, Earnest Pierre was the biggest politician, and if he is a politician he must come out in the open and not remain under cover. He was alleged to be writing anti-soldier letters to the press, even writing editorials."

An attack on the press, Mr. Speaker, if there ever was one.

"His sole job was to keep the PNM in power at all costs regardless of public opinion. The Branch was tapping phones and communicating people's private business to the newspapers. They, the public must protect themselves from that kind of intimidation."

Mr. Speaker, it is an attack on the Special Branch.

**Mr. Robinson:** May I say, Mr. Speaker, it was an attack on the Government's use of the Special Branch.

**Mr. Manning:** Earlier this year, Mr. Speaker, there was a major shake-up in the Special Branch in Trinidad and Tobago. Because these are sensitive issues, I will not go into the details of it, except to say—

**Mr. Richardson:** On a point of order again, Mr. Speaker. The Member for San Fernando East is completely misleading the House. As Minister of National Security I have been in the post from March 1989, and as far as I know there was no major shake-up in the Special Branch from the time I have taken over, to now.

Although that was within the province of the Commissioner of Police, to my knowledge there has been no major shake-up.

**Mr. Manning:** Mr. Speaker, all I will ask the hon. Minister to do is to let this Parliament know of all the changes made in the Special Branch over the last 12 months. But of course he cannot do it, nor do I expect him to do it.

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[HON. S. RICHARDSON]

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**Mr. Richardson:** You have more knowledge than I do, apparently. Do you still think you control the police?

**Mr. Manning:** Relax. Why are you so jumpy?

**Mr. Speaker:** It is 7 o'clock.

**Mr. Manning:** Yes, Mr. Speaker. Am I not entitled to time, Mr. Speaker?

What I am saying is the attacks on the Special Branch that began in 1971 were continued in 1990. That is the point I was making. There is no question about it. There was an attack on the Special Branch. They talk about the government's use of the Special Branch in 1971, I am in no position to say; I was not in the government yet. What I could say is this, that this year it is the Government of Trinidad and Tobago that had given the Special Branch instructions to identify five projects in each constituency for the purpose of special works in the context of their determination to call a general election in due course.

**Mr. Ramnath:** Mr. Speaker, could the Member state whether that is the reason there has been no LID projects in Couva South?

**Mr. Robinson:** Mr. Speaker, I demand that the Member give particulars of that very dirty, wicked and mischievous charge.

**Mr. Manning:** Mr. Speaker, you, as you know, are in no position to adjudicate on fact. I demand that if the charge is not true, the Minister of Justice and National Security, the Prime Minister and the Attorney General, all get up and deny it. I demand that.

**Mr. Speaker:** Your speaking time has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. M. Marshall*]

*Question put and agreed to.*

**Mr. Smart:** Mr. Speaker, if the hon. Member would allow me, I expect that a reasonable government, and the NAR is a reasonable government, would ask its Members of Parliament, persons who would know the constituencies, to identify the projects that the Government wants to get involved in. It does not have to go and ask the Special Branch for that. What nonsense is he talking, Mr. Speaker?

**Mr. Manning:** Mr. Speaker, that is what I would have expected. So that when I found out that it was not so, when I found out that the Government would

not even trust its own party members to the extent that they exist and they can be identified by them and had to resort to the Special Branch—

**Mr. Richardson:** Mr. Speaker, let me emphatically deny that this ever took place since I have been there from March, 1989.

**7.05 p.m.**

**Mr. Manning:** Mr. Speaker, all I will say to the hon. Minister of Justice and National Security is that he is making that statement in the presence of Special Branch personnel. That is how the branch was being used. It is not the fault of the police, it is the fault of the political directorate who have insisted all the time that the attacks that were started on the Special Branch by the Prime Minister in 1971 were continued in 1990.

**Mr. Sudama:** Would the hon. Member give way to a question?

**Mr. Manning:** Sure.

**Mr. Sudama:** Is he saying that as a result of the Special Branch not being allowed to do their proper function—gathering intelligence—that the coup of July 27, 1990 took place?

**Mr. Manning:** Mr. Speaker, I submit that had the Members of the Special Branch been permitted to do their work as the professionals they are, without undue political interference, this country may have very well avoided the situation that developed on July 27, 1990. Another coincidence between 1970 and 1990.

A group of 13 clergymen who called themselves "The Concerned Clergymen" made certain demands in 1971. These demands, coincidentally, were identical with the demands made by the ACDC/DLP coalition. They were demanding several things of the PNM Government one of which was full registration of all persons eligible to vote.

The Elections and Boundaries Commission has reported that there are about 64,000 persons who are missing and cannot be identified. One of the constituencies in which over 3,000 persons cannot be found is the constituency of Diego Martin Central, a seat that has been declared vacant by you recently in accordance with the powers vested in you.

Mr. Speaker, this country is in enough difficulty. We do not wish—and certainly this country is not in a position to take any more—elections that may be

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suspect or elections in which there is room for reasonable doubt as to whether, in fact, certain persons may have been disenfranchised and therefore whether elections were indeed free and fair. All I am asking—and I cast no aspersions on the Elections and Boundaries Commission. I want it any time you are ready. *[Interruption]* All I am doing is urging the Government to make the resources available to the Elections and Boundaries Commission in good time so that whenever elections are call, be it by-election or general election, no room is left for persons to feel disenfranchised and, therefore, for arguments after the elections as to whether the elections have been free and fair.

