

Oral Answer to Question

Friday, February 18, 2005

HOUSE OF REPRESENTATIVES

Friday, February 18, 2005

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

ORAL ANSWER TO QUESTION

The following question stood on the Order Paper in the name of Mr. Manohar Ramsaran (Chaguanas):

**Old Age Pension
(Calculations)**

- 13.** Would the hon. Minister in the Office of the Prime Minister (Social Services Delivery):
- (a) With reference to Old Age Pensions Regulations Chap. 32:02, inform this House how the total annual income, commonly referred to as the ceiling is calculated?
 - (b) Explain how the different tiers of old age pension are arrived at?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, the Minister has asked me to request a deferral of one week for this question. We would have it ready next Friday.

Question, by leave, deferred.

WRITTEN ANSWER TO QUESTION

Mr. Speaker: There is a question for written answer from the Minister of Health. Is there any news on that?

Mr. Valley: In accordance with the Standing Orders, Mr. Speaker, when the answer to that question is ready, it will be laid in the House.

Mr. Speaker: I know the Standing Orders, hon. Member. I am just enquiring whether it is forthcoming.

Mr. Valley: I assure you, Mr. Speaker, it is, as soon as it is ready.

ANTI-TERRORISM BILL
[Second Day]

Order read for resuming adjourned debate on question [February 11, 2005]:

That the Bill be now read a second time

Question again proposed.

Mr. Basdeo Panday (*Couva North*): Thank you, Mr. Speaker. I am grateful to my colleague, the Member for Pointe-a-Pierre, for raising the consciousness of this House and the public to the dangers inherent in this Bill—dangers which threaten the civil and human rights of the citizens of Trinidad and Tobago.

When one looks at this Bill, one sees that it follows closely upon what is called the Patriotic Act of the United States, which followed very closely the disaster of September 11, 2001. It is obvious that the Bill was enacted in panic and out of anger. In fact, it was not even debated in the Senate. It was passed without debate, so anxious were the Americans to appoint some salve to their paranoia. It is clear that, having passed the bill, the United States government has been pushing down the throats of several other governments the need for them to go to their own Parliaments and pass legislation after the pattern of the Patriotic Act. This Bill is in that mode.

This Bill is dangerous because the danger is inherent, that is to say, that one finds difficulty in trying to define terms in the Bill. We cannot define terms regarding terrorism without dealing with people's religion and with politics, and this Bill is no exception.

The purpose of the Bill is to criminalize terrorism and to provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation and forfeiture of terrorists' assets. Even in the introduction to the Bill, two terms crop up which can hardly be defined. Those terms, of course, are "terrorist acts" and "terrorist property". Mr. Speaker, you would note that clause 4 of the Bill makes it an offence for any person, directly or indirectly, to provide financial or other related services. Those terms are very vague and people can go to jail for 20 years under this Act for providing "directly or indirectly". What does indirectly providing other services mean in these circumstances?

Then there is clause 6, which prohibits the use of property, directly or indirectly, for the purpose of committing or facilitating the commission of a terrorist act. One would want to know what “property” means and one would turn to the interpretation clause and one would see:

“‘property’ means any asset of every kind, whether corporeal or incorporeal, moveable or immovable, tangible or intangible, and legal documents or instruments in any form including electronic or digital evidencing title to, or interest in, such assets, including but not limited to bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit;”

These are extremely wide terms and one can be imprisoned, we see, for 20 years if one uses property directly or indirectly for the assistance of terrorists.

Clause 7 prohibits arrangements that would facilitate the acquisition, retention, or control by or on behalf of another person of terrorist property, whether by concealment, removal out of the jurisdiction, transfer to a nominee or in any other way—and you can get 20 years for that offence. So, it becomes important to find out what is “terrorist property”. So you go to the Bill and you see that:

“‘terrorist property’ means—

- (a) proceeds from the commission of a terrorist act;
- (b) property which has been, is being, or is likely to be used to commit a terrorist act;”

I am drawing to the attention of the House the vagueness of the provisions and the severity of sentence that attaches to vague provisions like these. I intend to show this House what happens when provisions are vague.

It goes on to define “terrorist property” as:

“(c) property which has been collected for the purpose of...a terrorist act;”

There is an amendment before the House which has taken out the words “providing support to a proscribed entity or funding”.

If “terrorist property” is to be property which is engaged in and aligned to a terrorist act, one must see what a terrorist act is. According to this Bill, a terrorist act is:

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- “(a) an act whether committed in or outside Trinidad and Tobago which causes or is likely to cause—
- (i) loss of human life or serious bodily harm;
 - (ii) damage to property; or
 - (iii) prejudice to national security or disruption of public safety including disruption in the provision of emergency services or to any computer or electronic system or to the provision of services directly related to banking, communications, infrastructure, financial services, public utilities, transportation or other essential infrastructure,
- and is intended to—”

This is the part to which I wish to draw the attention of this House—

- “(iv) compel a government or an international organization to do or refrain from doing any act;”

What are peaceful protests all about, if they are not acts intended to make the Government change its mind? So, it is an offence to participate in an act that compels a government or an international organization to do or refrain from doing any act or,

- “(v) intimidate the public or a section of the public,

for the purpose of advancing a political, ideological or a religious cause;”

And that is dangerous. I had said earlier that you cannot define this Bill unless you deal with defining things like religious, ideological and political causes. All these have been made an offence. Can you imagine what would happen if you put a law like that in the hands of a government that has shown that it is prepared to subvert the Judiciary and the police force? That is the definition of “terrorist act”.

It is not enough. The Bill goes on to say, in subclause (2) of the interpretation clause, that:

- “(2) An act which—

- (a) causes death or serious bodily harm to a person taking active part in armed conflict in accordance with the applicable rules of international law; or

- (b) disrupts any service and is committed in pursuance of a demonstration, protest or stoppage of work and is not intended to result in any harm referred to in paragraph (a) of the definition of ‘terrorist act’...”.

This is giving with the right hand and taking back with the left, Mr. Speaker. So what do they think a strike is about if it is not intended to cause harm? Of what purpose is a strike if it does not cause harm? A strike is intended to cause harm to the employer, and it is intended to cause inconvenience to the public, sometimes by the withdrawal of supplies and so on, so that the public becomes conscious of the causes adumbrated by the union or whoever is taking such action. So every act that challenges the Government becomes a terrorist act.

Now, Mr. Speaker, these are the provisions that frighten us. These are not only the provisions that frighten us, but have frightened the people of every single country in which this law has been brought. I intend to refer you to them later on.

Clause 8 makes it an offence to knowingly deal in any terrorist property, acquire or possess terrorist property, enter into any transaction in respect of terrorist property, convert, conceal or disguise terrorist property or provide financial or other services. Now it is not “related services”. I mentioned earlier, that it was “other services”. This again broadens the definition of this crime to such a degree that it makes it impossible for any innocent person to escape being charged with offences under this Act. Incidentally, that carries a penalty of 20 years. [*Interruption*] This Bill is 2020 vision. Everything is 20 years.

Part VII of the Bill addresses the disclosure and sharing of information. Clause 32, it is said here, “would impose a duty on every person to disclose any information, which would assist in the prevention or the commission of a terrorist act, or securing the arrest and prosecution of the offender”. Now that includes journalists. In every country that I have studied, the journalists have protested this or similar clauses. The original Bill said that:

“No civil...proceedings would lie against any person for disclosing information in good faith. The penalty for failure to disclose would be imprisonment for two years.”

However, there has been an amendment and the amendment makes this clause even more senseless. Let me tell you what that amendment has done. They propose to amend it by deleting the word “not” occurring in line 2. You will see what that has caused. It now says that:

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“civil or criminal proceedings shall lie against any person for not disclosing any information in good faith pursuant to subsection (1).”

The worst thing about this Bill is when at times it says that if you do something knowing the person to be a terrorist, or you ought to have known that the person was a terrorist. Who determines that you ought to have known? It says if you engage in dealing with property that you know or ought to have known was going to be used in a terrorist act. Who will determine that you ought to have known? It must be remembered that these cases, where they are indictable offences, are going to be tried without a jury. They are going to be tried by a judge alone. Will the judge determine that you ought to have known? Do you believe, Mr. Speaker, that we on this side would agree to legislation that puts that kind of power in the hands of a judge in a Judiciary that is being subjected to interference? Having regard to what has taken place recently with the Chief Justice, Mr. Speaker, I believe that there would be few judges who would have the courage to give a decision, which they believe to be against the interest of the Government or the Prime Minister. That is the Judiciary we face and they are asking us to put this kind of legislation into the hands of that kind of Judiciary, which has been suborned? Almost every clause speaks of one “knowing” or “ought to have known”. This Bill is almost a copy, a follow-up, of the American Patriot Act.

I also said that that Bill was forced down the throats of the Senate without discussion because of the paranoia that inflicted the society at the time. Well, that bill also went to South Africa and I want to read some of the comments made by the South African press and commentators.

