

HOUSE OF REPRESENTATIVES*Friday, May 25, 2001*

The House met at 1.32 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**CELLULAR TELEPHONES
(SHUTTING OFF OF)**

Mr. Speaker: Let me just ask Members who have their cellular phones on—I heard at least two since I came in. Let us take a moment, check them and if they are on, cut them off, please, so that we can continue the proceedings.

Thank you very much.

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received correspondence from the hon. Leader of the Opposition and Member for San Fernando East (Mr. P. Manning) seeking leave for his absence from today's sitting. Leave has been granted.

**ELECTIONS AND BOUNDARIES COMMISSION
(PUBLIC COMMISSION OF ENQUIRY)**

[Third Day]

Order read for resuming adjourned debate on question [February 2, 2001]:

Be it resolved that this honourable House call on the relevant authorities to take steps to review by way of a Public Commission of Enquiry, all the actions of the (EBC) in the preparation of the preliminary and final voters lists which were used on December 4, 2000;

And be it further resolved that this House agree that the Government provide, through supplementary allocation, all the necessary financial and other resources to effect an immediate, comprehensive, nationwide voter registration exercise, inclusive of a new voter identification system;

And be it further resolved that this exercise be completed in the shortest possible time with a view to having improved procedures and a revised voters list available well before any other national election becomes due in Trinidad and Tobago. [*Dr. K. Rowley*]

Question again proposed.

Mr. Speaker: Hon. Members, at the adjournment of the last sitting, the Member for Diego Martin Central, who I note is not here today, spoke for 27

EBC (Public Commission of Enquiry)
[MR. SPEAKER]

Friday, May 25, 2001

minutes and he has a balance of 18 minutes. But, in view of the fact that the Member is not present, I am inclined to listen to the input from any other Member as my eyes will catch.

The Minister in the Ministry of Health (Dr. The Hon. Fuad Khan): Mr. Speaker, I rise today to participate in the debate on this Motion before the House on Private Members' Day brought to this honourable House by the Member for Diego Martin West who, unfortunately, is not here, and I do hope that he will get a copy of the *Hansard* and read what is said in my presentation.

Mr. Speaker, this Motion which you have just read:

Be it resolved that this honourable House call on the relevant authorities to take steps to review by way of a Public Commission of Enquiry, all the actions of the EBC in the preparation of the preliminary and final voters lists which were used on December 11, 2000;

And be it further resolved that this House agree that the Government provide, through supplementary allocation, all the necessary financial and other resources to effect an immediate, comprehensive, nationwide voter registration exercise, inclusive of a new voter identification system;

And be it further resolved that this exercise be completed in the shortest possible time with a view to having improved procedures and a revised voters list available well before any other national election becomes due in Trinidad and Tobago.

Mr. Speaker, with respect to the resolution, it was, I think, by good faith that we obtained this report of the Elections and Boundaries Commission on the parliamentary elections held on Monday, December 11, 2000. I am quoting from this. It is a letter addressed to you, Mr. Speaker, dated May 10, 2001.

If we look at the initial page on No. 6, it says:

- “6. In this election, the Commission was allowed a period of six weeks to organize and implement activities for the election on the basis, in part, of the amendments contained in the Representation of the People (Amendment) Act, 2000 (Act No. 51 of 2000) which now mandates a minimum of 35 days between the issue of the writ and the taking of the poll.
7. At the invitation of the Government of Trinidad and Tobago the Commonwealth Secretariat sent a Commonwealth Observer Group of six led by the Honourable Roy MacLaren PC, a former Canadian Cabinet Minister and diplomat. The group was able to see the closing

stages of the political campaign and final pre-election arrangements, and on polling day observed voting and the counting of votes, which both took place at the polling stations.

8. The main conclusions of the Commonwealth observer group were that:"

And note this:

- “• the conditions existed for a free expression of will by the voters of Trinidad and Tobago: where we observed the process the atmosphere was peaceful, the voters were able to cast their votes freely and the secrecy of the ballot was assured;
- the results of the elections reflected the wishes of the people: the stipulated counting and tallying procedures were followed and the processes for both were fair and transparent;
- the Elections and Boundaries Commission’s polling day arrangements were admirable and compare well with others in the Commonwealth;”

The Group also stated that ‘the conduct of the poll was in many ways an object lesson in how it should be done’.”

