

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE SIXTH SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995.

SESSION 2000

VOLUME 23

HOUSE OF REPRESENTATIVES

Monday, October 09, 2000

1.30 p.m.

The House having assembled, and it being the first meeting of the Sixth Session of the Fifth Parliament of the Republic of Trinidad and Tobago, the Clerk of the House read the following Proclamation:

REPUBLIC OF TRINIDAD AND TOBAGO

No. 10 of 2000.

*By His Excellency ARTHUR N. R. ROBINSON,
T.C., O.C.C., S.C., President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.*

ARTHUR N. R. ROBINSON
President

A PROCLAMATION

Whereas it is provided by subsection (1) of section 67 of the Constitution of the Republic of Trinidad and Tobago, that each session of Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as the President may by Proclamation appoint:

Now, therefore, I, ARTHUR N. R. ROBINSON, President as aforesaid, do hereby appoint the Red House, Port of Spain, Trinidad as the place at which the Sixth Session of the Fifth Parliament of the Republic of Trinidad and Tobago shall be held at 1.30 p.m. on Monday the 9th day of October, 2000 as the time at which the said Session shall commence.

Given under my Hand and the Seal of the President
of the Republic of Trinidad and Tobago, at the
Office of the President, St. Ann's, this 5th day
of October, 2000.

Leave of Absence

Monday, October 09, 2000

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from three Members of this honourable House who have asked to be excused from today's sitting of the House of Representatives. They are the Member for Point Fortin, the Member for Ortoire/Mayaro and the Member for San Fernando West. The latter has asked to be excused up to October 13, 2000; the Member for Ortoire/Mayaro, October 14, 2000 and the Member for Point Fortin, just for today. The leave of absence which they seek is granted.

SESSIONAL COMMITTEES

Mr. Speaker: Hon. Members, in accordance with the Standing Orders, and after consultation with both sides of the House, I wish to advise on the composition of Sessional Select Committees.

House Committee

Mr. Ramesh Lawrence Maharaj (Chairman)

Dr. Reeza Mohammed

Dr. Morgan Job

Dr. Rupert Griffith

Mr. Kenneth Valley

Mrs. Camille Robinson-Regis

Committee of Privileges

Mr. Speaker (Chairman)

Mr. Ramesh Lawrence-Maharaj

Mrs. Kamla Persad-Bissessar

Mr. Chandresh Sharma

Mrs. Camille Robinson-Regis

Mr. Martin Joseph

Regulations Committee

Mr. Speaker (Chairman)

Mr. Harry Partap

Dr. Vincent Lasse

Mr. Ganga Singh

Mr. Jarrette Narine

Mr. Roger Boynes

Standing Orders Committee

Mr. Speaker (Chairman)

Mr. Ramesh Lawrence Maharaj

Mr. Trevor Sudama

Mr. Mervyn Assam

Mr. Eric Williams

Mr. Fitzgerald Hinds

Mr. Barendra Sinanan

PAPER LAID

The facts of the matters raised in the Amnesty International Annual Report 2000 relating to Human Rights in Trinidad and Tobago. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]

**AMNESTY INTERNATIONAL
(ANNUAL REPORT 2000)**

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, Amnesty International recently published its Annual Report 2000 containing a country report on Trinidad and Tobago. The contents of this country report are false. The report, in several areas, paints a distorted picture of the facts and falsely declares that Trinidad and Tobago breaches human rights.

Mr. Speaker, this report is grossly and deliberately misleading and slanderous in publishing and painting Trinidad and Tobago as a country where a person accused of murder does not receive a fair trial. Amnesty International falsely

Amnesty International
[HON. R. L. MAHARAJ]

Monday, October 09, 2000

infers that the system of justice is manipulated against those convicted of murder in such a way that the innocent are still convicted of murder and executed. This is a blatant untruth. This report goes so far as to infer that the Government does not provide adequate legal aid to poor persons who are charged with murder and states that prison conditions are so terrible that those convicted of murder suffer torture, or cruel and unusual punishment or treatment whilst in prison. In ruling after ruling, the judicial committee of the Privy Council has held otherwise.

