

*Leave of Absence**Wednesday, May 25, 1994***HOUSE OF REPRESENTATIVES***Wednesday, May 25, 1994*

The House met at 1.40 p.m.

PRAYERS[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Madam Speaker: I have granted leave of absence to the Member for St. Augustine (Mr. John Humphrey) from today's sitting.

**NEW REPRESENTATIVE
(Laventille West)**

Madam Speaker: Hon. Members, I have a letter addressed to me from the Acting Chief Election Officer of the Elections and Boundaries Commission. It reads as follows:

"Madam Speaker, in accordance with election rule 108 (5)(b) sub rule 1 of the Representation of the People Act, Chap. 2:01 of the Laws of the Republic of Trinidad and Tobago, I am to advise you that Mrs. Eulalie James is the candidate elected to fill the vacant seat of Laventille West in the House of Representatives in the by-election held on May 24, 1994."

Therefore, hon. Members, provisions will be made for the swearing in of Mrs. Eulalie James to take her rightful seat in this House at the next sitting on Friday, May 27, 1994.

**CONDOLENCES
(MR. SHAMSHUDDIN MOHAMMED)**

Madam Speaker: I have information that Members of this House would like to pay tribute to our late brother, Mr. Shamsuddin Mohammed.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, for yet another time, the third time this year, we in this House mourn the loss of a colleague. Commencing with the death of another colleague in the other place last year, the late Sen. Harry Kuarsingh, one is reminded of the fact that we are not authors of our own destiny, that as we travel and attempt to follow our mission, we do it with heart within and God ahead.

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Mr. Shamshuddin Mohammed belonged to a family, one of whom was a founding member of the People's National Movement. Though he himself was not a founding member, his brother "Kamal" lay claim to that. He served the People's National Movement well, entering Parliament in 1966, and with the hon. Prime Minister holds the distinction of being the longest serving Member of the House, though with a break of some five years. He taught, retired, came back to politics and attempted to spend his retirement in that position.

In Parliament, I am sure all our colleagues would agree, the late representative for Caroni East was a very congenial Member, always there to appreciate a proper answer to a question or a good speech. On Friday the Member was complimenting the Member for St. Joseph on his statesmanlike contribution to the Dangerous Drugs debate. I remember also that on Friday evening when we attempted, very late, to adjourn this House to today, Wednesday, the Chief Whip on the other side was reluctant to do so until he consulted with the late Member for Caroni East, who agreed that it should be done. We would remember Shamshuddin Mohammed for his activities in culture. I enjoyed Mastana Bahar, Madam Speaker. I still look forward to it on a Saturday evening. The fact that here you had a person going to every nook and cranny in Trinidad and Tobago, mixing with the common folk, really living the way only Shamshuddin Mohammed seemed to know how.

There is much to learn from people like Sham Mohammed, Morris Marshall, Harry Kuarsingh, and Cyril Rajaram, all humble people, perhaps giving truth to the saying, only the good die young.

The hon. Prime Minister, Members of the Cabinet and other Members of Parliament on this side, offer our condolences to Mrs. Mohammed, his children, his brothers, sisters and other relatives.

May he rest in peace.

1.50 p.m.

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, I rise on behalf of this side of the House to pay our respects to the memory of our late colleague, Shamshuddin Mohammed. I had known Shamshuddin Mohammed since being a Member of Parliament in 1981, when he had already served three terms. This current term would have been his fifth term in the Parliament of Trinidad and Tobago, and that is in itself an achievement.

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Shamshuddin Mohammed was a man who had an infectious enthusiasm and those who dealt with him in any way, would recall that he was slow to anger—I have never seen him in an angry mood—and his contributions in this House were not really motivated by any sense of anger but by his own exuberance.

He was a man who had a tremendous passion for life and living and he had very many facets to his life; not only was he in parliamentary life but he was also a pioneer in promoting culture in Trinidad and Tobago, particularly East Indian culture. He was also a practical man, an agriculturist and an organizer; he had the capacity to organize at very short notice and do so very efficiently and effectively. He was a man very strongly rooted in his religious beliefs which guided his actions throughout his life.

Today, we mourn his passing but we also acknowledge his tremendous contribution to our country in so many spheres. He will be sorely missed. He will be missed by all Members of this House, particularly by those on our side with whom he had regular contact. We relied on his experience and knowledge of parliamentary affairs and his tact, sense of diplomacy, his equanimity in dealing with situations. All that we would miss. We are thankful that he has made such a great and valuable contribution and I think that though he will not be here in this House in person, his spirit will be with us and will be participating in the deliberations of this House.

On this side we wish to extend our sincerest condolences to the members of his family and we hope that they are able to bear this period of grief with courage and determination.

We wish that his soul rest in peace.

Thank you.

Miss Pamela Nicholson (*Tobago West*): Madam Speaker, on behalf of the National Alliance for Reconstruction, I rise to express our condolences to the relatives of the late Mr. Shamshuddin Mohammed. When we left here on Friday, as we disappeared from the scene, we did not know that when we returned, he would not have been with us.

The passing of yet another Member of Parliament continues to express the frailty of life. We would always miss him. He was a stickler for the Standing Orders; he had a flair for language; warmth; he had a great sense of humour and would always encourage any Member when he or she made a very good contribution in the House. One would always remember such an individual and

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the contribution that he has made in this country, after serving for five terms in the House. Only two other Members have that record, the Member for Tobago East and the present Prime Minister of Trinidad and Tobago.

Madam Speaker, one would remember that our late colleague was a pioneer of the East Indian culture. One could turn on the television and enjoy his programmes. In all that he did, one could see that he always exercised empathy. A gap will always remain in this House, and in this country.

I wish again to express our condolences to his relatives. May his soul rest in peace.

Thank you.

Madam Speaker: Hon. Members, I, too, join with the Members of this House who have expressed their condolences to the family of the late Member for Caroni East.

I have been thinking that I am the only Speaker in any Parliament who has had to declare three seats vacant within a short period of two and a half years, with all vacancies being occasioned by the death of serving Members.

As I ponder on this fact, I feel sure that these occurrences, especially the sudden passing of the late Member for Caroni East, would have driven home to us all a greater understanding of the transitory nature of life on earth. I do not know if it has done so to other Members, but it should also have given us a greater understanding that our span here should be always utilized constructively for the greatest good of all concerned.

This, in my view, is how the life of the late Shamshuddin Mohammed was utilized. He infused boundless and positive energy into every area in which he functioned, and by so doing, I found that he subscribed to my view that life is for living, life is for doing, life is for sharing. The utterances over the last few days of all those people who have expressed their feelings about our late brother are a testimony to his fruitful doing, his caring and his sharing.

2.00 p.m.

For the past two and a half years that we shared this Chamber with him, I found that he was a man without malice. This is what really struck me about our late brother, I found him to be a man without malice—a large man. This is how I

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would describe him—a large human being; one of our maturer Members to whom the scoring of political points took second place to discerning what was for the highest good of the nation; the highest good of all concerned in a situation.

The ship of his life, hon. Members, touched many ports, which were all enriched during his period of anchorage there; and when we look at the varied activities in which he participated—and succeeded—we cannot help but conclude that our late brother was a contributor and an achiever. I will always think of him as an achiever.

This House has lost a mature, congenial and passionate debater, and it is all the poorer for this. Undoubtedly, he will be missed by all Members and the final act of love that we can perform for him is to radiate our thoughts of peace, protection and well-being for his soul, wherever he is at this moment.

For our late brother, we all affirm that—

the light of God surrounds you;

the love of God enfolds you;

the power of God protects you;

the presence of God watches over you.

Wherever you are, God is.

And we have faith that all is well.

I will now direct the Clerk of the House to send our condolences, and our expressions of sympathy to the family. I, myself, will be forwarding a letter on behalf of Members of this House to the family of the late Sham Mohammed expressing our condolences and wishes for their continued well-being.

Hon. Members, shall we rise for one minute's silence in memory of him. May he always be at peace.

The House stood.

VACANT SEAT

Madam Speaker: Hon. Members, section 69(3) of the Constitution of the Republic of Trinidad and Tobago provides that:

"Where a vacancy occurs in the House of Representatives within the first four years of the life of the Parliament a bye-election shall be held to fill such vacancy not later than ninety days from the date of the announcement by the Speaker of the vacancy." I have in my possession a certificate of the

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registration of the death certified by the Registrar, Mr. Bert Legere, which indicates that Mr. Shamsuddin Mohammed, Member for Caroni East, died on May 21, 1994.

In accordance with the provisions of the Constitution which I have just read, I hereby declare the seat of Caroni East vacant.

PAPER LAID

Finance Contract between the Republic of Trinidad and Tobago and European Investment Bank—Loan for financing of the Richmond Water Supply Feasibility Study. [*The Minister of Finance [Hon. Wendell Mottley]*]

SELECT COMMITTEE REPORT

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, I wish to present the First Report of the Public Accounts (Enterprises) Committee (1992—1996 Term).

DANGEROUS DRUGS (AMDT.) BILL

[THIRD DAY]

Order read for resuming adjourned debate on question [May 13, 1994]:

That the Bill be now read a second time.

Question again proposed.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, before we adjourned last day, I had the opportunity to make a contribution to this debate. What I sought to do was to appeal to my colleagues on the other side to recognize what we were trying to do with respect to this particular piece of legislation, and to implore them to lend their support to a measure which is meant to put Trinidad and Tobago, as a country, in a position to make another directional attack on the drug trade.

I sought to make the point that, notwithstanding all that is said and all the frustrations that we feel across the country, across the region, across the hemisphere and the world at large, a number of things have to be done, and in many cases to be done simultaneously in order to begin to address in any serious and effective way the menace of the drug trade.

Insofar as Members on the other side were skeptical as to the effects of this measure, or the sincerity of the Government with respect to its dealing with the measure, I continue at this point to appeal to them to support this measure, because it is one more piece of ammunition in our armoury to deal with an all-encompassing problem.

2.10 p.m.

The Member for Oropouche took the position that basically there is no need for this legislation since we already have statutes on the books. But, that is not entirely a correct perspective of the matter. Because, notwithstanding the fact that we do have some statutes to deal with some aspects of the problem, this particular piece of legislation is meant to satisfy certain specific conditions which are required to be satisfied before we can ratify the treaty.

Specifically for those who are familiar with the convention, if one looks at the back of the document, in the appendix, one would see a list of chemicals and a note that the salts of these chemicals are also covered by the convention, but the word "cocaine" would not be seen. The chemicals Ephedrine, Acetic Anhydride Acetone, Ethyl Ether, and a list of other chemicals; the reason being that after years of trying to deal with the problem, it has been recognized, internationally, that these chemicals are instrumental in the chemical preparations of products from cocaine.

In fact, only recently I was reading a document that said that the marketing of cocaine has had a new lease on life just as the cycle of the use of the powder was turning down. The marketing of cocaine had a new lease on life with the discovery of the preparation of crack cocaine which, by a chemical process, prepares a product which allows the product to be sold very cheaply to the man-in-the-street, so a wider market was created.

The role of these precursor chemicals is extremely important. So the convention and the law that we are seeking to pass here, take into account the effect that these chemicals can have in the trade and, therefore, seek to curtail their illicit use. Therefore, it is not correct to say that there is, in fact, legislation to deal with this matter.

Also, another aspect of the legislation has to do with the fact of how laundering takes place. My understanding is we do have some legislation to deal with the laundering of proceeds by A on behalf of B, but we do not have unambiguous legislation to deal with A laundering his own proceeds so as to hide his tracks. We are clearly seeking to put in place something that does not exist for a particular purpose.

Insofar as the main aspect of the legislation has to do with the vexed question of money laundering, I thought I was able to demonstrate that we here in Trinidad and Tobago have been exposed to classical money laundering exercises. We have

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heard about it from the banking community. We have heard the Opposition saying that the legislation should take into account a whole range of activities.

Virtually any activity that generates money can be utilized for money laundering processes. However, the whole question of money laundering by persons in authority was raised. I thought I made it quite clear that the position being adopted by the Members on the other side, wherein they sought to indicate—I hope temporarily—that they would not support the measure until a certain inquiry took place is irrational.

I raised the matter about money laundering by the political party that formed the last administration and I was told by my colleague the Member for Tobago East, who, unfortunately, is not here today—I am sorry he is not here today—that he took the position that we should enquire into the whole question of cheques received by the party which formed the Government before this administration. But I want to make the point that there is a purpose to an inquiry.

An inquiry is an exercise which is meant to extract information for verification etc, and insofar as the chairman of that party spoke—and I presume he speaks on behalf of his organization—specifically with respect to who did what, when, I do not believe that there is any need for any inquiry into that matter because we have all the facts. We were told who did what, how much money was taken, from whom, how the money was handled, and for what purpose, so I would not join in any calls for any inquiry except to say that for those who were involved in this matter, I would like to think that redemption is at hand.

Because the opportunity is presented today for those Members—some of whom are present today—to take a different stand—a stand which would show beyond the shadow of a doubt that Members are prepared to say no to things that they believe are wrong and yes to things that they believe are right. I have heard *en passant* from my colleague the Member for Tobago West that she had no knowledge or any involvement in that matter.

Miss Nicholson: Do not bring me into that story. You are too wicked! The whole of Tobago wants to know why you are so wicked!

Dr. The Hon. K. Rowley: But insofar as she was a Member of a political party which was elected on the basis of substantial sums of money provided by questionable characters in the drug trade, and insofar as she has not declared her position as an independent candidate at any time and, in fact, even today, sits in this House as a Member of the NAR, I think she will agree that she had some culpability in that.

Because I made the point on the last day that we cannot have two standards in this country. There has to be one standard for all of us and we are all to be held accountable for our own actions.

Those on the other side, time and time again, hold this Government, this party, and hold me personally responsible for the actions of one John O'Halloran for something he did when I was at school. I was at school when O'Halloran took his bribe. But for every year that I have spent in politics since then, I have been held personally responsible for O'Halloran and yet, as I speak about money laundering by a political party that elected specific Members of this House, I am being told: "I am not responsible. I do not know about that. Leave me out of that." We cannot have two standards.

If I am responsible for O'Halloran's action in 1967, my Friend the Member for Tobago West is triply responsible for the money laundering that took place in the NAR in 1986. It cannot be two ways.

Miss Nicholson: Madam Speaker, on a point of order. Would you call upon the Member for Diego Martin West not to accuse the Member for Tobago West of anything she does not know about. I am appealing to you as the Chairperson of the House, Madam Speaker.

Madam Speaker: Will the Member for Diego Martin West take note please of the Member's plea.

Dr. The Hon. K. Rowley: Madam Speaker, I take very careful note and all I would do is reiterate my position, that I hold every member of the NAR party responsible for the money laundering of 1986, and I am using the same yardstick that is used when every member of the PNM is held responsible for John O'Halloran's actions.

Mr. Sudama: And others.

Dr. The Hon. K. Rowley: The same yardstick. And I am making the point that in this case of a political party sourcing funds and using it for an election campaign, the 36 members who are the candidates have a greater duty to the national community than I had as a schoolboy reading about O'Halloran.

The Member for Tobago East made the point that he wanted to find out what this Government was doing about the international criminal court, something very dear to his heart, and something which will make a contribution to countering the international drug menace.

2.20 p.m.

I only want to say that it may very well be a good thing that there is no international criminal court, because political leaders who became prime ministers and who countenance money laundering, might have found themselves before the said international criminal court. The only difficulty we may have there is that we do not have any international country in which to jail international criminals in that way.

So I am not going to make a big issue of the fact that an international criminal court does not exist, but I will make an issue of the fact that a political leader, prime minister, members of the Cabinet, cannot take positions with respect to handling of known dirty money, positions which are unsatisfactory to the national community, and simultaneously continue to take positions of opposing measures which would give the country some small semblance of opportunity to deal with the on-going, if not growing, scourge of the drug problem.

I am sorry that the Member is not here today because I expect that the vote will be taken today, and I would have wanted to be present when the Members for Tobago East, West and other Members, cast their vote in support of this measure to allow us, as a country, to take a step forward in dealing with the drug menace.

The Member for Oropouche said that the Government is taking no action on the drug issue, and he was paraphrasing, I think, or quoting and interpreting statements made by the U.S. Ambassador with respect to her impression of the drug problem in Trinidad and Tobago. I want to make two observations on that matter. Firstly, it is incorrect to say that the Government of Trinidad and Tobago is doing nothing about the drug problem. If what the Member was saying is that we have not made any significant headway in curbing the drug menace, I would be the first to agree. And there is good reason for that. We have not done everything we should have done, but by the nature of the beast itself, it is difficult.

Talking about the position taken by the U.S. Ambassador and treating it as gospel—I have a difficulty with that, because one of the biggest problems that we have in the world with the drug menace is this whole question of demand. If there is no demand, there will be no need for a supply, and Trinidad and Tobago would not be on the pathway of a drug trade between demand and supply points. We all know where the demand for drugs is. It is not in Trinidad and Tobago. The real demand for drugs—and it has been there for the last 30 years—is in the northern metropolitan country.

I do not believe that it is as a result of a lack of effort on the part of the various administrations in those countries that the menace still remains. If we think we have crime problems in Trinidad and Tobago which are drug-related or otherwise, we should look at what goes on in the northern hemisphere where the drug demand is still very high—crime, senseless murders, money laundering, everything that is bad.

I have the opportunity, from time to time, to visit my relatives in that country, and it is frightening to walk in Miami. When I happen to pass through Miami, I stay behind locked doors in a hotel, because that is how I feel about that situation. And this is in a country which is the richest country in the world.

That country has the most well-equipped army in the world, best navy, best air force, best specialized agencies, the DEA, the Bureau of Alcohol and Tobacco, specialized in following arms and drugs, and a commitment from every administration, including special presidential teams, to deal with the drug problem, even to the extent where it has the power to go into foreign countries and kidnap their leaders if it believes that they are involved in the drug trade. Even after all of that, no one could advance to you today that the governments of that country has licked the drug trade.

So it is quite wrong to say that because we still have a drug problem in Trinidad and Tobago, it is as a result of negligence on the part of this Government. We have been looking around to see how other people fare with this problem, and we have a good idea. Recently we heard the Opposition Leader at a gathering in Eastern Trinidad saying that his party is considering this question of decriminalizing the drugs. In Europe, a developed country, Holland, has, with the best of advice, with the best of support systems, tried some aspect of that and virtually has come to the conclusion that that is not the solution.

I want to quote for you the predicament of countries that are better equipped than we are to deal with the problem, and countries that are outside the supply route for cocaine. Of course, they are exposed to heroine as well, but they are not between South and North America as we are; they are not the gateway to North America as we are. Listen to what the Dutch have to say about their situation:

"We have not chosen for a war against drugs, because we feel that that is an unwinnable proposition. Rather we try to cope with the phenomenon as a fact of life, thereby placing emphasis on the personal responsibility of our countrymen."

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Madam Speaker, one is driven to sense some air of resignation, if not hopelessness. This is after years of doing virtually everything possible. They go on to say:

"There is no decriminalisation..."

But the full force of justice should be brought to bear on those who continue. So even as they come to the conclusion that much as we have done, we have made no real headway with the beast, we still cannot take the position that decriminalization is a way out

This booklet out of the city of Amsterdam, which is one of the more liberal capitals in Europe, very well known for its drug problems and associated phenomena, is called "*The Amsterdam Drug Policy*." Listen to what it says:

"One of the reasons the City of Amsterdam has opted for this approach is that the 'tougher' methods applied in other countries have not yielded any solution to the drug problem."

This is not to say that tough methods are not to be applied. All it is saying is that contrary to the political rhetoric that it is an absence of tough methods why we have a drug problem, these people are saying—and they have had the experience—that the facts will show that they have not yielded the results.

It goes on to say:

"This is why Amsterdam has opted for 'the third road'..."

which is their present policy—

"...not a total war against drug addicts, not a paradise for drug addicts, but an all-out campaign to reduce the harm caused by drug addicts to society and to help addicts who want to be helped. We cannot just wave a magic wand and make the problem disappear. The problem is too complex for that, and there are aspects that can never be solved."

I quote this not to excuse any shortcomings on the part of the Government—for I am sure there will be points of shortcomings that can be identified—but to make the point that one ought not to lose balance in one's appreciation of what we are dealing with.

2.30 p.m.

Other countries face this drug problem, but I do not hear the Americans accusing their President of being responsible for the drug problem, or seeking to

spread rumours about his involvement with agencies and so on. I do not hear the people of Amsterdam accusing their Government of being the problem. What I do hear is people of these countries across all lines saying that they have a problem and they have to deal with it—not along political lines; not along religious lines; not along racial lines; not along social lines, but along every single facet of national life. We have a problem.

If you are a parent, we have a problem. If you are a child in kindergarten, we have a problem. If you are a businessman, we have a problem. If you are a worker in an NGO, we have a problem. We are all in this together. That is why I would recommend to my colleagues that this is one area we should not seek to score political points on. We are all to be enlisted in the fight against crime and, particularly, in the fight against drugs. I appeal to my colleagues on the other side, to support this measure to allow Trinidad and Tobago to ratify the convention.

The Members on the other side have already demonstrated their willingness to support the measure, because they did support it in the other place. We ask them to continue to recognize and exercise that level of responsibility.

The Member for Oropouche made the statement that corruption in the police service goes unchecked and the Government turns a blind eye. Again, the Member cannot take such a position and make statements like that because I distinctly recall when the Scotland Yard inquirers were here, specific to their assignment, which was generated by drug problems in our police service, arising out of their presence and investigations in this country, two relatively senior police officers were charged with infractions of the regulations and misconduct of some kind—I cannot remember the details.

When I would have expected that Members of this House would have kept at arms length and would have been happy at least to see we were beginning to identify and take certain actions, the Member for Oropouche came to this House and put in *Hansard* that those particular officers were identified for disciplinary procedure because of their race. He named them and said he was repeating their names so the point could be brought home as to what was happening. But, lo and behold, he comes back in this debate and says there is corruption in the police service and the Government is turning a blind eye to it.

We need to be consistent in our position. What I am advocating is that we take fair, logical and reasoned positions at the beginning so we can stand by them. If we do that, we would begin to address our national problems, whatever they might be. Solutions to every one of our problems might not come tomorrow, but if

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we take the position that if we can demonstrate to the national community that we are in a better position to serve in the management of the country, that would give us our best chance of being assigned that responsibility. If we take that position then we would be on the right track.

Madam Speaker, today is not a very happy day for us in this House. In fact, it is quite an unusually depressing day, but in that kind of environment we would do ourselves more than a favour—not only on our own behalf, but also on behalf of all the people of Trinidad and Tobago—if we can begin to raise ourselves out of our current depression by casting a positive vote in support of this measure which is meant to deal with one of the biggest negatives in Trinidad and Tobago. I appeal to my colleagues on the other side to support this measure at voting time.

Thank you, Madam Speaker.

Mr. Ramesh Lawrence Maharaj (*Couva South*): Madam Speaker, the Bill before this House is a very important one. It is the kind of Bill on which we, on both sides of the House, must transcend party political differences and consider the national good.

We, on both sides of the House, have a sacred duty that if we are asked to vote on legislation, we would want to ensure that it would have effect; that there is machinery in existence which would be able to implement that legislation, which, even if it is assented to, cannot be enforced.

I will come to that in greater detail, but I do not think that it can be doubted that there is an epidemic of illicit drug use and trafficking in Trinidad and Tobago, in the region and in the world. One of the points raised in this debate, on this side, has to do with how one deals with the heart of the drug problem. I think the Members on the other side are missing that point, in that, one is not concerned with personalities, one is concerned with principles.

Madam Speaker, if I may read from the *Executive Summary of the International Narcotic and Control Strategy Report of its Policy and Programme Overview for 1993* on page 5, under the heading "Political Will and Corruption":

"At the heart of the drug problem lie the issue of government corruption and political will. Of the many threats which the international drug trade poses, the greatest is its almost unlimited capacity to corrupt legitimate political institutions.

The drug trade gives criminal and terrorist organizations access to money on a state not available to most national Governments.

The best defences against drug corruption is a strong sense of national integrity expressed as political will."

A strong sense of national integrity expressed as political will.

What we on this side of the House are saying is that in order for us to have any legitimacy or for there to be any moral authority to deal with the drug problem as a nation and as a country, our leaders and parliamentarians must open themselves to very open investigation and must be able to ensure that there is such transparency in their actions that the public would have confidence in the persons who are either in government, in opposition or in public life. It comes to the question of standards of conduct in public life.

I remember the Member for Couva North, my political leader, made it quite clear that he was not making allegations against the hon. Member for San Fernando East. The Commissions of Inquiry Act provides for whenever there is a public disquiet, whenever there is some public concern about a matter, in order to vindicate public interest—and it so happens sometimes that public officials are involved—one has an inquiry.

One can think of many instances, but that is why the investigation into the Whitewater affair has been readily agreed to by the President of the United States; he will be subjected to the most impartial investigation, not as an admission that anyone is guilty of wrongdoing, but as a way to vindicate public interest.

That is how I see it and that is how it is. You would recall that the hon. Member for Tobago East referred to the Royal Commission on the standards of conduct of public life and he referred to the Polson affair in the United Kingdom. That was a situation where nobody thought—as a matter of fact, when it first raised, everybody was saying "No! no! no!" and it created such a stir that there was an inquiry, and public officials, including ministers of government, were shown to be involved in corrupt deals. People were prosecuted.

2.40 p.m.

In this debate I do not propose to deal with allegations which have been made against me or the Members of the Opposition. I think that matters which have been stated by the Member for Diego Martin West are matters of public record. There have been subsequent events; there is pending litigation with respect to damages. I do not propose to deal with that. This debate is much more important. I am dealing with the public interest and I would like to deal with it in that context.

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The question that the Member for Diego Martin West raised about decriminalizing drugs, one knows that there is still an international debate on that. We are not saying that they should be, but what the hon. Member for Couva North had said, was that it is a matter which ought to be considered. I agree with him that the matter is complex and needs a plan of action.

That brings me to this matter we have here. When we look at this Bill in the context in which it was put, what is the plan of action of the Government of Trinidad and Tobago to deal with drugs? If one looks at any plan of action of any country, big, small or otherwise, one would see that if there is a serious problem the government decides to have a plan of action. And what is the plan of action?

I have here the National Control Drugs Strategy. I have seen other plans but I will refer to certain matters in that report from the United States. I agree with what he says about demand and supply. We have to find some way of reducing the demand for drugs; therefore, what is the Government's plan? What institutions are in place? We have not been told anything to show that this problem is being arrested.

I should have thought that any plan of action to deal with drugs would have involved three main aspects: one, the prevention and reduction of demand; two, the control of supply; and three, treatment and rehabilitation.

Under the prevention and reduction of demand, I would have expected some aspect of the Government's policy, if it has any, to show that there is an assessment of the extent of drug use and abuse in Trinidad and Tobago; there is some organization of systems or machinery for the collection of data and there are prevention techniques, whether at the educational system or at the work-place, or wherever in Trinidad and Tobago, to reduce the demand for drugs. But what is happening is that there is really no plan of action to deal with drugs, but we have responses from time to time reacting to some embassy which says, "Well I want this or I want that thing done." I would also have expected that under control of supply, there would be some assessment of the ability and the efficiency of the legal system to deal with any prosecution for drugs or the ability of the police machinery to deal with the investigating of matters covered by the existing legislation and legislation we will put forward in this Bill.

I would have expected to hear something of the Government's plan to deal with future interdiction for drug use and offences. I would have expected to hear, under control of supply, something of the problem which faces Trinidad and Tobago with surveillance at sea, land and air, because we know that we have all

these drugs coming in and the rate of seizure is very low. I would have expected that from the other side, instead of saying, "Well, all right, you made allegations; it is a defence for us. Since there are allegations against you, we have to say those allegations, too."