Now we look at this resolution by the Member for Diego Martin West and we wonder why he called for it. He is calling for a commission of enquiry into all actions of the EBC in the preparation of the voting list; and here we have a Commonwealth Observer Group stating that everything was free and fair, the EBC did a proper job and it was all transparent, fair and the poll was done in such a way that it could be a lesson to many on how it should be done.

I want to read more, Mr. Speaker, because it will, as they say, give credence to my argument for this debate. It continues:

- “9. It also noted in its report two aspects of the election process that became major issues in the campaign of the December 2000 election. One was the issue of alleged ‘voter padding’ in certain marginal constituencies, and the other was the allegation that two candidates had made false declarations during the nomination process.
- 10. These so-called marginal constituencies, five in number, namely, Tunapuna, Barataria/San Juan, St. Joseph, Ortoire/Mayaro and San Fernando West are so described because of the small margins of votes which in the General Election of 1995 separated victors from the vanquished in these constituencies.

EBC (Public Commission of Enquiry)
[DR. THE HON. F. KHAN]

Friday, May 25, 2001

11. On October 6, 2000, allegations of a plan to ‘pad’ the electoral lists in the marginal constituencies were made to the then Chairman the late Sir Isaac Hyatali at his office by the Leader of the Opposition. Support for the allegations was furnished in the form of a series of photocopied documents said to have been handed to the Leader of the Opposition by a person whose name it was said could not be disclosed as he was in hiding.”

Now, I must say “photocopied documents”, Mr. Speaker, which obviously can be changed in certain manners. It continues:

“The Chairman undertook to advise the other Members of the Commission and to investigate the allegations.”

This was on October 6. The elections were on December 11. The Leader of the Opposition, the Member for San Fernando East went to the then Chairman, the late Sir Isaac Hyatali, and said that there was a plan to pad the voters list and produced some photocopied documents, Mr. Speaker. Not real, but photocopied documents.

The Chairman told the other members of the commission to investigate the allegation and here is what happened:

- “12. Almost immediately thereafter, the Leader of the Opposition reported his allegation to the Press and then to the Police, and the Press promptly published the same under banner headlines while the Police prepared themselves to investigate the allegations.”

You see, he went to the EBC office, went to the press and then to the police. This is what happened according to the report of the EBC. Then it says:

- “13. It is important to point out at this juncture that in order to preserve the integrity and validity of the electoral list, particularly in the face of the impending election, the Commission had redoubled its efforts to improve the surveillance of the registration system by initiating at the beginning of the year 2000 a monitoring exercise to oversee transactions dealing especially with applications for across-constituency transfers. This was done with particular reference to the so-called marginal constituencies.”

...of Tunapuna, Barataria/San Juan, St. Joseph, Ortoire/Mayaro and San Fernando West.

- “14. The Commission, accordingly, made regular examinations of the data collected from this exercise, searching for patterns or trends which might suggest unusual movement of individuals.”

Since the beginning of the year. So, Mr. Speaker, the commission was on the ball, working long before the Leader of the Opposition, the Member for San Fernando East, alleged voter padding on October 06 with photocopied documents from a person they could not find and was in hiding.

- “15. Arising from this monitoring exercise, it was in late September 2000 that two bundles of fifty-three (53) and forty-nine (49) notifications of change of addresses were received for transfers to the marginal constituencies of Ortoire/Mayaro and Tunapuna, respectively. Field investigations thereafter, revealed that the information supplied in support of all but seven notifications was inaccurate and consequently, ninety-five (95) notifications for transfers were deemed invalid and rejected.
16. In the face of the allocations and the above invalid notifications for transfers, the Commission decided that all such notifications in the marginal constituencies from July 1, 2000 and including the period of Electoral Registration, October 3—11, 2000, would be subjected to special scrutiny. This was done in order to ensure:
- (i) the rejected notifications for transfers lacked bona fides or were untruthful; and
 - (ii) the acceptance only of those that passed the test of accuracy and satisfied the statutory requirement of at least two (2) months’ residence at the changed address preceding the qualifying date of the Electoral Registration, October 12, 2000.”

So, the Elections and Boundaries Commission, according to these facts, was on the ball observing the trend in marginal constituencies, looking at the transfers, rejected 95 transfers out of 101, it looks like, and kept vigilance and surveillance on this movement.

1.45 p.m.

- “17. As a consequence of such scrutiny, the Commission rejected altogether 252 notifications for across-constituency transfers into the marginal constituencies;
18. After completing this exercise the Commission published on November 20, 2000 the Revised List of Electors, copies of which were posted in at least two places in every polling division throughout Trinidad and Tobago.”