This report even infers that Dole Chadee and his gang were denied due process of law in the trial and appeal processes and were executed by the state in breach of due process of law. The report even states that Russel Sankerali was innocent and that new evidence cast doubt about his guilt, but he was executed by the state. This report states that Anthony Briggs was denied due process of law, but was nevertheless executed by the state. These charges against the Government and the people may be considered as criminal libel if they were made against an individual or a corporation.

Mr. Speaker, Dole Chadee and his gang got full due process of law. They had a judicial hearing before a magistrate, and then before a judge and jury. The Court of Appeal and then the Judicial Committee of the Privy Council rejected their appeals. They filed constitutional motions which were heard before the High Court, the Court of Appeal and then the Judicial Committee of the Privy Council. Neither the jury, nor the Court of Appeal, nor the Privy Council stopped their executions. There can be no doubt whatsoever that Dole Chadee and his murderous gang got justice according to law.

Russel Sankerali was represented by attorneys at all stages of his trial and appeals. His defence was that he was not guilty in that he did not participate in the murders. The state's case was that although he was not present at the scene of the murders, he aided and abetted the murders by being part of the conspiracy to murder, and laying in wait to transport and did transport some members of the gang who were on the scene and who participated in the murders. Shortly before his execution a tape recording of a conversation of Clint Huggins was produced. The content of the tape recording was studied by the Director of Public Prosecutions who stated that the contents of the tape supported the prosecution's case. The contents of the tape confirmed that Sankerali was part of the conspiracy to murder and did participate in the joint enterprise to murder. The jury accepted that Sankerali was part of the joint enterprise and found him guilty. The conviction was affirmed by the Court of Appeal and the Judicial Committee of the Privy Council.

Mr. Speaker, Anthony Briggs, like Chadee and his gang, was convicted of a most gruesome murder. He had a judicial hearing before a magistrate and was tried before a judge and jury. The Court of Appeal and then the Judicial Committee of the Privy Council rejected his appeal. He filed constitutional motions which were heard before the High Court, Court of Appeal and Privy Council. None of these courts stated that he was not guilty or that he should not be executed. An attempt to stay his execution before the Judicial Committee of the Privy Council failed.

Chadee and his murderous gang and Anthony Briggs had filed petitions before the human rights bodies in an attempt to stop the state carrying out the death penalty. Chadee and his gang of murderers petitioned the United Nations Human Rights Committee which ruled that there was no basis to stop the executions and that no breach of human rights had occurred. They then petitioned the Inter-American Commission on Human Rights, the Commission rejected their petitions as inadmissible.

In the case of Anthony Briggs, his petition was heard by the Inter-American Commission on Human Rights. The state considered this report of the commission before it decided to proceed with the execution. The Inter-American Commission on Human Rights did not refer Briggs' petition to the Inter-American Court of Human Rights.

Mr. Speaker, the false statements of Amnesty International published in the report on Trinidad and Tobago, and circulated throughout the world are deliberately calculated to damage the good reputation of Trinidad and Tobago and the enviable record of the Government and the people of Trinidad and Tobago in the promotion of human rights.

1.45 p.m.

Mr. Speaker, the human rights unit of the Ministry of the Attorney General and Legal Affairs has completed a detailed response to every allegation which Amnesty International has made. This detailed response is contained in the paper entitled "The Facts of the Matters Raised in the Amnesty International Annual Report 2000 Relating to Human Rights in Trinidad and Tobago" and has been laid in this honourable House. This detailed response will be circulated as widely as possible in Trinidad and Tobago, in the region and internationally so that the international community will know that Amnesty International has printed false matters about the human rights situation in Trinidad and Tobago because Trinidad and Tobago has refused to agree that the death penalty should be abolished in Trinidad and Tobago.

The Government, over the past five years, has brought Trinidad and Tobago up to date in submitting outstanding human rights reports to the United Nations. These reports have been laid in this honourable House and they show in clear and unambiguous terms the great strides Trinidad and Tobago has made in the promotion of human rights and the implementation of international norms on human rights. Mr. Speaker, the notable track record of this Government has been recognized by the United Nations in several of its reports. It has been recognized by the state department of the United States government in its assessment of countries, and it has also been recognized by distinguished international individuals who have visited Trinidad and Tobago from time to time.