We are dealing with serious matters here. If the Government is in power and there are allegations against any Member of the Opposition and you have prosecution machinery, use it, but do not say that there are allegations and that is your answer. Come and tell the country what you are doing about prevention and reduction of demand, control of supply, treatment and rehabilitation. Unless you reduce the demand, unless you have effective prosecution machinery, effective investigative machinery, effective adjudicating machinery, you are just "spinning top in mud." We are just passing legislation of cosmetic value.

Under treatment and rehabilitation, I would have expected to hear something about the policy of treatment by the Government with respect to persons who are addicts; training of medical or para-medical staff with respect to this problem; reduction of the kinds of diseases and infections which can be caused by persons injecting drugs. One knows of AIDS; it is a problem in Trinidad and Tobago.

Here it is we come with legislation, saying that this legislation would greatly assist in arresting the drug situation in Trinidad and Tobago, but all we are concerned about is putting things in place for interdiction, not concerned as to whether it would work, because I can show you that in the existing state of affairs this legislation, even if it is passed, cannot work at all. It would be a piece of legislation just as in the 1991 Act, where section 47 gives very wide powers—confiscatory, forfeiture and everything, but there is no machinery for investigation to deal with those provisions of the Act. If there is a problem of money, let us know. What are your plans to deal with it?

Under treatment and rehabilitation, I would have expected to hear something about the care for drug addicted offenders within the criminal justice system and outside it. I would have expected to hear something of what the Government intends to do with social reintegration of persons who have undergone treatment and rehabilitation as a result of being addicted to drugs. I would have thought, therefore, that this legislation would be all part and parcel of a plan of action because this legislation can only deal with one aspect of the problem—interdiction, trying in effect to control the supply. I think I would be quite correct in saying that this legislation is really not part of any plan of action, any policy that the Government has to deal with the illicit use of drugs in Trinidad and Tobago.

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I got, today, a copy of the *National Drug Control Strategy*, February 1994, issued by the White House, United States of America, "Reclaiming our Communities from Drugs and Violence". One merely has to look at it to see that there is a policy. On page 2, there are headings "Protecting America's Children through Education and Prevention"; "Protecting Neighbourhoods through Enforcement and Community Action". One sees on page 5, "Ensuring Safe and Drug-Free Schools by Improving Prevention Efficacy"; "Empowering Communities to Combat Drug-related Violence and Crime. It is not written, so come out and say what is your policy. With that in mind, let us, therefore, examine the situation.

I have actually drafted a Constitutional (Amendment) Bill—and I would ask for it to be circulated in the meantime—which amends this Bill to create what is called a drug court.

2.50 p.m.

I know the hon. Attorney General had spoken about a drug court and it was promised that we would in fact get one. I have drafted that to include it as part of the amendment. I have drafted the amendment so that we would have a council on the misuse of drugs—as there is in England—in the legislation which we had borrowed, to monitor the implementation of the legislation, and to monitor questions concerning the illicit use of drugs. I have also drafted the amendment in such a way to include a Parliamentary Committee to monitor the implementation of this Act.

Trinidad and Tobago is a transshipment port for drugs. We know that. From South America, to Europe, to North America, and it is also a producer of marijuana. In the INM Report of 1993, it stated that Trinidad and Tobago is not highly significant from a money laundering perspective. I do not know if you can recall, but on June 23, 1993, the United States Information Agency in Port of Spain published a survey which was done in Trinidad and Tobago on the drug war. It found that the most important problem in Trinidad and Tobago is unemployment. The second was drug abuse, and the third was violence.

From what has been stated and from what I have read, I would like to rely upon a passage at page 19 on "Drugs and Crime, Evaluating Public Policy Initiatives," a publication of 1994. It says:

"The relationship between drugs and crime has been studied extensively, and findings accumulated over 50 years have consistently shown high crime rates among drug abusers and high drug-use rates among offenders..."

One sees that there is a causal connection between drugs and crime. The question which arises is: is there a causal connection between drugs, crime, unemployment and poverty? Therefore, any serious effort to deal with the drug menace must, as part of the policy of the Government of Trinidad and Tobago, indicate how it intends to deal with the drug problem, not only by interdictions.

The Minister of National Security would forgive me if I do not have the reference, but I think I read one of his speeches in the newspapers where he said that, "drugs and crime are related." I would like to put the case that if we are going to deal with the drug problem and the crime problem, we have to deal urgently, with the unemployment problem, especially the employment of young people.

There is a very helpful article "Crime and Structural Adjustment in Trinidad and Tobago," published in the *Caribbean Affairs* of June 1992, Vol. 5 No. 2, in which it concluded from a survey that the authors did, that there is this causal connection between economic policies which result in unemployment, poverty, drugs and crime. One sees that social and economic factors do contribute to these matters.

Quite recently, also, in *Caribbean Affairs* Vol. 4, No. 2 of June 1991, at page 142 it says:

"Hard drugs use in a black society."

It is quite clearly demonstrated from the authors that it is their view from surveys they had done, that social and economic factors contribute to drug use in Jamaica.

If we have to deal with this drug problem, we would obviously have to try to attack those areas of the problem also. We cannot deal with the social problems merely by passing laws or increasing police action. These pieces of legislation would be essential, but the social problems really require some plan of action.

With respect to drugs, as long as the demand side exists, the supply side would grow and even in the midst of greater risks, heavy penalties, jail, whatever it is, there will still be an escalation of the problem. We have had it! We have seen that no matter what has been done, no matter how heavy the terms are, no matter what threats there are, the drug problem continues. Therefore, we should examine ourselves, examine our system, examine our particular circumstances to see whether this problem could really be dealt with in the way we are trying to deal with it—simply by passing legislation and interdiction.

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Any attempt to deal with money laundering from drugs must also deal with proceeds of crime—not only limited to drug offences. That was the point that the Member for Couva North made. I thought that any money laundering legislation, in order for it to work, in order for it to be meaningful, must create a regulatory system of currency recording transactions or reporting requirements which would act to inhibit movements of large amounts of currency from one country to another.

There must not be a gentleman's agreement as we have now. There must be some regulatory scheme where these things can be regulated; there must be records, otherwise we would be “spinning top in mud.” No matter what is done, the banking system is the system through which people can launder moneys, and one is not making any accusation against any bank. In order to ensure whether one really wants to deal with the problem, one would need to have some sort of regulatory system in which these transactions are recorded and there would be inspection of matters like that.

The second point. It should be made mandatory that banks and all financial institutions in Trinidad and Tobago have such records. Unless that is done we would just be facilitating. Even if legislation is passed which could provide the greatest powers for officers of the state to investigate, one would be making the legislation as if it was a dragon without fire or a tiger without teeth, if one did not have the infrastructure or the back-ups in order to make the legislation work. And it is in this context that I ask myself the question aloud: What is my duty as a Parliamentarian in respect of a Bill which comes before the House for me to support it?

Under section 54 of our Constitution, it seems to me that it imposes an obligation upon Parliament to pass laws for the peace, order and good government of Trinidad and Tobago. This constitutional obligation, in my respectful view, requires us not only to ensure that the provisions of the Bill are not objectionable, but also to ensure that the provisions of the Bill are workable and implementable.

3.00 p.m.

If we are convinced that the Bill is merely being passed to hoodwink the population and not really to solve the problems which it says it intends to redress, then we would be part and parcel of a conspiracy with the Government. We have a duty not to participate in an act of fooling the population. We have a duty to stand up and say—and face the consequences—that

Mr. B. Panday: Regardless of the consequences!

Mr. R. L. Maharaj: —the Bill is very good. I do not think anyone can really dispute most of the provisions of the Bill. There may be some criticisms as to whether the powers that are being given can be abused, and the next question would arise: Is machinery in place to prevent misuse and abuse?

As I understand it, there are two arms of the Government involved in legislation; the legislative arm—we are the legislative arm—and the executive arm. Under our system the majority in Parliament is administered by the Executive, and the Executive's action with respect to legislation, normally gets through because the Executive will get the support of the legislative arm in Parliament in passing any legislation.

We, as parliamentarians, have to decide whether we regard our duty seriously and whether we should lend support to the executive arm in passing legislation where it is patently obvious that the legislation which is being passed cannot be implemented.

We also have to ask ourselves: Can we support the Government in passing this legislation which gives it draconian powers in respect of freedom of property, and liberty in some instances? In one of the provisions of the Bill when one comes to the airport one's moneys can be taken away, and years can pass. There is the question of reasonable cause. Customs officers must have reasonable cause. Can we really pass legislation in which the Government in order for this legislation to be administered is not prepared to put the checks and balances in place to ensure that if there is misuse and abuse of power one would be able to scrutinize it, monitor it and keep it under check?

One sees that even with ordinary searches by the police with respect to buildings and homes, on the mere *ipse dixit* of a telephone call the Opposition's office can be searched. I ask myself the question: If there was a telephone call in relation to the PNM office, would that office have been searched? There is a law that one cannot enter buildings unless there is a warrant; there must be information; there must be reasonable cause.

Mr. B. Panday: I will call the police and say that you have—

Mr. R. L. Maharaj: One sees in the newspapers about two weeks ago—and I declare my interest in that matter—the matter of Aneisha Abu Bakr, where that lady, because she is the wife of the gentleman who staged the attempted coup, she was prosecuted—and the Director of Public Prosecutions attempted to prosecute her for years although there was no evidence against her, no evidence upon which she could be called. What happens is that one must merely reach to the court, the

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court dismisses it after years, then one has to resort to filing action for malicious prosecution.

Under our parliamentary system, which we have inherited, this particular piece of legislation—this is the legislation that we are attempting to pass—came from the 1990 Act of England and there is a recent Criminal Justice Act of 1993. We have to understand that in the United Kingdom and the United States and many countries where there are these kinds of legislation, there is machinery to operate as the checks and balances on the misuse of executive power.

For example, in the United Kingdom there is a Police and Criminal Evidence Act of 1984 which regulates the functions of police officers in detail; from the time a policeman wants to arrest or detain someone to the time he has to interview that person—a code of conduct for prosecuting officers. It covers a very wide range of state activity to ensure that persons who come into contact with the police would not be brutalized or harassed.

In the United Kingdom there is a committee system that we have been asking for—and this Bill is patterned on the United Kingdom's. In the committee system, under the Home Affairs Committee, there are the Home Office, the Lord Chancellor's Department—that is the department that deals with the administrative aspect of the Judiciary—the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecuting Service, the Serious Fraud Office, and those offices are subjected to parliamentary scrutiny.

Is it right, just and fair to the people of Trinidad and Tobago that because the Government says that this will attack the drug trade and because it can have very emotional repercussions if people feel that the Government is not supporting drug legislation—is that sufficient for the Government to come and tell us that it wants our support when it does not show us, even by its present activities, its present history, that it is prepared to respect the rights of individuals even as they now exist? The Government has not set up any machinery, which exists in other parts, in order to ensure that if these measures are given to the police the public of Trinidad and Tobago would be protected.

Under one of the provisions of this Bill, I see that if there is not sufficient protection for the public what can happen is that a party in government can not only harass political parties and their supporters, but also the trade union movement. All they have to do is say that they have reasonable cause, and for years a prosecution can lie and just before election time they can talk about it. Madam Speaker, you remember that Mr. George Weekes, harassed by the police,

had to cut himself in the court? We see signs of where even in this country Government Ministers are attacking the independence of lawyers. I have sat in this House and have heard attacks being made against lawyers who perform duties which they must do according to the Constitution and the law. Members opposite are associating lawyers with the facts of the case, and that is a serious matter.

As a matter of fact, this country is covenanted by international law that it will do things in order to ensure that the independence of lawyers is maintained. They must be fearless in the discharge of their duties, and attacks by any section of the community, more so the Government, and attacks on the independence of lawyers and lawyers being associated with the facts of the case, are wrong.

Mr. Valley: What about attacks on judges?

Mr. B. Panday: Nothing is wrong with that! Attacks on Prime Ministers, we do not care about that—same thing!

Mr. R. L. Maharaj: Madam Speaker, to people who do not know, it is important for one to recognize that there is a distinction between criticism of persons in public life and, in effect, undermining the independence of the legal profession. Where lawyers appear on behalf of convicted prisoners, and a Minister can get up and call upon the population to rebel against them, that is a serious matter. In another country that Minister would have to resign! It is a very heartening sign in Trinidad and Tobago to see that notwithstanding the attacks, lawyers have decided to stand fast, and no matter how unpopular the cause, no matter what the consequences are, the independence of the profession—because the rule of law demands that lawyers be so independent—prevails.

3.10 p.m.

Coming back to this matter in respect of the checks and balances, that is how our Constitution was drafted—on the basis that the Government would have limited power, not unlimited power. There are checks and balances put in place so that if you want to give the Government more power, then you come to the Parliament and convince the other side that you ought to be given that power, so that the Parliament would be assured that if you get that power you would not use it for the promotion of your own political party, but for the public interest.

The only way parliamentarians can be assured of that is if the Government shows its commitment to set up the machinery to have the checks and balances to protect the public interest. Legislation to define the role, functions and restrictions of the police officers, parliamentary committees to monitor the actions of the

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DPP's Office, the police service, the Attorney General's Department, those are the checks and balances we are talking about.

Where we have a Bill like this, we remember Lord Acton's words: "Power tends to corrupt, and absolute power corrupts absolutely." What are the objectives of this Bill? To effect—

- (a) the ratification...of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances...which Convention was concluded in Vienna in 1988;
- (b) the removal of existing impediments to the effective prosecution of drug offenders experienced by the office of the Director of Public Prosecutions.

What are the impediments which the office of the DPP has in relation to prosecution of drug offenders—the inclusion of these clauses? No! They have a problem with management, lack of staff, lack of capable officers to prosecute in the Department. Has the DPP's office been able to cope with the present backlog of cases? One reads in the newspapers where the crisis now is "impossible." Are you going to give them additional work? Can they do it? What are we doing?

Let me go to the first one. The convention sets forth the offences which the parties must establish as crimes under their domestic law. What this Bill seeks to do is to create the offences which have been mentioned in that convention. The convention also talks about illicit drugs and other related organized criminal activities. But it also said in Article (2)—

"In carrying out their obligations... the Parties shall take necessary measures, including legislative and administrative measures, in conformity with the fundamental provisions of their respective legislative systems."

So one sees there is not only an obligation to take legislative measures, but administrative measures as well, and nowhere in the convention does it say that you ought not to have effective checks and balances to ensure that there is no misuse or abuse of power. That is an established principle of constitutional requirement and the question, therefore, which arises is: Can the Government really and truly implement the measures contained in the convention?

Up-to-date or effective law enforcement measures do not exist in Trinidad and Tobago to combat the illicit drug trade, as required by the convention. The Government has not taken the necessary administrative measures so that legislative measures introduced in conformity with the convention can be meaningful, or have "teeth."

The present justice system is struggling to confront the problems related to drug trafficking caused by the epidemic of illicit drug use which our nation is at present facing. The police service, which is responsible for investigating, preventing and, at times, prosecuting drug offences, is unable to cope or effectively respond to the present crime situation. How can it implement or make effective the new provisions in this Bill, if they become law?

The Government has not done anything to restructure the police service. It is thinking also that legislation can restructure it. There were the *O'Dowd* and *Scotland Yard* Reports. They have not taken any steps to really seriously implement those. How can you put these powers into the hands of police officers? Some 100 still exist there.

Paragraph 9.3.2 of the *Scotland Yard Report* states:

"Corruption in the police service can be described as endemic. It permeates all ranks. That is not saying that good honest officers cannot be found. There are lots of them, but the spectre of corruption is quite dominant and the result is a police service that is tarnished as a whole. 9.3.3—Corruption was seen to exist on a number of levels. In its most innocuous form it appeared to consist of income supplements to grant small favours or actually to get police work carried out. Rates of pay are not high and for many members of the public, and especially business people, paying small amounts of cash or providing goods to police officers seemed to be part of everyday life that raised little or no concern.

9.3.5—There were strong allegations that some officers of rank took benefits from the police canteen..."

At paragraph 9.3.8 it mentioned the question of blackmail; and at 9.3.12—

"Whilst a good deal of the corruption unearthed related solely to individuals, or small groups of individual police officers, a more disturbing picture emerged from intelligence gained. Two corrupt groups were identified which stretched from the top to the bottom of the organization. Recruits were drawn in from the junior ranks. Such groups protected and promoted their own members and provided a succession plan or "career structure" for their members. Thus the groups are self-perpetuating. The two groups appear to be separate entities though the division does not appear to be absolute."

How can we sit down in this House as Members of Parliament and seriously say that we are prepared to give the powers this Bill calls for without these checks

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and balances? And added to that, there is the question of persons who are to administer it—the 100 officers—we do not know who they are, but they are still there, and the Government seems not to be able to deal with that. I do not accept the point that it cannot deal with it. Passing legislation and getting control of the police service, as a politician, for the Government to get control of it, is not solving the problem. The Constitution provides a way that the Government could deal with it and I articulated that publicly.

The office of the Director of Public Prosecutions, which has the overall responsibility for criminal prosecutions in this country, is overworked, understaffed and it lacks management. It has been found to be unable to cope effectively with the existing state of affairs. How will it cope with this new jurisdiction? Where is the infrastructure for this legislation to work?

The present court system is unable to cope effectively with the criminal jurisdiction it has at the present time, which has resulted in scandalous delays and a crisis in the administration of justice. Even the *Gurley Report* shows the kind of problem that exists in the Magistrates' Courts and the High Court with respect to criminal matters. How can that overloaded system cope with this new legislation which gives additional jurisdiction to magistrates? What are we doing?

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

3.20 p.m.

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

Question put and agreed to.

Mr. R. L. Maharaj: Madam Speaker, I am much obliged to hon. Members.

One comes to the question of a national will and national integrity which will formulate itself in a policy which will give the country confidence and which would show that one is seriously doing something about it.

We have no Freedom of Information Act in Trinidad and Tobago. We cannot compel information from the other side except we ask questions; therefore, sometimes we have to take what has been said by other people as very important.

The United States Government, through its Embassy spokesman, Mr. Charles Shapiro, in the *Express* of March 5, 1994, questioned the commitment of the Government of Trinidad and Tobago to fighting the drug trade. He said his government had reservations about the Government of Trinidad and Tobago

handling the fight against drugs which was compounded by the "shortage of resources in both the Coast Guard and the Police Service," which he said adversely affected them in the performance of their duties. Do we need legislation to provide resources for the police and the coast guard?

Mr. Shapiro said there was a "lack of activity by both services in areas of drug interdiction" and that the Government's "anti-narcotic effort" was not enough. The United States Government said that the seizures of narcotics "in 1993 dropped dramatically" and that there was "simply no drive by police or coast guard to go out and seize drugs." It found that the bureaucracy in the system was "grinding the system to a halt."

He said he and his government—and we share the view—"see no reason for optimism" if the drug bill was passed into law as the problem in Trinidad and Tobago was the management by the Government of any national drug effort or policy. So that even the United States Government is recognizing that there can be no reason for optimism in just passing legislation, that it is a question of management.

The INM Review of Trinidad and Tobago for 1993 found:

- (1) Neither the Police Service nor the Coast Guard had much success in interdiction. Co-ordination was lacking between the Ministry of National Security, the Coast Guard and the Police Service.
- (2) Drug-related corruption is a continuing problem.
- (3) Cocaine and marijuana seizures went down in 1993 from 1992 levels.
- (4) Low level drug offenders have been arrested but the Government has been ineffective against major drug traffickers.

The United States Government went so far to say, based on that finding, that any future assistance to Trinidad and Tobago to fight drugs will be tied to good faith efforts by the Government of Trinidad and Tobago in any alleged fight with respect to drugs.

The United States Ambassador, Mrs. Sally Cowal, in an address to the Greater Tunapuna Chamber of Industry and Commerce on February 23, 1994, said that the *O'Dowd Report* and the *New Scotland Yard Report* contained recommendations which, if implemented, would constitute the sort of reform which the police badly needed in order to deal with the drug trade. She said police

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reform was only one aspect of the problem which contributes to the apparent breakdown of law and order in the country. She further said:

"The courts and the prosecutorial system are also in need of fundamental reform."

One sees, and one knows that the coast guard vessels are not working; there are only a few working. I have a list of all the gifts that the United States Government gave in respect of patrol boats and other things which total a vast sum of money, but in spite of all these gifts of vessels—patrol boats—the coast guard vessels do not work sufficiently well in order to have any interdiction. The question which arises is: Is there really any genuine commitment to deal with the question of drugs?

Madam Speaker, I am proposing an amendment to have a national advisory council on dangerous drugs and in the amendment is stated:

"The functions of the Advisory Council . . .

- (a) to consider and report to Parliament on measures which in its opinion are necessary or expedient to be taken for preventing the use and/or misuse of dangerous drugs and for dealing with the social problems . . .
- (c) to advise the Minister on the steps to be taken . . ."

It can be gone into more fully at the committee stage. Then there is an advisory council on judicial and legal administration which would comprise several members, among them Members of Parliament, including Senators.

- "(2) The functions of the Council shall be to keep this Act under review to ensure the efficient and effective determination of all matters concerning the conduct of the proceedings relating to the prosecution of offences under this Act and to matters connected therewith and the suppression of other activities relating to drug trafficking and the determination of matters connected therewith and for that purpose to formulate and report to Parliament on a comprehensive proposal for the reorganisation of the functions of such legal officers as are necessary and the provision of the judicial administration required for the purpose. Such functions shall include the making of proposals for the establishment of any courts and procedure which the Council may consider appropriate and the appointment . . ."

I took the liberty of doing an extensive draft. I have also done an amendment which I will pass to the hon. Attorney General, a bill which also has amendments to the Act. He can decide whether he wants—

Madam Speaker: Are you requesting that these amendments be circulated?

Mr. R. L. Maharaj: Yes, Madam Speaker.

Madam Speaker: All right. Proceed.

Mr. R. L. Maharaj: Madam Speaker, we are proposing that the Dangerous Drugs Act be amended so that there would be a drug law enforcement court, and under Part X, one would see the functions and the composition of that court. It is very extensive as to the jurisdiction of the court. The effect of this would be machinery whereby there will be some form of expedition, some form of monitoring and accountability.

I also intend to propose at the committee stage—I did not include it there but I have a copy which I can also pass out.

Madam Speaker: We have the amendment to the Dangerous Drugs (Amdt.) Bill and do you have the one to the Dangerous Drugs Act—are you asking that that be circulated?

Mr. R. L. Maharaj: Yes, Madam Speaker. And there is a typewritten document which I will put as section 63. We are proposing:

"A Joint Select Committee of both Houses of Parliament to be appointed to monitor and examine the administration and implementation of the provisions contained herein and to achieve that objective the said committee shall have powers to examine the administration and policy of the office of the Director of Public Prosecutions, the office of the Ministry of Legal Affairs and the office of the Ministry of National Security, insofar as these offices exercise functions and duties in respect of the provisions contained herein."

Madam Speaker: Where is the amendment to the Act of 1991? Did you circulate it?

Mr. R. L. Maharaj: I have an extra copy here, Madam Speaker. I can give you my copy

Madam Speaker: No, it is all right. It is for the Attorney General really.

3.30 p.m.

Mr. R. L. Maharaj: Madam Speaker, when one looks at this Bill, one sees that the 1991 Act provided increased penalties for possession and trafficking in

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narcotics. It created new offences and provided for confiscation of proceeds of trafficking, even ordering a convicted defendant to pay to the extent to which he benefited from drug trafficking; it has powers to make restraint orders, charging orders, powers of search etc. Under section 47 of that Act, if one assisted another to retain the benefit of drug trafficking, it was an offence.

The new section which seeks to delete clause 47, attempts to fill the gap to make the drug trafficker himself guilty of an offence. What we have, however, is a situation where, in the Bill it states:

"A customs officer or a police officer may seize and, in accordance with this section, detain any cash which is being imported into or exported from Trinidad and Tobago if he has reasonable grounds for suspecting that it directly or indirectly represents any person's proceeds of, or is intended by any person for use in, drug trafficking."

The provisions of that clause mean that a new power is going to be given to the police or customs officer to investigate the origin of cash that a person may have in his possession. The officer would have the power, on reasonable grounds—it is not specified what are the reasonable grounds—to seize and detain sums of money, whatever the sums are. In the English legislation there is a prescribed amount, above a certain amount—pending investigation, and that investigation can go on up to two years; and then there is even power to forfeit the money even though there is no charge brought.

Those are very draconian powers and it would mean that everybody who comes in at the airport or persons who have money on them, if a policeman just thinks that he has reasonable cause, he can forfeit that money—and it will be directed against the small man. Therefore, we want to find out what checks and balances exist under our system if this power is misused and abused. What will you tell the person? Go to court? Take 10 years and your money will be there for two years in any event? What happens to the poor man; vendors, persons who are not privileged in the society who can be subjected to this?

Not only that, in a book on Money Laundering, published by *The David Hume Institute*, at page 14, one sees that if you want to get at money laundering, you do not only go at the small man, you go also at the big people. It says:

"Accordingly, anti-money laundering measures have to be directed, in addition to the banking system, to currency exchange houses, insurance companies, building societies and other lending institutions as well as betting agencies."

So we think that if we approve this draconian measure without proper checks and balances, it can be abused and the public would suffer, because there is no appropriate machinery in which the public officials who will be abusing the powers can be dealt with.

Proposed 47(4) is an attempt to catch gifts and bargains which the recipient knew or has reasonable cause to believe represent the proceeds of another's drug trafficking. Under that clause, it means that persons who provide services, lawyers and non-lawyers, can—for example, let us say that there is a real estate agency which supports the United National Congress, or which has given donations to them, that agency can be picked out and the effect of a business enterprise having a prosecution can be very disastrous.

We have seen the pattern of the old PNM, and we are now seeing a new system of the new PNM. The old PNM, just before any election, you had smear campaigns, all sorts of things. Now we have, on the eve of a bye-election, the Government—I am not blaming the police—the Government—*[Interruption]*

Dr. Rowley: Foolishness! Absolute nonsense!

Mr. B. Panday: Shut your mouth! You did it! You phoned the police!

Mr. R. L. Maharaj: The Government supports the action of the police in harassing the Opposition—*[Interruption]*

Madam Speaker: We had a very healthy debate, let us proceed, please.

Mr. R. L. Maharaj: Madam Speaker, we have where the existing powers are being abused. As we come to that, the office of the Director of Public Prosecutions is not an independent office. It was intended to be an independent office but the office of the Director of Public Prosecutions is liable to political manipulation. The *Hyatali Constitution Commission Report* of 1987, at pages 110-11 stated that it was the opinion of the Commissioners that as drafted, the office of the DPP can be liable to be politically manipulated. How could we give such draconian powers to the DPP when that power is liable to be politically manipulated?

The DPP, under the Sixth Schedule is given the power to transfer cases from a magistrate—how does this deal with drugs? The DPP is a member of the Executive arm of the state, a quasi-judicial officer, but a matter could be before a magistrate—and as I read it, not only under this Act, under any Act.

So, in effect, you do not have the situation with the Government wanting to control only the police service, or wanting to control the Opposition by searching

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and harassing them, but wanting to control the courts too; that they must switch cases; they must go foreign shopping; they must pick whatever magistrate they want to do their case. And they say this is under the device of fighting drugs.

The impediments which confront the DPP's office are not the impediments which are mentioned in this Bill; what confronts the DPP's office is political interference. The appointees must be subject to public scrutiny.

If a person is appointed Director of Public Prosecutions after having acted for several years, the country must be told why is it he was not appointed before and how it is he is now appointed. What machinery exists for the office-holder's appointment, whether he be DPP, judge or senior police officer, to be scrutinized by the public?

We have a situation where the cocktail party circuit determines who are these people. They are put there, and draconian powers are being given to them to administer law in this country and, in effect, they can take actions which can have serious repercussions on the enjoyment of rights and freedoms.