Concerning vigilance, surveillance and transparency of voter registration in marginal and otherwise constituencies—

EBC (Public Commission of Enquiry)
[DR. THE HON. F. KHAN]

Friday, May 25, 2001

“19 In his address to the electorate on December 08, 2000 by Chairman, Mr. Oswald Wilson, the matter of the integrity of the electoral list was dealt with.”

Here we see the Member for Diego Martin West asking to check the integrity of the electoral list.

“He referred to the 252 rejected applications for across-constituency transfers into marginal constituencies which were discovered by the Commission and given to the police for their investigation. Several persons were arrested and charged with making false declarations in this matter, and police action into these events is continuing.”

I must commend the police for the rapid action within that week following the election. They moved with such fervour that it created a lot of anxiety among certain parts of the population.

- “20. The Chairman in that same address explained that the electoral system being one of permanent personal registration implies that once a person is registered, he or she remains so registered until the Elections and Boundaries Commission has irrefutable evidence to remove his or her name from the list of electors. He went on to say that in every constituency there are individuals who have changed their places of residence as recorded in the original registrations, to addresses elsewhere in Trinidad and Tobago or abroad without informing the Commission, as required by the registration rules.
21. The Commission also experienced the passing of its distinguished Chairman, Sir Isaac Hyatali on December 02, 2000, nine days prior to the day of the poll.
22. In the Commission’s view the electors who went to the polls and exercised their right to vote did so peacefully, freely and fearlessly and produced a result which could not properly be assailed as being contrived or fraudulent.”

It makes this Motion a non-issue and a non-motion.

“23. Appended to this Report also, for information, study and research...”

Mr. Speaker, after reviewing that letter to your good self—I would call the names—Oswald Wilson, the Chairman of the EBC, Norbert Masson, member, Lance Murray, member, Raoul John, member, and Mark Ramkerrysingh, member, all signatories to this—it is unfortunate. Like any game or activity where

there are more than two sides playing, there must be winners and losers, and the winners are sometimes subjected to various connotations of the losers.

This Government was subjected to allegations of voter padding and voting irregularities for approximately three months. Some of these allegations are being heard in a court of law. However, I wanted to come here this afternoon to tell the Members who are not present, unfortunately, about a history of voter irregularities in this country.

Hon. Members: Tell them. [*Laughter*]

Dr. The Hon. F. Khan: Mr. Speaker, from my information, the EBC's actions, as they stand today, cannot be questioned as said in this report. However, in the historical aspects of elections in this country, the voting machines were used. I, myself, was a polling agent when I was a young person and I had firsthand experience with the voting machines in Mamoral—this is in Caroni East, is it not?—where we had a PNM candidate and a UNC candidate. The voting machines gave a total vote which did not correspond with the number of votes cast, so there were more people who voted for the PNM as compared to the DLP in those days, and the total votes were way off the number of votes that were in.

When I told the presiding officer that it did not make sense, he said, "Okay, you submit a report and we would check it out." Up to this day I have not heard anything about the report. I signed the report as a student, and never, up to this day, got any answer as to why there was that fraudulent level of voting on the voting machines. The voting machines continued to be used until they eventually went. No one questioned the then PNM getting the full 36 seats. In this booklet the Elections and Boundaries Commission shows that only 33.17 per cent of the electorate voted in 1971. The majority of the electorate did not vote, because of a no-vote campaign that was produced by the then leader of the Democratic Action Congress (DAC), Mr. Ray Robinson, who is now President. I cannot bring him into this argument because he is the President of this country.

It goes back to 1956, Mr. Speaker. In the constituency of Barataria I was privy to information where many ballot boxes, in 1956, were deemed to have been dumped in the San Juan River which disallowed Chanka Maraj from winning the seat in El Socorro South. These irregularities continued and, apparently it was argued in a court of law—this matter was brought to a court of law.

As you know, in those days, we did not have the media—as much as we have it today—and the scrutiny of the media, which is good to keep things in line, when they decide to do investigative reporting. I heard from people who were

EBC (Public Commission of Enquiry)
[DR. THE HON. F. KHAN]

Friday, May 25, 2001

there that the magistrate threw out the case based on possible perjurious actions by the people. That magistrate went on to become a very high, elevated magistrate in the PNM time. When you look at these things: voting machines, dumping of ballot boxes and demographic movement of voters around this country, I think you would understand.