“Participants at the meeting, organized by the All Africa Conference of Churches...and the World Council of Churches...fear that police will resort to harassing citizens under the pretext of tracking down terror suspects. The power that police will wield, they argue, will interfere with democratic processes and erode civil rights.”

Two journalists from *The Monitor* in Uganda are now facing prosecution under the anti-terrorist law because the Ugandan military claims that the journalists are linked to journalists of the LRA Rebels. That was reported in the International Federation of Journalists (IFJ). According to the report, the allegations are outrageous and the Anti-Terrorism Act still carries the death penalty for acts of terrorism. Those reporters can be sentenced to death.

I notice in our own Bill, there is a repetition of death in one of the clauses. I am sure that my colleague referred to it.

South African President Thabo Mbeki was urged to scrap the Anti-Terrorism Bill and in doing that members of the House said that there was “no place for such legislation in the new, democratic South Africa. Our government should oppose a bill of this type because it goes against everything that the freedom struggle stood for”.

So these bills were re-introducing what South Africa struggled against.

In a review by Prof. Thomashausen of the Constitutional Democracy against Terrorist and Related Activities Act, 2004, he said that there was “only one way out of the continuing anti-terrorism laws dilemma. Like any fundamentally flawed design, the entire concept needed to be re-considered and re-drawn”.

Is that not exactly what the Member for Pointe-a-Pierre was saying? We were saying that before that happens, they must send it for public opinion. How will they know what to redraw and what to reconstruct unless it goes out for public opinion?

While I am on the subject of public opinion, Mr. Speaker, this Bill has such far-reaching implications, and it was not even available to the public. It was not even on the Parliament website. It was not until yesterday, when I held a meeting with important persons—businessmen, trade unions and non-governmental organizations—was I told by the American Chamber of Commerce that they had seen an old bill sometime in 2003, but they had not seen this Bill and therefore they could not comment on it. How could they if they had not seen it and had not read it.

I called the meeting yesterday and they were asking that I postpone the meeting so that they could see the Bill and comment upon it. I had to reply that I could not do that because the debate is in the House today. They said:

“In the interest of meaningful consultation and dialogue, especially given the nature of this legislation, we requested yesterday...that your executive consider postponing the forum until the 2004 version of the Bill is in-hand and an adequate timeframe given for proper comparison against our comments.”

They also spoke about getting printed copies.

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“However as the 2004 draft of the Bill has not been made available for study, or for comparison against our initial comments, our President has not had the opportunity to be guided/updated by our Legislative committee. Please be aware that we were also unsuccessful in our search for the 2004 version on www.ttparliament.org.”

It was not available even on the Parliament website and this Government is passing legislation of such fundamental importance behind the backs of the public, so to speak.

Mr. Speaker, I will admit that Trinidadians—it is our culture, we cannot help it—are so concerned with living life to the fullest from day to day that matters like these do not concern us unless our backs are up against a wall. When our backs are up against a wall, then we are ready to consult. Did anybody think anyone was going to consult anything within the last week with the country involved in Carnival? That is our nature. That is our culture. That is what we are. Now that we are aware that the public has not had an input into this, all we are asking is to give them an opportunity. [*Desk thumping*]

2.00 p.m.

Mr. Speaker, I went on to mention some of the comments that took place in South Africa, and I will go on to Canada later on and other countries, if necessary. Again, reporting in the South African papers it says:

“...By committing to reproduce legislation which can best be described as draconian...”

And this legislation is draconian:

“and a throwback to the past, Gillwald and her colleagues from the ministry of Safety and Security, have shown scant regard to the concerns of civil society who have repeatedly warned about the inherent dangers restrictive measures pose to civil liberties.”

That is exactly the point that we are taking here. It is no different from other countries of the world. In that bill, there was a detention without trial and one Wyndham Hartley of South Africa says:

“The draft Anti-Terrorism Bill has been changed substantially in order to accommodate public criticism, and controversial clauses that would in effect have allowed detention without trial and the banning of organizations have been scrapped.”

So, when they did, in fact, give an opportunity to allow the public to comment they changed several clauses which were deemed as oppressive clauses in the Bill.

One Jude Mathurine echoes the anti-terrorism bill of the past and says:

“In the years of the reviled apartheid regime many journalists struggled, often at high risk, to present a picture of what was happening: now laws in the pipeline could have the very same effect...”

That is exactly what the government did under apartheid.

They said that many of the provisions in the anti-terrorism bill would take South Africa back to the days of apartheid, and the bill will limit their basic rights such as rights of freedom of expression and association, and sets harsh sentences for anyone found guilty of terrorist acts of offences associated with terrorism. Their trial is subjected to subjective input by the judge.

There are no objective criteria in this Bill; there are no objective standards by which to judge whether you ought to have known. That is in the opinion of a judge.

Mr. Speaker, one Malcolm Rogge, in the paper called the *Canadian Dimension* had this to say:

“While intense public debate roars on in Canada over new anti-terrorism legislation, governments around the world are passing their own broad anti-terrorism laws at breakneck speed, with virtually no public debate. By circumventing civil rights in the name of ‘security’, governments on all continents are, in effect, ‘locking down’ against forceful political, religious and ideologically motivated protest.”

If you take away the right to protest you lock down on forceful political, religious and ideologically motivated protest. I pointed out to you the clause that actually does that in this case. It locks down the society and says that you cannot protest; you must not have an ideological view from the Government; you must not belong to a religious sect that they do not like; and you must not have political views that are inconsistent with their views.

Mr. Speaker, it goes on to say:

“In response, human rights organizations, activists, and citizen’s groups all around the world are mounting continuous protests against these draconian new laws.”

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Does this Government not take heed of what is taking place in the rest of the world? Maybe public opinion in Trinidad and Tobago has no effect upon them. Does international opinion equally have no effect?

He went on to say:

“Even with the minor amendments that were introduced recently, the Bill threatens to silence the most vocal critics of government policy and the corporate elite, students labour, environmental, aboriginal and anti-neoliberalism protesters.”

The Canadian Bar Association and the Canadian Civil Liberties Association have been highly critical of the vagueness of the key terms in the legislation, and of the fact that the more controversial provisions are not limited by a sunset clause.

That is one of the comments that I made in terms of the vagueness of the definition terms of the legislation. And, of course, my colleagues know what a sunset clause is. That is to say, you pass legislation while there is a danger, and when the sun sets and there is no danger, the law is automatically repealed.

Many activist groups believe that the new laws will be used by overzealous law enforcement officers to suppress activist strategies for engaging public debate on issues of public interest.

Mr. Speaker, when an Act does that, surely it infringes upon the Constitutional right in sections 4 and 5 of the Constitution. [*Desk thumping*] Therefore, it cannot be passed; it cannot be legally passed by a simple majority. This Bill contains provision, which infringe upon the constitutional guarantees in sections 4 and 5 of the Constitution and, therefore, requires a special majority. There is no need for us in Trinidad and Tobago to rush headlong, at breakneck and indecent haste, as other governments are doing, in order to deal with any emerging terrorist threat.

Mr. Speaker, this race inspired by the United States of America and its USA Patriot Act was galloped through the House of Congress and the Senate with nary a word of debate.

In the United Kingdom three new anti-terrorist Acts are now being considered and a bill to implement mandatory identification cards may also be introduced.

The Russian President, Vladimir Putin, has spoken about the need to amend already existing anti-terrorism legislation.

The Mexican President, Vicente Fox, has talked about the need to create a new legislation to facilitate in the war against terrorism. They have all mouthed the statements coming out from the United States of America.

Chancellor Gerhard Schröder has recently approved stricter controls on immigrants originating from Muslim countries. Already, the Act has begun to target people on religious ground. [*Desk thumping*] It does not matter.

Hon. Member: “Put all yuh Act against Abu Baker.”

Mr. B. Panday: You are coming out on Muslim countries. Is that not going to be the effect of your own law having regard to the definition I pointed out?

With respect to the Prevention of Terrorism Act in India, a commentator said that this ordinance will permit authorities to detain terrorism suspects for six months without trial and the burden will lie on the suspect to prove that he or she is not a terrorist.

Mr. Speaker, while it is accepted that anti-terrorism law is nothing new, we cannot forget that the United Kingdom passed the Anti-Terror Act in 1973, but Peru and Colombia passed elaborate anti-terrorism laws during the 1990s and used these laws to arrest thousands of dissidents. So there is precedent in the world that these laws have been used to arrest dissidents. All that one has to do is to disagree with the Government and you are branded “a terrorist”.

Mr. Ramnath: Rowley, you could be arrested by your own government.

Mr. B. Panday: Human rights groups around the world are waking up to the global assault on civil liberties. The Indian National Human Rights Commission has criticized the Prevention of Terrorism Ordinance (POTO), stating that the existing criminal law is sufficient to fight terrorism. Now, that is another point that I wish to raise.