Mr. Speaker, no mention has been made by Amnesty International of the many measures which the Government has taken to enhance the protection of human rights in Trinidad and Tobago. If Amnesty International was genuinely interested in the human rights situation in Trinidad and Tobago, it would have recognized and commented on the following positive measures which the Government and people took in the areas of:

- (i) the enactment of a Freedom of Information Bill
- (ii) reform of legal aid by the Legal Aid and Advice Act;
- (iii) strengthening of the rights of women in passing a new Domestic Violence Act;
- (iv) provision of relief for the victims of crime by the Criminal Injuries Compensation Act;
- (v) introduction of measures to promote community justice and diverting young offenders away from the courts and prison system by the Community Mediation Act and the Community Service Orders Act;
- (vi) giving greater access to justice by strengthening the judicial review proceedings and by introducing public interest litigation where non-government bodies can approach the court to get redress for poor persons who allege that their human rights have been violated;
- (vii) removing the ouster clause in the Constitution which prohibited the courts from judicially reviewing the actions of service commissions which appoint, promote and discipline legal officers of the state, judges, police officers, teachers, prison officers and public servants;

- (viii) enacting an Equal Opportunity Act to promote equality of opportunity between persons of different sex, colour, race and origin, Mr. Speaker, and the establishment of an Equal Opportunity Commission and an Equal Opportunity Tribunal;
- (ix) enacting a new Integrity in Public Life Bill to establish higher standards of accountability and transparency in respect of public officials; and
- (x) reform of Parliament so that joint select committees consisting of Parliament, Opposition and Independent Members of Parliament can investigate and monitor every state sector including ministers.

Mr. Speaker, these are a few of the recent legislative measures that must impact positively on the lives of citizens of Trinidad and Tobago and from which all will benefit in the promotion of human rights, yet Amnesty International does not see fit to mention these matters.

In September 2000, the Secretary General of Amnesty International, Mr. Pierre Sane, requested a meeting with hon. Prime Minister and the Attorney General and Minister of Legal Affairs. At the time when he visited Trinidad and Tobago both the Prime Minister and the Attorney General and Minister of Legal Affairs were out of the country. The Attorney General and Minister of Legal Affairs arranged for him to meet with senior officers of the human rights unit of the Ministry of the Attorney General and Legal Affairs to discuss issues arising from the Amnesty International report. Mr. Sane refused the invitation.

Mr. Speaker, can you imagine Mr. Sane requesting to meet President Clinton of the United States or the Attorney General to discuss America's human rights record because it carries out the death penalty? If either President Clinton or the United States Attorney General do not see him and arrange for him to meet with senior and technical people, can you imagine Secretary General Pierre Sane refusing to meet with them? Secretary General Pierre Sane has refused to meet with any official of the Government of Trinidad and Tobago below the rank of Prime Minister or Attorney General.

While Mr. Sane refused to meet with senior government officials in order to discuss its human rights report in Trinidad and Tobago for him to get the facts so that he could consider correcting the false report, Mr. Sane did find time to hold several press conferences and receptions at which, based upon the false report he had compiled, he attacked the Government of Trinidad and Tobago for its stance on capital punishment. On one such occasion, Mr. Speaker, Mr. Sane caused considerable embarrassment to the British government.

Amnesty International
[HON. R. L. MAHARAJ]

Monday, October 09, 2000

At a cocktail reception held at the home of the British Deputy High Commissioner and attended by members of the Diplomatic Corps and Trinidad and Tobago citizens, Mr. Sane was highly critical of the Government of Trinidad and Tobago's policy on the death penalty and launched a personal verbal attack against the Prime Minister and the Attorney General and Minister of Legal Affairs. Mr. Sane embarrassed his hosts, and the British government, especially since the British Foreign Secretary, Mr. Robin Cook, announced soon after he took office that staff from Amnesty International would work within the British Foreign Office and the British Foreign Secretary established a Committee of the Foreign Office charged with the role of working towards the abolition of the death penalty in foreign states, including countries of the Caribbean.

The British Foreign Secretary appointed Amnesty International to be a member of that Committee. Even a few days ago the Secretary General of Amnesty International again made further accusations against Trinidad and Tobago. He repeated some of the allegations contained in the report but he also embellished the falsehoods with the allegation that the Government of Trinidad and Tobago does not provide legal aid for persons facing capital charges. The Government provides legal aid for persons charged and convicted of murder at every stage of the criminal justice system, that is before the Magistrates' Court, the High Court, the Court of Appeal and the Judicial Committee of the Privy Council.