The impediments are the staff, the management, the lack of expertise, and lack of continuing education of prosecuting officers. How can the DPP's office cope with this Bill? Where would the police get the manpower, the resources, the technology, to have investigative machinery to deal with this Bill? Where is the plan about a witness-protection programme? Where is the wire-tapping law? If you really want to deal with the drug problem, you do not pass legislation in a vacuum.

I have in my hand a list of Acts in Trinidad and Tobago which have been passed since 1981 and have not yet been made law. So this Parliament is being made a "pappyshow." It is the same way we would not want to have this legislation on the books, and although it would be made law if it is passed, it would not have the infrastructure to support it. We want the Government to tell us what machinery it has in place so that this legislation can work. We want the Government to tell the population what guarantees the people have that if there is misuse and abuse of the exercise of powers under this Act, there are similar checks and balances which exist in other countries which have adopted this kind of legislation.

3.40 p.m.

Madam Speaker, we say yes. No serious political party can object to measures like these. We are not objecting to the measures. What we are asking is that if

extra powers are going to be given to the Executive, what checks and balances exist to ensure protection of the public? What does the Government have in place to implement a drug plan?

We also say that if you are dealing with money laundering, are you going to deal with insurance companies and finance houses which have laundered money? The business went bust, but directors are living very high—is the Government going to include them, too? What steps is the Government going to take to ensure that the people who have lost their money would be able to retrieve it?

The existing law provides for machinery to deal with that kind of money laundering, but the existing machinery cannot deal with it. The fraud office in Trinidad and Tobago cannot deal with this kind of matter.

On July 29, 1993, the Attorney General published in the *Trinidad Guardian* "Drug court ready by year end: Sobion".

Mr. B. Panday: Which year?

Mr. R. L. Maharaj: In 1993.

Mr. B. Panday: This is 1994.

Mr. R. L. Maharaj: We have had the Prime Minister getting up and speaking about a witness protection programme—big event. We have heard talk about a wire-tapping law coming. I do not know.

Mr. B. Panday: By which year?

Mr. R. L. Maharaj: I do not know.

Mr. B. Panday: Where is your one-way mirror?

Mr. R. L. Maharaj: Madam Speaker, what we are saying is that here it is 50 per cent of 526 vehicles owned by the police service are in working order—how can you deal with drugs and crime? This Bill is an attempt to hoodwink the population into believing that the Government is dealing with crime. Because it is bye-election time, the Government wants to rush this through, when this Bill was on the agenda for a long time and no action was taken to rush it through. We are in this House on a Wednesday because a bye-election is on Monday, and the Government thinks we would be afraid to abstain or not support this Bill if it does not satisfy us.

In effect, it is a form of political blackmail which the PNM is trying on the Parliament and the population of Trinidad and Tobago when the United States

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Government, the international community and the people of Trinidad and Tobago have found that there is no real commitment to dealing with the drug situation.

As I opened, I close: that if we want to have national integrity in public life; if the Government feels any one of us is corrupt, have an investigation. It has the machinery. But what we are saying is that if there is a perception of official misuse and abuse of power, the Government has an obligation to set up an inquiry to have public interest vindicated before there can be any moral authority to enact legislation like this.

Thank you very much, Madam Speaker.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, this has turned out to be quite a peculiar debate. This Bill to amend the Dangerous Drugs Act was first moved in the other place where it got the approval of the Government, Opposition and Independent benches.

On the last occasion we had this debate, we found that there was a position being advanced that the Opposition's support for this Bill depended on the setting up of a commission of inquiry. That matter was firmly dealt with by the Member for Diego Martin West; today we find ourselves dealing with another line of opposition; a line of opposition which suggests, among other things, that there is no administrative machinery for dealing with the operations of the Bill.

I have no doubt that when we dismiss that line of opposition, we shall find, perhaps, another line of opposition emerging. The long and short of it is that we find ourselves in this House today, where the Opposition is scraping the bottom of the barrel in order to find an excuse not to vote for the Dangerous Drugs (Amdt.) Bill.

I am not going to ascribe any reason on the part of any Member on that side as to why they are so afraid of legislation which deals with dangerous drugs. *[Interruption]* I am not going to ascribe any reason, and I am not going to be side-tracked by the Member for Couva North either, but the population will be the one to determine and judge why it is that on every occasion of this Bill being debated in this House, the Opposition finds another reason for not supporting it. That is the question that the people of Trinidad and Tobago will have to ask.

In 1988, the Vienna Convention was signed by participating territories and on December 7, 1989; the Government of Trinidad and Tobago acceded to that convention. That convention seeks to put in place an international regime whereby the right-thinking world can deal with the international problem of the drug trade and the movement of psychotropic substances.

It means that the world community, recognizing the problem of the drug trade, have sought to put in place a mechanism whereby on a national level, and on an international level, one could combat the evils of the drug trade. We signed that treaty in 1989. Having undertaken that international obligation, it is necessary for Trinidad and Tobago, as an independent Republic, to put in place the necessary domestic legislation which would afford us ratifying the treaty.

In 1991, Act No. 38 of 1991 was passed; it is an Act which seeks to deal with some of the obligations that we have undertaken under the provisions of the Vienna Convention. In 1992, a committee was appointed to review the legislation and to determine what further measures were necessary to permit Trinidad and Tobago to finally ratify the Vienna Convention. That committee made certain recommendations which are now embodied in this Bill.

The working group found that it was necessary for the ratification of the treaty to principally deal with some of the obligations relating to money laundering and to enhance the provisions in relation to the confiscation of property.

3.50 p.m.

I think the Member for Couva South referred to a survey, "The Caribbean Public Opinion on the Drug War, Trinidad," dated June 23, 1993. At page 5 of that report—I will just read the relevant portion:

"Given a number of suggestions on how to fight illegal drugs in Trinidad, all of the suggested anti-drug measures are believed necessary:"

Increasing the number of police—87 per cent of the survey found that that was a necessary measure; confiscating the illegally gained assets of drug traffickers—97 per cent of the survey found that that was an absolutely necessary measure; requesting co-operation with foreign banks to control money laundering by drug traffickers—87 per cent of the survey supported that measure; public education about the consequences of drugs—98 per cent; extraditing those charged with drug-related crimes—85 per cent.

What the survey clearly indicates and demonstrates is that the public is fully appreciative of the dangers of the drug trade and supports measures which are contained in the Bill before this House by an overwhelming percentage of the persons surveyed. So this Bill seeks, not only to allow Trinidad and Tobago to do what it is required to do by international convention, but also to put in place machinery in our domestic law to effectively deal with the problem of drug trafficking.

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As I said, it is well appreciated and understood not only at the national level; it is also appreciated and understood that tackling the problem of drug trafficking requires an international approach. What we are creating in the international community is a series of circles based on national law which interlock with each other, and Trinidad and Tobago, based on its geographic position, has a clear obligation to support that international endeavour.

I have heard in the course of this debate the suggestion made that some particular foreign government is putting pressure on Trinidad and Tobago to deal with the Vienna Convention. Well, Madam Speaker, I will say simply, if a country signs an international treaty, as we have done in December 1989, it seems to me that one does not require any pressure from anybody to deal with the international obligations that we have contracted by signing that convention. I think it was the Member for Tobago East who made that suggestion.

This is a convention which the Government of Trinidad and Tobago signed and took upon itself certain obligations which it is in duty bound to meet. It does not require any so-called pressure from any other government for Trinidad and Tobago to deal with its international obligations.

When the present administration assumed office in 1992, we recognized that it was necessary for us to review the dangerous drugs legislation in order to ensure that we could satisfy our international commitments. That is what we have done and this is a product of the research and the review which we did in 1992 and 1993. It would be highly irresponsible of the Parliament of Trinidad and Tobago in the face of its international contracted obligations, not to put into effect the amendments which we are moving in this House.

Today, I have heard arguments which have nothing to do with the content of the legislation. In fact, the Member for Couva South said that no responsible party can fail to recognize the need to support the legislation.

Mr. B. Panday: No responsible government can fail to support our amendment.

Hon. K. Sobion: We will deal with the amendments when we get there.

What we are hearing, on the other hand, is vague talk about whether the police can implement the legislation. We are hearing vague talk about whether the DPP's office is equipped to deal with the legislation. That can be no reason to advance as a form of opposition to the legislation. The Minister of National Security will tell this honourable House what has been done in terms of training and in terms of

equipping the police service specifically to deal with this matter. The DPP's office has had officers specially trained in the area of money laundering to be able to manage this legislation.

Some time ago I was reading a book written by a newspaper researcher on the whole issue of the drug trade, and the observation was made in that book—and I am sorry that I do not have the reference to the book at this time. It is a book entitled *The Octopus*. From its name you will recognize that the author was dealing with the different tentacles of the octopus and the way the drug trade is similarly structured.

The point was made that the American Government with all its advanced technology, with all its financial capability and wherewithal, found itself, over a period of three decades, trying to identify the Mafia operation as it affected the drug trade. There were wire-tapping arrangements; there were specially trained agencies; and it was interesting to note that one of the observations made was that it was found that the early problems they faced were because of the fact that the enforcement agencies were not co-ordinating with one another.

4.00 p.m.

I raise that in the context of Trinidad and Tobago, which has now embarked on serious measures to deal with the effect of the drug trade with less technology and less finance available to it, and we find that what is raised in this House is the criticism by some official of the American Embassy to the effect that the enforcement agencies were having problems in co-ordinating their activity. We accept that, Madam Speaker. We accept that in this kind of exercise it will be necessary to train and retrain personnel in order to deal with what is a difficult problem. But we have the will to deal with it. We have the will and the commitment, and the support of the population as a whole in dealing with the problem of drugs.

Mr. R. L. Maharaj: Call a general election!

Hon. K. Sobion: To raise fanciful objections to this legislation, is as I say, scraping the bottom of the barrel. This Bill was debated in the other place several weeks ago. This Bill came before Parliament and was before Members of this House several weeks ago. On Friday last, it was a question of a commission of inquiry. "We are not going to support this legislation unless there is a commission of inquiry". Today, we find a list of amendments dealing with a national advisory council on dangerous drugs, which shall consist of persons with experience in the practice of medicine, the practice of dentistry, the practice of veterinary medicine,

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the practice of pharmacy, the pharmaceutical industry, chemistry other than pharmaceutical chemistry.

They present us with these amendments at the eleventh hour, when all their other objections have been satisfactorily addressed, and I am sorry the Member for Tobago East is not here. *[Interruption]* I noticed that he timed his appearance this afternoon.

We are faced with the suggestion that we should have a national advisory council on dangerous drugs which comprises of vets, dentists, pharmacists, druggists.

The Minister of National Security would address the question of the Office of Strategic Services which is a co-ordinating agency established by this Government to deal with the whole problem of the drug trade. It is a co-ordinating agency which we have put in place recognizing that one of the fundamental problems, as the Americans themselves experienced, was that in setting up different agencies, there was a tendency for there to be a lack of co-ordination, and therefore a lack of effectiveness. Everybody wants to be the one to call the shots.

The Office of Strategic Services is the co-ordinating agency that we have established to deal with drug activity. It does not require a vet, and a pharmacist at any national advisory council for drugs to deal with—what is, no doubt, in the minds of the population of Trinidad and Tobago—a serious problem.

The amendments continue:

"A Joint Select Committee of both Houses of Parliament to be appointed to monitor and examine the administration and implementation of the provisions contained herein and to achieve that objective. The said Committee shall have powers to examine the administration and policy of the office of the Director of Public Prosecutions, the office of the Ministry of Legal Affairs..."

and it goes on and on.

The Constitution of Trinidad and Tobago establishes the office of the Director of Public Prosecutions. It is an independent office and it is responsible for the prosecution of all criminal matters. It is important that that office, because of the nature of its activity, remain an independent organization. I do not know why Members of Parliament suddenly want to find out what the DPP is doing. I do not know why this sudden urge to investigate the independent office of the DPP. I hope that what I am thinking is not what is happening. But that office must remain

independent, and the Director of Public Prosecutions must be free to initiate criminal proceedings without some Member of Parliament looking over his shoulder.

I have no desire nor intent to influence the operations of the Director of Public Prosecutions. I have no intent and no desire to influence the activities of the police service, and if the police service receive information and they conduct an inquiry and a search, I have no desire to influence their action or activity. And the Member for Couva South stands here today and waves in front of this Parliament—as an objection to the legislation—the fact that police officers carried out a search which perhaps—and we are not being told this—was to the benefit of persons who were occupying a building in Laventille which housed a party headquarters. The report was received that armed persons were seen in or around the building. If the police had not responded we would have heard another story coming from the other side. *[Interruption]*

I do not know who would want to harass a political party which in an election cannot save its own deposit. Nobody has to harass them! They have harassed themselves. So to suggest that that is some good ground of objection to the Dangerous Drugs (Amdt.) Bill, tells you how deep they are at the bottom of the barrel.

4.10 p.m.

This legislation, quite apart from dealing with the problem of money laundering, quite apart from dealing with the problem of confiscation orders, also addresses another significant issue, and it has to do with extradition. Some may recall that a few years ago we had a difficulty with an extradition matter because our law did not permit us to extradite a wanted felon where that wanted felon would be subject to further extradition. It is one of the more important advances in the law relating to extradition in dealing with the international problem of drug trafficking; and that flexibility is now afforded us by this particular legislation.

We have done all that the working group has advised is necessary for Trinidad and Tobago in order to ratify the Vienna Convention. That is the responsibility of the Government and that is the responsibility which this Parliament has to approve in order to ensure that our international commitments and contractual obligations are met. We are well aware of the administrative difficulties, and anyone who reads the legislation would be well aware that it is not an easy matter to deal with the problem of tracing assets.

I want to make reference to one point that the Member for Couva North made on the last occasion. The Member for Couva North suggested that the legislation

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was defective because there was no provision for the search of real estate transactions. I assure the Member for Couva North, and indeed the Members of this House, that the office of the Registrar General is open to any member of the public, the police and any enforcement agency if one wants to trace the conduct of any real estate transaction.

Mr. B. Panday: Madam Speaker, I thank the hon. Member for giving way. That is not the point I was making. The point I was making was that in order to prevent money laundering through the purchase of real estate, not only must the state, or anyone, have the right to go into the Red House and look at deeds, but also the onus of proving the means of acquiring those properties should be on the alleged purchaser, because that is how the drug lord does it. The drug lord takes his money and gives it to "A" and "A" purchases the property on "A's" name. What I am saying is that the law must be changed so that you can call upon "A" and ask: Would you kindly tell me where you got the money to buy that property? That is the real issue.

Hon. K. Sobion: Madam Speaker, the general point that I was making was that tracing assets is not an easy exercise. I also wanted to assure the Member for Couva North, and other Members of this House, that the records of the Registrar General's Department are available. That is only part of the problem. Having those records available is only the start of the process in tracing activity of that nature.

Whilst it is advisable or desirable to have, perhaps, firm regulations in relation to banks and so forth, the system, to a large extent, depends on the co-operation of persons involved in that sector. If it could be done on a voluntary basis, one would be assured that that co-operation would be forthcoming. That has been done in relation to the banks which have voluntarily agreed to provide information on deposits above a certain level. Discussions have been held with the non-banking financial institutions and they are prepared to enter into a voluntary scheme of a similar nature. The Association of Real Estate Agents is also prepared to move in that direction on a voluntary basis.

Therefore, whilst it is all well and good to put legislation in place, it is even better and more encouraging when corporate citizens at that level can volunteer their co-operation in dealing with the problem of drug trafficking and money laundering. That is why, quite apart from the training which has been conducted by the Minister of National Security in relation to the police service in addition to the training which has taken place—and continues to take place—in the office of

the Director of Public Prosecutions, we are putting in place a system which can effectively deal with and manage the legislation which is before this honourable House.

Madam Speaker, I have not had the opportunity to read the eight pages of amendments which have been submitted by the Member for Couva South, coming late as it is in the day.

Mr. B. Panday: You are going some place!

Hon. K. Sobion: This is a Parliament which in its other place supported the legislation without these eight pages of amendments. The Member for Couva South, having run out of excuses for objecting to the legislation, now presents eight pages of amendments which, as I say, even on a cursory glance do nothing to advance the position of the legislation as it now stands. They do nothing to advance what we are trying to achieve by the amendment to the dangerous drugs legislation.

I am reminded by the Member for Couva South that I had spoken about a drug court. We at the Ministry of Legal Affairs established, after consultation with the Cabinet, a programme of legislation to deal with crime and criminal activity. It is unfortunate that we cannot bring before this Parliament every bit of legislation in the time frame that we would like to bring it. The drug court legislation and the bail legislation are two of the outstanding items in that package of legislation to deal with crime which remain outstanding. I advise the Member for Couva South that one of the concerns that have developed in relation to the drug court is a constitutional issue. The Member for Couva South is one who is always able to find constitutional issues.

4.20 p.m.

We are reviewing, Madam Speaker, [*Interruption*] I said it as a compliment to the Member. We are reviewing the draft proposal which we have for the drug court and as soon as we overcome those difficulties, the legislation will be presented. We recognize that it is absolutely necessary to deal with this problem on every front.

At the executive level there is need to put in place things which will assist the enforcement agencies. At the judicial level there is the need, no doubt, to establish a system which can expedite the hearing of these matters, and I want to assure this House that those arrangements are being put in place.

The one-way mirror was raised in this debate as another decoy. The draft regulations relating to the one-way mirror was have since been approved and will

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be submitted to the Chief Justice, so that the judges can make the necessary rules to give effect to the one-way mirror. I say these things to make it clear that suggestions that things are not being done, or that the enforcement agencies or the judicial arm cannot deal with the myriad problems are ill-founded—just not so, Madam Speaker.

These problems, as I have said before, are not going to be solved tomorrow morning, but what they require is a determination and the will, not only of parliamentarians, but also the people of Trinidad and Tobago as a whole. And we have to be sure that in what we do the support of the citizens of Trinidad and Tobago is there, and that we set in place the necessary mechanisms to give effect to the arrangements which are being put in place.

I can do no more than the presenter of this Bill has done and, indeed, the Member for Diego Martin West. I can do no more, but to indicate that this is a Bill which requires a special majority. Under our constitutional arrangements it requires, as the House is now composed, the support of Members on the other side. I have read from the survey which was done in Trinidad in 1993, and the overwhelming support evinced by the results of that survey clearly tells us that this piece of legislation is necessary.

Mr. B. Panday: How do you know what they say about what we proposed?

Hon. K. Sobion: Madam Speaker, it is not only a question of what our international obligations are; it is a question of what our obligations are to nationals of Trinidad and Tobago. It is not only a question of our international obligations; it is a question of what is necessary to protect the interests of the citizens of Trinidad and Tobago, and the future of the children of Trinidad and Tobago. I can do no more—having indicated that this Bill requires the support of the Members on the other side—but to request that they put the national interest in front of whatever narrow interest they may have—

Mr. B. Panday: That is exactly what we are doing with these amendments.

Hon. K. Sobion:—put the national interest before whatever narrower interests may influence their thinking.

Madam Speaker, I support wholeheartedly the measure before this honourable House. I support wholeheartedly the efforts being made by my colleague the Minister of National Security in dealing with what is a difficult problem. Madam Speaker, the responsibility is that of the Members of this honourable House.

Dr. Carl Singh (Tabaquite): Madam Speaker, the Bill before this honourable House, the Dangerous Drugs (Amdt.) Bill, 1993, seeks to amend the Dangerous Drugs Act of 1991. The general objectives of the Bill are—

"the ratification...of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances..."

Madam Speaker, the Trinidad and Tobago Government is a signatory to this convention. I read from page 11 of this Convention, Article 6(3)—

"If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of any offence to which this Article applies. The Parties which require detailed legislation in order to use this Convention as the legal basis for extradition shall consider enacting such legislation as may be necessary."

The Member for Ortoire/Mayaro alluded to failure of this particular aspect of the convention. Today, we have a matter being moved from court to court simply because these instruments were not put in place, creating the movement of cases from one court to another and adding expenditure to the national society. This treaty was signed by Trinidad and Tobago some time in 1989, and today, nearly five years later, this piece of legislation is brought to this House for ratification. One wonders, really, are we truly interested in fighting the drug trade at all? Or are we just paying lip service to what others have proclaimed?

The second objective, Madam Speaker is—

"the removal of existing impediments to the effective prosecution of drug offenders experienced by the office of the Director of Public Prosecutions;"

and thirdly,

"the avoidance of problems...relating to the confiscation or forfeiture of the proceeds of drug trafficking."

4.30 p.m.

This piece of legislation covers only a part, and heavy weather is made, particularly, of the supply side of the supply/demand equation—the money laundering aspect of the whole scenario. Why not a more comprehensive piece of legislation brought to deal with other aspects of illicit pursuits such as ransom collection, blackmarketing, white collar crimes, over-invoicing, rather than

coming with one piece today, one piece tomorrow and never reaching the end, as though we are told, "Do this and we are going to give you that?"

4.31 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Dr. C. Singh: Madam Speaker, before the tea break I was asking, why not a comprehensive piece of legislation to cover all facets of illegal earnings. It seems as though the tax department deals mainly with the salaried people, but there are those who are living in affluence with small salaries, and one wonders where the income comes from.

That humanity at large will ever be able to dispense with artificial paradises seems very unlikely, for you will appreciate, drugs have been used from time immemorial for non-medical reasons, such as to alleviate personal and psychological problems, like the people who smoke the chilum and the "ganja", and so forth; to search for self-knowledge and the meaning of life, bordering on mysticism, and for fun, amusement and recreation. Today these agents are used, abused and clients are hooked mainly for the economic returns, because vast sums of money are collected. Indeed, in some countries the drug cartel has more resources than the state itself.

My colleagues have dealt with the legal implications of the Bill and I shall not venture into strange lands. However, suffice it to say that the legal machinery of Trinidad and Tobago needs generous overhaul to bring it into working condition to adequately challenge the illicit drug trade in our country.

This Bill focuses attention primarily on the supply side of the illicit drug trade where the heavy financial gains are easily obtained and at the same time, the escalating demand for money laundering. A synergistic approach to curb the drug menace must look at the demand side of the equation with equal zeal and determination.

The list of agents contained in the Fourth Schedule has substances which are used in everyday over-the-counter medicines, for example, acetone, as a cleaning agent for finger nail polish and remover; ephedrine, a very common agent, used in many asthmatic and cough and cold preparations; ergotamine, tatarate, and other ergotamine-related drugs for migraine and so forth; ethyl ether is used; norpseudo ephedrine; pseudo ephedrine, and many others mixed in over-the-counter drugs.

There was a time when people who had the common cold, and so forth, would use inhalers in which amphetamine was used and people got around to extracting

the amphetamine from these inhalers, and as a result of that, this substance was banned from it.

Drug dependence is a state arising from repeated periodic or continuous administration of a drug that results in harm to the individual and sometimes to society as a whole. In 1964 the World Health Organization expert committee on addiction-producing drugs recommended that the term "drug dependence" should be substituted for both addiction and habit. Drug dependence has a kind of a tripod prong—if I may use the word—emotional dependence, where one, having been deprived of an agent, feels fear or impending doom that something is going to happen, and the search for the agent is ultimate.

Physical dependence means withdrawal symptoms, where one would suffer from things like the shakes, anxiety, higher blood pressure; some people may suffer from diarrhoea, and the common cold turkey when one is deprived of these agents. Tolerance, another facet of it, is increasing dosage to satisfy the basic dependent need.

Personality disorders and socio-economic environment are the more important determinants whether the dependence occurs and the agent used. With our present scenario, with the equilateral triangle of unemployment, drug abuse and criminal activity, it is difficult to say which is the horse and which is the carriage.

Of the commonly abused drugs, there is tobacco. From tobacco smoke come over 300 compounds that have been identified, with nicotine the pharmacologically active ingredient and other polycyclic hydrocarbons which are carcinogenic to animals, the condensates of cigarette, cigar and pipe smoke.

Another important aspect of cigarette smoking is a certain degree of carbon monoxide effects on the human body. Someone who has half-choked coronary arteries, reducing the carrying capacity of haemoglobin, can have very serious and deleterious effects. However, we buy it over the counter.

I read here from the *Trinidad Guardian*, page 2, May 20, 1994:

"The US Government would have taken stronger measures against smoking 30 years ago if the tobacco industry had not hidden research that indicated cigarettes are addictive and dangerous, a former federal official testified Tuesday. But because the Government lacked the facts, the country now will pay \$16 billion this year alone to treat diseases brought on among the elderly by smoking, said Joseph Califano Jr., who was health secretary for President Carter and an adviser to President Johnson."

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Are we going to ask the tobacco companies to pay for the effects of the diseases caused by the excessive smoking of tobacco? Are they going to acquiesce? Or are we going to continue to foster this type of activity so that the lobby would continue and we would continue down the drain in this particular aspect?

Alcohol is another agent that is abused where every system of the human body is affected. Normal people seem to be able to use alcohol for occasional purposes without harm, but given the appropriate degree of mental abnormality and environmental adversity, man may become dependent on it, both emotionally and physically. There are definitely, in our society, more addicts to alcohol and tobacco. However, the degree and the destructive effect of the addiction related to the other agents, like cocaine, marijuana and the other agents, are much more dangerous and destructive, not only to the individual, but, indeed, to the country and the economy as a whole.

5.20 p.m.

I read from the book *Pharmacological Basis of Therapeutics*, Goodman and Gilman, Second Edition, page 216. In 1680 Silman wrote that among the remedies which it has pleased the Almighty God, to give to man to relieve his sufferings, none is so universal and so efficacious as opium.

Narcotics such as morphine, and other derivatives, pethidine, heroin, codeine, propaverine; those from the coca leaves, cocaine, crack, the amphetamines, as I mentioned before, were used in inhalers and they are still used in some societies as a weight reducing agent, for decreasing one's appetite—and lysergic acid diethylamide (LSD), marijuana, cannabis and its related agent. However, the most abused agents today are marijuana, cocaine and crack.

Apart from the physical and psychological effects on the person—the socio-economic cost is exceedingly high, with broken homes, decreased production at the plants, loss of jobs, absenteeism, crimes to finance habit, child abuse—even the foetus in the intrauterine life is affected by these agents.

The demand side of the equation must be tackled to achieve any success in the war against the illicit drug trade. This Bill is more concerned and concentrated in its effort with the supply side, and more particularly, with the money laundering aspect of it.

The approach then, must be education—education at all levels—in the home of a parental type, at the primary and secondary schools, tertiary and other schools. The dangers of these drugs must be highlighted, whether in the electronic

media, posters, skits, leaflets, whatever there is, but the dangers must be put across from this side. For one would appreciate that by tackling this aspect of the drug trade we are going to fight the demand side. If there is no demand for a particular agent, then it is quite clear that the supply side will wither and possibly die.

In Britain, heroin and cocaine may be prescribed only for addiction during treatment or after cure has failed, by specially licensed medical doctors. For this purpose, addicts are registered. To my mind, very little is done to tackle the demand side of the economic equation of the illicit drug trade.

Rehabilitation is a very important plank in the fight against the illicit drug trade. The withdrawal part is the least difficult in the management of the rehabilitation of a patient. This can be done over a one or two-week period, but after this, where do we go? Do we have the facilities? I think one can say, quite clearly, no. We have a private institute at Mount St. Benedict which costs something like \$11,000 for a three-month treatment. Where else do we have anything as extensive and comprehensive to deal with the rehabilitation process? It may be safely said that once an addict always an addict.

The addicts are the young able-bodied producers of national wealth in every society, not only in Trinidad and Tobago. We must get them back on the jobs, and agriculture seems to fit this slot very clearly. Imagine, recently Prince Phillip attended an agricultural meeting of some kind in Trinidad and he was aghast to hear that the import food bill for 1.2 million people was in the vicinity of TT \$800 million—a fantastic figure. Are we really working towards this? Or are we just putting a little piece of patchwork here and there to fight a real big problem that is destroying our society and economy?