Mr. Speaker, why is this Bill so urgent and necessary when there is existing law to deal with murder; to deal with conspiracy; and to deal with kidnapping? The only purpose of this law is to satisfy the anxiety of American paranoia, but it is also to criminalize a word called “terrorism”, and to include in its ambit anybody who will protest against you. [*Desk thumping*] That is the purpose of this Bill.

Indian citizens’ groups have expressed shock over the proposed bill and are concerned that POTO would be used to suppress the rights of trade unionists and human rights activists. Journalists have expressed concerns about the impact of anti-terrorism laws on freedom of expression.

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In the United States of America, the Human Rights Watch, and the American Civil Liberties Union have issued statements denouncing the new laws because of the potential impact upon the work of journalists.

In Canada, the Canadian Journalists of Free Expression and other organizations have urged the Canadian government to substantially withdraw the Act.

Mr. Speaker, these are some of the comments that were made. There are many more that I could point out and which indicate that we must be very careful in the way we approach this law. You see, Mr. Speaker, a law may be acceptable if it is being passed in circumstances in which there is a tradition of freedom of expression; a tradition of institutions that protect the people.

Britain has an old tradition of Magna Carta and all kinds of laws and so forth that protect people. If you are going to pass a law in that context, this is really a law that is going to mean something completely different if you take that same law and put it in the context of a society in which you are intimidating the judges. [*Desk thumping*] It does not mean the same thing. So even if you take these laws and put them side by side with what is happening in Canada, the United States of America and England, you have to give it a different weight, because this law is being passed in a society in which this Government is bent on interfering with the protective services.

Mr. Speaker, we have all read of an affidavit of Assistant Commissioner of Police, Mr. Dennis Graham, which is shocking. I wrote a letter to the Prime Minister telling him that it has come to our attention, and it has also come to the attention of this Parliament, that there is a plot to remove the Chief Justice and, please, let us meet upon the matter. Instead of meeting upon the matter, he goes to the Senate where the Government appoints 16 Senators—his agent appoints nine and he appoints 16 in a 31 member-house—to make his statement that a government cannot remove a Chief Justice. Under this Constitution, a Prime Minister can write to the President who, incidentally, as I have said, is a PNM nominee, asking him to set up a tribunal of which the Prime Minister will appoint the members, because it says that the President shall appoint a chairman and not less than two members on the advice of—not in consultation with—the Prime Minister.

So, he appoints his own commission and then gets his partner whom he appointed, to appoint a commission and then he appoints the members of the commission. That is the society in which we are introducing this Bill. This is frightening.

My appeal to the Government is that there may be need for an Anti-Terrorism Bill. I will concede that there may be need for the Bill, but do it the right way. The Government may argue that it has Treaty obligations and it has obligations to the United Nations, because of the resolutions that were passed and so forth, in order to pass these laws. If you have to pass these laws, pass them, but pass them in accordance with the law. Is that not the Jamaican incident with respect to the courts? The Jamaican experience is that, yes, you could remove the Privy Council, but you must do it in accordance with the law.

If the Government wants to pass anti-terrorism legislation they can go ahead and do so, but do it in accordance with the law. That is, first of all, you start off by saying, let us bring the public in on this and let us discuss the matter with them—open it up for public discussion. Having done that, go according to the law and say, yes, we are going to need a two-thirds majority, or whatever constitutional majority is required, in order not to breach sections 4 and 5 of the Constitution. They should pass the law in the proper way. That is all we are asking.

At this stage, we can say categorically, that we shall not support this Bill. We are asking that this Bill go out for public comment. If the Government rushes this Bill through the House and passes it, the first opportunity that we get we will apply to the court to strike it down, because it breaches the Constitution without a constitutional majority.

Thank you. [*Desk thumping*]

[*Mr. Ramnath on his feet*]

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, unless the Member for Laventille/East Morvant is rising to accede to the request.

Mr. Speaker: No. I think what was happening was your colleague next to you was on his feet.

Mrs. K. Persad-Bissessar: I also saw the Member for Laventille/East Morvant on his feet. If the Member is rising to agree to the proposal made by the Member for Couva North—

Mr. Valley: He is not going to do that. Anytime the Member rise is to wind up the debate.

Mrs. K. Persad-Bissessar: Well, then we are not prepared to wind up the debate. Mr. Speaker, thank you very much. I was just clarifying that. A request had been made and if that request was acceded to, then we would not have taken the debate further.

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Mr. Speaker, thank you for allowing me to join this debate. You will recall that the Member for Laventille East/Morvant, in his presentation, really did not give any explanation for anything within the Bill. The concerns raised by the Member for Couva North are concerns for the person piloting the Bill to address. In the Member's presentation, at no point did he deviate from reading the clauses of the Bill. I went through the *Hansard* and the only thing that the Member did was read the clauses of the Bill with no comments, no elucidations and no explanations about anything within that Bill. With due respect, the Member was very prepared to tell us on this side who is a bad lawyer and who is a good lawyer. We did not need him to read the Bill for us, because every Member of the House had the Bill and members of the public did not have it. What we wanted were his comments.

Mr. Speaker, I would like to look at some of those clauses. [*Interruption*]

Mr. Ramnath: You are guilty of your error.

Mrs. K. Persad-Bissessar: Everyone here has it, not the public. The public domain does not have it. That point was made very clear.

Mr. B. Panday: Do not get involved in that.

Mrs. K. Persad-Bissessar: Mr. Speaker, I would like to look at some of those clauses. The Member said that this Bill was brought here because of international terrorism, and he gave examples of international terrorism, starting with the events of 9/11 in New York. This is exactly what the Member for Couva North was saying. This Bill has been a paranoia response with respect to the events of 9/11.

[MR. DEPUTY SPEAKER *in the Chair*]

The Member gave examples of terrorism, all of which were international terrorist acts. I am very surprised that the Member did not come to deal with local or national terrorist acts. I am very surprised that the Member did not deal with what is happening right here in Trinidad and Tobago, and it is because of him and his Government that he will not deal with local acts of terrorists. The PNM has been engaging in the highest level of state terrorism that this country has ever seen. [*Desk thumping*] The Member started off with the interpretation clause. The hon. Leader of the Opposition dealt clearly with the dangers inherited in the interpretation clause and what a "terrorist act" means. The Member started off with clause 4, and let us remind him what he said about clause 4.

The Member said that clause 4 makes it an offence if a person “directly or indirectly provides or makes available financial or other related services intending that they be used, in whole or in part, for the purpose of committing a terrorist act”. If a person is found guilty under clause 4 the penalty is 20 years.

Mr. Deputy Speaker, I submit that the Government, in providing financial assistance through the Community-based Environmental Protection and Enhancement Programme (CEPEP) to criminal elements within the CEPEP and the Unemployment Relief Programme (URP) to buy guns to terrorize the citizenry, the Government is guilty of an offence under clause 4. Give them 20 years for that.

If we look at clause 5, the Member said that clause would make an offence for someone to collect, provide or make available property having grounds to believe that it will be used to commit a terrorist act. Upon conviction, such a person would get imprisonment for 20 years. We believe that the Government is also guilty under clause 5, by making property available in Valencia to a known group, who has already committed a terrorist act in this country—saying that they are quarrying, illegal quarrying—when, in fact, the property is being used for terrorist training activities. The Government is guilty under clause 5. Take another 20 years. [*Desk thumping*]

Mr. B. Panday: And they provided them with dynamite and explosives.

Mrs. K. Persad-Bissessar: Mr. Speaker, under this Bill, the terms are to run consecutively, so that is 40 years.

When one looks at clause 6, the Member said that this clause makes it an offence if a person commits or facilitates the commission of a terrorist act where he possesses property intended to be used, or knowing it would be used for facilitating a terrorist act.

Mr. Deputy Speaker, it is well known that the Jamaat is occupying state property down at Mucurapo.

Mr. B. Panday: They broke down the fence.

Mrs. K. Persad-Bissessar: They broke the fence down. When the UNC was in Government, we put up that fence to protect the government’s property and they broke down the fence. So they are illegally occupying state property. The Government knows that property is state property and it is allowing that to happen, knowing that it will be used directly or indirectly for terrorist activities. Again, the Government is guilty under clause 6, so it is another 20 years for them; and running consecutively that will be 60 years.

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Mr. Deputy Speaker, under clause 7, he said a person who is involved with or enters into any arrangement, which facilitates the acquisition, control or retention of terrorist property or commits an offence, that is another 20 years.

Again, in the last election, Mr. Manning publicly said that he was entering into an arrangement with the Jamaat to give them the lands at Mucurapo. That has been confirmed now. The Jamaat is now saying in open evidence that they had an arrangement with Mr. Manning to win the marginal seats in the election. So, again, another 20 years, running consecutively. We have reached 80 years.

Clause 10 says that any person who hinders or interferes with or prevents apprehension of another person, having reason to believe and knowing that the other person has committed or planned to commit a terrorist act, offence punishable by 20 years. Again, the Government is guilty under this clause.