Mr. Speaker, millions of dollars are spent every year by the state in paying for the legal representation of condemned murderers who are poor persons with cases before the Judicial Committee of the Privy Council. In respect of the allegations made by Amnesty International concerning prison conditions in Trinidad and Tobago, the penal system of Trinidad and Tobago has already embraced the virtues of alternatives to imprisonment with the introduction of Community Service Orders and community mediation on its statute books. In 1997 and 1998, Trinidad and Tobago was one of the first countries in the Caribbean to introduce by legislation a system for Community Service Orders and community mediation in cases of certain non-serious offenders.

Trinidad and Tobago has recognized that petty and first-time offenders can be adequately punished and, indeed, rehabilitated within the community, thereby relieving the prison system of a substantial portion of its population and thus ease overcrowding. A review of the prison rules has been undertaken and steps are being taken to further modernize the prison system but, notwithstanding that some reforms of the prison system of Trinidad and Tobago are outstanding, the system

and the conditions are comparable with those which exist in the United Kingdom and the United States of America. In any event, the Judicial Committee of the Privy Council has ruled that the nature of prison conditions does not have any legal bearing on the carrying out of the death sentence. The Government realizes, however, that prison conditions must be humane and all citizens must be treated in a humane manner, even those convicted and sentenced to death.

Mr. Speaker, the annual report of Amnesty International cannot be considered a serious or credible work of reference pertaining to the human rights situation in Trinidad and Tobago. No attempt has been made to produce an impartial, balanced and accurate report. Facts are manipulated and the report has been written and edited to fit the bias and prejudices of its authors. The report is partial, unbalanced and inaccurate. It is a compilation of untruths and half-truths. Every opportunity is taken to present a negative view of human rights in Trinidad and Tobago. Every opportunity is taken to use language and innuendo to suggest some bad motive or cover up on the part of the Trinidad and Tobago authority.

Amnesty International was established in 1960 working for the release of prisoners of conscience. Amnesty International had a special status as an organization of activist volunteers who had personal contact with prisoners of conscience and their families. The organization, Mr. Speaker, became well respected by governments. Its work with prisoners of conscience achieved a great deal. This was, in large part, due to the strict observance by Amnesty International of its founding principles. These were impartiality, balance and accuracy.

Mr. Speaker, in recent years Amnesty International's mandate has been expanded. Today Amnesty International is best known for its opposition to torture and the death penalty as for its work on behalf of prisoners of conscience. At the same time, its membership has lost personal contact in Amnesty International's work as increasingly its day-to-day agenda has become set by paid employees headed by its Secretary General, Pierre Sane. But as Amnesty International has grown, Mr. Speaker, so its international reputation has diminished. The founding principles of impartiality, balance and accuracy have been forgotten by its current leadership under Pierre Sane.

The credibility of Amnesty International has gone into decline as Mr. Sane has failed to practise the principles of impartiality, balance and accuracy in carrying out Amnesty International's policy to persecute and put pressure upon states to abolish the death penalty. Mr. Sane decided to achieve this objective at all costs, even if it meant publishing untrue allegations about those governments which indicated their intention to reject Amnesty International's policy. Mr.

Amnesty International
[HON. R. L. MAHARAJ]

Monday, October 09, 2000

Speaker, in a few short years Mr. Sane has damaged the international reputation of Amnesty International.

The regional and international human rights movement should consider taking steps to protect the long-standing image and respect by governments of Amnesty International and they should consider having an investigation into the activities of the current leadership of Amnesty International. The activities and behaviour of the current leadership have certainly damaged the reputation and respect, not only of Amnesty International, but also the non-governmental human rights organizations of the world. These organizations, Mr. Speaker, play a very important role in checking the behaviour of governments to ensure that they comply with international norms so that people can enjoy fundamental human rights and freedoms.

The Government and the people of Trinidad and Tobago encourage free expression and they welcome criticism by individuals and organizations, including human rights organizations. The Government, however, considers that it has an obligation to the people of Trinidad and Tobago to respond to and also criticize any comments which are not true. Mr. Speaker, Amnesty International, under Pierre Sane, has become an instrument for the persecution and subversion of small states in the Caribbean which were once colonies and part of the British empire but which are now sovereign independent states. Thank you very much, Mr. Speaker. [*Desk thumping*]

OFFENCES AGAINST THE PERSON (AMDT.) BILL

Bill to amend the Offences Against the Person Act, Chap. 11:08, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken on Wednesday, October 11, 2000. [*Hon. R. L. Maharaj*]

Question put and agreed to.