If you remember, Mr. Speaker, there was a gentleman in the PNM by the name of Prevatt. From my reading and experience he was, what you call, a qualified demographer, one who observes population shifts based on anything: age, race, education, voter reference and so forth. Mr. Prevatt, apparently, was such a good demographer that he cut the island into certain boundaries and was able to find where there was non-PNM and PNM support. So he set about his little plan.

The plan included movement of supporters of the then PNM to areas that were not supportive of the PNM, which Dr. Eric Williams called the “recalcitrant minority”. Mr. Prevatt and his demographers, I understand, utilized two things: housing complexes and residential rentals. In other words, he utilized money from the State to build houses in non-PNM supportive areas and moved PNM supporters there to dilute and decrease the voting movement of those people in the non-supportive areas. Those were government funds. That type of activity we have not done and we condemn it.

He also did one thing which I think many people do not understand and do not know. He went to areas where there were non-PNM supporters—he, himself, did not do it, of course—and under certain houses that were opened, he allowed them to build rooms to rent. So if a house had, let us say, 10 voters, he would put two apartments below using, I think, the social development community line; then he would give those rentals to PNM supporters to stay there for, at least, one to two years. In doing so, it would nullify the effect of non-PNM versus PNM supporters. That was a very, very ingenious way of decreasing one support and increasing the other support.

Mr. Speaker, I make mention of these things because after 35-odd years one sees the effect of this demographic movement and the increase in voter patterns as it continues. I make mention of it. I have no bones about it. The McBean and Couva development—the Member for Diego Martin Central always says he comes from Couva. I went to Couva Government Secondary School and was privy to the different shifts in the voting movement in that area.

Another thing that occurred around that time—I am going into history, because if we do not look at our history we would be doomed to repeat it in the future. [*Interruption*] Thank you, Sir. There was a movement of members of the

smaller islands taking boats to Charlotteville in Tobago, taxiing to Scarborough, going on the ferry there to come to Port of Spain, going straight on to the hills and distributing themselves. When questioned about it in previous elections, they were given identification cards and were allowed to vote in such a manner as was deemed fit.

Mr. Speaker, when we look at those types of activities, one wonders why the Member for Diego Martin West, after basically decreasing his support in Diego Martin—the PNM in the other strongholds, and their losing all five marginal seats—can come to this honourable Chamber now with a non-motion as this, totally refuted by the EBC, and continue in such a manner.

After the December 2000 general election, when you look at the total number of voters, the UNC had approximately 307,000 and the PNM had approximately 260,000. Overall, if you look at the total number of voters and you divide it by the number of seats—and we contested only 34 seats, not 36—you would get a common factor of 16. If you divide each of them by 16 the UNC would have 19 to 20 seats and the PNM and others would have 16.25 seats, which reflects exactly what has occurred.

I want to ask the Member for Diego Martin West to tell me, if he can, how it is that movement of voters from strong seats were shifted into marginal seats and movement from marginal seats increased as a result of that shift? If you look at the overall pattern, the total number of voters in the safe seats of the UNC increased and the total number of voters in the marginal seats for the UNC increased. So if there was a shift there should have been a decrease somewhere if you take, as they say, a tally, over a period of time.

2.00 p.m.

If you look at the number of persons increased per year why was it the UNC had an increase in the PNM strongholds and the PNM did not have such an increase: but they had a decrease in their strongholds compared to the previous 1995 election, and in their marginal seats they had an increase? When you look at those facts, who voter padded? They are accusing the UNC of voter padding within the last couple of months, but that was totally refuted by the EBC's report. What I would like to tell—and this was as a result of my investigation, I could be wrong, but they have to prove—I am just saying what I have found. I mean no disrespect to the EBC but movement of PNM supporters occurred over five years, not just before the elections, but slowly over five years this was done. I have been told by people of the Party who have come to us because they like our performance—people from my constituency, San Juan/Barataria; people from

EBC (Public Commission of Enquiry)
[DR. THE HON. F. KHAN]

Friday, May 25, 2001

around the margins like Laventille East, Laventille West, and St. Ann's East, have been moved across the boundaries into the area of San Juan/Barataria.

When the Member for Diego Martin West called out where he thought they had voter paddlers for UNC, I had an advertisement asking the population to call a number if they knew of any movement of illegal PNM voters. I got many calls. As a result, I was able to compile—to be produced when necessary—a listing. Most of the streets that the Member for Diego Martin West named and the number of voters, people were telling me that those persons were bussed in by certain members and supporters of the PNM on the Saturday, Sunday and Monday morning before the election.