In this very House, the Member for Diego Martin Central told us—just as his leader met with the community elders—that we must ignore the criminal elements at our peril. So, in my respectful view, under this clause, they are guilty for another 20 years. I think that we have reached 100 years consecutively. That is sufficient to rid us forever of this PNM. If we go through every clause, we would see that this Government is guilty of the acts within the Bill—guilty of state terrorism. I will not go through these clauses anymore.

Mr. Deputy Speaker, let us turn now to the definition of “a terrorist act” which the hon. Member for Couva North talked about. This is one of the most frightening pieces of legislation that we will face in this country. Whilst they have modelled this legislation from other legislation elsewhere, it is very interesting that they have not followed the United Kingdom model in the wording of what is “a terrorist act”, and having not followed that they have bundled this clause which allows it now to be opened to abuse ordinary citizens in this country, to abuse journalists, and to abuse workers who may be protesting and demonstrating and so forth.

The United Kingdom Act has the same substance, but it is not worded in the same manner and that makes the offence now for dealing with political, religious and other ideologies. Why did they do that? They could have achieved the real purpose without doing it that way. As we have said, and I am going to repeat it, this Government has been engaged in a level of activity—harassment and intimidation of people in this country—and that is why they have done it that way. They have put it that way so that all political groups, if they disagree with

them, they are going to go at them. Do you remember the days when they said “not a dog bark”? That is no longer sufficient—let not a dog bark within the PNM, but not a dog bark in the country. That is what was convoluted. That provision was twisted to allow that to happen.

I would like to congratulate the Member for Pointe-a-Pierre on a very excellent contribution in the House. [*Desk thumping*] I endorse the comments that she made. She talked about the error of reconciling clauses 23 and 24. The Member for Arouca South rose to try to make sense out of nonsense, which of course, she failed to do, in terms of those two clauses, but she made a very startling and revealing statement which, again, goes to the heart of the modus operandi of the PNM. That was the most frightening statement that I heard coming out from her mouth that evening.

The Member said that we have placed the Parliament in the hands of the Attorney General, not the Director of Public Prosecutions (DPP), because the DPP does not have investigative powers, but the Attorney General has investigative powers.

Mr. Singh: Where is the basis for that?

Mrs. K. Persad-Bissessar: Which department of the Attorney General’s office has investigative powers? If he does have investigative powers where is the provision in the law to give the Attorney General investigative powers? [*Desk thumping*] Where? That is in total violation of the Constitution. The DPP, just like the Attorney General, is a creation of statute, a creation of the Constitution, and he must abide within the Constitution. The Constitution has not given to the Attorney General or the DPP any investigative powers under law.

If the Member who was acting Attorney General could tell us in this House that the Attorney General has investigative powers, she must have exercised these powers as an acting Attorney General. I do not know. I want to know, who are you investigating? What are you investigating? Is it the Chief Justice the Attorney General is investigating? That is unlawful and illegal because he has no investigative powers under the Constitution and the law.

The Member for Pointe-a-Pierre—not just in this submission, but on several occasions, told this House that something called “the Anti-Corruption Squad” reports to the Attorney General. They keep telling us that is not so. When I went to find out where is the legislative basis—the statute basis or the legal basis—for an Attorney General to have investigative powers, I decided to look at the *Gazette*, which sets out the portfolio of each Member of the Cabinet. Under that

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there is no department which deals with investigation. Here it is the Prime Minister advised the President to give these notifications and to make these appointments with the respective portfolios.

I come now to the Ministry of the Attorney General and the powers given to the Attorney General on the advice of the Prime Minister to the President and the departments under the Attorney General: appointments of quasi judicial bodies not to investigate, civil litigation, criminal litigation, law reform, legal advice to government, legislative drafting, office of the State Solicitor, administrator general, provisional liquidator, provisional receiver, public trustee, official receiver, statutory boards and other bodies, Council of Legal Education, Hugh Wooding Law School, the Industrial Court, Law Reform Commission, the Sentencing Commission and the last one is the Anti-Corruption Investigation Bureau.

So that the charges made here all along by the UNC are totally true. Here it is you have part of the protective services being under the office of the Attorney General and reporting to the Attorney General.

Mr. Ramnath: And he denied it.

Mrs. K. Persad-Bissessar: The point about this—whether it is in the *Gazette* or not—is that it is totally unlawful and illegal for any anti-corruption bureau or squad to be under the Office of the Attorney General. We are going to challenge this elsewhere, since this has come clearly to our attention. The Member made the statement. That is why I said that the statement was most revealing. We are going to challenge this elsewhere.

Mr. Deputy Speaker, I would like to endorse the Member for Couva North who said it very clearly to this House that this Bill needs a special majority, in terms of the legality of it. The Member for Pointe-a-Pierre has pointed out that clause 24(9) is in breach of section 5 of the Constitution. You will recall that clause 24(9) deals with allowing a person to incriminate himself or herself against the rule of self-incrimination which is contained in section 5(9).

When one looks at clause 32 of the Bill, one sees that this clause also criminalizes non-disclosure of information, because it says that if you do not disclose the information, you are going to get “lock up” for two years or 10 years—whatever it may be.

The Member for Couva North stated very clearly that this is in breach of section 4 of the Constitution, and with this breach of section 4, we are dealing with the whole business of freedom of expression. Freedom of expression is a vital part of any democracy, so that any effort to stifle that freedom of expression is one to be viewed with total concern and one which should not be given up lightly.

Mr. Deputy Speaker, when we talk about media persons, you would have information about persons and if you do not disclose that information—maybe because you are afraid that somebody will come and beat you up—and you do not want to give out your sources—in fact, all those stories that were leaked, and what we have been seeing in the press recently with respect to the Caribbean Court of Justice (CCJ)—one of those journalists would be compelled, under this law, to say who gave him that story about the Chief Justice.

Mr. Singh: Maxie Cuffie.

Mrs. K. Persad-Bissessar: Who gave it to you?

Mr. Singh: Maxi Cuffie.

Mrs. K. Persad-Bissessar: Where did the leak come from? So, you have that protection, and you will be able to put things out in the public domain, but you have the protection not to disclose where the information came from.

It is well established in the constitutional law that the freedom of expression, whilst it gives you the fundamental right to express and to speak, it also gives you the converse of that fundamental right not to speak. Therefore, where you are compelling a person to speak, and the person does not wish to speak, you would be using the law to compel that person to speak, so then you are in breach of section 4 of the Constitution. That is why this and all the other clauses are seriously interfering with the provisions in the Constitution.

Section 53 of the Constitution is the law-making power that is given to Parliament, and it says:

“Parliament may make laws for the peace, order and good government of Trinidad and Tobago, so however that the provisions of this Constitution or (in so far as it forms part of the law of Trinidad and Tobago) the Trinidad and Tobago Independence Act 1962 of the United Kingdom may not be altered except in accordance with the provisions of section 54.”

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Section 54(1) says:

“Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution...

(2) In so far as it alters—

(a) sections 4 to 14...

a Bill for an Act under this section shall not be passed by Parliament unless at the final vote thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House.”

We talked about clause 24(5), which has the right to not incriminate yourself. That is section 5 of the Constitution. I just talked about the freedom of expression, which falls within section 4 of the Constitution. It is very clear on the face of this Bill that a two-thirds majority is needed.

Mr. Deputy Speaker, if we think others have passed terrorism bills, in the United Kingdom, the Anti-Terrorist Act has been struck down by the highest court in the United Kingdom—sections of the Act were struck out as being in breach of human rights. The House of Lords in the United Kingdom, in the case of A and X and the Secretary of State for the Home Department which is a very recent decision in 2004 in *All England* at page 271, the House of Lords was asked to say that persons were suspected as being terrorists were detained and locked up because they were suspected of being terrorists under the United Kingdom Anti-Terrorist law. Those persons applied to the court to say that those provisions were in breach of the Human Rights Act. In this case, the court clearly held that certain provisions therein—section 23 of the United Kingdom Act—were in violation of the Human Rights Act. I will not go into all the details of this case.

The point that has been repeated here is that there are fundamental freedoms entrenched in our Constitution and several of the provisions within this Bill are in breach of that. So we are going to end up with litigation in the courthouse. You have it from the highest authority from the House of Lords—the highest court for the United Kingdom. They will knock down anything within the Act that has been included there in breach of fundamental human rights and freedoms.

We should not proceed with this statute at all; we should not go forward in keeping this legislation here, because you are going to get “knock out” when you go to the other place but, finally, you will get “knock out” in the public. There is no way that this legislation must be allowed to stand.

Mr. Deputy Speaker, with those few words, I thank you. [*Desk thumping*]

Mr. Kelvin Ramnath (*Couva South*): Mr. Speaker, it is not my practice to speak after neither my distinguished leader nor the learned lawyers. I want to break the tradition that this is a matter for lawyers only. I am not going to comment on the law, because that is for people who are eminently qualified, like the Senior Counsel from Laventille East/Morvant, whose contribution to the debate was reading what somebody wrote in the preamble.