When one considers that we have a considerable amount of good arable agricultural lands, and a very high unemployment rate—bordering on about 100,000 people—this avenue seems to fit quite clearly in the rehabilitation process of the addicts.

Maintenance: Relapsed addicts who live fairly normal lives are sometimes best treated by supplying drugs under supervision. I read from page 13.9 of a *Clinical Pharmacology* text by D. R. Lawrence:

"It is considered the lesser evil to supply pure drug to known people who remain in touch with responsible physicians. This also minimizes the risk of infection,..."

one would appreciate that heroin is mainly given by intravenous injection—

"which, with overdose is a chief cause of the high mortality amongst addicts to hard drugs. If this procedure were not used it is thought that the illicit market, which is at present modest, would expand. The need for money to finance the market would cause the price to be substantial and addicts would turn to persistent theft to pay for their addiction. "

This is somewhat speculative but one has to consider every aspect in this long chain of addiction in order to get the true benefits that we are looking for.

The supply side: We are talking about the supply side of this drug equation. I do not believe we in Trinidad have a big market at the moment—I do not have statistics to show what the degree of addiction to these drugs is. Are we just used as a transshipment area? We have to consider the other aspects of the maintenance. On page 22 of the *Economic and Social Council: The Convention* in the extract I am about to read "Parties" means the purchaser and the producer—

"The Parties may co-operate to increase the effectiveness of eradication efforts. Such co-operation may, *inter alia*, include support, when appropriate, for integrated rural development leading to economically viable alternatives to illicit cultivation."

In other words, you just cannot go to the coca leaves plantation and tell the people stop planting, and that is the end of that. Some form of adjustment and rehabilitation must be given to these people so they too can diversify and produce something that is more worthwhile and acceptable nationally and internationally. I remember that during the Bay of Pigs invasion in Cuba when the US expected the sugar supply from Cuba to be cut, Florida was still in cane. Of course, the Government was willing to vote. But then some measures must be put in place to improve the standard of living of those whom we ask to move off the coca plantations and do something else for a livelihood.

5.30 p.m.

Yes, we must chase traffickers, prosecute them, confiscate the financial gains from the illicit drug trade, the main plank of the present Bill. But do we really have the necessary effective legal machinery in place? As I asked before, have the extradition laws been brought up-to-date with the necessary drug courts for ready action? Cases must not linger on and on. This creates more difficulty in dealing with the matter.

This Bill presents an attack principally on the supply end of the illicit drug trade. In order that the drug menace be fought with the hope of realizing some

modicum of success, we must adopt a truly synergistic approach. From the growing of the coca leaves in the case of cocaine and cocaine crack, to the consumer, every step in this long chain must be carefully studied and properly attacked, for this menace is destroying nations and economies globally.

We have had recently, headlines in the *Express* of Wednesday, May 18, 1994, page 41, "Higher Fines Renew Marijuana Debate in UK". Another one says, "Court legalizes drug use. Colombian court legalizes small amounts of drugs." In this global fight against the illicit drug trade the merits and demerits of legalization must be brought to the front burners. With the ever-present threat of the HIV pandemic and the illicit drug trade, these two, both preventive conditions, will certainly decimate the world population and economies.

I thank you.

The Minister of Sport and Youth Affairs (Hon. Jean Pierre): Madam Speaker, I rise to speak in support of the Bill so ably presented by my colleague. Our Government in its effort to minimize the use of illegal drugs in Trinidad and Tobago must put measures in place that are necessary for its prosecution of drug offenders and the confiscation of the proceeds of drug trafficking.

My contribution in supporting this Bill is to champion the cause of our young people who are the ones most affected by the drug menace. The drug menace in Trinidad and Tobago seems to be imbedded in the fabric of our country, and particularly among our young people—and our young people are our future.

Drug abuse and its effects constitute one of the most serious problems that Trinidad and Tobago is now experiencing. It is particularly destructive to our young people. The effects touch all aspects of life—health, moral values, financial well-being, family ties, relationships, hopelessness, alienation and vagrancy. The whole fabric of the society is affected. The ravages, destruction and havoc created in many lives, homes and many nations of the world move us to do all in our power to stem the tide and thus this unwanted menace.

I would like to use a quotation from the Holy Koran, Chap. 2 verse 219:

"They ask thee concerning wine and gambling. Say: in them is great sin, as some profit, for men; but the sin is greater than the profit ..."

I wish to emphasize that "the sin is greater than the profit". I cannot help but remember that there are several persons who are selling their birthright, their dignity, their future, even their life, for monetary gain. How many stories do we hear of those who are completely hooked and we hear the echo all around us, "If we had known."

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I wish to quote from an article which I read recently. This article is entitled "Drugs and Society" and was written by Dr. Weldon Witters and Dr. Peter Venturelli, from the Zoological and Biological Sciences Department of Ohio University and, the Department of Sociology, Valparaiso University, Chile. The article states that society pays a high price for drug addiction. Many of the costs are immeasurable—for example, broken homes, illnesses, shortened lives, and loss of good minds to industry and profession. The dollar costs are also great. The National Institute of Drug Abuse has estimated that the typical narcotics habit costs the user \$100 per day or more to maintain, depending on location, availability of narcotics and other factors. This means the addict would be spending almost \$52,000 a year just to keep himself or herself on drugs.

It is impossible for most addicts to get this amount of money legally, so many of them resort to criminal activity. Today, crime is everybody's business. When we think about the bottom line in the business world, we think profit and loss strictly in monetary terms, but in the drug business, the profit is the illicitly acquired money and the loss is of many, many young lives. Some of these lives are innocent young people, innocent adult people, or naive youngsters who get involved through a prank or sheer idleness and they become addicted. Others are afraid to say, no, and just find themselves history at the end of it.

The Members of both sides of this honourable House must be supportive of this Bill. One of the concerns of the Member of Couva South is the preventive measures we will put in place to improve the whole situation. My ministry has focussed on the position of social education, and not just my ministry, there is the Ministry of Education, the Ministry of Social Development, and all the other Ministers are trying in their own way because it affects and touches all our lives. It is expected that the impact on the young people would be the prevention and change, where necessary, of undesirable behaviour. Our programme would surely persuade our young people to recognize healthy lifestyles with an emphasis on physical fitness, sport and spiritual awareness.

5.40 p.m.

We need support to ensure the success of this programme. Legislation to handle the supply of illegal drugs will assist. It will be a deterrent. The dramatic increase in the availability of drugs is common knowledge as drug pushers have made their appearance in all communities, and in addition, they seem to be immune to the normal operation of the legal process, while flaunting their immense wealth.

Efforts to reduce or eliminate the supply of drugs are an accepted means of controlling drug-related disorders. The relationship between drug abuse and availability is not a simple one, but, it is clear that in situations where there is a high degree of availability of drugs, there will be a corresponding high degree of drug related problems. One of the biggest problems related to drugs is crime.

Our school children are within the grasp of the drug barons. Are they saying "None shall escape?" Efforts have to be made to save our children, our young people, our people and our nation as a whole. In Trinidad and Tobago the prison services record that in 1991, 2,064 persons were arrested for marijuana—1,931 males and 133 females. Also in 1991, 970 individuals were arrested for cocaine—858 males and 112 females. Charges included possession, trafficking and cultivation. We must put legislation in place to ensure that our young ones are protected. We must legislate for them. Madam Speaker, I would like to repeat: We must legislate for them. Our young people's future must be protected.

The efforts made by my ministry, other Government agencies and non-governmental agencies to reduce the demand for drugs, can only bear fruit if there are parallel efforts to reduce and control the supply. The time is indeed ripe for a balanced overall strategy in response to this difficult problem.

The Government recognizes that appropriate legislation can assist in the demand reduction thrust, hence my deep support for this amendment. All young people are at personal risk from the use of illegal drugs. It destroys even the most powerful and influential person regardless of race, sex or socio-economic position in life. All possible resources must be used to encourage our young people to adopt healthy lifestyles.

The drug abuse problem, as complex as it may be, is not only a social, economic, or medical problem, but it is also a legal problem. Making the necessary legislative change can certainly reduce or even eliminate the availability of drugs. I am mindful of the fact that the absolute control of, or the elimination of all substances, is practically impossible, but there can be a well-coordinated approach to deal with the situation.

The objective is to prevent or reduce the incidence and severity of problems associated with the non-medical use of dependence-producing drugs. A prevention programme for drug abuse is in place in Trinidad and Tobago's drug education, with a wide range of concerted activities related to teaching situations and experiences which attempt to maximize opportunities for intellectual, emotional, psychological and physiological development of young people.

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What is needed is a greater effort at the control of the supply of drugs in our society. Let me remind my colleagues in stating my support for this Bill, that the best treatment is prevention and the best prevention is the control or elimination of the supply of drugs. For the sake of our young people and our country we must support this Bill.

We, on this side cannot do it alone; we are in it together. Good sense and wisdom must prevail for the smooth passage of this Bill. Consequently, Madam Speaker, I ask the other side to let good sense and wisdom prevail for the passage of this Bill.

Thank you.

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, if the profits are greater than the sin, why does the Member for San Fernando East persist in the profit in spite of the sin? Why does he not allow himself to be investigated against the allegations made against him to be absolved of those sins? *[Interruption]* Ever since I was born.

It is stated here that the object of this Bill is to ratify the United Nations Convention against illicit traffic in narcotic drugs; and to remove existing impediments to the effective prosecution of drug offenders; and to avoid problems or curing of deficiencies related to the confiscation or forfeiture of the proceeds of drug trafficking, among other things. But it is very clear, and I think a number of speakers on the other side have made the point that their primary concern is that of stemming the drug trade by trying to do something about the supply side of drug trafficking.

I find that passing strange, since we all recognize that the problem has to be dealt with in a total way, and therefore the common notion in economics of demand and supply still applies in this situation, that where there is no demand it would be futile for others to attempt to supply. But I do not think that point has registered sufficiently well with the Members on the Government side. I found a strong statement in the United Nations booklet, that states on page 101:

5.50 p.m.

"An intense international concern over the more insidious long-term effects of chronic drug use and its impact on users, on their families, communities, nations and on the future of the world is evident today. Reasons for this concern stem from the numerous consequences of drug abuse seen initially in ruined lives, but also in family disruption, poor work performance, health

hazards, crime, increased drug-related accidents, learning disabilities and other mental problems.

All of these may seem distant and insignificant until you, or your family, are affected. One fact is obvious: we can no longer ignore the massive drug problems affecting nations and people throughout the world."

Madam Speaker, here in Trinidad and Tobago, some of the facts stated in the Police Information Centre data: Return showing breaches of dangerous drugs law for the period January to December 1993, are as follows:

Offences	No. of Persons Charged		
	Locals	Foreigners	Total
Possession of Ganja	3865	488	4353
Smoking Ganja	317	14	331
Cultivating Ganja	36	—	36
Possession of Cocaine	362	52	414
Others (attempting to export, dealing and trafficking, etc.)	1239	542	1781
Total:	5819	1096	6915

Madam Speaker, here we see that the problem is real. There are a number of foreigners arrested for breaches of dangerous drugs law for the period January to December, 1993, as follows:

Countries	Possession/attempting to export Ganja	Smoking Ganja	Possession of Cocaine
United States	711	6	21
Canada	137	1	6
Britain	85	-	9
Others	97	7	16
Total:	1030	14	52

Madam Speaker, it is very clear to us in this country that we have a problem to deal with, and that that problem cannot be ignored. On the other hand, if we are

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to deal with this problem, while from the supply point of view it is necessary to take action, it is also necessary from the demand side to see how effectively we can reduce or eliminate that demand.

One of the most significant loopholes in this Dangerous Drugs (Amdt.) Bill 1994, as it was obvious in the parent Act of 1991, is its failure to recognize and address the social dimension of the drug problem—drug addiction and abuse.

The law alone, either through legislation or court sentences, cannot solve the drug problem unless and until there is a concerted effort to reduce the number of persons who want to take drugs; that is, the demand side of the problem. Perhaps the time has come for all policy makers to change their way of thinking that social problems can be solved by merely passing laws or increasing police action. In addition, social problems require long-term planning and community involvement. To this extent, the school, the family and the social services become crucial. It is said that as long as the demand side exists the supply side will grow even in the midst of greater risk, stringent laws and heavier penalties. It is clear that the supply side has to be matched vigorously in terms of putting mechanisms in place to deal with the demand side.

What is strange about this Bill is that there are no provisions which deal with the social dimension of the problems of drugs. Whereas the Explanatory Note states that the objective of the amendment is to effect the ratification by Trinidad and Tobago of the 1988 United Nations convention against drugs, we see in that convention a call for rehabilitation and aftercare, but this Bill does not incorporate it. Is it not strange that one of the objectives of this Bill is to ratify that convention, but a significant omission exists? Why? If that is so, then we are not too concerned, or we do not care very much about putting programmes in place to reduce the demand for illicit drugs in this country.

Article III, 4 (b) of the Convention states:

6.00 p.m.

"The parties may provide, in addition to conviction or punishment for an offence, established in accordance with paragraph I of this Article, that the offender shall undergo measures such as treatment, education, after-care, rehabilitation or social reintegration."

That is in the United Nations Convention, but nowhere in the Bill—and one wonders how serious the Government is as it mouths its care and concern for those who are victims of drugs.

If there is no holistic or comprehensive programme which will establish the mechanisms to detect the availability of drugs, the locality of sources, the identities of suppliers, the legality of possession, the effectiveness of law enforcement, the identities of the users, the reason for the abuse of these drugs, the trends in the incidence of drug abuse and the availability of treatment—if these are not taken in a holistic fashion, we would find that a little legislation, here and there will not really begin to impact upon the nation's health and well-being.

Madam Speaker, I want to go back to a document, a communication dated September 3, 1986 to the hon. Prime Minister, George Chambers, re Report of the Commission of Inquiry into the extent of the problem of drug abuse in Trinidad and Tobago. The Commission stated in part—

"The conclusions of the Commission contained in this Report are grave and alarming and suggest that the health, safety and security of the nation are in serious jeopardy. The conclusions which the Commissioners have reached without reservation include the following:

- (i) that drug abuse in Trinidad and Tobago, consequent upon an explosive increase in the use of cocaine, has reached "epidemic proportions";
- (ii) that the distribution of the illegal drugs is fostered by organized crime with international connections;
- (iii) that the distribution of drugs is supported further by the corruption of local officials including in particular important segments of the police service. Members of the Magistracy and Customs Department are also implicated as well as other prominent members of the community;
- (iv) that the problem of drug abuse is supported by the illegal importation and distribution of firearms and ammunition;
- (v) finally, that there is an association between the illegal drug trade and the manufacture and distribution locally of counterfeit currency."

This was signed by Desmond Allum.

So, Madam Speaker, you see that the concerns we have are very real and even at that stage, Mr. Desmond Allum was content to sign such a document. This observation is worth noting and I suppose all that is being said here has been mooted, debated, some years ago, by the commissioners, the press and others; yet the Government does not have the political will to bring the type of legislation that is appropriate to the problems that exist, except to bring it piecemeal and refuse to accept wise suggestions in terms of amendments.

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School children, both primary and secondary; teachers, policemen of all ranks, entertainers, magistrates, bankers, businessmen and even Ministers of government, and who knows, even ministers of religion, have been the victims of drugs.

In the summary report of a survey on drug use among secondary school students in Trinidad and Tobago submitted by Lionel F. Remy on September 12, 1985, the findings were as follows: Marijuana was the most widely used drug; 8 per cent of 3,425 students surveyed reported that they had used drugs, and this is assumed to refer to marijuana. It also stated that 52.4 per cent of those who used drugs cited curiosity and "kicks" as their main reason for use. Thirty-six per cent of users resided in the county of St. George; and cocaine was not reported to be existent as an abused drug, and it was recommended that its importation be prohibited.

Now, you begin to see that a very vulnerable sector of the society is at risk by the availability of drugs; and while the Minister of Education was making his contribution, touching issues like money laundering and so forth, he might have been pertinent in that respect, but we expected to hear from him exactly what his plans were as regards the schools.

We all know about some of the general mechanisms that have been in the schools for some years, but as the problem becomes greater there is need for a re-interpretation of those programmes and a re-evaluation of the effect of any such programmes, to find out whether any of the educational programmes are impacting upon the demand side of the problem. That is critical, because if you do not really tackle the demand side there are too many loopholes that could be found to supply the drugs. If an individual is strong in mind and spirit, that individual, in spite of all the inducements to be a partaker of drugs, would resist because that person is aware of the potential negative consequences on his health and well-being.

Again, in a 1983 study, the Health Education Division conducted a survey on drug use among a selected group of 520 secondary school students, ages 13-20. The main findings, again, 12.3 per cent of the sample reported using drugs; approximately 50 per cent of drug users were introduced by friends and, again, marijuana was the drug. So you see, Madam Speaker, some work has been done that needs to be upgraded and, whatever the findings are, need to be acted upon from the demand side. I believe that the greatest effort should be made on the demand side to greatly reduce or eliminate the problem of drugs. If mechanisms are put in place, we should see a reduction of the problem.

6.10 p.m.

In that same finding, 91.1 per cent of students have used alcohol; 45.7 per cent have used cigarettes; 6.3 per cent have used marijuana and 1.1 per cent have used cocaine. There is an annual prevalence—those who use it on a yearly basis—76 per cent of students use alcohol; 2 per cent marijuana; .5 per cent cocaine; 16 per cent cigarettes. In terms of a monthly prevalence—36.4 per cent use alcohol; 1.2 per cent marijuana; .4 per cent cocaine; 6.9 per cent cigarettes.

The main reason for first use of the drugs stated:— marijuana—50 per cent because of curiosity; 18.2 per cent because of friends. Is that not significant? It simply means that those who are using these drugs out of curiosity or because of friends have not been sufficiently exposed to the dangers of these drugs.

So, it shows that there is need for an educational programme to bring the point home, particularly to the youngsters. If that is done, we would find that the drug situation would be less of a problem—although I do not believe it could be eliminated.

The other thing is: Who introduces students to drugs? Parents and other adult relatives, according to the study, introduced students to alcohol. Friends and strangers introduced students to cocaine. Of those who use cocaine, 63.6 per cent were introduced by friends and 18.2 per cent by strangers. So we see what is happening. This is where the problem begins to take its toll on the lives that are either innocent or ignorant of the dangers of these drugs.

Availability of drugs in the community—84 per cent of those who used marijuana in the past 12 months reported that it was easily available in the community; 27 per cent of those who used cocaine during that period reported that cocaine was easily available. It is there. In terms of drugs used by students and their friends—70.4 per cent of those students who used marijuana in the past 12 months had friends who also used marijuana. In terms of cocaine, 63.6 per cent of those who used cocaine had friends who used this drug.

Clearly, it would seem that peer pressure plays a significant role in terms of young people using drugs. It is very clear that when one goes to parties or social gatherings at which there is not the required supervision and what not, peer pressure becomes such a crucial part of the lives of people that the one who does not conform to it is thought of as "out of the group", and that youngster may or may not be able to withstand the pressures put on him for conformity and identification in the group. That is so very clear.

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But if the youths were aware of the problems that could befall them in terms of the danger of the drugs, I am sure that many would have stood up to the pressure; and it was pointed out by both the Member for Barataria/San Juan and the Member for Tabaquite that it only takes the first introduction to cocaine for people to become addicted to it. Once that happens, an experimentation involving a time limit of less than a minute, even in 30 seconds, can virtually destroy the lives of those who fall victim to the use of drugs.

Many parents introduce their youngsters to alcohol, marijuana and so forth. Again, it suggests that family life education is important and that the existing services are not adequate or not reaching out. If we hold the notion that parents care for their children, and at the same time, they lead them down the path of marijuana, alcohol etc, then we would see that there is a great measure of ignorance even amongst families as to the use of these drugs.

I have a lot of data on these matters, but I need not go through all because I think the point is sufficiently made that the educational programmes needed to reduce the demand side of the problem of drug rehabilitation is not effective. Let me make the point. There may be some programmes—I am not saying there are none—but there is no one to say this is the evaluation of what has happened over the last 12 months, or the last three years, or the last five years, to see whether the programme is successful. If we are not able to do that, we cannot begin to understand whether what we are doing is redounding to the benefit of those who need services that we think we are planning for. So that we see that we have this problem.

Of course, throughout the country we would meet all conditions and classes of men and women. We would meet some of them who need money; we would meet some of them who have wild swings of moods and appetites, without evident cause; we would meet a lot of students whose performance at schools has deteriorated; and we would meet some of them with their fads and dressing and what not; some of them do not communicate so there is a withdrawal symptom and this is an indication that some of the youngsters—not only youngsters but also other people—are on drugs.

It is very evident what happens with the use of drugs, and I am saying again that we need to have programmes of education and other things to stem the demand side that would help greatly in eradicating the problem, and, of course, lessening the amount of time and energy being spent on the supply side of the drug.

Here are some questions which I think the Government should answer: What is the evaluation carried out in terms of the existing social services, in terms of its mission and manpower and facilities? Were they used in a way as to derive the optimum benefits of these resources? Were a lot of programmes that were planned, implemented? What are the sources of funding and the quantum of funding for certain programmes? In the midst of all the experiences we have had in this country, was a detoxification unit, substance abuse treatment team established with the necessary support and facilities?

6.20 p.m.

We would like to know whether there is a mechanism for gathering data and how developed it is so as to have a ready source of information; whether there was a comprehensive plan formulated, and whether, apart from the community advisory committees—and I think the Member for Couva South mentioned this—the advisory committee and the central advisory committees were there; and whether the drug education programme in the school system within a framework was established to monitor and assess their efficacy. These are some questions that have to be answered by the Government, among others. But these questions are foremost in our minds and they must be answered.

I think that we have not heard very much about an employee assistance programme, and whether that programme has been able, in the first place, to gain acceptance, and whether that programme was able to help employees who have fallen victim to drug use. You see, when any person, especially an employee, is on drugs, several things happen. Bad relationships exist between him and his co-workers, and even those in authority. He is withdrawn in a way that it is difficult to communicate with him; his level of productivity fails and he develops a craving for drugs that might cause absenteeism as he leaves to fetch the drug. So you see, in terms of national productivity, the drug scenario could cause havoc with the level of productivity in this country.

Also, we have not heard what is being done at the Customs and Excise Division to upgrade and improve the department's levels of performance. Much has been spoken about the Customs and Excise Division in terms of drugs passing through, but if we are not able to improve upon the level of control in these areas, then I do not think that we are doing very much.

Consultations were held at one time or another and we cannot find any improvement. This is my big argument today, that on the demand side that is so critical and crucial to the alleviation of the problems of drug abuse, we do not find

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much emphasis. What has happened to the numerous reports submitted to Government? What action has it taken on those reports?

Treatment is another area. While it has been alluded to, I believe treatment centres, maybe in an orthodox fashion, have to be established, along with some unorthodox methods, because a number of youngsters really do not like to go to treatment centers. They might go to the sporting complex to play games or so, and if at that point you can really set up something to gradually integrate them into some form of training, especially in the urban areas where there are youths needing to be involved in activities, but for some reason or the other they avoid going to established centres, favourable results may be achieved.

The Member for Tabaquite touched on rural development to some extent and income substitution. We know in this country that in certain places, for example Biche, in the forest areas there are marijuana fields, and people plant the marijuana because it is a source of income. More than that, it earns "quick bucks" for them.

We have also heard on several occasions that the police have raided these fields and destroyed the plantations, but we have never heard whether these persons or the village or communities were identified as being in need of some sort of development, and therefore, some substitute for their existence has been offered to them. That is critical.

If marijuana offers people a living because of unemployment, but poses a greater social problem to the community, is it not incumbent upon the Government and all policy makers to indicate, where communities seem to have an orientation for activities like this, that some form of economic activity will be pushed in that area to give them an opportunity to survive?

You can send the police to cut off the supply, but the police are not able to have an all-year-round surveillance, and therefore they would replant it. But if there were some other incentive to take them away from the planting of marijuana, as the Member for Ortoire/Mayaro well knows, they would begin to understand that there is an alternative for life. As I said before, these are some of the measures that the Government ought to consider and we have not heard anything said about some of these matters.

I want to suggest, in terms of curricula for schools, one must be developed as part of an agreed natural strategy to strengthen motivation to avoid drug use. There should be a multi-disciplinary unit at the national level to recommend specific instructional materials which take into account cultural values and

traditions which stress the benefits of a drug free life. Education programmes must be developed to educate persons on the harmful effects of drug use. Teachers must be trained as counsellors to instruct students on the advantages of a drug free life and the dangers of drug abuse.

When you take the society at any given time, approximately 300,000 children are in the school system. That is about 25 per cent of the population. If 25 per cent of the population does not have the benefit of these learning instructions, a tremendous social cost in terms of medical facilities, in terms of personnel to be employed at the legal services, and so forth, could accrue to the society should these students become deviant. All sorts of things happen. I also want to indicate that special interest groups must be looked at and leisure time activities with respect to a campaign of drug abuse be promoted and encouraged.

6.30 p.m.

I do not know whether modern man has failed to uphold some of the more sustaining values of life. I do not know, for example, that when we look at our television we get any sense of urgency against the drug scourge in this country. One does not see the type of programmes to enlighten the population.

As a matter of fact, it would seem that the electronic media in particular, have been bent on the notion of survival based on pure competition, and they find no solace whatsoever in projecting programmes that would enlighten and edify the population generally with regard to some of the harmful activities around.

The time has to come when the Government must implement a code of ethics to be used by the news media; when directors must be able to sit down with a governmental agency to agree upon the parameters for certain programmes, and that some of the destructive advertisements be reduced. Unless that happens and we have co-operation, consultation and co-ordination among the Government and news media, in spite of all we are doing, we would have an agency that tries to hinder the progress of all other programmes.

As we look at this situation we are quite alarmed about it. I am not saying that we must not look at the supply side; yes, we need also to look at the supply side in terms of the international systems that are in place.

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

Motion Made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. K. Valley*]

Question put and agreed to.

Mr. R. Palackdharrysingh: Madam Speaker, I could understand why the Member for Diego Martin Central is so gracious, but let him not build his hopes too high.

Mr. Valley: I thought you would have said thanks.

Mr. R. Palackdharrysingh: That is implied.

We have to look at the control of supply. Of course, with the international systems that the Government wants to put in place, how we look at the use of drugs in the pharmacies must be monitored. There seems to be a situation sometimes whereby people can get over the counter many drugs that are still harmful in terms of being either narcotic or psychotropic.

Also, there is, of course, what we are trying to do this evening with some of the precursor chemicals, but what is happening—and I am wondering how the Government is going to deal with this—is that there are some drugs once they are controlled, the so-called local chemist can invent or substitute other drugs. When that happens, I think, you get this synthetic cocaine stuff coming up. Therefore, I think this is going to be a problem which the Government has to look at very carefully.

Madam Speaker, all in all, I want to indicate, apart from—*[Interruption]* Yes, I think the Member knows about that. There must be this total development and I do not think the Government has indicated this in the Bill or even in the parent Act.

Another thing is that we have to be very concerned about our coastline and airspace. What is the use of putting legislation in place and we do not have the capability to do anything effectively?

Madam Speaker, you know for a fact that it is the easiest thing for people to pass with a light aircraft in this country and have a little runway in the forest where they drop their drugs. Or at night some little pirogue can come to the coastline and so forth. There was the instance of the *Harold La Borde* that we all know about, being involved in drugs, and that is also another critical area.

Unless the surveillance capability of this country is improved, unless we are able to monitor the points of entry in this country, this Bill would be a laughing stock. I do not believe when one looks at the capability of the country at the moment with respect to surveillance of our coastline and our territorial waters—and even our national waters in terms of the exclusive economic zone—I do not

believe we have any sort of capability to make a dent in this movement to restrict the supply side in this matter.