MISCELLANEOUS LAWS BILL

Bill to amend certain provisions of the Summary Courts Act, the Summary Offences Act, the Offences Against the Person Act and the Larceny Act to remove certain discriminatory religious references, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken on Wednesday, October 11, 2000. [*Hon. R. L. Maharaj*]

Question put and agreed to.

Prevention of Corruption (Amdt.) Bill

Monday, October 09, 2000

PREVENTION OF CORRUPTION (AMDT.) BILL

Bill to amend the Prevention of Corruption Act, to establish the Anti-Corruption Commission and for matters relating thereto, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken on Wednesday, October 11, 2000. [*Hon. R. L. Maharaj*]

Question put and agreed to.

CONSTITUTION (AMDT.) (NO. 2) BILL

Bill to amend the Constitution of the Republic of Trinidad and Tobago, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Hon. R. L. Maharaj*]

Question put and agreed to.

INTEGRITY IN PUBLIC LIFE (AMDT.) BILL

Bill to amend the Integrity in Public Life Act, 2000, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Hon. R. L. Maharaj*]

Question put and agreed to.

INTERNATIONAL CRIMINAL COURT BILL

Bill to provide for the prevention and punishment of genocide, crimes against humanity and war crimes, to give effect to the Rome Statute of the International Court done at Rome on the Seventeenth Day of July, One Thousand Nine Hundred and Ninety-Eight; and for purposes connected therewith or incidental thereto, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken on Wednesday, October 11, 2000. [*Hon. R. L. Maharaj*]

Question put and agreed to.

CONSTITUTION (AMDT.) (NO. 2) BILL

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That the Bill entitled, “An Act to amend the Constitution of the Republic of Trinidad and Tobago”, be now read a second time.

Mr. Speaker, in moving the second reading of this Bill, I seek leave of the House to debate together the other Bill before this House which relates to the subject of debate, that is the Integrity in Public Life (Amdt.) Bill, 2000.

Mr. Speaker: Hon. Members, in the absence of there being any dissenting voice, these Bills, which are in a way connected, will be taken together.

Hon. R. L. Maharaj: Mr. Speaker, I would not be very long in moving these two amendments. On Friday, the Government gave an undertaking to the Opposition that in relation to some of the matters they were asking to be amended in the Integrity in Public Life (Amdt.) Bill and the Constitution (Amdt.) (No. 2) Bill, we undertook to effect the amendments but we agreed that we could not do it in those Bills because the parliamentary session was coming to an end on Saturday and we will have a new Bill to reflect those amendments. The Bills were drafted and, by agreement, were sent to the Opposition on Saturday. I saw some comments on the Bill this morning and I indicated to the Opposition Chief Whip that we would consider them and deal with them at the committee stage, but I did give him an undertaking and we did indicate that we would proceed as agreed.

2.00 p.m.

Mr. Speaker, the Integrity in Public Life (Amdt.) Bill really does try to correct an error which was made in respect of clause 12, but it also amends section 2 by excluding the definition from the persons with public functions. In other words, the Opposition said that they must be included in the process and we agreed to accept that amendment.

We also agreed that in clause 8, the Commission would be empowered to carry out investigations, even though persons have demitted public office and there was also the agreement that judges and magistrates should also be part of monitoring the integrity process. The Opposition has mentioned that the Bill left out a few matters that we have agreed on, and I indicated that we would look at that at the committee stage.

Mr. Speaker, the Constitution (Amdt.) Bill which goes with it is purely incidental to what we have agreed, bearing in mind that it is the Constitution which deals with the ambit of persons and which the Integrity Commission will have powers over.

Without going into any detail, I move the second reading of the Bill. I beg to move.

Question proposed.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, I do not know whether I can help it, but I think I must observe, before dealing with the Bill before us, that in fact, today is a very historic day for the Parliament of Trinidad and Tobago as it is the first time in its history, as I understand it, we are meeting in a sixth session of the Parliament.