The first point I want to make is that when we pass legislation like this, we are giving excessive powers to a regime that has abused power; a regime that has terrorized decent citizens; and to a regime that is not trusted in the country. [*Desk thumping*]

I recall the agony the Member for Point Fortin had to face when he disagreed with the Cabinet of the ruling PNM Government in support of workers' rights at the Atlantic LNG Plant. I do not want to drag the Member for Point Fortin into the discussion, but I am using him as an example. He had to ask the question, what the police and army were doing in a rather organized environment where people were demonstrating and arguing for their rights.

The Member for Point Fortin will tell you that stations outside of Point Fortin had vessels containing security forces in the country. That was an act of state terror. It was an act of state terror to arrest and assault two Members of Parliament: Mr. Manohar Ramsaran, the Member for Chaguanas, and Dr. Hamza Rafeeq, the Member for Caroni Central, were peacefully on their way protesting the unhealthy state of crime in the country.

I was told that one journalist, Dr. Kirk Meighoo, was thrown into a police van. While he was in the police van he kept asking the police: "Why have you arrested me and what have I done?" The police reply was: "Do not spit in my face." That means that he could be charged.

Mr. Deputy Speaker, I am reminded of the hounding of Opposition politicians, and those who were allegedly sympathetic to the Opposition and have been before the courts for years. Of course, they could not find them guilty of any wrongdoing, but the effect of arresting and walking with people on the street with handcuffs; the effect of having enquiries which have produced nothing, but only

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to pay Guerra \$1 million and others in the case half a million dollars and so forth; the effect of these things is simply to intimidate people who are opposed to the PNM. [*Desk thumping*] As a democrat, I cannot stand here and support any measure that will give them more power.

I want to warn Members on the other side who have come here and who obviously have not read the Bill to show now by putting up their hands, and they will not have copies in front of them. They have not read the Bill; they have come here to vote on the Bill. The instructions given to them by their leader are very clear. “You vote for it or else, and when you vote for it I will hold it against you.” This is not only for those of us who are in the Opposition, but this is also intended for those who are on the other side, who intend in the future to oppose the leader and his gang.

Mr. Deputy Speaker, I was around in 1976; not too many persons on either side of the House were around or born at that time. I recall the terror imposed by the PNM on sugar workers and on oil workers—sugar workers worked for \$5.04 a day. Oil workers were protesting the conditions of work at Texaco and their salaries in relation to the increasing price of hydrocarbons in the world on “Bloody Tuesday”. I remember the plan to shoot and kill and maim protesting workers. It is by the grace of God that someone would have withdrawn or would have persuaded those who came to shoot and kill. This PNM Government has a history of Mugabe-style politics; it has a history of Burnham-style politics; and it has a history of Amin-style politics.

2.45 p.m.

The record is absolutely clear with respect to what they have done and what they are doing, and the lawyers here have pointed out all of the powers that are contained in the Bill that will allow them to behave in precisely such manner. I observed the conspicuous absence of the Attorney General who I thought should have been the person to introduce this legislation. It is such an important piece of law, that the advisor to the Government should have been here. Instead, in an attempt to insult the nation and the Parliament, he handed that responsibility to the Member for Laventille East/Morvant, who clearly was not prepared. When the consultations began taking place in the face of compelling arguments by the Member for Pointe-a-Pierre, he was even left out of the consultations.

A serious piece of legislation is treated with such flippancy. But you see, had he come here I would have asked him if he would tell us, how did it happen that a letter he wrote to the Prime Minister, appeared in the newspaper? You know what surprises me, the editorials of the newspapers of this country are all praising the Prime Minister for having gone to the Senate to make his statement to ease the minds of the population. Not one of them asked, how come the Attorney General's letter to the Prime Minister was leaked to the press. Did the Prime Minister leak it or did the Attorney General leak it? I am yet to find out, and I ask this in the context of the legislation before us and the role the Government has to play with respect to the freedom or lack of freedom of citizens.

So that while these investigations continue, you have already tried and executed a senior official of the State, even before the final determination is made, and clearly there is a plan to destroy the Chief Justice. All this nonsense about the Privy Council has the final say. Once you begin to investigate people in the way you are investigating them, you have already destroyed the character and integrity of the Chief Justice. And the leak was deliberate, and I want the newspapers to ask the question.

Mr. B. Panday: They would lose their advertising revenue.

Mr. K. Ramnath: The Law Association in yesterday's newspaper, and I imagine it is ongoing, asked a similar question. Why was this information leaked? There would be absolutely no fair investigation. They set it up in such a way so that they could destroy the character and the integrity of the Chief Justice by leaking to the newspapers, lies. Anyway enough of that.

Hon. Member: Thank you.

Mr. K. Ramnath: When they are ready for you they will leak information about you that will destroy you. [*Interruption*]

Mr. Deputy Speaker: Hon. Members, please! Continue, Member for Couva South.

Mr. K. Ramnath: The Minister of National Security is not here. I do not know where he is, nobody made an apology for his absence, but you will have thought that such an important piece of legislation—if not moved by the Attorney General—would have been moved by the Minister of National Security, but he is not here. Yet he has most of the powers under the piece of legislation. I want to read an article which appeared in the newspaper today, the *Express* of February 18, 2005 and the headline is:

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“Saith urges people power to fight terrorism”

Saith here is Dr. Lenny Saith. I am not in the habit of quoting words spoken by Dr. Lenny Saith, he is part of the regime. The article states:

“The principles of justice, democracy and equality must reign within a nation, it may be the most effective salve against terrorism.

This from Acting Prime Minister Dr. Lenny Saith in his address at the opening ceremony of the Organization of American States (OAS) Fifth Regular Session of the Inter-American Committee Against terrorism...”

I quote again:

“‘Terrorism does not exist in a vacuum.’ He said that terrorists believe they have a cause ‘whether it is political, social or religious’, and that nations have ‘an inescapable obligation to ensure in the governance of our society that we provide no platform for terrorist activities’.

‘We must be unrelenting in our efforts to ensure that our societies are based on justice, the rule of law, equality of opportunity and the respect for all fundamental rights and freedoms.’”

Dr. Lenny Saith speaking. I do not know, since he has been returned to acting as Prime Minister, whether he has now gotten some kind of fortitude.

Mr. Panday: The Member for Diego Martin Central will never act as Prime Minister.

Mr. Valley: Thank God. [*Crosstalk*]

Mr. K. Ramnath: You will have to protect me here, Sir.

Mr. Deputy Speaker: Hon. Members.

Mr. K. Ramnath: I continue:

“Dr. Saith did recognize ‘that human society is such that we may never be able to totally avoid the existence of disaffected groups’. However, he said, possible solutions may lie in sound democracy.”

You will swear that that is coming from the Leader of the Opposition. [*Crosstalk*]
There is a conspiracy by the Member for Diego Martin Central to get me off track.

Mr. Deputy Speaker: Hon Members, the Hon. Member for Couva South thought that you might need to go and speak at the back.

Mr. K. Ramnath: I am trying to make a fundamental point here, Sir. [Laughter] Just having to deal with Dr. Saith's change of heart.

Mr. Valley: Mr. Deputy Speaker, we never believed that he could make a fundamental point.

Mr. K. Ramnath: I never believed that you could sell an airline, buy it back and try to sell it again. However, Dr. Saith said:

“...the possible solution may lie in sound democracy.

Give terrorism no cause for growth in our nations... Democracy must run deep, none must feel marginalized...”

This is Panday speaking or Saith?

“all voices must be heard and all views considered.”

He said that in the final analysis it may be the best protection against the growth of terrorism.”

I must go on record as having congratulated him for a fine outburst or probably he read the wrong speech, and the point I wish to make is to reiterate what has been said by my colleagues in legal terms, I do it in layman terms. And what the eminent Deputy Leader of the PNM and Acting Prime Minister is saying, is give democracy a chance, let there be equality of opportunity, let not the people feel marginalized, and then we do not have to be bothered about draconian measures to curb terrorism. The citizens of this country would be your best protection against acts of terrorism. [Desk thumping]

Mr. B. Panday: Spoken like a Statesman.

Mr. K. Ramnath: Dr. Elias Bluth pointed out that:

“The Madrid attacks 11 months ago, like the...bombings in Bali, a major tourist destination and a series of deadly explosions elsewhere in the Philippines just...Monday, all demonstrate that seemingly safe areas far removed from zones of active conflict are not immune.”

But if you look at what was happening in Bali with respect to the concerns of religious groups in that part of the world, you will understand that if they had taken the advice of the Acting Prime Minister of Trinidad and Tobago, the people would have been against the existence of such groups and they would have acted in support of the Government and the institutions.