Mr. Speaker, it was the Member for Diego Martin East who had something to say about the fact that whereas the events of July 27, 1990 began at about 6.00 p.m. that the state of emergency was only declared at 10.00 p.m. on the following day—16 hours later. In seeking to explain this, he made reference of the need for paperwork to be done; that many Members of the Government were incarcerated against their will and so on. I sympathize with them and I sympathize with those who were involved in the obvious confusion that would have resulted from events as traumatic as those and events that are entirely unforeseen.

One of the things the PNM does is to watch very carefully what the Government does right or what the Government does wrong. We sit and consider among ourselves what ought to have been done against the possibility that someday the electorate may consider it appropriate to re-elect the PNM to a position of authority. And in those circumstances we can draw on the experiences of the NAR, which incidentally is the experience of the country, that the country will not be made to pay twice because of the fact that there is a change of Government.

In the PNM's vision for Trinidad and Tobago which is enshrined in a document entitled: PNM's Perspectives in the World of the 1980s and Beyond" adopted on December 12, 1987 at the 27th Annual Convention of our party. The vision includes a concept called "Evolutionary Change."

In the case of the state of emergency the question that arose is: What ought to be the responsibilities of the National Security Council? However they may have used it, I am in no position to say. I knoweth not. What are the functions of the National Security Council which incidentally is headed by the Prime Minister? We are satisfied that the responsibilities of the National Security Council ought to be, to identify all the major threats to the security and the state and to develop



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contingency arrangements against the possibility that any one of those threats should materialize. Are they in a position to say that they did not expect some kind of turmoil in Trinidad and Tobago? Hardly.

Mr. Speaker, I can point to so many newspaper reports. The *Trinidad Guardian* of April 7, 1987. "Libyans Financing Regional Terrorism". It is a State Department report:

"Libyan agents have been engaged in low-keyed efforts to undercut progress to governments in the Caribbean, financing radical groups and in some cases encouraging them to commit terrorist activities, United States officials says."

I said no such thing. All I am saying is that this report appeared in the *Guardian* of 1987.

On the following day in the *Express* is a similar article: Big Libyan Plans for Trinidad and Tobago:

"Close watch on visitors arriving in the country."

Those are just two examples. There has been a feeling for a long time in this country, particularly in the context of the fact that this Government, by its own actions, has taken us before the International Monetary Fund and the World Bank, two institutions whose prescriptions have resulted in social dislocation in a number of developing countries across the world. It is not to say, therefore, that Trinidad and Tobago is going to be immune from it. It has happened too often for any responsible government to take the position that it will not happen here. You do not know. What you are elected as a government to do is to protect the citizens against any possible eventuality. If this Government therefore is accused of dereliction of duty then nobody could say that is an unfair accusation to lay at the Government's doorstep.

**7.15 p.m.**

**Mr. Ramnath:** Did you tell the Government what you knew in 1987?

**Mr. Manning:** I am talking about newspaper reports.

The Minister of Justice and National Security, though irrelevant, was permitted to talk. This is democracy. That is what Parliament is all about so that views can be aired. He raised the question of economic growth and sought in so doing, as they have been seeking within recent times to give the impression that

the worst is behind us and that the pain and the pressure that the population has been experiencing over the years has come to an end. That is the impression that they are seeking to give when they talk about economic growth.

I want to ask some questions. In accordance with the standby agreement with the International Monetary Fund, has electricity rates been increased? The answer is, no. Have water rates been increased? The answer is, no. That is also to come. In the context of the agreement between the Government of Trinidad and Tobago and Cable and Wireless in respect of internal and external communications, have those rates been increased both internally and externally? The answer is, no. Telephone rates have to go up. In the context of the agreement with the IMF, has the Government as yet increased the bus fares? The answer is no. All of that is to come. *[Interruption]* Gasoline is another matter. I do not want to go into that this evening, we will go into that in due course. All I am saying is that the dollars and cents approach, the approach of arithmetic as opposed to people, that approach which has been the characteristic of the Government's actions from 1987 to now continues to be existent. I warned the population, I warned the people of Trinidad and Tobago that their electricity rates are going to rise, water rates are going to rise, bus fares are going to rise and telephone rates are going to be increased. Any talk about turnaround does not mean that the pain and pressure to which this Government has subjected the citizens from 1987 to now has come to an end.

I deeply regret the fact that we have to come to this Parliament today with the Government bringing this motion seeking to extend the state of emergency. Even if we wanted to support it, no reasons have been advanced that we could use as a basis for making a rational decision. From what we can see and our own information is—and it was brought out by a statement from the Prime Minister not too long ago—that Trinidad and Tobago is fast returning to normalcy. Indeed, there is no curfew operating in Tobago. Therefore, we are convinced that the real reason for seeking an extension of the state of emergency is the fact that this Government is trying to avoid an election. I wish the Government would take steps to prove me wrong and to call the by-election in Diego Martin Central within the 90-day period beginning on Monday last when the seat was declared vacant. Better still, I wish the Government would take steps to call a general election.

In closing, I want to make the following statement to them and that is that genuine security will not be achieved through guns and tanks, and states of

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emergency. Genuine security will only be achieved when there is a caring and trusting relationship between those who lead and those who are led. Thank you.

*Motion made and question proposed, That the House do now adjourn to Friday, November 9, 1990 at 1.30 p.m. [Hon. J. Toney]*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.22 p.m.*