Of course, this is not the only first that we have seen in the life of this Parliament. As a matter of fact, one would recall that the Parliament opened with a first, where a person who was defeated at the polls became the Speaker of the House. I am not making any comment whether it is right or good. I am merely saying it is a first in the history of the Parliament.

Mr. Speaker: Once you do not intend to bring the Speaker into the debate, and it sounds very much—I have difficulty in accepting that that does not have the effect to bring me in, but so be it.

Mr. Valley: Mr. Speaker, I want to assure you that I am making a general point rather than speaking of the current office holder, simply to say that we have seen some new things happening over the last five years and, really, that the people of Trinidad and Tobago will have to decide within two or three months whether they appreciate the changes made. For example, the fact that—and again, I do not want to bring, of course, the office of the President into the debate, but I simply want to mention that that was another first we saw—a former politician became the President of the Republic.

There have been others over the last five years. Another first that we had was the open public squabble between the Prime Minister and the President and, again, the Attorney General and the Judiciary. A number of firsts. We had, of course, the new first, Members winning the election on one party banner and then moving over to another side. Another first! All I am saying is that we have to take this sixth session of the Parliament, which is a historic first in the context of the other firsts we have had over the last five years, then on the financial side, of course, the five years of budget deficit.

“Nuff said” with respect to that, Mr. Speaker. On the positive side, I want to say that I am pleased that the hon. Attorney General is taking this step today to amend the Integrity in Public Life Bill in accordance with his undertaking on the last day, Friday, and really, quite sincerely, I think we should thank him and congratulate him on taking this step.

Constitution (Amdt.) (No. 2) Bill
[MR. VALLEY]

Monday, October 09, 2000

Members would know that we on this side had certain difficulties with the legislation. We thought it did not go far enough, but we were mindful of the fact that we were all clamouring for improvement in the law regarding integrity in public life for some time and that it would have served nobody well to have that Bill defeated once more. In spite of the shortcomings of the legislation, given that the Parliament was about to be prorogued, we agreed that we would support the Bill unanimously on the undertaking by the Attorney General that the amendment sought would be dealt with today.

As the Attorney General said, on Saturday I got a copy of the Bill that we sent to the Attorney General. While we stated that it covered most of the amendments, there were three or four areas we thought needed strengthening. Those are, Mr. Speaker, the increase in penalties for persons who knowingly make false complaints to the Commission about persons in public life.

Secondly, penalties for persons who unlawfully disclose information regarding declarations made to the Commission by persons in public life, or the particulars of any investigation into a person in public life. Thirdly, the retention of Permanent Secretaries and Chief Technical Officers as persons in public life and a small amendment to the new clause 44 to cover persons who were in public life at any time under the former legislation.

I had spoken with the hon. Attorney General before the session and he has undertaken to effect those amendments, and I think that Trinidad and Tobago can now say that we do have legislation covering the conduct of public officials to an extent to which we can be justly proud.

There might be one other issue and I am still debating in my own mind how strong we ought to be on it, but an issue I raised in the debate given the fact that the legislation talks about commissioners being persons of high integrity, whether they ought to be required to file a declaration to the President. Some people may argue that since these persons must be appointed after discussions or consultation with the Prime Minister and the Leader of the Opposition, that ought to be sufficient protection, but over the last couple of years, I think we have seen that one is perhaps never sure. As I said, I do not know. Something we may want to look at, whether, in fact, they should themselves file a declaration to the President. We would look at that at the committee stage and have discussions with respect to that.

I think that with the passing of this legislation—and I can assure the Government that they would have the support of Members on this side—we would have good integrity legislation in Trinidad and Tobago.

I thank you, Mr. Speaker.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, also, the Government would like to say on the positive side, as the Opposition has said, that with respect to the support we have got from the Opposition in respect of these measures, we are very happy that they have supported the Bill and we have come here today based on the undertaking that we have given.

I was so sorry that the Opposition Chief Whip used this opportunity to make statements which can give the impression—I am sure that is not his intention—that what is happening here is not authorized by the Constitution.

Mr. Valley: I never said that.

Hon. R. L. Maharaj: The fact that the Constitution of Trinidad and Tobago says in clear, unambiguous terms that when the life of a Parliament would continue and the life of a Parliament continues from the first day in the term of the Government to five years thereafter, we all know that some time at the end of November, this five-year period will come to an end.