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You do not have in Trinidad and Tobago to unearth groups that are likely to perform acts of terror, they are sleeping with the PNM right now. [*Desk thumping*] They have publicly stated that they operate ghost gangs. They have publicly stated that they were involved in a conspiracy to steal the elections. They have publicly stated that they use violence on the line in San Fernando West, Marabella and in Marac, the constituency of Ortoire/Mayaro, and in Mayaro and in Tunapuna and Moruga, acts of terror perpetrated with the knowledge of the Member for Ortoire/Mayaro, not to mention the use of public funds, which is not about this debate. When citizens of your country believe that the way to get things done is to acquiesce to terrorism, they will remain quiet and become victims of such acts of terrorism. When people believe that it is okay to hound down decent, hardworking Members of the Opposition, so that you can get in power and they can benefit in some way, they will utilize such measures and they will legitimize such measures. All of these provisions are there to hound down people.

Every day they are looking for bank accounts in Japan and the Isle of Man. We spent billions in an enquiry into the airport, the result of which has never been made public. We spent millions of dollars to build a high school for rural children deprived of an education under this Government, terrorizing children and they will not open the school, because of sheer bad mind. They build the Point Fortin Secondary School on the Los Bajos fault, Mr. Minister from Port of Spain South, you know that, sitting there. The Rio Claro school, the Barrackpore school, they are all on faults, the Augustus Long Hospital, the St. Peters Primary school, on the Central Range faults, the whole of central, south Trinidad are on faults. But they conveniently use the existence of a minor fault associated with the Central Range fault to condemn the Biche High school. All they had to do was to rectify any situation which would have affected the structure and that would have brought an end to the issue. But they went on to have a commission of enquiry, nobody has seen the reports. So, there are two commissions of enquiry using taxpayers' money and no report have been forthcoming. Because they know once the public begins to examine these reports, they would realize that they are dealing with a Government that is bent on spite and discrimination. So to give them more power by supporting this Bill is for us to surrender the little freedom that we have.

When we debated the CCJ Bill—not too long ago—the explanation was that we had a treaty and this treaty was signed by the former Prime Minister and therefore we had an obligation to support the treaty, we had an obligation to support the legislation. Today, this is the product of another set of treaties, and

therefore without even reading it, they have come here to ask us to give our vote to support this piece of legislation and I say to them, when we sign treaties, we sign them subject to the approval of Parliament. There is general agreement that there should be anti-terrorism legislation, there is general agreement that there should be a Caribbean Court of Justice, and so on.

Whether or not we supported the Caribbean Court of Justice, the learned judges have ruled on the matter, which has made them look totally foolish. Because they are bent on accepting the advice of a former Chief Justice whose only interest in this matter, is to make sure he is installed as head of the Court. It does not really matter whether this Court is going to do any work or not, once he is satisfied that he can sit in the court. He may end up sitting as President of the Court, which has not been ratified either in this original jurisdiction or this appellate jurisdiction, sitting in Trinidad and Tobago.

Mrs. Persad-Bissessar: How will they get paid? \$60,000 a month.

Mr. K. Ramnath: Certainly they will get paid. Because they will not do their homework, they behave like slaves to certain people in this society. They behave like slaves to certain legal firms, which are called the Port of Spain elite.

Mr. Ramsaran: Who is Kerwin Garcia?

Dr. Khan: That is Kangaloo husband.

Mr. Imbert: Are you asking for an answer?

Mr. K. Ramnath: Slavishly follow the advice of this elitist group, so when the former Chief Justice tells them, do not worry with the Privy Council, it is full speed ahead, until they have come to realize that the decisions of the law lords will impact on the entire eastern Caribbean judicial system, and I do not understand what is the big hurry. In Europe, they set up a Parliament, they put all the structures in place. In this particular case, that the Leader of the Opposition rightly pointed out, we do not have the supporting ethos upon which legislation like this will rest. You have in this society people who rejoice over unlawful jailing and rejoice over unlawful charges being brought against people and the judicial system is such that you can put people in jail for a long period of time and it is long afterwards that you come out as an innocent man. Dhanraj Singh was a good example, where you use a criminal who admitted to murder as your star witness.

Hon. Member: Is UNC charged Dhanraj.

Mr. K. Ramnath: The police charged him, not UNC charged him.

Hon. Members: Orrr!

Mr. K. Ramnath: Is the police that charge him.

Hon. Member: When it happens now it is the PNM?

Mr. K. Ramnath: When it happens now it is the police and it is the police that you are attempting to manipulate. If you leave the police alone, they will not have to hound down people.

Mr. Deputy Speaker: Hon. Members, would you please allow the hon. Member for Couva South; and Hon. Member for Couva South address me, please.

Mr. K. Ramnath: I am never perturbed by these extraneous noises, I have been here 20 years, it will be 20 years in a couple of years time. I need to remind my friend from Diego Martin Central, that I am the third longest serving Member in the current House

Mr. Valley: Mr. Deputy Speaker, you know that is not continuous.

Mr. K. Ramnath: I am not giving way, Sir. I want to get to the point that I came on the floor to speak about. *[Laughter]* That was my introductory salvo. I refer to clause 19 and I do this for the benefit of my colleagues, the Members for Ortoire/Mayaro and Port of Spain South and so on. It has to do with installation such as fixed platforms on the continental shelf. I imagine the east coast here and the exclusive economic zone or platforms in the high seas, acts of violence against persons on those platforms and so forth. It goes into a lot of details up to subclause (f).

The point I want to make, is that in spite of the great dependence on the energy sector and the petro-chemical sub-sector, little or nothing has been done by this Government to put in place adequate security of those installations. I read in the newspaper this morning that Chevron Texaco just made another big find in the trillions of cubic feet on the Venezuelan boarder in the South East coast of Trinidad and only recently BG Texaco, another big find, and on the other side of the border, I think it was Chevron that had a find in Venezuela of five trillion cubic feet. All of these platforms are indeed very remote in over 300 to 400 feet of water.

We have a coast guard that limps around the place—if it is possible—with some antiquated and archaic boats. I passed through Independence Square once and I saw a big ladder up in the air, and I was told that was some security spying

device on the population. The first thing we ought to investigate is, what was the real cost, comes like the cranes in Plipdeco. The Chairman of Plipdeco had the nerve to say that he has been advised, that he cannot supply information to the Public Accounts Committee—legal advice, back to square one—a parliamentary committee. So they bought all these cranes and nobody wants to even give the parliamentary committee details of the cost of the cranes. Had the nerve to say, he hopes that the committee is not trying to elicit through the back door, information. If I had my way, I would physically throw him out of this Parliament. You know this gentleman was the commander of the Coast Guard.

Mr. Singh: PNM candidate in St. Joseph.

Mr. K. Ramnath: PNM candidate. And a friend of the Member for Diego Martin Central who released false information with respect to persons of East Indian decent seeking employment in the Coast Guard, you are not supposed to be there. The only reason this PNM candidate got in there, was probably in colonial times he was hired, when you probably had a better chance of having equality of opportunity in the employment in the State sector, but that is a different matter.

[MR. SPEAKER *in the Chair*]

Mr. Valley: “Yeah”, you could debate it any time you want to.

Mr. K. Ramnath: The Pointe-a-Pierre refinery is of strategic importance to the eastern Caribbean in particular and the Member for Diego Martin Central knows that. All of this oil fund and oil for LIAT fund and so forth, has to do with the Eastern Caribbean being our primary market for petroleum products. It has to do with economics, as we rightly pointed out in another debate. It has to do with the fact that Chavez is threatening to provide better economic benefits to the Eastern Caribbean at the expense of Petrotrin. But they will never come and give us the whole truth here, that the credit that the Venezuelan Government is prepared to give to these consumers in the Eastern Caribbean—many of whom are multi-nationals—are of superior benefit to those countries than what we are prepared to give them. So it is of strategic importance that the Pointe-a-Pierre refinery is protected and I am reading in the case where a certain gentleman said, on the day instructions were allegedly given to shoot two people at Movie Towne, I was working in Petrotrin. I have been working in Petrotrin for 31 years. Today our ports have to conform to ISPS standards. Do you have your gun boats offshore the Port of Spain wharfs, Mr. Minister? Do you have them yet? It is part of the requirement.

Mr. Khan: They are on order.

Mr. K. Ramnath: You have to have security of a certain level under the ISPS to ensure that your ports are well protected. At least we are doing something in Petrotrin, we are now putting 10 foot high fences and so on around our refinery. But there is no information that is reaching out to citizens with respect to the need to protect our important installations. You have gas wells that are producing hundreds of millions of cubic feet of gas per day at high pressure on the east coast and there is absolutely no security out there. But they are here with anti-terrorism legislation to tell you what they will do when they suspect or detain somebody. But they are not in any position to get at those terrorists which can affect the major installations in our country.