We are also talking about control over ships on the high seas and aircraft in international airspace, where we want to permit law enforcement officials to board and seize a vessel unlawfully carrying drugs under certain conditions, and we are hoping that states would respond promptly when asked for permission to stop, board and search a vessel under its registry for reasons of illicit drug trafficking control.

I do not believe that that is a very simple matter, and I want to quote Article 108 of the United Nations Convention on the Law of the Sea on the illicit traffic in narcotic drugs and psychotropic substances:

- "(1) All states shall co-operate in the suppression of illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas contrary to international conventions;
- (2) Any state which has reasonable grounds for believing that a ship flying its flag is engaged in illicit traffic in narcotic drugs or psychotropic substances may request the co-operation of other states to suppress such traffic."

As I said, we know the problem of the vessel *Harold La Borde*, and drugs in large quantities are often loaded onto ships at night in ports where small boats can easily slip alongside and wait for an accomplice on board to lower a rope. Engine rooms in the ships and dummy drums are places where drugs are stored, and when dealing with drug smuggling situations, note must be taken of the high value of drug shipments and the involvement of organized international crime that would result in violent reprisals, including armed attacks.

6.40 p.m.

As I said, given the size and capability of our own protective services, I wonder what could happen. The Government has introduced the high seas into the Bill but it has not given any example of what it really wants to accomplish by this provision. I think this needs to be explained because all of us know that the high seas are international waters and it is very difficult to intercept people plying on the high seas. By and large a small nation like ours, even though we know what is happening on the high seas, cannot begin to think of its interest.

I would like to know what is the Government's feeling on this matter. We are very concerned and have indicated to the Government that we need to have

certain amendments to the Bill. I hope that it will consider these amendments. If it does not, apart from not being very serious about the control of drugs in this country, I do not think it would be making very much sense about solving the problem of drugs in this country.

I thank you.

Mr. Desmond Allum (*Port of Spain North/St. Ann's West*): Madam Speaker, it gives me much pleasure to rise in this honourable House to support the Bill which has been introduced by the hon. Minister of National Security. It gives me added pleasure because I recall that when this topic was debated early in the life of the NAR government, I gained much prominence, particularly during the debate which took place in early 1987 when the Drug Report was laid in the House. That was an occasion when the hon. Member for Tobago East took, it would seem, a great deal of pleasure in seeking to denigrate my character when he suggested, in fact more than suggested, that the recommendations I had made in good faith to the then government, were being made because I was under the influence of Cabinet Ministers.

I rise here today, not to defend myself, because I certainly do not need to defend myself from such an attack, but I want to demonstrate the difference between words and action. Permit me to read from *Hansard* of February 10, 1987. As I said, this was the occasion of the laying of the Drug Report. Listen to the reverberating rhetoric of the then Prime Minister. He said:

"When you are dealing with drugs you are dealing with something which is regarded today as the greatest scourge afflicting mankind; trafficking in drugs, the drug trade, there are no scruples whatever. Reputations are destroyed; people are killed; children, their lives are destroyed before they have a chance to live; populations are wiped out, epidemics, a whole generation of people can be destroyed. What you are talking about is the life-blood of the nation; that is what you talking about, and people who do not care about that would do anything whatever.

So we are not making joke. We knew when we called for the publication of this report before a general election, when we declared our determination to take every possible action to stamp out the drug trade, drug trafficking, and drug abuse, we would be the enemies of the traffickers and the dealers; we knew the risk we were running and we know even today that they have a lot of power and lots of influence. They can buy voices on their behalf, they can buy guns, they buy people, all sorts of things; tremendous amount of money, huge sums; enormous amounts of money are involved in the drug trade."

He ended, Madam Speaker, that portion of his contribution by saying:

"I have never had to shrink from taking a course of action, however personally dangerous and menacing, so long as I had the conviction that it was right, that it is designed to promote and protect the interests of people whom I serve. I hope and trust that it would ever be so."

Remember that is in February of 1987. How do those words really square with actions taken under that regime? The previous government paid only lip service to the eradication and/or alleviation of the drug problem because the next thing of significance that happens in terms of real action taken was on October 18, 1991 when the then Attorney General, Mr. Smart, introduced the Dangerous Drugs Bill, which subsequently became Act No. 38:91. Again I quote from *Hansard*:

"Mr. Speaker, I beg to move that a bill to provide for the Control of Narcotic Drugs and Psychotropic Substances and to make provision for the Confiscation of Proceeds of Drug Trafficking and Other Provisions in Connection with Drug Trafficking and matters connected therewith, be now read a second time.

Mr. Speaker, this bill has had a long circuitous passage through this Parliament, and it is still passing through the Parliament."

Remember, Madam, this is in October of 1991.

"It was introduced in 1989 and was passed in this House. It then went to the other place where it was being considered in committee when the Parliament was prorogued in October of 1989, and it therefore lapsed.

It was re-introduced in the other place in 1990, and sent back to committee—re-introduced in its original form and sent back to committee—and the unfortunate incidents of July 27, last year, put an end to the deliberations of the committee and then again the Parliament was prorogued in November of 1990 and the bill once more lapsed.

It was then re-introduced one more time in an altered form. It had the benefit of the deliberations of the other place. It was reintroduced again in 1991, in the other place, and was passed, I believe unanimously in the other place, and is now before us.

The purpose of this bill, Mr. Speaker, is to consolidate the law as it now stands. I refer to the 1961 Act, dealing with narcotics and psychotropic substances as amended by the 1985 Act. So that, in the first instance, what we are doing is

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consolidating those two Acts. In addition, we are seeking, and this is the most important part of the bill, to introduce new provisions for the confiscation of the proceeds and the assets of convicted drug traffickers.

This was in 1991 when, by this time, the government had signed the Vienna Convention and was under international obligation to take steps to bring our legislation in line so that it could be ratified.

How does that pathetic attempt to introduce legislation square with a government which had come into power with an overwhelming majority and which did not have the difficulties which this Government has in terms of getting a special majority? Some 58 months after, how does that performance square with all the beautiful, lofty words we heard earlier in the year. The words did not finish there. Again I would ask your leave to refer to *Hansard* of the same date, February 10, 1987.

6.50 p.m.

"Once more I pledge that we in this Government will take every step that we can, in collaboration with those who are likewise minded, in order to contain, and if possible, eradicate this evil in our midst. I want the society to recognize it for what it is: a menace, a cancer, an evil of immeasurable proportions and I ask the population to rally to the cry, rise to the occasion, answer the summons and join in the national crusade—nothing less than a national crusade—against this evil in our midst which destroys our children, destroys our youths and if not checked will destroy our nation.

We must be determined that never will we allow the scourge to prevail, and we in Trinidad and Tobago, accepting our responsibility as an independent country and summoning the necessary political and social will, shall proceed to regulate our lives and the nation in such a way that we can establish standards for those who come after us and be what we can, a model nation in a troubled world. Thank you."

What standards did they leave worthy of any kind of emulation with that track record? Many high-sounding words in February, 1987, and two months before they were ignominiously [*Interruption*] kicked out of office. What is this crusade about for which they were rallying the nation to come in support of? It did not finish there, Madam Speaker, because although the legislation took nearly five years to come, it was coming against the need for our Government to put legislation in place so that we could ratify the Vienna Convention.

After they did this in 1991, it was left to this Government now to seek to introduce this legislation, because the attempts which were made fell far short of what was necessary. They started off with very high aspirations but then fell asleep on the job between 1986 and 1991, coming to life towards the end of their term.

I am reminded—I am sorry I cannot get the exact context, but it is one of Shakespeare's plays where he spoke—about some character, it may be *Twelfth Night* I am not sure, who was facing a particularly perilous situation. It was said that "he then drew his bow and arrow and then fell fast asleep." Madam Speaker, they did absolutely nothing to combat "this evil scourge" in the words of the former Prime Minister.

But perhaps, I do them an injustice, because in fact they did three things: first, they published the drug report, as they had so recklessly promised to do in their 1986 campaign, thereby alerting all the persons who had been identified as having links with the drug trade.

Secondly, their Minister of Health gave a testimonial of good character to a local drug mule in order to mitigate his punishment in an American court. They also in fact, suspended 53 police officers for a period of two and a half to three years on full pay, then reinstated them without any kind of charge or disciplinary offences being brought against them, with absolutely no explanation, costing the taxpayers, I think, somewhere in the vicinity of \$3 million.

The third thing for which they can be credited—the Minister of National Security, in the person of Mr. Joseph Toney, read out in Parliament a report which had been submitted by the police in relation to the police investigation into a drug cartel in the South. The police said that they had pretty hard evidence and were about to make an arrest, but what did the Minister of National Security do? He got up, read this report in Parliament, thereby alerting all the persons involved.

One has to say one or two things. With such an inept Government, putting the best face on it, drug lords did not need to buy any voices. It has been recognized that in relation to drug activity and its impact upon societies, we are in this together. The illicit drug trade knows no boundaries. It is a hydra-headed monster stretching its evil tentacles into every nook and cranny of every society. No longer can any one society blame the other.

It was fashionable at one point for the producing countries to blame the consuming countries, saying if there was no demand, then they would not supply. It was then turned around and was fashionable for the consuming countries to say,

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"well if you did not supply, we could not consume." As I said, both consuming and producing nations are in it together, because they suffer the catastrophic effects of the drug trade in terms of destroying generations of young people. The attendant health and crime problems have tended to focus on this question.

We recognize that the drug trade has an all-pervasive corrupting influence. The link between drug activity and violent crime is well established. There is a clear causal link between drug abuse and the disintegration of family life. The mega profits inherent in the drug trade have led to gang-style executions and whole neighbourhoods have been turned into battlegrounds. The corrupting influence of drug activity has led to corruption at all levels of the society, striking at the very heart of the economic life of the country.

Another danger, quite apart from the combination with criminal activity, strikes at the economic heart of the society, in that the drug lords find it necessary to clean up the money which they have acquired in this evil way. They set up front businesses, they are able to undercut legitimate business people. Of course they give a discount on the cash they actually put out, but it is well worth having what appears to be now clean money.

One can only measure the impact which it has on the society so that what we have come to realize, is that no longer is the battle joined between consuming and producing countries alone. The countries like ours which sit astride the suppliers and the consumers are caught in the middle, sharing the problems which are endemic, both in the supply country and in the consuming country. Recognizing this, our Government now takes steps to modernize our legislation so that we can join the major countries in ratifying the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances, otherwise known as the Vienna Convention.

In order to ratify the convention, there is need for narcotic legislation to be updated in certain areas, and the Bill before this honourable House is an attempt to deal with that.

As the hon. Minister has already told us, this Bill is informed by the work of a group called the Legal Working Group into Drug Trafficking Legislation. The main terms of reference of that group were to make recommendations for amendments or additions to the laws which were:

- (a) required to enable Trinidad and Tobago to ratify the convention.

- (b) amendments or legislation which would be desirable, although not essential for ratification, for the more effective implementation of the convention.
- (c) to assist in avoiding problems or cure deficiencies in the law relating to confiscation of drug trafficking proceeds encountered in the United Kingdom in their operation of their equivalent legislation.

7.00 p.m.

We are able to benefit from the experience of the United Kingdom. Our legislation is in harmony with that because the whole intention really is to harmonize the legislation so that we can carry out our international obligations. An examination of the 1991 legislation—Act No. 38 of 1991—which the National Alliance for Reconstruction (NAR) passed in October, 1991 revealed that it fell short of what is required in two main areas. These were:

- (a) offences relating to the possession, manufacture, transport and distribution of equipment, material or the precursor chemicals listed in the annex to the convention, knowing that they are to be used in or for the manufacture of narcotic drugs or psychotropic substances;
- (b) offences of money laundering.

This Bill now seeks to fill those gaps that were left in the Dangerous Drugs Act of 1991. I am not saying that this was deliberately done. The fact is the legislation fell short of what is required.

As recently as last week, I think the person who was the then Attorney General was up and down mouthing on public platforms asking: "Why has nothing been done about drug laundering? We passed legislation in 1991." The effective piece of legislation—effective in the sense that they thought it would deal with the problem—section 47 has had in this new Bill to be repealed entirely. If for some reason or other no action was taken it is because the respectful view of the Government and the working parties was that the 1991 legislation fell short of that.

The main purpose of my contribution to this debate [*Interruption*]. Yes, I have now reached. It just goes to show—I do not really want to use the word "hypocrisy," the Member for Diego Martin West alluded to it. What I want to see today is—after all this ringing rhetoric of national crusade, rally to this, you cannot do it alone—if any person who was in the House in 1987 and was party to those words would dare to say that he/she will not support this legislation.

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It is my view that the Opposition has no choice in this matter but to support this legislation, because it seeks to implement our international collaboration in the war against international and transnational drug trafficking. Commerce in illicit drug trafficking is an issue that can be addressed only by international co-operation. No nation state, large or small, can by itself expect to deal with its internal drug problems in isolation from the international community.

The Vienna Convention has come to us as a ready-made code designed to facilitate and encourage aggressive collaboration between nations. Certain specific demands are made upon individual states like ours, demands whose costs are not to be measured in money terms but in the harmonization of international legislation. The laws of Trinidad and Tobago are being brought into congruence with laws enacted by all other states adherent to the convention.

The design of the Government is to create an international network of interactive legislation to provide no escape or haven for international narcotics criminals. No Member of this House ought to have any difficulty in supporting this Bill, without which Trinidad and Tobago will stand isolated from the rest of the international community, and be regarded as a haven for drug traffickers and their ill-gotten gains.

The suggestion that a commission of inquiry ought to be instituted into the sale of the Prime Minister's car several years ago, before the Opposition would support this legislation, ought not to be taken seriously. To take it seriously would be to reduce Trinidad and Tobago to the lowest levels of political parochialism and make us the laughing stock of the international community, and go some way to demonstrate the depths to which the Opposition is prepared to descend in their futile quest for power.

The introduction of this piece of legislation is not an occasion for vexatious sniping and small-minded sectarian gamesmanship. It would be highly regrettable and fundamentally unpatriotic for any Member of this House to obstruct the participation of our country in an international alliance, which the Vienna Convention is, to wage war against international narcotics criminals.

Of course, useful suggestions have been made in some of the contributions because one recognizes that the passage of legislation is not an end in itself; that is but one part of a whole network which has to be put in place. One has to recognize that there are shortcomings in our justice system. There are intolerable delays but what we have to do is to recognize those and set about the task of remedying them.

It happens to be in my constituency but I do not know when last any Member of this House went to the Port of Spain Magistrates' Court. It is an absolute disgrace! There are citizens—albeit they may be charged with offences—who are herded in corridors behind crash barriers waiting for their names to be shouted. How can anybody have any respect for justice administered in those circumstances? It is not something that we have to be defensive about! We have an obligation to recognize things as they are and do not seek always to say that there is no crisis or whatever, because, at the end of the day, all of us would have to pay the price of any kind of inertia in that area. It is not simply a question of appointing more judges or more magistrates. An attitudinal change is required.

As I say, we have to acknowledge the problems. We know that it is against a background of very scarce resources that we have to seek to remedy some of these problems. It cannot be for the reason that everything is not in place that the Opposition will say it does not support this Bill because a drug court has not been set up. We would get nothing done that way! If clearly their purpose is simply to obstruct, well, so be it, that is the way they go about their business!

One has to question the good faith of the Opposition Members in this because they started off the debate on the basis that they will not support this measure unless the Government agrees to the institution of a commission of inquiry into the sale of the Prime Minister's car. When that was exploded, really for the nonsense that it is, they sought to introduce eight pages of amendments. Madam Speaker, this behaviour is reminiscent of 1992, I think it was, when we sought to change the beginning of the fiscal year. We had reached agreement on it, but when it came into the Parliament they started to make demands for parliamentary committee and another eight pages I think it was—

Dr. Rowley: Ten!

7.10 p.m.

Hon. Member: Ten pages.

Mr. D. Allum: Ten. And, again, the Government did not compromise on that. In the same way I certainly feel that we are not going to compromise on this either. I think that the electorate is coming to see the Opposition for what it is—largely obstructionist. Because in very important areas when the Government seeks to put in place certain things, and discussions are held with them, they pretend to go along, but when it comes to the time for passage of legislation they withdraw their support. So that in every instance when it is necessary for the Government to get a three-fifths, or special majority, Members opposite make all

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kinds of outrageous demands, as if they are the Government. They want to alter the Constitution, they want to introduce all manner of things. *[Interruption]* Exactly. When they had every opportunity—

Mr. B. Panday: We want to obstruct you from dealing with drug people. That is our objective.

Mr. D. Allum: But, Madam Speaker, I am saying that the electorate will see the Opposition for what it is, and I think that all it has succeeded in doing is ensuring that in the 1996 election, the Government will have no difficulty in finding a special majority.

As I said, recognizing this Bill for what it is, I feel certain that the Government, by the introduction of this legislation, is not pretending that it comprehensively addresses the local problem of drug abuse. The domestic concerns, though not entirely neglected, still need to be addressed specifically. It is not yet possible, in my view, for the Government to declare, in definitive terms, the true nature and extent of the drug problem in Trinidad and Tobago. This would be an essential prerequisite if the problem is to be addressed effectively.

Everyone seems agreed that there is a massive drug problem in Trinidad and Tobago, a problem of drug trafficking and drug abuse. The size of the problem has not been accurately identified, the result of which is that we live in a climate of suspicion and speculation. We are uncertain as to the extent to which our country is being used as a transshipment facility for drugs intended for consumption elsewhere and, again, there is useless speculation about this. Speculation, I admit, of a highly persuasive kind, speculation as to who the drug lords are and the scope of their operations, and this speculation is all the more unhealthy because the population feels that the law enforcement agencies know who the drug lords are, but are doing nothing about it.

Some weeks ago there was a symposium on crime by the Chamber of Commerce and we had the unseemly spectacle there of the Commissioner of Police and the President of the Chamber accusing each other, at the level of rumour, that they each harboured narcotics dealers in their respective organizations. This House is entitled some time in the future to a formal declaration by the Government as to the extent of the problem in this area, the extent to which the sharp rise in the murder rate is aligned to drug trafficking. It is the duty of Government through its law enforcement agencies to investigate and bring these answers to the attention of this honourable House, so that we might put speculation to rest and come up with specific plans to deal with the drug problem.

It is all well and good for us to meet our international obligations by passing legislation which brings us into harmony with the international community. But it is more urgently required that we confront this problem at the domestic level and design clear plans and programmes to deal with it. It is right for us to support this legislation, but wrong to pretend that in so doing we are coming to terms with our domestic problem which must, in my submission, be the primary concern of Members of this House.

Clearly, we have international obligations but, in fact, our first obligation is to Trinidad and Tobago. We move together with the international community because we recognize there is no way we can deal with it alone. So in areas where it is in our interest to collaborate, we do so, always bearing in the forefront of our minds that our responsibility is to our citizens. So it is against that background that I urge the hon. Members of the Opposition and particularly, the Members for Tobago who, if they are to demonstrate—

Miss Nicholson: Not today!

Mr. D. Allum:—that they were not only speaking words—at the end of the day forget personalities. Whether the Member for Diego Martin West antagonizes the Member for Tobago East, or Tobago West.

Mr. Robinson: Leave me out.

Mr. D. Allum: No, I am just saying that we have, at the end of the day, to recognize that it is all well and good for us to have party political differences. We have just come out of a campaign and another one is going on and we can go on to all kinds of extravagances on the platform. But when we come here, it is my submission, that we have to submerge party political interests to the national interest.

Miss Nicholson: Tell the Member for Diego Martin West that.

Mr. D. Allum. And I am saying that if Members of this honourable House look at it in that light, there will be no difficulty in passing this legislation with the required majority.

I thank you, Madam.

Mr. Subhas Panday (*Naparima*): Madam Speaker, I congratulate the hon. Member for Port of Spain North/St. Ann's East, but at the same time I want to indicate the contradictions in his contribution. He complained that the former administration took such a long time and in October 1991, just before the election,

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brought Act 38 of 1991. But it is 30 months since they are in office, a bye-election is on Monday and that is why they have brought it now. This honourable House was adjourned on Friday for Friday coming! After the tea break they came back to this House and adjourned for Wednesday because they knew that Friday coming is Private Member's day, and the hon. Member for Tobago East had a Motion on that day—

Mr. B. Panday: Personal interest.

Miss Nicholson: Anticipating.

Mr. S. Panday:—to deal with them. So they brought this debate forward today to deaden the effect of that Motion on Friday—merely political gambit. Then the hon. Member for Port of Spain North/St. Ann's West is talking like a priest, when in truth and in fact he behaves like a political "lady of the night" in Mucurapo Street or Charlotte Street, Port of Spain.

One would have thought that the hon. Member for Port of Spain North/St. Ann's West would have used his legal experience to come here today and fill the lacuna—

Hon. Member: Word man!

Mr. S. Panday:—which was in the other place, when the honourable presenter of this Bill said that he agreed that the Bill before this House is inadequate and needs to be looked at in this Lower House. One would have thought that he would have used his experience to come and enlighten this House. Instead, he merely engaged in attacking without any substantial contribution. But you see the people who clap and cheer him are the people who enjoy that type of contribution.

I also want to deal with the Member for Diego Martin West. On the last occasion, he said that if we had information about the Prime Minister dealing with a known proprietor, why did we not take it to the police; and he began to speak about double standards.

Mr. Valley: Madam Speaker, if the hon. Member would give way. Just for the record let it be stated that this Bill was passed in the Senate on February 22, 1994, even before the hon. Morris Marshall died, or even before he got ill.

Mr. S. Panday: Madam Speaker, the point I am making is that the hon. Member for Diego Martin West was speaking about double standards and that if we had information why did we not take it to the police. Yet he quoted copiously

from the *TNT Mirror*. He said they know whose accounts it went into; they knew it was some drug lord. But they are in control of all the police and government agencies, why have they not taken the information to the police? So it is mere political—

7.20 p.m.

Dr. Rowley: Do not talk too soon. The wheels of justice grind slowly.

Mr. S. Panday: —posturings for the bye-election. Nothing more than that. Because 30 months could have gone and the hon. Member for Tobago East said, "Launch an inquiry." We are saying that we have information, but we need not necessarily have the evidence, because evidence requires special rules and from an inquiry, we will get the evidence. That is all we are asking for, but they are merely endeavouring to pull wool over the eyes of the population.

The Bill before the House says that its purpose is to fulfil three objectives: ratification of the Vienna Convention, removal of existing impediments, and the avoidance of problems or the curing of deficiencies relating to confiscation. I am humbly submitting to this House that what they are doing here is merely trying to fulfil the international obligations and they are not *au courant* with the problems and the law as it stands. Because if one looks at the Explanatory Note at page 3, one sees that it speaks of removal of impediments to provide for alternative verdicts.

Let us look at what clause 3 of the Bill says:

"Section 5 of the Act is amended by inserting after subsection (9) the following subsection:

'(10) Upon the trial of a person who is charged with an offence under subsection (4),"

that means section 5 (4) of Act 38 of 1991—

"if the court is not satisfied that such person is guilty thereof . . ."

and section 5 (4) is possession for trafficking—

"if the court is not satisfied that such person is guilty thereof but is satisfied that he is guilty of an offence under subsection (1),"

that is, possession of narcotics *simpliciter*.

"the court may find him guilty of such latter offence."

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It seems to me—and I thought that the Member for Port of Spain North/St. Ann's West would have seen this—that section 5 (9) says that:

"A person other than a person referred to in subsection (2) found in possession of more than—

(b) one gramme of cocaine;

(e) fifteen grammes of cannabis or cannabis resin,

is deemed to have the dangerous drug for the purpose of trafficking, unless the contrary is proved, the burden of proof being on the accused."

What is happening here is that if he is charged under the new subsection (10), the burden of proof is on him to say that he was not trafficking, while the burden of proof under section 5 (4) is on the prosecution.

What should have happened is subsection (4) should be merged into subsection (10) so that once he has drugs in his possession of a certain quantity, he will be caught. Because section 5 (4) deals only with the small man who is trafficking one joint, so if he is caught with one joint and he gets away from trafficking, he is taken under section 5(4)(i). But what about the big fellow under section 5 (10)? If he is charged under section 5 (10) the man—who is really the heavy drug pusher and who has heavy drugs under his control—the burden of proof will be on him. So if they really want to deal with the problem, they should not merely satisfy the UN Conventions, but deal with the law as it relates to Trinidad and Tobago. That is why we are saying 30 months after, they have come to this honourable House with inadequate amendments and just to "gallery".

Madam Speaker, as one goes along, one looks at clause—

Mr. Bereaux: You took 13 years to pass the Bar and you are talking about law.

Mr. S. Panday: Yes, practising attorney. One looks at clause 4 of the Bill:

"After Part II of the Act the following Part is inserted:"

And precursor chemicals are spoken about. The Fourth Schedule, as the hon. Member for Tabaquite has indicated, is so wide that it contains drugs which are in use every day. For example, it mentions acetone. I want to mention potassium permanganate which is used in labs, as the Minister of Education said, from Form I. Then there is sulphuric acid, a substance which is used in many chemical industries. Then sodium sulphate which is used in the detergent industry; potassium carbonate and sodium carbonate—those are simple chemicals.

To put chemicals like those in a Schedule and when one looks at clause 4—the requirements the Minister may make—it just goes to show that that proposed section is one which will not be able to be implemented and it cannot be policed. Too many people are in the net because the chemicals are of too generalized a nature.

The Member for Barataria/San Juan spoke about designer drugs. What is necessary, maybe, is to look at the main elements that go into the production of that drug so that it would be dealt with, but this Schedule is too wide to be monitored.

We move on and we look at clause 4. Proposed section 6C says that the Minister may make regulations, and that the regulations must be put into effect with a negative resolution. I humbly submit that this is such an important piece of legislation that whatever regulations are made concerning drug trafficking and money laundering, or any offences connected with drugs, should be subject to an affirmative resolution of the Parliament. They are not simple regulations, but very serious regulations.

Clauses 7 and 8 are merely fill-ins and clause 9 is one which introduces a new—section 47. Section 47 or the parent Act is being repealed and a new section 47 is being put in its place. The Member for Port of Spain North/St. Ann's “took the front before the front could take him” and tried to give an excuse as to why this legislation has been here since 1991 when they came into office, and for 30 months they have done nothing about that.

No prosecutions have taken place [*Interruption*] You are trying to distract me. No investigations have taken place under section 47(1) of Act 38 of 1991. I ask the hon. Minister: Did they make any attempt to investigate? Did they make any attempt to prosecute anybody under the former Act and found it impossible? These are the questions I ask because I feel that as we say, this Bill is inadequate and these amendments will be put on paper and never be implemented.

7.30 p.m.

Clause 9 of the Bill—proposed section 47(5) states:

"It is a defence to a charge of committing an offence under subsection (4) that the person charged acquired the property for adequate consideration."

They create a loophole. They did not prosecute under the present 47(1), but in that 47(1) that they have given you, they have now given the defendant a loophole.

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Clause 47(4) says:

"A person is guilty of an offence if, knowing or having reasonable grounds to suspect that any money or other property is, or in whole or in part directly or indirectly represents another person's proceeds of drug trafficking, he receives, possesses or converts that money or other property."

But immediately thereafter they give him a defence.

"It is a defence to a charge of committing an offence under subsection (4) that the person charged acquired the property for adequate consideration."

We are saying that this should be deleted. Give him the defences under ordinary law and do not give him a special defence under this Bill. Because you see, one could have argued, probably it is a *bona fide* purchaser for value without any prior knowledge, but they left out that. So all this defendant has to prove, whether he knew it or not, is that he gave adequate consideration, and it is upon you now to prove that he had reasonable grounds to suspect.