Mr. Speaker, it is also the law under the Constitution that there are sessions of Parliament and the Constitution permits for there to be more than one session of Parliament in one of the years of Parliament.

As Attorney General, about two months ago I knew that these matters were going to come up and issues might have been raised and I requested the Solicitor General to look at the whole issue and to give a legal opinion. The legal opinion of the Solicitor General confirms that the Constitution permits it and the Constitution authorizes it and, therefore, whether it is the first, it may be that this is a Government of the first.

The fact of the matter is that that, in itself, must be considered to be a good thing, because if it is that the Opposition in the past, in Government, did not recognize what the law was, what the practice was—as a matter of fact, as I said before, when the Opposition was in Government and the then Leader of the Opposition, as Prime Minister, called the election, when that election was called, the Leader of Government Business at the time, now Opposition Chief Whip, expressed surprise and, by his conduct, he acted as though he disapproved the calling of the date.

Adjournment

Monday, October 09, 2000

If the Government of the day, at that time, did not know what its powers were and, in effect, what the people gave them, that is no fault of this Government. I found it wrong, and I think I should put on record, as Leader of the House, that the Constitution does not prohibit—as a matter of fact, it authorizes—a person who has contested the election and he or she was not successful, to be elected Speaker of the House of Representatives.

2.15 p.m.

The Constitution authorizes it. I think when we, in the Parliament, say things which can give the impression that these things are not authorized, it can undermine the Constitution of Trinidad and Tobago.

Mr. Speaker, I would have thought that in any country in which you can have persons in high office disagreeing with each other and yet able to captain the ship of state, that was a very healthy sign. As a matter of fact, that is what democracy is about. Is the Opposition saying that persons in public life—high officials—should be hypocrites, that if they disagree on fundamental issues, on matters which the population should know about and which have been raised, that to fool the people, the high officials must come to say one thing when, behind the scenes, something else is happening? I would have thought that discussions which have occurred in this country in which there were the functions and duties in relation to high officials was a very good thing.

Dr. Rowley: Like whom?

Hon. R. L. Maharaj: I think the country has benefited from that. [*Crosstalk*] It would seem to me that the Opposition believes that high officials must not disagree and that if they do disagree and the matters affect the public interest or the public, they must be stifled and the public must not know about it. [*Crosstalk*]

Mr. Speaker: Order please.

Hon. R. L. Maharaj: As a matter of fact, the Opposition raised the point about the President of the country, a person who was a Member of Parliament and became the President of the country. The Constitution authorizes that. If it is that the Opposition believes that should not happen, it could have filed a motion to amend the Constitution so that would not happen again. But it has not done that. If it is that the Opposition believes that there should not be the life of the Parliament for five years and it wanted to change that, that there must be one session in a year of the Parliament, then they can file a motion and we can consider changing that. But, if we take an oath when we become Members of

Parliament to uphold the Constitution and the law, it is certainly not right for us to be saying one thing and giving the impression that we do not agree when the Constitution authorizes it.

Mr. Valley: Yes, the spirit.

Hon. R. L. Maharaj: Mr. Speaker, very specifically, the issues which arose and which he talked about, the differences between the Prime Minister and His Excellency the President—there were issues raised which affect the public. Those issues affect the functioning of Parliament and the functioning of the Constitution of Trinidad and Tobago. There were comments by the population; comments by the press and those comments have assisted the country in building democracy and the rule of law. That is what democracy is about. Democracy is not about stifling opinions, stifling expressions and for public officials to be hypocritical saying there is agreement on this issue when there is no agreement. Mr. Speaker, I do not understand public life to be that at all.

The next issue raised was the differences between the Chief Justice and the Attorney General. I would have thought that those were healthy discussions. Those discussions relate to benefit for the people in relation to accountability to the people and, as the commission reported, no taxation without representation. I would have thought that he would have congratulated the Government for taking the initiative in order to have these discussions investigated so that there will be a discussion in which it is very important for Government, not only in Trinidad and Tobago, but in the Caricom region and in the Commonwealth, to know about these matters.