Oil and gas are such an important part of our mainstay of the economy, that security arrangements, as a matter of urgency, should be in place, and if you ask them what arrangements they have, they have none. So the entire east coast is vulnerable, the west coast is vulnerable, all of your installations are vulnerable and this is particularly important, since the United States has admitted that they are the major targets of terrorists. And terrorists will not strike only in the United States, they will strike anywhere the United States has interests. All of the methanol, all of the ammonia plants, the refinery which produces products, some of which goes to the eastern sea board, the wells which are producing hundreds of billions of cubic feet a day for Atlantic LNG and the Trains 4 and 5 and so forth, those are easy targets for terrorists. I am saying that it is no point you come with legislation to penalize people, legislation which can be abused, which can be used against the small defenseless person, when you are overexposed all around the country with a coast guard that does not have the ability to properly monitor the coastline.

3.15 p.m.

Mr. Speaker, I simply want to let them know that they have a history of coming here with legislation unprepared, as they did with the Caribbean Court of Justice (CCJ) legislation. Had they listened to the comments that came from the Member for Siparia, who delivered a treatise on that piece of legislation, they would not have been in the embarrassing position they are in today. They are in an embarrassing position today, because they did not do their homework. The former Attorney General would have done a better job than them. [*Desk thumping*] Neither friend nor foe. [*Laughter*]

Mrs. Persad-Bissessar: Glenda?

Mr. K. Ramnath: I mean the one from the other side, who joined with you to betray the population.

Mr. Valley: I hope you saw him in India. [*Laughter*]

Mr. K. Ramnath: Let me wind up at this stage.

Dr. Khan: You have a lot of time; you are now warming up.

Mr. K. Ramnath: I know I have a lot of time, but I want to make it clear. I ask them to heed the advice of the Acting Prime Minister, Dr. Saith, who has made it abundantly clear that the best way to fight this is the creation of democracy and justice. Perhaps, when we are getting older, we begin to see things in a different perspective. When I get to that age I, myself, might put aside old habits and live for posterity. [*Laughter*] I do not know if that was what he was doing, but he urged his own Government, quite publicly, that what it should do is ensure that no one is marginalized in the society; no one is discriminated against; that it does not continue its campaign of open discrimination against half the population; that it should end the terror imposed on the workers of Caroni (1975) Limited. But he did not have the nerve to stand up in his own party and say that what you did to the people of Caroni (1975) Limited was wrong. He must now repent and pray, as you have done publicly, by grovelling. [*Laughter*]

Mr. B. Panday: He was on his knees. [*Laughter*]

Mr. K. Ramnath: Dr. Saith is saying to you that if you want the people of Central and South Trinidad to be your best defence against acts of terrorism in Point Lisas, then you should not discriminate against them. [*Desk thumping*] If you want them to inform the Government and the law enforcement bodies of suspicious actions, you should treat them as equal citizens. You should not have summarily dismissed them, after 160 years of toiling in the sugar estate fields of the country. You have no support from the population against criminals, as you know. You have no support from the population against kidnapers. You will have no support from the population against terrorists, because you have treated the population with disdain, scorn, contempt and contumely. [*Laughter*]

For whatever it is worth, listen to the repentance of Dr. Saith, your Acting Prime Minister. He probably realizes that he does not wish to be part of the conspiracy.

Mr. B. Panday: To die with that on his conscience!

Mr. K. Ramnath: To die with the Chief Justice on his conscience, having sat next to him yesterday at the funeral. You know when you go to a funeral, you begin to do some introspection. [*Crosstalk*]

Mr. B. Panday: That is why he is speaking so, “he tink he going to dead”. [*Laughter*]

Mr. K. Ramnath: He knows that you all are a part of a conspiracy.

Mr. Valley: I will recommend a funeral often, for you to do some introspection. [*Laughter*]

Mr. K. Ramnath: You will have no say with respect to my destiny. All I know is that you better repent and pray.

Mr. B. Panday: He will never act. [*Laughter*]

Mr. K. Ramnath: After selling out BWIA, he lost that opportunity.

Let me not be distracted. I am quite sure that the eminent Acting Prime Minister was serious when he said that you must use the citizens as the best barrier against terrorists. Whether it is late or not, please heed his advice, because the police will come after you all. You are not going to be there all the time. Your leader who now has developed a habit of running this country as a one-man team, will use these pieces of legislation against all of you there, if you dare to stand up against him. [*Desk thumping*]

I thank you. [*Crosstalk*]

Hon. Member: Blows!

Mr. Ganga Singh (*Caroni East*): Mr. Speaker, I join with my colleagues on this side: the brilliant contribution of the hon. Member for Pointe-a-Pierre, the incisive contribution of the Member for Couva North and the clinical contribution of the Members for Couva South and Siparia. [*Crosstalk*]

Mr. Speaker: Order!

Mr. G. Singh: The issue, in dealing with this Anti-Terrorism Bill, is how you reconcile the dilemma involving national security and individual liberty. In attempting to reconcile that dilemma, the Government has failed miserably. The Government took a template and applied it to local conditions, without the appropriate adjustment or proper transfer of technology. It appears to me that this kind of boilerplate approach, taken by the presenter of the Bill, the Member for

Laventille East/Morvant, the hon. Minister in the Ministry of National Security, demonstrated a lack of appreciation of the local reality.

It is unfortunate that the hon. Member did not tailor that international template of legislation to the demonstrable reality that we have a written Constitution in Trinidad and Tobago in which there are entrenched fundamental rights and freedoms. I say that only to reinforce the point, because those on that side seem to dismiss fundamental rights and freedoms without any regard whatsoever.

Dr. Moonilal: They do not care about that.

Mr. G. Singh: In carrying out the United Nations Resolution 1373, the hon. Member merely indicated to us that we are signatory to a series of conventions and this Bill is applying those conventions; no application to local reality. So you are attempting to deal with the phenomenon of global terrorism in the aftermath of September 11, and you are not applying it to your local reality, the Constitution of Trinidad and Tobago, your fundamental rights and freedoms. Clearly, this legislation before us represents the tension between the rights of the individual and the need for national security, so to speak.

It is clear to us on this side that the rights of the individual can only be curtailed after the most careful consideration. Yet in this Bill before us, you have the curtailing of the constitutional rights and freedoms of the citizens of this country and yet you have the ordinary citizens not getting an opportunity to contribute or to be consulted. That is the kind of Government that tells us, "We care."

In the House of Lords, debate on a similar kind of anti-terrorism legislation, Lord Falconer QC had this to say, and it is applicable to Trinidad and Tobago:

"First, our society is based on the liberty of the individual. It is what we fight to protect where necessary. Our starting point, therefore, in a freed democratic society, must be that the liberty of the individual should not be limited unless a proper case for limitation is established." [*Crosstalk*]

Mr. Speaker: Order! [*Interruption*]

Mr. Ramnath: What happen, no speakers?

Mr. Speaker: Order!

Mr. G. Singh: When they are trampling upon the rights and freedoms of the citizens of this country, all it takes is a unilateral approach, so the Member for Laventille East/Morvant will become the sacrificial lamb, when they seek to escape out of this legislation. Coming back to the quotation, it continues:

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“Plainly, threats to national security can form the basis of such a case, but only on the basis that the threat to liberty which the threat to national security poses justifies that limitation of liberty...At all stages, one must be careful to ensure that the limitation one imposes, either permanently or in the face of an actual threat, is proportionate to the threat which is posed.

Let me suggest a number of other principles. Any limitation on individual freedom must be proportionate to the threat; they must be sanctioned by law and cannot take place on an ad hoc basis; and they must be implemented in a way which ensures there are safeguards and that the activities of the executive are subject to monitoring, scrutiny and accountability. If limitations are implemented excessively, the framework must ensure that the monitoring, scrutiny and accountability arrangements are likely to identify and remedy such excesses. In other words, if protections are put in place they must be effective.”

It is clear, on the reading of this legislation, that there are insufficient monitoring and scrutiny mechanisms in this legislation. The hon. Member will, no doubt, demonstrate that in his winding up. It is clear, in our view, that this legislation does not strike the appropriate balance between our security needs and the preservation of individual liberty in this society. That is why we say that this legislation should be withdrawn and placed for public comment. I do not understand why there is this compelling need, on the part of the Government, to pass this legislation now. Is it because there is a conference on terrorism taking place and, like willing Uncle Toms, we must fulfil an agenda that is not our own and is not in our national interest? Is it that we must fulfil an agenda to suit interests that are not in our national interest, at the expense of civil liberties of our citizens? What drum are you hearing? Is it an American bandstand? It is certainly not the steel pan.

One must refer to find the very root of the word “terrorism”. [*Crosstalk*] The word does not have its historical origins in the actions of any shadowy groups, but in the acts of terror inflicted by the State on its own citizens. The origin of terrorism was the State, itself, inflicting terror on its own citizens. The paradigm is the reign of terror in the French Revolution. Therefore, the revolutionary government of France was the paradigm. Terror was also an integral part of the Stalinist regime. Terror was also an integral part of the Third Reich of Hitler, Peronist and other totalitarian and authoritarian regimes. My colleague, the Member for Couva South, pointed to Idi Amin in Uganda and Mugabe, currently.