The Minister piloting this Bill in the other place said he realized that this is a defect in the Bill, and that when the matter comes before this honourable House it would be dealt with. He said that this proposed section here was deleted in the Barbados Act, but that he did not have the Act with him at the time. One would have thought that the Member for Port of Spain North/St. Ann's West, the legal luminary, would have been told about this problem when the matter was coming from the other place to this honourable House. All the Members on the other side have merely "galleried" and they have not dealt with the substantial problems in the Bill.

These are the things in the Bill. Today they come before this honourable House and they accuse the former regime of not going the full way with the Vienna Convention. Article 3 of the Convention says that persons who transport, possess, manufacture these chemicals, having reasonable grounds to suspect they would be used in the production of dangerous drugs, should be dealt with.

So what is happening is that they have not gone the full length in accordance with the convention. So to blame the past regime for not having gone the full way, knowing that they have also not done so, and come before this honourable House presenting a Bill which does not fulfil the requirements of the Vienna Convention—that is what it is about.

Proposed Section 47(1) says:

"A person is guilty of an offence if he—

- (a) conceals or disguises any property which is, or which, in whole or in part directly or indirectly represents, his proceeds of drug trafficking;..."

The hon. Leader of the Opposition asked this Government to follow the Barbados government with the Proceeds of Crime Act so that they would not be confining themselves to merely waiting to have a conviction and then going to the proceeds, that they could deal with a wider section of people. One sees that the Government has refused to go that length.

When one looks at proposed section 47(7) in clause 9, it says:

"Where a person discloses to a police officer a suspicion or belief that any property is, or in whole or in part directly or indirectly represents, another person's proceeds..."

What they are doing here is giving the banks and the financial institutions a discretion to report any transactions which they believe to have been drug related. What the convention says, and we, on this side, say, is that banks and the other non-financial banking institutions, should not be given the option to report. The legislation should make it mandatory that they report these suspicious transactions.

They say that the banks have given the undertaking and that they have been co-operating. I ask the Minister in charge of the Bill, how many transactions have they reported? If they reported those transactions, what steps has the Government taken to deal with those reports? So when you talk about legislation, this must also be accompanied with the will to deal with the legislation.

As we go through the Bill before us, the other important clause is clause 11 where it speaks about vessels on the high seas, but they have deliberately left out aircraft. We do not know if it is because aircraft land in Mayaro. We know that drugs in Trinidad are being transported by sea, land and air. Why do they not include in legislation provisions to impound aircraft? Like the Americans, when our aircraft go there and they find drugs inside, they impound them and make us pay a fine. Why do we not include that in our legislation? As I said, I do not know if the aircraft land in Mayaro and that is the reason they have left them out.

Clause 12 speaks about the Sixth Schedule which says:

"After section 13 add the following section:

13A. Notwithstanding any enactment to the contrary, the Director of Public Prosecutions whenever he considers..."

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Madam Speaker, what is notable, is that "in the interest of justice" has been deleted and amended in the other place, so it is reduced to this:

"...that having regard to all the circumstances it is desirable to do so in the interests of securing the more expeditious hearing and determination of cases, may, in any case transfer proceedings from a summary court to any other summary court."

That is the most frightening thing that could happen, because having regard to the appointments that have been taking place, one asks the question: Are they appointing special people to deal with special cases? Will they remove a case from Mayaro and bring it to Port of Spain to have it more expeditiously dealt with? When one looks at the Summary Courts Act, Chap. 4:20, one sees that the Schedule clearly demarcates the magisterial districts where the magistrates have certain jurisdictions for offences committed within the jurisdiction. So that if an offence is committed in Moruga, you will deal with it in Moruga. But they say, if it is committed in Moruga, they could shift it to any part of the country.

Hon. Member: A magistrate of their choice.

Mr. S. Panday: A magistrate of their choice, my Friend says. It is like when a police holds you, he takes you from one station, blindfolds you, takes you to another station, and by the time they carry you around the circuit, you do not know where you are; they confuse you. I do not know if this is what they want to do.

The Member for Port of Spain North/St. Ann's West said that the court in Port of Spain is a disgrace the way it is crowded. I want to inform the hon. Attorney General that all the courts in Trinidad and Tobago are in the same position. So for the DPP to say he is moving a case from one summary jurisdiction to another, leaves much to be desired. That is why in our amendment we want to set up the drug court!

7.40 p.m.

I shall come to the amendments in a minute to show how with them, this proposed section can be dealt with. That is why it is necessary, in the interest of the society and the population at large, to consider these amendments. To allow this Bill to be passed without these amendments would be to create a monster under which generations to come will suffer.

I now move on to the will to enforce the laws. We have seen that the Government is passing legislation to give effect to certain measures, but in truth

and in fact, they are not putting the machinery in place; as a matter of fact, they have undermined the machinery.

The hon. Member for Ortoire/Mayaro came to this honourable House sometime ago and boasted that they were able to introduce mechanisms in certain criminal courts because there were certain officers to be appointed in the DPP's office, from the AG's office, but those appointments were not carried out so we accrued a savings. He considered non-appointments of people to implement the Act as a savings.

One sees that the DPP's office at this time cries out that they are 50 per cent short-staffed. So, passing this Bill with a DPP office with a 50 per cent shortage of staff—

Mr. Manning: So, you will not pass it?

Mr. S. Panday: No, I am saying that the Government merely wants to pass this Bill to go and campaign.

Mr. Manning: So, do not pass it!

Mr. S. Panday: No, no; you just want to pass it to go and campaign when in truth and in fact we have evidence here to show that you are going to take steps not to implement it.

Mr. Manning: Do not pass it! No problem.

Mr. S. Panday: Madam Speaker, we are saying that the Member for Port of Spain North/St. Ann's West said they could not have taken any action because section 47 had to be recast.

In Part V [*Interruption*] We have to explain too, and we want it to go down in *Hansard* to let the country know that the Government is “pappy-showing” the Parliament. I ask the Government: What about Part V, Act 38 of 1991, Confiscation of Proceeds of Drug Trafficking—that has not been amended. I ask the Member for Port of Spain North/St. Ann's West: Have there been any prosecutions? The Member tried to use section 47 as an excuse for inactivity by this Government. [*Interruption*] That has not been repealed. I ask him: Have there been any prosecutions under Part V? [*Interruption*] No, not at all.

I ask the Member again: Have there been any restraint orders under Part VI? Has there been any action on the part of this Government for the past 30 years in relation to Part VI? So, for the Government to merely come and say it could not have brought the present Act because of one section, is merely to come here and try to hoodwink this honourable House.

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When we say that the Government has lost the will to act, we must look at the statistics and we would see that they show that the number of people who have been charged with narcotic offences from the period 1980 to 1992 ranges between 2,000 and 3,000, but these statistics tell only half the story. I want to tell this honourable House today, that when one looks at the names of the people that constitute these statistics, one would see it is the same people being held over and over—and those are the small people. Sometimes one fellow is charged 10 times during the year.

For example, total cocaine and marijuana arrests for 1980 was 2,286; 1981, 2,411; 1983, 2,530; 1984, 3,009; 1985, 3,504; 1992, 2,620. What is happening is that the law is really operating against a small section of the people who commit narcotic offences and the big sharks are getting away. How can this happen? How can they do this? I thought the Member for Port of Spain North/St. Ann's West would have used his legal experience and come to this honourable House and explained how it happens.

When one goes to court the exhibit is presented to the court; the magistrate may find the person guilty and then he says "exhibit to be destroyed," and the exhibit is given back to the police; the police probably take it to the property room and nobody knows how it is destroyed. Also, sometimes the narcotic is not present in the court; the offender pleads guilty; nobody sees the narcotic and the magistrates says that the narcotic is to be destroyed; nobody knows when that narcotic is destroyed.

The question is—

Mr. Manning: What are you saying?

Mr. S. Panday: I am coming to it. When they go to court the policeman says "I can identify the rock by the blue mark I placed on it." When the rocks are returned to him, he could put another substance, put the foil together, take it to the property keeper and he has his rock. I am not making any allegations against anybody, but I am saying that two policemen were caught red-handed selling arms to people in Laventille last week. We must come clean to the society.

Many times people go to court with clean hands and tell the court they found drugs, but what the police have produced was not what was found. It happens every day. It is necessary that when a case is completed we take certain steps to guard those drugs so that they do not go back into circulation and the same people caught all the time. That would prevent people from saying "The police plant it on

me." What I am saying here is that this is a mechanism which one sees taking place.

These drugs should be kept in a vault under tight security—probably in the court—and then taken to the forensic centre thereafter, and be tested to make sure that that is the drug the person was charged for and then destroyed on a case by case basis. Because once it goes back to the property room after the case is ended, I ask: What happens? Everything is probably thrown in a bag and when it cannot be accounted for it is said that rats have eaten it. Everybody knows that! We must put machinery in place to prevent these problems.

Also, the member for Port of Spain North/St. Ann's West tried to make political mileage, but I ask him: Why did he not speak about a person who was held at Piarco with 8 kilos of cocaine; the person was given eight years and a \$15,000 fine? What has happened to that matter? The magistrate at Arima *[Interruption]* The Member knows about this matter.

SITTING OF THE HOUSE

The Minister of Industry and Trade and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move that this House continues to sit until the completion of the debate on the matter before it.

Question put and agreed to.

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Mr. S. Panday: Madam Speaker, one would have thought that the Member for Port of Spain North/St. Ann's West, who I know has personal knowledge of that matter and what happened to it; and what injustices took place in that matter and what corruption took place in various arms of the Government—

7.50 p.m.

Madam Speaker, all I want to say after this is that one of the actors involved in this drug matter was a man high up in the hierarchy of the PNM. *[Interruption]* The Member for Port of Spain North knows. He should tell you. They are asking questions, the answers to which they know, and members of their party in this House know. That is why we thought it incumbent to introduce these amendments.

We are saying that the present system and situation allow for abuse of the law. Even with these amendments, the abuses of which I have spoken, the recycling of drugs as well as of defendants takes place in the courts. It is nice to see the

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euphoria, but let us try to deal with the problem, at the same time making sure that no innocent person is being caught in this whirlwind. These amendments are to protect innocent people from being caught in the whirlwind—in the euphoria over the elections. All this amendment is asking for—and the one I really like is clause 62 which says "The Advisory Council on the Judicial and Legal Administration." I humbly submit that this amendment will go a long way in preventing innocent people from being prosecuted.

When a person like the Minister of National Security makes complaints against the police, he is forcing them to perform. But they do not have the wherewithal; they do not have the machinery; they do not have the equipment to deal with the real drug dealers, so they borrow someone's old car and old van, make a swoop and in Friday's newspaper we see, "Police make swoop catching 71 persons", to give the impression that they are working. And poor innocent people are being held.

We say that clause 62 will go a long way in giving the society the sort of confidence that a vindictive Executive will not abuse their rights. It says, "The Advisory Council on the Judicial and Legal Administration ..." and goes on to say whom it shall comprise. It says:

"The functions of the Council shall be to keep this Act under review to ensure the efficient and effective determination of all matters concerning the conduct of proceedings relating to the prosecution of offences under this Act and matters connected therewith and the suppression of other activities relating to drug trafficking and the determination of matters connected therewith and for that purpose to formulate and report to Parliament ..."

What is happening is that if a person feels that he has been abused or his rights infringed by any arm of the Government, he can report to this committee and this committee will take action.

Hon. Member: What about the Ombudsman?

Mr. S. Panday: The Ombudsman is a bulldog without teeth just like the Commissioner of Police.

Before I go to the other amendments, I want to say that this Bill, if it is passed without this amendment, can be an instrument of oppression and can be abused, so this amendment should be incorporated. Merely to say that we have come last minute with eight pages of amendments—regardless of the number of pages, it makes one point, which is that we must have a committee to monitor the

operation of the Act. The rest of it is merely an elaboration. I am indeed surprised that the hon. Member for Ortoire/Mayaro says he cannot understand it, because it merely makes one point.

We come now to the amendment which he tries to say is one with 10 or 11 pages. Let me tell you that one of the major amendments is that section 25 is repealed; that is merely redundant. It goes on that Part X amends the Act 35:91; it says, "The Act is amended by adding immediately after section 64, the following new Part 10 thereto," and that is the Judicial and Legal Administration.

So this amendment synchronizes with the amendment in the Dangerous Drugs (Amdt.) Bill. It says Judicial and Legal Administration—Drugs Law Enforcement Court. We are calling for the establishment of a Drugs Law Enforcement Court, yet, they are saying we are Opposition, we are on this side. We are saying, "Let us have this Drugs Law Enforcement Court." They are saying that the reason we cannot have this court is that they have looked at it and seen constitutional obstacles. How can there be constitutional obstacles when we are telling them to establish the court? That is an excuse that leads nowhere.

We are asking for the Drugs Law Enforcement Court and we say that:

“Drugs Law Enforcement Court in this Part referred to as ‘Drug Courts’ or ‘Courts’ shall be held in the Districts specified in the Fourth Schedule into which Trinidad and Tobago is hereby divided.”

It goes on to say that “there shall be such number of Drug Court judges as the President considers appropriate...” And we go on to enumerate the appointment and security of tenure of those judges.

What has been happening in the past is that there is a shorter method to deal with problems, that any hiccup you find in the administration of the Act can be dealt with very effectively.

Mr. Sobion: I wonder whether the Member for Naparima could direct us to that particular amendment. On which of the eight pages is it?

Mr. S. Panday: I will instruct you during committee. *[Interruption]*

Hon. Member: You are not pursuing that?

Mr. S. Panday: Of course we are pursuing it. The issue of the court is very important. They have a haphazard—I do not want to say “ulterior motive,” in

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presenting clause 13; but in our amendment we are putting down a solid framework to indicate how the court shall be—

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

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

Question put and agreed to.

8.00 p.m.

Mr. S. Panday: Thank you, Madam Speaker, and thank you, hon. Members.

Madam Speaker: Something is distracting every Member in this Parliament this afternoon; they are not paying attention to the Member for Naparima.

Mr. S. Panday: Well I will still continue, Madam Speaker; history will exonerate me, and the bye-election in Pointe-a-Pierre.

In our amendment, we are creating courts with special reference. We are saying that the drug courts should not be any willy-nilly courts, when one starts in one magistrates' court and one feels that magistrate is weak, the DPP could call upon the Chief Magistrate and say, look, move that case from here, send it to somebody else; as is happening right now. There are instructions that certain magistrates cannot sit in certain cases. That is happening all now. What we are saying is that the magistrate at that level, to merely have an amendment under Chap. 4 No. 20 to shift from one magisterial jurisdiction to another, is really tinkering with the problem.

What is really necessary is to include our amendment in this Bill, where we say that the drug court shall be a superior court; it shall be a court of record. That court can compel the accused and have all the powers of a high court judge. When one goes to that level, then one really sees that one is dealing with the problems in such a way that the whole society would benefit, and not merely acting on euphoria, thinking—like the Member quoted Shakespeare—boy, you are just trying to ride a wave and to ride the flood hoping that you will achieve success on Monday.

I humbly submit that the proposed amendments by the hon. Member for Couva South are substantial amendments which are necessary and vital to the working of this Act. [Interruption] I could pass my Friend a copy, Madam Speaker.

We are saying that we are willing to support this Bill provided that this Government does not behave arrogantly. Look at the amendments, and if you say that our amendments need polishing, then we are willing, in the interest of the children and innocent people of this country, to go through these amendments and cut out what is not needed. We want to make sure, when this Bill is passed, that we would be in a position to effectively deal with the issue of drugs, while at the same time protect the rights of the innocent.

Thank you, Madam Speaker.

The Hon. Minister of Works and Transport and the Minister of Local Government (Hon. Colm Imbert): Madam Speaker, as a parliamentarian one should not subject oneself to the punishment as I have had to endure over the last 45 minutes, and I have little doubt about the reasons that a certain sugar workers' union found it necessary to seek new representation. *[Interruption]*

I have tried to understand some of the comments made by the last speaker, and I have come to the regrettable conclusion that he is a very confused man. For example, I heard a most astonishing statement that once one boards an aircraft, one is in international air space. I do not know in what country such provision applies, but it certainly does not apply in Trinidad and Tobago. As far as I am aware, once an aircraft is on the ground one is in the country that the aircraft is in. That is just one of the more astonishing remarks made by the Member for Naparima.

It is necessary to correct certain misleading statements, in particular, the allegation that we are before this Parliament this time today simply because we have a bye-election a few days from now. But when one checks the record, one would see that this Bill is No. 13 of 1993 and that it was laid in the Senate, debated at length and passed in the Senate in February of this year. And once a Bill is passed in the Senate, it is then brought to this House for debate and assent. The debate that we are engaging in today is merely the natural progression of this Bill through both Houses of this Parliament. I might add, that this Bill was introduced in this Parliament last week and we are simply continuing the debate started then. All this talk about election is simply froth. I really think that nothing more should be said about it. Empty words, Madam Speaker, that is what I meant.

An interesting concept has come to light during this debate and I shall revisit this article in the *Trinidad and Tobago Mirror* of Friday, December 7, 1990, which I might add, as far as I am aware was not rebutted nor was any lawsuit filed for libel by the party in power at the time. One can only assume, since we are now

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in 1994, that since there has been no rebuttal whatsoever, the allegations are correct.

The proposed section 47 introduced by clause 9—I shall read subsection (4) into the record:

"A person is guilty of an offence if, knowing or having reasonable grounds to suspect that any money or other property is, or in whole or in part directly or indirectly represents another person's proceeds of drug trafficking, he receives, possesses or converts that money or other property."

This legislation that is before the House today seeks to correct one of the major loopholes in Act 38:91. In essence, it now makes it an offence for someone to launder the proceeds of drug trafficking on behalf of another person, a drug trafficker. One will realize that if this clause was in effect on December 7, 1990, then, on the basis of the article, I would have to assume that certain individuals in the former ruling party would have been in violation of that clause, because the article goes as follows:

"NAR Party Chairman has said that..."

and I will not call the name,

"...was only following instructions when he deposited a million dollars in cheques from an alleged international drug trafficker into his personal bank account."

The important sentence comes next:

"Atwell admitted to knowing where the money came from,"

If we go back to clause 9, proposed section 47(4), I will read it again.

"A person is guilty of an offence if, knowing or having reasonable grounds to suspect that any money or other property is, or in whole or in part directly or indirectly represents another person's proceeds of drug trafficking, he receives, possesses or converts that money or other property."

8.10 p.m.

Madam Speaker, according to this article, which, as I said, has never been publicly rebutted, the former party chairman knew that the \$1 million donation that the NAR received in 1990 was the proceeds of drug trafficking. I submit that a prima facie case could be made out. I am not accusing anybody, but a prima facie case could be made out that one of the reasons why there was a loophole in Act

No. 38 of 1991 that removed the provision that if you laundered the proceeds of drug trafficking you are guilty of an offence, is that if that was put into this Bill, the chairman of the NAR and other senior officials would have been guilty of money laundering and would have been liable, and should have been charged.

That brings me to the next point. They want an inquiry into that matter. The Member for Tobago East was Prime Minister in December 1990 when all of this happened. He was Prime Minister for a further 12 months; he held no inquiry. He brought a Bill to this Parliament which did not have the provision to make this an offence; he left it out. If an inquiry was held into that matter at this time, the Bill would not be retroactive; they would get off scot free.

Even if it is affirmed that they received money from drug traffickers and they laundered that money and used it to finance the election campaign for the Members for Tobago East, Tobago West, Couva North, St. Augustine, Oropouche, Caroni Central, and so forth, there is no sanction in law, there is no penalty in law, that they will be subject to. I submit, Madam Speaker, that the population gave them the ultimate sanction in 1991.

Let me go back to the Bill itself. This Bill is the result of a working group which was formed to examine the Dangerous Drugs Act of 1991, particularly with a view to amending the Act or to recommending specific amendments to effect the following:

- the ratification by Trinidad and Tobago of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Unless this Bill is passed, we would be unable to ratify the Vienna Convention of 1988. As other Members have indicated, we may be subject to ostracism by the international community and we may not receive the co-operation of the developed countries which are looking to Trinidad and Tobago to fall in line, in terms of legislation, since we have already signed the convention and this Bill before us is part of the instruments that are necessary for ratification and for bringing some conformity to the legislation in Trinidad and Tobago and the other countries that have signed and agreed to the Vienna Convention.

I am at a complete loss as to why the Members on the other side are not willing to support this Bill in its present form. A committee has evaluated the Bill and has determined that in order to ratify the convention certain amendments are necessary, particularly the amendment to section 47 and the amendment with regard to the precursor chemicals, making the possession of certain chemicals an

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offence if one knows that these chemicals are to be used for the manufacture of illicit drugs. That answers a point raised by the Member for Naparima.

The point raised by the Member for Naparima was that clause 4 did not follow the Vienna Convention. If one goes to the Explanatory Note, one would see that to ratify the Vienna Convention we need to create an offence of possessing, manufacturing, transporting or distributing precursor chemicals knowing that they are used for the illicit cultivation or manufacture of narcotic drugs or psychotropic substances. That was another aspect of the Member for Naparima's contribution where he was patently wrong.

Throughout this debate we have had calls for inquiries based on mere allegations, and I seriously ask the Opposition: If every Monday morning or every Friday afternoon, a Member of the Opposition makes an allegation against a Member of the Government, without a shred of evidence, are we to hold an inquiry? That is what you are reducing this Parliament and this country to!

The Members on the other side have a history of making baseless allegations without any foundation whatsoever. If we were to fall into the trap that every allegation they make we hold an inquiry, we would hold an inquiry every single day of our lives. They have no compunction about getting up in this House and saying the editor of this newspaper is a drug dealer or the Members of this Government are supporting the drug trade and are involved in drugs—without a shred of evidence.

Therefore, I submit that the only inquiries there should be into matters of this nature, are inquiries founded on fact or on sufficient evidence. This Government has no fear of inquiries—none whatsoever. I am sure I can say that this Government is willing to submit itself to any inquiry, once it is based on solid evidence. As the Member for Diego Martin West has pointed out, we cannot submit ourselves to the game that the Opposition wants to ensnare us in, that we shall forever be on the defensive, countering wild and fanciful allegations, spending all of our time rebutting these ridiculous charges and not having any time to get the job of the Government done. We have no intention of doing so!

The Bill before this House today is a very serious piece of legislation. The former administration brought an Act in 1991 which was seriously deficient. The Members have asked why there has been no prosecution; why there have been no charges. The main reason is that if one is a drug dealer and one sees that there is something on the statute books that makes it an offence to launder one's own drug proceeds, but does not make it an offence for someone else to launder one's

proceeds on one's behalf, the drug dealer would not launder his own drug proceeds. Clearly, he would take advantage of the lacuna in the law and get someone else to launder his illicit gains for him.

8.20 p.m.

It is easy for people to make statements about involvement in drugs and so forth. It is very easy for the Member for Couva South to come into this House and lambaste the independent Judiciary, to recommend an amendment that would remove the independence of the Director of Public Prosecutions. It is very easy for the Member to do that, because the Member, I submit, is a man of many standards, not double—treble, quadruple, and so forth. When it suits him he would interfere with the independence of the Judiciary—or would seek to—and the Office of the Director of Public Prosecutions; and when it does not suit him, he would talk about the Government interfering with the independence of the Judiciary and the police, and so forth. When it suits him he says the Government must take action against the police; and when it does not suit him, he says the Government must leave them alone. So, Madam Speaker, I would ask Members on the other side to accept this Bill.

Mr. S. Panday: With the amendments.

Hon. C. Imbert: They have submitted 32 pages of amendments, which we received just about 15 minutes ago. A bill 26 pages long, they have just submitted to us. When one looks at these amendments—and I am sure the Minister of National Security will deal with them—they bear no relevance to the legislation before this House. I submit that those amendments are red herrings. I submit that the Members on the other side have no wish for this legislation to be passed.

Miss Bhaggan: They are afraid!

Hon. C. Imbert: I do not wish to speculate on why they do not wish that it be passed. But I put it to you, Madam Speaker, that they intend to slow down and obstruct the passage of this legislation.

Hon. R. Huggins: Put it to them! [*Interruption*]

Miss Bhaggan: To protect their friends!

Hon. C. Imbert: Madam Speaker, one can put all kinds of interpretations on this matter. Are they obstructing this legislation to protect somebody? Are they

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obstructing this legislation because when it is passed they will have to be very careful about the money they receive for certain services rendered?

Mr. B. Panday: Like selling your car and your house!

Hon. C. Imbert: They will have to be very careful that the money they receive is not the proceeds of drug trafficking. Because it is now an offence that if one receives money that is the proceeds of drug trafficking and one knows it is, one is guilty of an offence. So I wonder why they are objecting to this Bill.

Madam Speaker, let me close by saying it would be a tragedy if this Bill was not agreed to by Members of the Government and the Opposition. It would be a tragedy! This country would be unable to ratify the Vienna Convention and would be listed among those countries of the world that are not serious about drug enforcement; and if this happens, then I rest the blame on the Opposition.

I thank you, Madam Speaker.

Miss Bhaggan: Hear! hear!

The Minister of National Security (Sen. The Hon. Russell Huggins): Thank you, Madam Speaker. First of all, I must pay tribute to my learned colleague the Member for Diego Martin East—

Mr. Bereaux: Learned!

Mr. Allum: Legal promotion.

Mr. B. Panday: For his understanding of the law?

Sen. The Hon. R. Huggins:—for the lesson that he gave the Member for Naparima in his junior capacity.

I must say that this debate was rather wide-ranging. We brought a simple amendment and went into every aspect of matters pertaining to drugs, and some matters not pertaining to drugs. But at the end of the day, I think the Members on this side who spoke did quite an excellent job in getting the message across, not only of the substance of the amendments, but also the absolute need to have these amendments put in place.

I would seek to deal with some of the matters raised by Members on the other side, and I should like to start with a statement made by the Member for Couva North, where he said that the Government's approach to the whole question of drugs was that the only mechanism required to deal with the problem of drugs is legislation. This Government has never indicated that the only method by which

one can deal with drugs is by legislation. Time and time again, either through the questions procedure, or through public statements made by the Minister of National Security, I have sought to inform the country and this Parliament of the institutional steps being taken by my ministry in order to deal with the problem of crime.

Very early in our term of office I had indicated to this Parliament—I think it was in a Budget debate contribution—that the Government had put in place, through the Ministry of National Security, an organization known as the Office for Strategic Services. The purpose of that organization is really to do the very thing that the Member for Couva North seems to think that the Government has not addressed. That is, to put in place a comprehensive strategy to deal with trafficking in drugs, money laundering, and so forth.

That organization not only identified the key problems which this country would have to face in attempting to deal with such a problem, but it has also identified the means by which that objective has to be achieved. Towards that end, the first thing the organization did was to examine the legal framework which was intended to form the background against which any action to deal with drugs would have to be looked at. In looking at the legal framework that became necessary, the team which operated out of the OSS came up with the need to have certain amendments made to the legislation.

Yes, one of the objectives was to put this country in a position where it was necessary to ratify the Vienna Convention. But the intention was also to look at other jurisdictions which had implemented legislation based on the Vienna Convention—to look at the problems which these countries encountered in trying to implement the legislation. So that when we came to this Parliament with a view to putting amendments in place, the intention was that at the end of the day we would have a piece of legislation which was tried and tested.

8.30 p.m.

In addition, several other steps were taken. One of those resulted in the formation of a new narcotics organization in the police service known as the Organized Crime and Narcotics Unit. The reason for putting this organization in place came about as a result of the realization that there was need for a focussed unit to deal with drug trafficking. There were allegations in the past that the then existing unit was a corrupt unit, and as a result the Government set about putting in place a unit which would be comprised of, not only properly trained officers, but officers who based their whole being in the police service on integrity.