As a matter of fact, on Saturday morning I was in my office and the Attorney General of Jamaica who was in Trinidad and Tobago, called me and spoke to me about the report he read in the newspaper. He said, "I would like to get a copy right away because it is very important for Jamaica."

When this issue arose, it was discussed at the Caricom level and the hon. Chief Whip, the hon. Member for Diego Martin Central, gave the impression that if there are differences, a Chief Justice should be gullible, or an Attorney General should be gullible or sycophant, and that a Chief Justice should be subservient and they should agree with each other. If that happens, the public interest would never be protected.

The public interest is only properly protected when persons who occupy high office stand up for what they consider to be right and principles are fought for, regardless of whether those principles have to be discussed openly in the public, otherwise the public would be short-changed. The man or the woman in

Adjournment

Monday, October 09, 2000

Laventille would be short-changed if we do that; the man or the woman in Toco would be short-changed if we do that; the man or the woman in San Fernando East would be short-changed if we do that; the man or the woman in Pointe-a-Pierre, in Couva, in Chaguanas, in La Brea and in Point Fortin would be short-changed, because you can only build a democracy when these matters, which are of great importance to the people, are discussed publicly even if it means breaking the traditional rules.

On this side of the House, we agree that some of these matters may be considered to be first, but the world would not have changed if people thought that if there was not a precedent, they would not do it. The United States of America was formed because there was a first. There are cases in the world decided by judges because there has always been a first. Those cases have liberated and emancipated people.

William Wilberforce freed slaves because he considered it to be a first. Nelson Mandela, fought against the oppression of black people in South Africa. If he did not consider that people before were scared and that there must be a first, black people's rights would not have been the same in South Africa. If Mahatma Gandhi did not consider that you had to stand up against the British in India, the rights of Indians in India would not have been the same. Martin Luther King, if he was afraid of standing up to be a first, the rights of black people in America would not have been the same.

Dr. Rowley: And Ramesh Lawrence Maharaj in Trinidad and Tobago!

Hon. R. L. Maharaj: If it is that we are operating a party, we want to be an alternative government and we are saying that because there is no precedent, [*Crosstalk*] we must tread on barren ground, on virgin territory in order to make a mark for the benefit of the people of Trinidad and Tobago.

Mr. Speaker: Order please.

Hon. R. L. Maharaj: I think that is what explains how the PNM has not been able to deal with some of these problems.

I take the opportunity of asking the Opposition to learn from what we have done and to try to operate the Opposition on the same basis and on the same principles, so that if it means that the people of Trinidad and Tobago would get justice by doing something which has not been traditional but which is a first, that they would do it and they would have the courage to do it in Opposition. Do you want to ask a question?

Mr. Hinds: I just noted that you were the first to turn around on the death penalty.

Hon. R. L. Maharaj: Mr. Speaker, I would not answer that. The facts speak for themselves.

Mr. Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Hon. R. L. Maharaj: Mr. Speaker, I beg to move that we adjourn the further stages of these Bills, in light of the fact that there is a letter which has been written to me by the Opposition and we will have to do some drafting. We could adjourn these matters in order to come back. We will come back on Friday.

Mr. Speaker: By agreement of both sides, the further deliberations on these two Bills will be deferred to the next sitting of the House.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, for the next sitting of the House, we propose to sit on Wednesday afternoon and on Friday. We propose to sit on Wednesday afternoon at 2.30 p.m. and we will move that all stages of two Bills be done on Wednesday afternoon. Those are, the Miscellaneous Laws Bill, which, as Members will know will remove discrimination against the Baptist and the Orisa faiths, and the Offences Against the Person Bill, which categorises murder into three categories. We wanted to do those two Bills on Wednesday at 2.30 p.m.

Mr. Speaker: Do I take it that you wanted the continuation of those two Bills on Wednesday or Friday?

Hon. R. L. Maharaj: On Friday, because we would have more time.

Mr. Speaker: Okay. Hon. Members, I did indicate at the next sitting but it appears that both sides will be happy with the continuance of them on Friday, so those would be continued on Friday.

Question put and agreed to.

[Members rise]

Mr. Speaker: Not yet.

Mr. Manning: Did he propose the adjournment?

Adjournment

Monday, October 09, 2000

Mr. Speaker: He did a short while ago. Would the Member for Arima please take his seat?

House adjourned accordingly.

Adjourned at 2.27 p.m.