I recommend, as the Government has done, a closer look and an increased activity on the voters list and also a greater participation in allowing this list to be compiled. I think we have given \$10 million to upgrade the list. Mr. Speaker, there is no secret in it. There are people who live in one area but vote in another area because they lived in that area and never changed their address. It happens, I know, in La Horquetta. People live in La Horquetta but they vote in Laventille. People live in Couva, McBean and they vote in Laventille. That is what has happened. It is a known fact and from what I understand from the argument, the hon. Member for San Fernando East, when he was in the Prime Minister's residence, voted in San Fernando East. So that is not a crime. What is a crime is someone alleging to live somewhere and not living there.

They found 252 people. Let us take out those 252 people from 307,000 and see what results we get. You would find that the UNC Government still has a larger majority of voters in this country because we went on a platform of “performance beats old talk.” I was able to continue the representation of the constituency of San Juan/Barataria based on the performance of the UNC Government in the five years preceding it. We were able to build pavilions in Barataria where the PNM tried for 40 years; we were able to build community centres in the PNM strongholds that they were trying to do for 25 years; we were able to give streetlights, and the Member for St. Joseph was able to pave many roads and the people of San Juan/Barataria were very thankful. What we also promised the intelligent nation was the dollar-for-dollar plan that the Member for Caroni East would be implementing by September. People looked and said this is a Government that is moving with new ideas and they voted for us because of that.

I cannot help it if the Members on the other side and their leader do not have any ideas. At this point in time South Africa is one of the strongest teams because they prepared themselves. They have a cricket academy and that is where they get

their cricketers. West Indies on the other hand, thought that natural talent would have won all the time. They have learned a painful lesson. I think the PNM voters saw in the UNC a Government that performed and twofold, as people of this twin island they decided to vote for the UNC in preference to their party, so we got many people's support, some of which would have gone on the fence or to the PNM.

That is a profound statement because I do believe that the people made a wise choice. In order for the PNM to purge itself and restructure its organization, they could not have won the election. If they did, which would have been by a long shot, they would still have the same leader. As a result of not winning the elections, they can restructure themselves. They should be thankful that we are here and they are there. I hope when they do come back they would give us that praise and thanks. I see the Deputy Speaker is nodding in agreement.

Mr. Speaker, I have gone into total voters; I have gone into demographic movement; I have gone into marginal constituencies; I have gone into different aspects of the electoral process. To call for a public commission of enquiry based on allegations and photocopied documents seems to suggest that somebody has lost their marbles. Photocopied documents are not proof of anything and this business about voter padding as the excuse for losing the elections has to be put to rest once and for all. I believe that the Member for Diego Martin West should withdraw this Motion. If he is really honest and he reads the report of the EBC, he should take a look at the thinking behind this Motion. The thinking behind this Motion was one of anger and hostility, one of unpreparedness—I think it came out a bit yesterday. This Government has given the EBC \$10 million and the Member for Diego Martin Central has continued to attack the EBC, quoting some large amount of money given to some commissioner, for which he has not produced any proof.

2.10 p.m.

It is unfortunate that in this honourable House, statements can be made to degrade a person's character or that there are allegations of perception. Perception is the rule in politics; it changes reality. Perception in politics is reality, and allegations of impropriety in this case are protected by this House and we should look at it closely.

Having gone through those points about the movement of voters and the demographics, et cetera, I do not believe the Members on that side have any moral grounds for bringing a motion like this because they lost an election. In doing so, I would like to recommend that the Member for Diego Martin West seek to withdraw this Motion to save the face of the party and the activity of the party, because it is a non motion.

EBC (Public Commission of Enquiry)
[DR. THE HON. F. KHAN]

Friday, May 25, 2001

With those few words, I want to thank this honourable House and wish the Prime Minister from Couva North a happy birthday. [*Desk thumping*]

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the Government came here today to respond to the Opposition's Motion. It is Private Members' Day. We had several speakers to deal with some of the points that they had made, but we have been able to deal, in substance, with what they have said. In deference to the Opposition, we would not want to end the debate today. It is their motion, and I would move to adjourn the House at this stage.

In any event, I had spoken to the Opposition Chief Whip and he knows that we are going to sit on Monday. We will sit on Monday afternoon.

I therefore move the adjournment of the House to Monday, May 28, at 2.00 p.m.

On Monday we will continue the debate on the Telecommunications Bill. We will do the Bill to amend the Equal Opportunity Act and also the Bill to amend the Mutual Assistance in Criminal Matters Act, 1997.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 2.13 p.m.