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Towards this end, as I had indicated when I was moving the Bill, the officers who were placed in that unit were made to subject themselves to drug testing, to polygraph testing, and to psychological testing, all with a view to ensuring that we were putting in place a unit of trusted officers.

Madam Speaker, man is not infallible.

Madam Speaker: I think there has been agreement between the Leader of Government Business and the Chief Whip that Members have indicated some pangs of hunger taking effect, so we are going to suspend for 15 minutes.

8.32 p.m.: *Sitting suspended.*

9.05 p.m.: *Sitting resumed.*

Sen. The Hon. R. Huggins: Madam Speaker, when we took the short break I was dealing with the OSS in the Ministry of National Security. On the question of money laundering, we have established within the Organized Crime and Narcotics Unit, a financial investigations unit. It is the first time that such a unit has been set up in the police service in any of the narcotics units that operated before.

In addition to that, within the OSS, there is a financial investigations unit. It is to this unit that banks make disclosures of large money transactions. Whilst on that issue, there is a cry for mandatory provisions to be put in legislation to deal with money laundering that may be effected through banks. Whilst this Government has no objection—and as far as I am aware, such provisions will be put in the regulations to the banking legislation which is going to cover both banks and non-banking financial institutions—I think it is commendable that the commercial banks have deemed it fit to put a system in place whereby they make such disclosures voluntarily.

The country that has the most experience in disclosures insofar as banking or financial transactions are concerned, is the United States. Although it has mandatory provisions, it would be the first to admit the difficulty it experiences in enforcing those provisions, because it is the same banking community that seeks to find ways and means of getting around those provisions.

If you know the history of the disclosure requirements whereby disclosures were to be made to the Treasury Department, it first started at the figure of \$25,000, that in any transaction, whether it be by way of cash, negotiable instrument, wire transfers, what have you, it became necessary for a form to be completed, and this form would then be sent to the Treasury Department. Literally what you were doing was simply creating a paper trail for the purpose of

facilitating investigations if the need arose to investigate some individual or corporation.

What happened is that very soon after that regulation was put in place, one found that transactions of \$20,000 were the norm. The position was then amended—all transactions of \$20,000 and over. Transactions then came down to \$15,000. The law was amended again. It came down to \$10,000. The law was amended again. At present, it is at \$10,000, and they are still experiencing problems.

So far, under the voluntary system in Trinidad and Tobago, we have received approximately 2,000 disclosures of transactions in excess of \$25,000. The fact that there is a transaction of \$25,000 ought not necessarily to lead to investigation. If I got the sense of what was being said from the opposite side, it is, how many disclosures were made and how many investigations. That is not the purpose of it.

If somebody goes and pays \$25,000 to a bank, you do not just run him down and investigate him. There are many other circumstances which one must look at. There is intelligence work which the police will do, and by virtue of this work, they may zero in on a particular individual. It is then that one goes to these disclosures to see whether this individual features in any such transactions and the frequency with which such transactions take place. That is how it is done.

So it is not at every disclosure that a bank makes to the office you take the whole organized crime unit and "sook" them behind this individual. One does not operate that way. I am convinced that it is working reasonably well, but, as I am saying, we are going to be putting the mandatory provisions in place, I hope, very shortly.

Again, one of the main ingredients in dealing with this whole question of drug trafficking and money laundering is the question of intelligence. Without good intelligence one will never be able to address the problem, and there are means by which good intelligence can be acquired. There are two ways of getting intelligence: the overt means and the covert means. Whereas the overt means are admissible in most cases into evidence, the covert means are not really admissible into evidence.

I know that the Attorney General is not only looking—we have already prepared a brief for wire-tapping legislation and I feel confident that the Member for Couva South will give his fullest support to such legislation. The legislation will be patterned after the United Kingdom legislation where there are quite a

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number of safeguards built into it. This is with the view to ensuring that such evidence can then be used in court to ensure successful prosecution.

Towards this end—and this is one of the main reasons it is necessary that we put this country in a position whereby we can ratify the Vienna Convention—we are pursuing several bi-lateral and multi-lateral agreements with foreign countries. We have, for example, set up links with the United States' DEA office, the Canadian RCMP, the United Kingdom's Liaison Officer and France's SCTIP delegate. These countries have made it quite clear—and I do not want this to be interpreted that we are being pressured to do something.

We have to recognize that this is a small country with limited resources; this country cannot fight the drug trade alone, and we must get assistance from outside. Those countries outside have made it quite clear that this country has to show a commitment towards dealing with drug trafficking. We have already made it very clear and we have already displayed it in no uncertain terms that there is the political will to deal with the matter. We are now putting the other mechanisms in place to show that Trinidad and Tobago is committed to fighting the drug trade; and one of the requirements to obtain assistance from outside is the ratification of the Vienna Convention.

9.15 p.m.

Further, we have already taken steps to invite liaison officers from relevant foreign agencies to establish offices here, principally for the purpose of sharing information on the drug trade and so forth.

On the question of money laundering, this Government has striven to ensure that the enforcement authorities, as well as the financial sectors—Customs—are fully cognizant of the difficulties involved in dealing with that problem. This country has held several workshops so that persons who belong to these agencies can be made aware of what is involved in this whole question of money laundering.

Just recently a Bill was debated in this House to give diplomatic immunity to the Caribbean Financial Action Task Force. In addition, we have so far sent about 15 police officers abroad for specialized training in money laundering operations.

On the demand reduction side, this Government has also shown its commitment to dealing with that problem. There have been established narcotics anonymous groups to which persons who are seeking to rehabilitate themselves may go—it is like alcoholics anonymous. Through the Ministry of Social

Development, we have also established many programmes which are geared not only towards educating communities on the effects of drug use, but also the schools. I am advised that there are many programmes that take place in schools in terms of lectures and video tape programmes, all with a view to educating our young children on the destructive effects of the use of drugs.

I think it was the Member for Caroni Central who raised the issue about what the Government is doing about Employees—whether the Government is doing anything to assist employees by way of Employee Assistance Programmes. There is such a programme in the Ministry of Education—and this is intended to be a pilot programme. The sensitization of this programme was completed since September, 1993, and referrals and counselling sessions are, in fact, taking place.

This caters for the whole of the Ministry of Education, that is teachers, civil service and daily-paid staff. The pilot project is for a two-year period and the intention is to see what is its success before extending it into other areas of the public service. There have been, however, numerous requests from other ministries, and as far as I am aware, the Ministry of Education is accommodating those requests.

When one looks at all of that, it really bothers me that one can still make the statement that the Government is not doing anything to deal with the problem. I think the reason for that is there are some Members on the Opposition benches who are allowing themselves to be misguided by incorrect information being fed by a certain mission in this country.

For example, the United States in their *1994 United States National Drug Control Strategy* seems to have now realized that many of the programmes to deal with the demand side have to be community-based; and they have set 1996 to achieve that, whilst we are well on the way to achieving it.

Mr. Palackdharrysingh: With one pilot programme.

Sen. The Hon. R. Huggins: At least we have started.

Also, we have been criticized on the basis that we have not had any substantial drug seizures in Trinidad, and it was said that because of this we would not be getting assistance. So, our success rate has been based on the paucity of drugs seized by our enforcement authorities.

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Madam Speaker, I just want to read a short extract from the same *1994 United States National Drug Control Strategy*:

"On the supply side, past strategies rightfully avoided goals that reflected seizures or arrests; these were recognized as poor substitutes for goals measuring drug availability.

Statistics on the number of arrests or the total amount of seized assets say little about whether the presence of illicit drugs in schools has decreased or, whether inner-city communities plagued by drug-related crime and violence are any safer."

This is the important part of the quotation:

"It is therefore inappropriate to evaluate the success of the Nation's overall drug control strategy using such limited indicators."

They, therefore, have seen it fit not to use the yardstick of seizures to measure their success, but they see it fit to use that yardstick to measure the success of Trinidad and Tobago. They have, therefore, decided that progress will now be measured by disruptions in availability of the major illicit drugs on the streets of the United States. That is now their yardstick.

We have also been criticized for our attempts at putting certain procedures in place whereby there will be greater co-ordination amongst the interdiction agencies. I am of the view that in two years this country has done a tremendous amount of work in order to ensure that there is now a co-ordinated approach to drug trafficking.

9.25 p.m.

I want to quote a little passage from a book called *Swordfish*, a true story of ambition, savagery and betrayal, written by David McClintick. This is a case where the DEA hired an individual to act as an undercover operator on their behalf, and he was quite successful in doing his work. A couple years later, the IRS came down on him for tax evasion and he was cut free and imprisoned by the IRS for not paying \$10,000 in tax. The DEA disavowed any knowledge of his existence.

This is the type of problem that some say that we should not have difficulty with, but one with which they had extreme difficulty. I would read now a short passage from this book:

"Government and police efforts to combat drugs and drug crime had been as chaotic historically as the drug scene itself. Federal narcotics agents in the

U.S. had carried a total of 30 different badges since the federal government had outlawed drugs in 1914. The first federal antinarcotics law was a tax law and was enforced by a small group of agents from the Department of the Treasury.

In the late 1920s there was a scandal—drug agents were found to be in business with drug dealers—and in 1930 the enforcement responsibility became the sole function of a newly created Treasury agency called the Federal Bureau of Narcotics, or FBN, which was semiautonomous and presumably easier to monitor.

Another Treasury unit, the Customs Service, also had a role in drug enforcement—trying to stop illegal drugs at the borders of the U.S.—and customs and FBN agents frequently engaged in bitter competition for arrest headlines. Occasionally the White House would ask J. Edgar Hoover's FBI to assume responsibility for drug law enforcement, but Hoover always declined, fearing corruption like that which already had infected the Treasury's drug agents.

Other cabinet departments and agencies entered the fray, however. Fighting drugs became glamorous. By the late 1960s the bureaucracies responsible for the various facets of the drug issue had metastasized. Drug 'agencies,' drug 'bureaus,' and drug 'offices' popped up across the government—even within the White House—often working at cross-purposes."

You had the—

"BNDD. FBN. BDAC. FDA. HEW. ODALE. ONNI. IRS. ATF.

Customs, the only agency without initials, vied with BNDD, the Bureau of Narcotics and Dangerous Drugs, which had been formed in the Justice Department by a merger of the Treasury's FBN with BDAC, the Bureau of Drug Abuse Control, an appendage of the Food and Drug Administration in the Department of Health, Education and Welfare. ONNI, the Office of National Narcotics Intelligence, and ODALE, the Office of Drug Abuse Law Enforcement also were parts of the Justice Department, though they were being run out of the White House. ODALE, in turn, was authorized to borrow agents from BNDD and three Treasury agencies—Customs, IRS and ATF (Alcohol, Tobacco and Firearms)—as well as former or detached agents of the CIA.

In 1973 a frustrated Nixon administration decreed the grafting of BNDD, ODALE, and ONNI together with 500 Customs agents to form a 'superagency'

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called the Drug Enforcement Administration. The DEA was placed under the aegis of the Justice Department. 'We have turned the corner on drug addiction in America,' Richard Nixon declared."

The book goes on:

"There were grim chuckles in the ranks at Nixon's remarkable statement, and more chaos ensued".

This is the history of the United States' attempt to deal with drugs.

In two years we have set up two organizations, the OCNU and the OSS. They are working together; they are also working with the Customs Department. We are improving Customs' capability to deal with drug interdiction. We have established units elsewhere, and I know that they are working together. Of course, there would be some slight distrust in anything you wish to set up. There was a culture before where nobody trusted anybody. There is a situation now where the Member for Couva South does not trust the Attorney General, but that is life.

I think that before the end of the year all will recognize that we are working towards a common goal. As a matter of fact, in the OSS there are officers from the coast guard, from Immigration, from the Police Service and I think someone from Customs is to join shortly, with a view to ensuring that there is a co-ordinated approach in dealing with this question of drugs.

I believe that that should lay to rest the concerns which my learned Friends the Members for Couva South and Couva North voiced during this debate, and if they desire any further clarification on how to make these things work, I am free to give it to them.

Mention was also made of the Proceeds of Crime Act in Barbados and there was the concern that we should put a similar piece of legislation in place. Many of the provisions in the 1991 Drugs Act as well as the proposed amendments which are on the Table here today, have counterparts in the Barbados Proceeds of Crime Act. As a matter of fact that was one of the pieces of legislation which was looked at in determining how far we needed to take our legislation.

Insofar as the concern related to money laundering and making provisions that will cover proceeds of all criminal activity, as opposed to criminal activity related to drug trafficking, I think there is a misunderstanding of the Proceeds of Crime Act in that the provision which deals with money laundering—I think that is section 62 of the Act—is really limited to drug trafficking offences. In other words, the provisions which criminalize the act of dealing in the proceeds of

crime are really restricted by the Schedule, and the Schedule lists the offences that are governed by section 62. They really relate to the possession of controlled drugs for the purpose of supply, contrary to section 6(3); trafficking in controlled drugs contrary to section 18, in assisting another to retain the benefit of drug trafficking contrary to section 19 of the Drug Abuse Act. There is also the money laundering provision. I have been reliably advised that it is the intention to amend this legislation to remove money laundering from the Schedule because it is not a predicate offence.

I think that our legislation really covers all the areas that should be covered. I think we have, in fact, even gone as far as the Barbadian's as they have done in their Proceeds of Crime Act.

Certain concerns were also expressed about some other matters in the convention which have not found their way into the legislation. I think one has to recognize that it is not every provision in the convention that requires legislation.

9.35 p.m.

Mr. Maharaj: Does it state what is a predicator for it? I must confess I do not know.

Sen. The Hon. R. Huggins: I was under the impression that you were an expert on this. Money laundering is really a derivative offence. In other words, one commits a crime, it flows from that. It is not the major offence. *[Interruption]*. Whilst I would excuse the hon. Prime Minister, I cannot excuse the Member for Couva South.

There are many provisions in the Vienna Convention which do not need legislation to be put into effect. Most of the matters contained in this document can in fact be put into effect, administratively. One of those, for example, relates to situations where one intentionally allows drugs to come into one's country; it is called a Controlled Delivery Provision. One may get information from the United Kingdom that a shipment of drugs has left the shores of the United Kingdom and is intended to go to the United States of America via Trinidad and Tobago. You have a situation where the authorities here are informed and they allow the drugs to pass through Trinidad and Tobago for the simple purpose of trying to identify the whole network; the drugs would be seized in the United States of America.

That is mentioned in the Vienna Convention, but one does not have to legislate for that. All of the countries that have put that into effect have done it administratively. Similarly, matters contained in the convention dealing with treatment of offenders, one does not need to legislate for that, one simply needs to

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put systems in place. For example, as we have in the Youth Training Centre, there are counselling courses for young offenders who may have come in there if they are caught in possession of drugs and so forth. It is not an omission on the part of the Government that some of these things were not included in the amendment; they were intentionally left out, because one does not need legislative provisions to deal with them.

I would like to deal shortly with some of the matters raised by the Member for Naparima, who obviously did not show a clear understanding of some of the provisions of the amended legislation. I will not deal with the Fifth Schedule which relates to boarding aircraft in international airspace [*Laughter*] because I am certain that the Member was probably suffering from the pangs of hunger much earlier than we were.

The Member for Naparima also raised the question of the Fourth Schedule of the amended legislation, which set out a series of chemicals for which one can be prosecuted. This Schedule does not really conform to the Schedule of chemical substances one would find in the Vienna Convention.

The principal reason for that is, that in formulating this Schedule we sought information from the United States authorities, as well as the United Kingdom authorities, both of whom had originally put legislation in place, limiting the chemical substances to what were contained in the Vienna Convention. And by experience they realized that there were many other chemicals that could have been utilized for the processing of cocaine powder into crack and so forth. As a result, subsequent amendments were made to their respective legislation.

As I said earlier in the proceedings, that is why we looked at what everybody else had; that is why we looked at the problems they had encountered, so that when we decided to come to this House with our legislation, we would really have learned from their experiences. That is the reason for the lengthy Fourth Schedule.

The Member for Naparima was at pains to advise us of his agricultural exploits, but if he looked at the provision carefully, he would have seen that it reads:

"Every person who—

- (a) manufactures or is in possession of a substance referred to in the Fourth Schedule; or
- (b) transports such a substance or supplies it to another person, knowing or having reasonable grounds to suspect that the substance is to be used in or for the unlawful production of a dangerous drug is guilty of an offence."

I am no criminal lawyer, but I am certain the criminal lawyers around, including my colleague the Member for Diego Martin East, would know that there is a certain amount of *mens rea* required in this provision.

The agriculturist who has whatever chemicals in his possession for the purpose of killing some pests on his property, would not be arrested and charged for having this in his possession. I think it is important that one does not just look at the Fourth Schedule and form conclusions, but one should read it in conjunction with clause 4 of the amended Bill.

A concern was also raised, I think it had to do with the Sixth Schedule and the power being given to the Director of Public Prosecutions to transfer proceedings from one court to another. I really do not know what the problem is, but when one really looks at the provision—and this provision came in for much consideration in the Senate, and I must say the Opposition Senators supported it wholeheartedly—it says:

"...the Director of Public Prosecutions whenever he considers the interests of justice so require, or that having regard to all the circumstances it is desirable to do so in the interests of securing the more expeditious hearing and determination of cases, may, in any case transfer proceedings from a summary court to any other summary court."

It is very simple. I really do not see a problem with that, when in the Constitution itself, the Director of Public Prosecutions has much wider powers than this: he could decide not to prosecute anybody. But there might be a situation in the Mayaro Magistrates' Court,—well let me not say "Mayaro"; Mayaro has been hit enough for the day. In the Cedros Magistrates' Court, there may be a problem there, maybe the magistrate for the district is ill, or maybe he is overburdened and there is a court in Port of Spain or in San Fernando where there are more magistrates available and so forth, and in order to ensure the expeditious dealing with the matter, the matter may be transferred there.

9.45 p.m.

Mr. Maharaj: Is it not a bit inconsistent that the Director of Public Prosecutions, who is a party to proceedings and the court, can remove a matter from a magistrate? Why do you not give it to the Chief Justice or the Chief Magistrate? Give it to the Judiciary which would be able to do it. Why give it to a party to the proceedings?

Sen. The Hon. R. Huggins: Madam Speaker, I think the simple answer is that the Director of Public Prosecutions has control of all criminal proceedings.

Madam Speaker: The speaking time of the hon. Minister has expired.

Motion made, That the hon. Minister's speaking time be extended by 30 minutes. [*Hon. K. Valley*]

Question put and agreed to.

Sen. The Hon. R. Huggins: Madam Speaker, there is one other provision in the legislation with which I want to deal and that has to do with proposed section 47(5) which states:

"It is a defence to a charge of committing an offence under subsection (4) that the person charged acquired the property for adequate consideration."

The welfare of attorneys was the greatest consideration for this provision being here, having regard to the high fees they receive in some of these criminal matters. We wanted to ensure that they do not run into difficulties with the law by having to account for deposits of \$900,000 and that sort of thing, showing that it was acquired for adequate consideration. There is a similar provision which may be found in other pieces of legislation, for example, the Real Property Ordinance.

It is a defence to a fraudulent transfer of registered property for the purchaser to say that—it is like a bona fide purchaser provision. The protection of attorneys was very high on the agenda. One has gone to great lengths in this debate to protect the institution of lawyers. I seem to recall the Member for Couva North, as usual, blaming the Government for not giving people life sentences. He said:

"... the Minister of National Security who said, 'hang those lawyers who are trying to file motions.' I am not so; I am saying lawyers must do their duty as doctors must, and they must not discriminate. So if people are charged with offences, the lawyers' job is not to judge them, but to put the case to the best of their ability. It is the judges' job to judge them. People do not seem to realize that."

In response to this, it is also not the politicians' job to impose life sentences. When the interdiction authorities arrest someone, the person goes before the court. It is up to the court to impose what sentence it sees fit—not the Executive. Even if the legislation is amended—

Mr. B. Panday: The politicians make hanging compulsory in other cases.

Sen. The Hon. R. Huggins: And lawyers seek to defeat it every day.

Mr. B. Panday: The Attorney General—

Sen. The Hon. R. Huggins: All I am saying is that although the Parliament may put hanging as a penalty, when somebody is not hanged, do not blame the politician or the Government.

Mr. B. Panday: The Member has gone off the argument. That is not the argument. The argument is, you set penalties.

Sen. The Hon. R. Huggins: Madam Speaker, concern was also expressed about putting legislation in place and we do not have the resources. I think I dealt sufficiently with that in my opening remarks, where I indicated to this House what the Government is seeking to do to ensure that the police service in particular, is properly equipped. Because of the lateness of the hour I will not go into such detail.

I think that the contributions on the Bill that came from this side were packed with substance.

Miss Bhaggan: Only your side!

Sen. The Hon. R. Huggins: As the person who piloted this Bill, I am extremely pleased with the type of support I got from my colleagues; not that I expected anything less from them, but I think their contributions were sterling in character. Even with the inability of some Members to understand the simplest provisions in legislation, the Opposition ought to have no difficulty whatsoever in giving their unanimous support to this piece of legislation as their colleagues did in the other place.

Madam Speaker, the most I can do now is commend the Bill to this House. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 12 ordered to stand part of the Bill.

Clause 13.

Question proposed, That clause 13 stand part of the Bill.

Mr. Maharaj: Madam Chairman, I beg to move the following amendments to clause 13, which were circulated:

In the Act itself, section 60 should be renumbered section 63 and the following new sections should be inserted:

- | | |
|-------------------|---|
| National Advisory | 60. There is hereby established a National Advisory Council on Dangerous Drugs which shall comprise: |
| | (a) an Advisory Council on the Misuse of Drugs; and |
| | (b) an Advisory Council on the Judicial and Legal Administration. |
| | 61. (1) The Advisory Council on the Misuse of Drugs shall comprise: |
| | (a) persons appearing to the Minister to have wide and recent experience in social problems connected with the misuse of drugs; and |
| | (b) persons appearing to the Minister to have wide and recent experience in the following activities: |
| | (i) the practice of medicine (other than veterinary medicine). |
| | (ii) the practice of dentistry; |
| | (iii) the practice of veterinary medicine; |
| | (iv) the practice of pharmacy; |
| | (v) the pharmaceutical industry; |
| | (vi) chemistry other than pharmaceutical chemistry. |

9.55 p.m.

- (2) The functions of the Advisory Council on the Misuse of Drugs shall be:
- (a) to consider and report to Parliament on measures which in its opinion are necessary or expedient to be taken for preventing the use and/or misuse of dangerous drugs and for dealing with the social problems connected with the use and/or misuse of such drugs;
 - (b) to take steps to provide proper advice to persons affected by such use and/or misuse of dangerous drugs;
 - (c) to advise the Minister on the steps to be taken to provide proper facilities and services for persons affected by the use and/or misuse of dangerous drugs and to ensure that proper advice is available to such persons and to secure the provision of proper facilities, services, treatment, rehabilitation and after care of such persons;
 - (d) to educate the public on the use and misuse of dangerous drugs;
 - (e) to promote research into or otherwise obtain information for the purpose of preventing the use and/or misuse of dangerous drugs;
 - (f) to advise the Minister on the setting up of co-ordinating Drug Councils throughout Trinidad and Tobago in pursuance of its duties and functions herein.
- (3) The President shall appoint one of the members to be Chairman and a quorum thereof shall be five members.
- (4) The Council may consult with such persons or bodies as it considers appropriate and subject to this section may require its own procedure.

Clause 62.(1) The Advisory Council on the Judicial and Legal Administration ("the Council") shall comprise the following members:

- (a) a person who holds or has held office as a Judge of the Supreme Court nominated by the President after consultation with the Chief Justice;
- (b) a person who holds or has held an office in the magistracy or other such court of limited jurisdiction nominated by the President after consultation with the Chief Justice;
- (c) one member of each party represented in the House of Representatives nominated by his party in the House;

- (d) a Senator representative each of the Government, the Opposition and the Independent Members nominated by the President in accordance with the advice of the Prime Minister and the Leader of the Opposition, respectively and, in the case of the representative of the Independent Members, after consultation with both the Prime Minister and Leader of the Opposition;
 - (e) the Attorney General or his representative;
 - (f) a legal practitioner nominated by the Law Association of Trinidad and Tobago;
 - (g) a lay person representative of the public nominated by the President in his discretion.
- (2) The functions of the Council shall be to keep this Act under review to ensure the efficient and effective determination of all matters concerning the conduct of proceedings relating to the prosecution of offences under this Act and to matters connected therewith and the suppression of other activities relating to drug trafficking and the determination of matters connected therewith and for that purpose to formulate and report to Parliament on a comprehensive proposal for the reorganization of the functions of such legal officers as are necessary and the provision of the judicial administration required for the purpose. Such functions shall include the making of proposals for the establishment of any courts and procedure which the Council may consider appropriate and the appointment of judicial, legal and administrative officers (including their security of tenure and removal from office);
 - (3) The President shall appoint one of the members to be Chairman and a quorum thereof shall be five members.
 - (4) The Council may consult with such persons or bodies as it considers appropriate and subject to this section may regulate its own procedure.
 - (5) The Council shall be established and begin deliberation within the period of three weeks next after the commencement of this section with a view to the submission of an interim report not later than six weeks after such commencement and thereafter may submit such specific proposals from time to time as it thinks fit.
 - (6) The Speaker of the House of Representatives shall cause to be provided such clerical, secretarial and professional services as may be required for

the purpose of the function of the Council, and such persons may be public officers or such others remunerated out of monies provided by Parliament.

- (7) On receipt of the report, the Clerk of the House of Representatives shall, subject to subsection (8), cause the report to be set down as an item of Government Business on the agenda at the next convenient meeting of the House, not being later than the third meeting after such receipt, for consideration of the House and thereafter the report shall be taken to the Senate for its consideration.
- (8) Where the Leader of Government Business in the House so undertakes, a Bill substantially embodying the proposals contained in the report may be brought as Government Business within a period of six weeks from such receipt of the report by the Clerk in lieu of compliance with subsection (7).

Madam Chairman, the Council on the Misuse of Drugs would deal in the main—I am elaborating now—with the rehabilitative and, thus, the demand side of the problem. It is felt, however, that its work will be extremely useful in informing the Council on Judicial and Legal Administration on measures to be taken for the suppression of certain activities concerning drug trafficking, as well as certain legal procedures to be followed in relation to the treatment of offenders, including, in particular, children and young persons who may become subject to the scourge of drug addiction.

Such measures would be detention at institutions, and treatment which might be more appropriate for the rehabilitation of offenders, both young and old, in lieu of the existing hospitals and prisons. The Council on Judicial and Legal Administration contemplates not only the judicial and law association and public interest in the administration of justice, but also the political, that is, the parliamentary and executive interest and responsibility therefor

It is submitted that the present stage of development of the country can no longer permit responsibility being exclusively discharged by the traditional repositories. Parliamentarians both elected and, in particular, the Independent Senators, must account to the population for all aspects of their judicial function and/or process. This is recognized by the composition of the council.

Madam Chairman, I have taken the liberty to actually write what I want to say on this, if you will permit me. The council would therefore be mandated by this Act to address the present shortcomings and other deficiencies of the judicial

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system such as the chronic lack of suitable staff, professional personnel, including the practice of frequently retaining attorneys in state matters; the intractable backlog and diminution of confidence in the administration of justice.

The council is, therefore, mandated to come up with comprehensive proposals with solutions, firstly, on an interim basis and then, by way of keeping the situation under review and making specific proposals from time to time for improvement. A time frame is proposed so that the desire of Members of the Senate for immediate steps to establish the necessary legal and judicial infrastructure is ensured.

10.05 p.m.

There is provision for the proposals to be debated in both Houses, but this could be shortened if the Government agrees to bring a Bill along the line of the proposal. It is felt on this side that the proper procedure requires that this reorganization should involve the entire—

Mr. Mottley: Madam Chairman, is the hon. Member making a ministerial statement?

Mr. Maharaj: No. I am making a contribution.

Madam Chairman: He is amplifying on the provisions so that Members on the other side will understand. Proceed.

Mr. Maharaj: On this side, it is felt that the proper procedure requires that this reorganization should involve the entire judicial and legal system, and that the drug problem should be dealt with when it reaches the courts through the ordinary courts of the land. This, of course, would involve much more lengthy deliberations.

A draft Bill containing the essential elements of the Judicial and Legal Administration to deal with the drug problem has been shown to the other side which they can consider. Madam Chairman, I would like to put on record that that Bill is one which clearly states that we recognize that it would need to be passed by a special majority. That is not for amendment here today, but the Bill is merely to show the other side what can be implemented. That Bill provides for the drug court. A draft Bill containing the essential elements of a Judicial and Legal Administration to deal with the drug problem has been shown to the other side.

Under the proposed Bill which would amend the Dangerous Drugs Act of 1991, it provides in Parts X and XI that part of the backlog, both in the High

Court and the Magistrates' Courts would be removed to be dealt with by the drug court. As would be noticed, therefore, these clauses provide the machinery whereby not only the adjudicating and prosecuting machinery can be looked at and monitored—and may I say that the concept of the Advisory Council on the Misuse of Drugs started in the United Kingdom in 1971 under the Misuse of Drugs Act. What happened is that it has been followed by several Commonwealth countries which are serious in having a statutory body in order to mandate the executive to do certain things.

The present set-up is that there is an executive body which is completely under the domain of the Minister, and which the public does not have any knowledge about. There is no regulation of the organization for strategic services which the Minister said performs some of these functions. Therefore, one would see that in both aspects these would be to complement and to ensure that the legislation is not just legislation that remains there without implementation; it is legislation which will be monitored, implemented, and which, in effect, will be able to provide a rehabilitative side to reduce the demand side of it, so that it would really be seriously attacking the drug problem instead of passing passive legislation.

Thank you very much.

Mr. Sobion: Madam Chairman, in the course of this debate, these amendments were circulated, and I thank the Member for Couva South for giving us the benefit of a further explanation. Apparently, the amendments seek to create two councils—and quite apart from the problems that I have with some of the drafting—it seeks to create two councils, one on the misuse of drugs, and the other, an advisory council on judicial and legal administration.

If we were to take the first one, there is already in place in the Ministry of Social Development a committee called the Technical Advisory Committee on Alcohol and Drug Abuse, and the functions which are set out in these proposed amendments are already carried out by that organization. That committee is known as ICADA, and there is also NADAPP which is the National Alcohol and Drug Abuse Prevention Programme, which is a working committee which provides the very services which are set out in these amendments.

I say that, Madam Chairman, in the context of the Minister in his winding-up, referring to the number of organizations which existed in the United States and which eventually all had to be consolidated, and I would hate to think that we do not benefit from the experience of the United States in dealing with this drug issue.

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The second council proposed on judicial and legal administration is one which appears to have fundamental power in dealing with the legal, administrative and judicial system. The difficulty that I have is that there appears to be some overlap between what this council is intended to do and the role of the constitutionally established Judicial and Legal Service Commission.

I think if we are going to entertain a matter as fundamental as this, it requires much more research, much more in-depth consideration, and perhaps it should be an amendment to the Constitution and not be included in the Dangerous Drugs (Amdt.) Bill. I refer to the proposal at 62 (2) on page 6 where we read:

"Such functions shall include the making of proposals for the establishment of any courts and procedure which the Council may consider appropriate and the appointment of judicial, legal and administrative officers (including their security of tenure and removal from office);"

That is far-reaching.

Madam Chairman: At the moment, all judicial appointments are made—

Mr. Sobion: By the Judicial and Legal Service Commission.

Mr. Maharaj: That is inconsistent. Your Bill is a special majority Bill, so even if it is inconsistent—

Mr. Manning: That is not the point that is being made.

Mr. Sobion: The point that I was making is that because it affects a constitutionally established body, the Judicial and Legal Service Commission, and the relationship between that Commission and the administration of justice, if an amendment of this nature is to be considered, it should be considered in relation to a constitutional amendment and not be tucked into a Bill which has a specific scope.

Mr. Maharaj: I do not agree with you. But assuming that that is the case and if this is an important Bill to be implemented, do you have any suggestions as to what can be done in order to ensure that the Bill is not just passed without these kinds of measures?

Mr. Manning: What we are prepared to do is to consider the proposal, but to do so as part of a general review of the Service Commission arrangements.

Mr. Maharaj: But not in relation to this?

Mr. Manning: No. We see that as a separate matter.

Madam Chairman: Take a global look at the situation.

Mr. Manning: It is too far-reaching.

Mr. Maharaj: Has the Government rejected it?

Mr. Manning: No. The Government has not rejected it. What we are saying is . . .

Madam Chairman: Referring it for further consideration.

Mr. Manning: That is right. Further consideration, as part of a review of all the service commission arrangements. That is a fundamental proposal that you have brought.

Mr. Maharaj: In respect of the first clause which is new to you, do you need some time to consider it?

Mr. Sobion: I would think that I understand the point that is being advanced that perhaps procedures should be established in legislation and, again, that is a matter which I think we would want to consider in greater depth. I may also say that in relation to the drug court legislation, I have seen the draft Bill and we are looking, as I indicated previously, at establishing a drug court. Again, that is something that is under review currently in the ministry.

10.15 p.m.

Mr. Maharaj: Then why can we not adjourn for a few days so that you would get some time and we can come back and discuss the nation's business? It is an important piece of legislation and I think it is important enough so that we should not pass it like that.

Mr. Manning: Again, Madam Chairman, there is perhaps a slight difference in approach between the Government and the Opposition. As the hon. Attorney General is saying, we are considering separate legislation for the drug court, and what the Member for Couva South is suggesting is that it should be part of the Bill that is now before us. We see it differently. You see, we do not want to complicate this one unduly and would prefer to consider the proposal that he is making, again in the context of drug court legislation that is going to be introduced separately from this particular amendment Bill. We will consider all the proposals.

Mr. Maharaj: We want to make sure that it is considered in relation to the Bill. Looking at the history of this Bill, one week would not make much of a difference; a few days would not make much of a difference. You are asking us to

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give our support to legislation which is vital for it to be implemented and for the best interest of the community to be served.

Mr. Manning: Yes, but the suggestion that you have made, we consider to be far more relevant to another piece of legislation that is to come to the Parliament, rather than to this piece of legislation. That is the point we are making.

Mr. Maharaj: What is that piece, if I may ask?

Mr. Manning: Well, it is the Drug Court Bill.

Mr. Maharaj: The Drug Court Bill with the Council on Misuse?

Mr. Sobion: We are looking at the Drug Court Bill separately. A separate piece of legislation is going to come before the Parliament dealing with drug legislation. Insofar as the Council on Misuse is concerned, I think the relevant ministry will, perhaps, want to give some consideration to that matter in the light of what exists at the moment.

Mr. Maharaj: And the Government's attitude is that you want to take a vote on this Bill tonight, come hell or high water, no matter what. Is that what you want to do?

Mr. Sobion: No, I mean—

Mr. B. Panday: Is that the position?

Mr. Sobion: This Bill came out of a working group which reviewed the existing legislation and the Vienna Convention—

Mr. B. Panday: Yes, but the working group is not here to vote for you.

Mr. Sobion: We are now faced with two new proposals coming before us only today, one of which, in my view, requires an amendment to the Constitution, and the other seeks to set up some kind of administrative machinery which has a counterpart existing at this time in the Ministry of Social Development. That requires a review of the existing arrangements, and we see no reason to detain the passage of this legislation to deal with these two new matters.

Mr. B. Panday: The purpose of the Constitution introducing what is called a constitutional majority, is to prevent you from doing exactly what you want to do tonight, and it is to enable us to do exactly what we are trying to do. That is to say, to tell you that when you are introducing legislation, you will need the support of a certain majority in this House in order to pass it and that, hopefully, a

large number of members of the House would agree upon your proposals and would introduce safeguards—that is the key.

The Constitution requires a constitutional majority so that the House can ensure there are safeguards. Now safeguards cannot imply that you must rush this through at 10.00 o'clock in the night because you have not had time to consider the amendments. If you want to reject them, go ahead and reject them! That is perfectly all right with us.

Mr. Manning: With respect, Madam Chairman, what has been proposed by the hon. Member for Couva North does not really constitute a safeguard. But before Members of the Opposition take the position that they are taking, perhaps they may wish to consider the fact that this Bill was considered at length in the other place and it was discussed among the Government, the Opposition and the Independent Senators, and that a general consensus emerged from it—

Mr. B. Panday: I think there should be a special rule in this House that we not talk about the decision in another place so as to influence a decision here. That is why they have two Houses, otherwise they would have had one. Do you know why the Constitution put two Houses? So that you would not treat them as one.

As a matter of fact, this is the kind of Bill that should have come here first, not there. That is chicanery on the part of the Government. To go up there first is chicanery.

Mr. Manning: Madam Chairman, now that my learned Friend has cooled down somewhat—

Mr. B. Panday: It is not a question of cooling down; I am perfectly calm. What I am trying to tell you is—

Mr. Manning: You are calm, but not cool.

Mr. B. Panday: I am cool and calm.

Mr. Manning: Now that my learned Friend has cooled down, really, what is taking place here, is that at this eleventh hour, the Government is being faced with substantial amendments that require constitutional arrangements—

Mr. B. Panday: There is no such thing as eleventh hour. What do you mean by eleventh hour?

Mr. Manning: We have had the second reading of the Bill already. This thing was introduced a few minutes ago, designed, in our view, mainly to complicate the process and to seek to delay—

Mr. B. Panday: If that is your attitude that these proposals were put forward here to complicate you, go ahead. You are not considering them in good faith, because you believe that they were not intended in good faith.

Mr. Manning: Madam Chairman, we are saying that we are considering every proposal made by the Members opposite. We are. In fact, in respect of one set of proposals, already we see that those proposals are best addressed in an overall review of certain constitutional arrangements relating to service commissions.

In relation to the second set, they are better considered, in our view, under a Bill that is to come. But even so, it has to be looked at in the context of existing administrative arrangements in the relevant Government department.

Mr. B. Panday: Having regard to the history of the Government in relation to the implementation of legislation, we believe it is in the interest of this country that these proposals are put in there to ensure that Bills are implemented. You have a Litter Bill, for example, and there are many people in this country who do not even know that we have such a Bill, because you do not implement them.

Mr. Manning: I do not understand what the hon. Leader of the Opposition is talking about when he says, "the history of the Government." This Government is two and a half years old.

Mr. B. Panday: No, no. This Government is 30 years old.

Mr. Maharaj: But on the statute it is a matter of record that Parliament has passed about twenty-something pieces of legislation which have not been implemented. Therefore, if it is that we are coming to you as the Opposition, and saying that this is what we consider to be in the best interest of the country and you have agreed that the matter merits consideration, then where is the public interest in rushing through the passage of this Bill?

Mr. Manning: Any proposal that comes from the Opposition merits consideration. You are duly elected and you serve a purpose in the Parliament.

Mr. B. Panday: The hon. Prime Minister speaks of the eleventh hour. Does he have a train to catch? Eleventh hour in relation to what?

Mr. Manning: In relation to the procedures in this honourable House.

Mr. B. Panday: The procedure in this honourable House is to debate things right until the third reading. What is your eleventh hour? When are specific amendments proposed to the Bill if not at the committee stage? You do not

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amend Bills during the first reading or the second reading or the third reading. You do it at the committee stage. It is at this hour, whether it is the eleventh or thirteenth hour, at which you do it.

Mr. Manning: Parliamentary practice is that the relevant amendments are circulated well in advance so that the Government has enough time to deal with them properly.

Mr. B. Panday: So that if you do not have enough time, we are prepared to give it to you.

Mr. Sobion: Madam Chairman, I think I have noted the Government's position with respect to the proposed amendment.

10.25 p.m.

Question put.

The committee divided: Ayes: 11 Noes: 18

AYES

Maharaj, R. L.

Panday, B.

Palackdharrysingh, R.

Bhaggan, Miss H.

Singh, C.

Panday, S.

Jurai, K.

Sharma, C.

Haniff, M.

Hosein, S.

Nicholson, Miss P.

NOES:

Valley, Hon. K.

Manning, Hon. P.

Sobion, Hon. K.

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Mottley, Hon. W.
 Ramrekersingh, Hon. A.
 Rowley, Dr. The Hon. K.
 Eckstein, Hon. J.
 Maraj, Hon. R.
 Baboolal Dr. the Hon. L.
 Collis, Hon. K.
 Imbert, Hon. C.
 Lasse, Dr. The Hon. V.
 Pierre, Hon. J.
 Griffith, Dr. R.
 Narine, J.
 Hart, E.
 Allum, D.
 Bereaux, H.

Amendment negatived.

Mr. Maharaj: Madam Chairman, there is another amendment with respect to the Joint Select Committee. Since the Government has rejected the amendment, we are asking for:

"A Joint Select Committee of both Houses of Parliament to be appointed to monitor and examine the administration and implementation of the provisions contained herein..."

After "herein", I wish to delete "and to achieve that objective" and let it read:

"The said Committee shall have powers to examine the administration and policy of the office of the Director of Public Prosecutions, the office of the Ministry of Legal Affairs and the office of the Ministry of National Security, insofar as these offices exercise functions and duties in respect of the provisions contained herein."

of this Act.

The obvious purpose of this is, again, to provide for accountability by the Government in the implementation of this Act. It is a provision to benefit the public in order to ensure that the public interest is protected and legislation is not just passed for passing's sake. It is also inserted to ensure that the exercise of power given to state officials under the Act is not misused or abused so that the public would be protected in both the manifesto of the PNM and the Charter of Civil Society; there is the recognition that there must be transparency and accountability in government. This is a matter of just fulfilling that desire. So, I hope the Government would support this measure.

Mr. Valley: Madam Chairman, as you are aware, there have been ongoing discussions between the Government and the Opposition with respect to parliamentary committees. We are not averse to continuing discussions. We believe that we have reached an agreement with the Opposition for the setting up of four committees and we were at the point of agreeing on guidelines; we need to have the guidelines settled, and we would want to continue those discussions.

There is one element which deals with the DPP; there was never any consideration that the DPP would form part of that. I think that is an independent office and one would want to maintain its independence. We want to continue those discussions with the Opposition, settle on the guidelines and have that as a separate matter as we agreed in the committee.

Mr. B. Panday: Madam Chairman, if I may. This is a piece of legislation that puts enormous power into the hands of the Executive—and we are not talking about the present incumbents in office; that really does not matter. What matters to us is that anybody may be in office at any time. It is that the chance of abusing that power is real—and not because we are Trinidadians and Tobagonians—but every society that has introduced this kind of legislation has introduced this kind of protection. We do not think we would be doing our duty to the people if we allow this kind of legislation to go in without any checks and balances at all. It is in those circumstances that we say that we are insisting on the introduction of this committee.

Madam Chairman: I see your point. Is it necessary to have it as part of the Act? Or, will you consider it in the total overview of the selection of the committees?

Mr. B. Panday: We would be failing in our duty if we support the Bill without that provision. Let me put it this way. I do not care whether it is part of it or separate from it. We would be failing in our duty if we support this Bill without

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that provision. We have been talking about this for very long. Yes, we agree on all kinds of things, but nothing gets put into place and I am prepared to work with the Member for the rest of this night and put into place the committees that he spoke about—now until four o'clock in the morning.

Mr. Manning: Madam Chairman, the Government's position in relation to our approach to committees is necessarily a cautious one. So, let me draw your attention to our proposal in respect of a committee on energy. Initially, we said that we wanted to de-politicize the energy portfolio because of its importance to the country, and that we would seek to structure some arrangement which, if it works, would be given a parliamentary complexion.

In other words, our position is one of caution because we just do not want to put something into law and find it is not workable. We want to try it out; if it works, then we would give it a parliamentary complexion—that is our approach. That approach is doubly important in a Bill of this nature. What is being suggested by the Opposition goes a little further than the simple committee that we had spoken about in respect of the energy sector. Therefore, one needs to be even more cautious when seeking to do something of that nature.

Talking until four o'clock in the morning really makes no difference. That is the kind of thing we need to approach more cautiously and the Opposition appears unwilling to do so. We are not rejecting the idea; let us examine it.

Mr. B. Panday: Madam Chairman, the statement by the Prime Minister has just convinced me, if I had any doubt at all in my mind, that the Government has no intention of setting up these committees. That is why we have been approaching this very cautiously for a very long time, and the Government intends to approach this cautiously until 1996. It is for that reason we are going to insist on this committee, either in this Bill or introduced into this Parliament, before we expose the people to that kind of unchecked power.

Mr. Maharaj: Madam Chairman, if I may mention, in the United Kingdom—which the hon. Minister of National Security quoted in his presentation—there is the committee system which I mentioned in my contribution, but there is also a committee system to monitor the office of the Attorney General, the DPP and the Lord Chancellor's Department. There is the committee system in the mother parliament—if I may use that expression.

Secondly, there is a Criminal and Evidence Act of 1984 which deals with the powers and functions of police officers and the rights of individuals, and if there are breaches by the police, certain consequences even make the evidence

inadmissible. Also, there are guidelines in respect of the exercise of power by officers and stringent measures to deal with abuse of power. We do not have those provisions in Trinidad and Tobago.

Mr. Manning: Madam Chairman, with respect, I just want to reiterate the Government's position. We feel that the amendments that are being suggested by the hon. Members opposite are best dealt with in other pieces of legislation as we have explained quite clearly. I want to commend this piece of legislation once again, as it stands, for the consideration of hon. Members. If we need to discuss other matters, we will do so; if at the end of our discussions we need to introduce legislation, we will do so; but what we ought not to do is to seek to rush into some kind of arrangement merely for the purpose of seeking to pass the Bill that is now before us.

10.35 p.m.

It is much better if the Bill before the House fail than for the Government to go into some arrangement it would regret down the road as not being in the country's interest.

Madam Chairman: I appeal to Members to look at the purpose of this legislation and see whether these amendments are really relevant to the purpose. It is a question of putting it to the vote, but since it is a matter of national interest—

Mr. Maharaj: It seems that the Member for San Fernando East has summed it up. As far as he is concerned it is better the Bill fail than they include the proposal or have any discussions further to adjourn. That is what he has said.

Mr. Manning: For the record, Madam Chairman, that is not what I have said at all, and the Member for Couva South knows that he cannot speak for me.

Madam Chairman: Having regard to the purpose of this Bill, in the context of that purpose, I do not know whether it would have been better to approach these amendments on the National Advisory Council in a different way.

Mr. B. Panday: I want to advise the hon. Prime Minister that we are not asking him to rush into anything. Let him take his time.

Madam Chairman: Shall we take a vote on the amendment that there be a new section 63, as circulated by the hon. Member for Couva South?

Question put,

The committee divided: Ayes 11 Noes 18

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AYES

Maharaj, R. L.

Panday, B.

Palackdharrysingh, R.

Bhaggan, Miss H.

Singh, Dr. C

Panday, S.

Jurai, K.

Sharma, C.

Haniff, M

Hosein, S.

Nicholson, Miss P.

NOES

Valley, Hon. K.

Manning, Hon. P.

Sobion, Hon. K.

Mottley, Hon. W.

Ramrekersingh, Hon. A.

Rowley, Dr. The Hon. K.

Eckstein, Hon. J.

Maraj, Hon. R.

Baboolal, Dr. The Hon. L.

Collis, Hon. K.

Imbert, Hon. C.

Lasse, Dr. The Hon. V.

Pierre, Hon. J.

Griffith, Dr. R.

Narine, J.

Hart, E.

Allum, D.

Bereaux, H.

Amendment negatived.

Preamble ordered to stand part of the Bill.

Mr. Maharaj: Madam Chairman, I thought that the Sixth Schedule would have been dealt with separately and I wanted to—

Madam Chairman: The Schedule is part of clause 13. It came as an amendment in the other House and—

Mr. Maharaj: Would you agree that we reconsider it?

Clause 13 recommitted.

Mr. Maharaj: The Sixth Schedule gives to the Director of Public Prosecutions the power, in his absolute discretion, that if he considers that any matter should be removed from a summary court, he can transfer the matter. It does not state at what stage of the proceedings; it does not provide any procedure for any application from the other side to be heard; it does not provide any guidelines as to what is considered to be the expeditious determining of the matter. It has a much more offensive inclusion.

The Director of Public Prosecutions is really not part of the judicial or the legislative arm of the state; he is part of the Executive arm of the state. He is not part of the Government. So what it does is it gives the right of the Executive, through the DPP, to interfere with matters before the court. That is a straight collision with the separation of powers and the rule of law.

If I may refer to the report from the Hyatali Commission, 1987, on the office of the Director of Public Prosecutions. The question clearly arises that this office—I do not mean the individual Attorney General; I want to get that clear—seems to be subject to the direction or control of the Attorney General. I would like to read from page 110 of the report.

"219. The question which arose in these circumstances is whether the Director of Public Prosecutions in the exercise of his powers under section 90 is subject to the direction or control of the Attorney General. Two former Attorneys General expressed conflicting views on the question.

220. Those who appeared before us and discussed the question were strongly in favour of providing expressly for the complete independence of the Director of Public Prosecutions and his complete insulation against direction or control in the performance of the functions vested in him under section 90 of the Constitution. And so are we. Indeed, it is our considered and firm opinion that the inviolable principle of justice that it must not only be done but manifestly be seen to be done and the invaluable rule of conduct established for all prosecutors in Courts of Law that they are ministers of justice and not persecutors of alleged wrong-doers, require the clearest expression in the Constitution of the independence of the Director of Public Prosecutions and his freedom from the direction or control of any other person or authority."

The Commission went on at section 221, page 111:

"In deliberating upon the status of the Director of Public Prosecutions and his crucial role in ensuring the fair, fearless and impartial pursuit of prosecutions and their withdrawal in appropriate cases, we examined the method of his appointment and removal and in particular the Prime Minister's right of veto in respect of his appointment as provided in section 111 of the Constitution. For the reasons given in the previous paragraph, we concluded that this right of veto should be removed and that in future the Director of Public Prosecutions should be appointed by the President on the recommendation ..."

Then in paragraph 223 they finally considered that the Director of Public Prosecutions, and so forth, should be equated with a judge of the high court, and then they recommended that this section be amended and the Prime Minister's veto. The cumulative effect of all that is that the office of the DPP is liable to be directed by the office of the Attorney General. That, clearly, in my respectful submission, shows that there can be interference. There is no insulation from political interference and, therefore, you have an office which can be politically influenced.

It would seem to me that if the Government wants to have such a right included, it should be deleted and put in such a way that it would not be offensive, whether it wants to make an application or whatever. I am asking for it to be deleted.

Mr. Manning: What is it? Out of an abundance of caution we want to be sure that we understand.

Mr. Maharaj: The Sixth Schedule, 13A.

Madam Chairman: You are saying that the provision whereby the powers of the DPP to transfer a case in the interest of expeditious hearing—this is the condition—it is desirable to do so in the interests of securing the more expeditious hearing and determination. Transfer it from one court to another.

Mr. Manning: Do you believe that it is desirable for somebody to have the authority to transfer cases from one court to the other?

Mr. Maharaj: I think that the Chief Magistrate has it now. My recollection is that the Chief Justice has the power to remove a matter from one court to another and he acts on the instructions of the Chief Justice to assign magistrates to different courts.

10.45 p.m.

Mr. Manning: Not magistrates; what about cases? Suppose the Chief Justice wanted to assign a case from the Princes Town Court to a special court?

Mr. Maharaj: Oh, I see, you want to change it from jurisdiction to jurisdiction?

Mr. Manning: Yes, that is the point I am making.

Mr. Maharaj: There is no law which permits that.

Mr. Manning: That is the point, and that is what we are trying to achieve.

Mr. Maharaj: Then you can amend the law so that you can transfer from one jurisdiction to another and leave it in the hands of the Chief Justice or the Chief Magistrate as the case may be.

Mr. Manning: What is your proposal, then?

Mr. Maharaj: We would have no objection to that.

Mr. B. Panday: What is the rationale?

Mr. Sobion: Drug matters could be dealt with expeditiously, and it was felt that having regard to the jurisdictional problems that we get from time to time, if this facility was available the prosecution, and I may say the Director of Public Prosecutions, under the Constitution, has charge of all criminal proceedings, and with a view to expediting the hearing of drug matters specifically, we thought that that power was a useful one in relation to our existing arrangements.

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I may say also that the proposed establishment of the drug court, as we see it at the moment—we have been looking at it—will remove that requirement in any event, and all matters, no matter in which jurisdiction the offence is committed, will be dealt with by the special drug court.

Mr. B. Panday: Are you saying that an offence may be committed in one jurisdiction and that jurisdiction has too many cases?

Mr. Sobion: No, no, there are certain problems—

Mr. B. Panday: Why is this required? What mischief is it intended to alleviate? What is the rationale behind the proposal? Is it that a person is charged in one jurisdiction and you want to move it to another jurisdiction? What are your reasons, you would not get a fair trial there?

Mr. Sobion: The section speaks for itself, that the DPP, whenever he considers it necessary for the purpose of securing the more expeditious hearing and determination of cases may transfer a case from one summary jurisdiction to another. That is the rationale for it.

Mr. B. Panday: That is the point I am making. Why is the Legislature putting this in, to allow him to transfer? Why do you want to transfer? For expeditious hearings. What would prevent expeditious hearings given the circumstances?

Hon. Member: It is happening now.

Mr. Manning: So you want it deleted?

Mr. B. Panday: That is one of our proposals.

Mr. Manning: We would prefer, Madam Speaker, if the provision is kept in the legislation, even if it is the subject of some modification. I think that is the line the hon. Member for Couva South was taking.

Mr. Maharaj: I think the jurisdiction exists in the Chief Justice. I do not think the question is the transfer from one jurisdiction to another jurisdiction. But the point raised by the Member for Couva North, my Political Leader, is very important, because if you are going to move it, there must be some criteria laid down for moving it, otherwise you are just going to give people some reason. There should be some appropriate drafting.

Madam Speaker: Especially if the drug court is coming into effect, this will really be of no avail, because in any case all matters are going to be handled by

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the drug court by the particular officers assigned, so there will really be no need for this as such.

Mr. Manning: Well, Madam Speaker, if hon. Members Opposite prefer to delete it rather than to modify it, then we would go along with them.
[Interruption]

Madam Speaker: Hon. Members, the question then is that A of the proposed Sixth Schedule be deleted.

Question put and agreed to.

Clause 13, as amended, ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment.

Question put, That the Bill be now read the third time.

The House voted: Ayes 18

AYES

Valley, Hon. K.

Manning, Hon. P.

Sobion, Hon. K.

Mottley, Hon. W.

Ramrekersingh, Hon. A.

Rowley, Dr. The Hon. K.

Eckstein, Hon. J.

Maraj, Hon. R.

Griffith, Dr. R.

Baboolal, Dr. The Hon. L.

Collis, Hon. K.

Imbert, Hon. C.

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Lasse, Dr. The Hon. V.

Pierre, Hon. J.

Narine, J.

Hart, E.

Allum, D.

Bereaux, H.

The following Members abstained: Mr. R. L. Maharaj, Mr. B. Panday, Mr. R. Palackdharrysingh, Miss H. Bhaggan, Dr. C. Singh, Mr. S. Panday, Mr. C. Jurai, Mr. C. Sharma, Mr. M. Haniff, Mr. S. Hosein, Miss P. Nicholson.

Question agreed to.

Bill accordingly read the third time.

Motion made, That the House do now adjourn to Friday, May 27, 1994 at 1.30 p.m. [*Hon. K. Valley*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 10.53 p.m.