I have friends in Harare. The mayor of Harare cannot even enter the capital, because you can be detained for 28 days. The police can grab you; they mashed up the printing presses. Over three million people in Harare and the mayor cannot even enter the portals of the capital. That is under the terror reign of Zimbabwe.

My colleague, the Member for Couva South spoke about the local environment under which we operate in Trinidad and Tobago. Why is this terrorism legislation necessary, when we cannot even solve the crime of kidnapping utilizing the existing resources? In an English judgment by the House of Lords, they said that it was easier to predict an earthquake or volcanic eruption than to predict the next time Al Qaeda will strike.

When I spoke about the number of intelligence agencies in this country and their failure to utilize the resources of the State in order to solve the rampant crime of kidnapping, my good friend, the hon. Member for Laventille East/Morvant, said that I was being reckless. How many of us in this country know that number of intelligence agencies and what they do? Do they have the capability to pinpoint who the terrorists are? I will give this House and the national community an appreciation of the intelligence agencies available to the Government; there are many; they number some 11.

We first start with the National Security Council (NSC); then there is the Security Intelligence Agency (SIA); then we have the Strategic Services Agency (SSA); the Counter Drug Crime Task Force (CDTF); Organized Crime and Narcotics Unit (OCNU); Special Branch; the Defence Force Intelligence Unit; Joint Operations Command Centre; Customs Preventative Unit; Special Anti-Crime Unit of Trinidad and Tobago and the Anti-Kidnapping Squad (AKS). You have 11 departments, spy services, secret services, intelligence agencies available to the Government of Trinidad and Tobago. The hon. Member for Diego Martin Central wants to know what are their capabilities.

Mr. Ramnath: You do not know and you are in Government?

Mr. G. Singh: He is left out of the loop. I will inform him.

Mr. B. Panday: You never act as Prime Minister, I am sorry.

Mr. G. Singh: The National Security Council is the highest intelligence coordinating body in Trinidad and Tobago. [*Interruption*] I am preparing you to act in your role as Chairman of the National Security Defence Council. The members of the NSC are the Prime Minister, the Minister of National Security, the Commissioner of Police, the Chief of Defence Staff, the secretary to NSC and such

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other persons as the NSC may invite. Brigadier Peter Joseph, who heads the Special Anti-Crime Unit is sometimes invited to attend meetings of the NSC. The secretary to this unit is Joan Massiah who, currently—at least, according to today's newspaper—was in Suriname with the hon. Prime Minister. The Government of Trinidad and Tobago has equipment for the interception of landlines and cellular conversation. So you understand, Mr. Speaker?

Mr. Ramnath: I have to be careful, boy.

Mr. G. Singh: The conversations and telephones of all Opposition Members and some ministers are also under scrutiny. [*Crosstalk*]

The US Government has donated to the Government of Trinidad and Tobago, in order for it to deal with terrorism, two C-26 aircraft which are fitted with Canadian intercept equipment. These planes can intercept cellular and radio communications. They are also equipped with forward looking radar, which is capable of sophisticated ground photography. These planes also double as VIP transport to fly the Prime Minister and my good friend, the hon. Member for Diego Martin Central, to Caricom meetings and other meetings in the region. When they dropped 3,000 feet, he said that he was asleep.

Mr. B. Panday: Get a good pilot.

Mr. G. Singh: Secondly, the hon. Member wanted to find out what was the role and function of the Security Intelligence Agency (SIA). It is headed by former Captain Lynn Ann Williams, with a small team of intelligence analysts and surveillance personnel. The staff is about 150. It is housed in a commercial office building at the Corner of Park and St. Vincent Streets, in the former Vistarama Cinema building, under the cover name Caribbean Research Institute. It has responsibility for gathering intelligence of national security significance.

Mr. Valley: Do you understand what he is doing?

Mr. G. Singh: The head reports to Joan Massiah, secretary to the NSC, and has received significant training from the Central Intelligence Agency (CIA) and liaises with the CIA on a regular basis. The SIA has the capability to monitor cellular and land lines conversation. You want to find out more? I will tell you about the SSA. [*Crosstalk*]

Mr. Ramnath: You talk man!

Mr. Speaker: Order!

Mr. Singh: The Strategic Services Agency is headed by Serena Joseph-Harris, a civilian seconded from the Ministry of National Security. It is primarily engaged in gathering anti-narcotic and money laundering investigations. It formerly had in excess of 50 persons, most of whom have been sent home. About seven persons remain to recruit new personnel. According to the Security Services Agency Act, the agency was supposed to coordinate all intelligence gathering. This agency was supposed to download all passenger and crew lists, on a daily basis, to the El Paso Intelligence Centre (EPIC), which runs its data against the Federal Bureau of Investigation (FBI) National Crime Information Centre database on all persons arrested in the USA. It was information on this EPIC database that ensured that the BWIA pilots were held. And you want to pass a bill in this country?

The Counter Drug Crime Task Force (CDCTF), headed by immigration officer Steve Sookram at the Abma Building on St. Vincent Street, operates under the cover name the Caribbean Research Institute. It is patterned after the South Florida high intensity Drug Trafficking Area Programme. It has representatives from the police, customs, immigration and the Board of Inland Revenue. In many ways, it duplicates the OCNLU and SSA. It has received training from the US Drug Enforcement Agency, the Treasury Department and the British Government. It liaises regularly with the Drug Enforcement Agency. It has the capability to monitor cellular conversations and to conduct surveillance.

Mr. Speaker, I have only reached number four of the spy agencies available to this Government and yet you cannot control/solve the crime of kidnapping, but you can give Abu Bakr telephone records to determine that he has an alibi, that the call was made from Chatham.

Mr. Ramnath: How Bakr get that?

Mr. G. Singh: The Organized Crime and Narcotics Unit (OCNU), headed by Senior Superintendent Raymond Craig, is located at the Woodbrook Police Station; its sole purpose being drug trafficking investigation. It liaises regularly with the DEA.

Mr. Speaker, No. 6, Special Branch. [*Crosstalk*] It is headed by Senior Superintendent Frank Diaz, with the typical responsibility assigned to Special Branch Units throughout the Commonwealth. It has regular liaison with the political directorate; so in any UNC meeting, you find Special Branch policemen, either in the toilet or behind some door taking notes, instead of fighting the crime of kidnapping. And you come here with a terrorism bill? You have all these facilities, by you cannot determine who are the terrorists terrorizing the citizens of Trinidad and Tobago through the crime of kidnapping?

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Mr. Speaker, No. 7, the Defence Force Intelligence Unit. It is headed by Captain Millington and draws about 25 persons each from the coastguard and regiment. It also has a seven-person team at Camp Ogden and another 28 at Defence Force Headquarters. This unit has its own cellular intercept equipment housed in a van that has the capability of, not just intercepting phone calls, but also determining the location from which cellular calls emanate.

Mr. Ramnath: And they cannot find kidnappers? The kidnappers calling collect for ransom; you all are part of this kidnapping. [*Crosstalk*]

Mr. G. Singh: You could be kidnapped for two weeks. Kidnappers calling collect too.

Mr. Speaker, No. 8, Joint Operations Command Centre (JOCC). This unit has about 60 persons drawn from the police, coast guard and customs and is patterned after a US operation run by the DEA. It was previously housed at the Twin Towers under the UNC and was headed by Commodore Richard Kelshall. When the PNM came into power, Kelshall was sent home and the command transferred to coastguard Lieutenant Commander Mohammed. He reports to the Prime Minister's Office. It operates a radar network to detect low flying aircraft and small vessels approaching Trinidad and Tobago, but yet they cannot deal with the guns, drugs and kidnapping in Trinidad and Tobago.

Mr. Speaker, No. 9, the Customs Preventative Unit. This unit is engaged in gathering anti-smuggling and counter narcotics intelligence. No. 10 is the Special Anti-Crime Unit of Trinidad and Tobago. This unit was recently established by the Manning Administration to counter the escalating crime rate. It is headed by Brigadier Peter Joseph with Assistant Commissioner of Police Lambert as deputy.

We know about Lambert; he was the "fella" who was in the bank. He was directed to antagonize UNC activists. [*Interruption*]

It is staffed by Defence Force personnel and select police officers who have been given special pay incentives. The unit has, at its disposal, helicopters and sniffer dogs. Then you have the Anti-Kidnapping Squad; Members know about that, so I will not detail their responsibilities. Their job is very clear in the public domain. We have allocations: \$1.8 million, \$1.9 million to the Ministry of National Security.

In every country in the world in which you have spy and intelligence agencies, they are subject to congressional or parliamentary oversight. In America, the CIA, FBI and the DEA are subject to oversight by the Senate Intelligence Committee. In

Australia, you have parliamentary committees that subject them to oversight. In the United Kingdom, they are subject to oversight, but in Trinidad and Tobago all they have to do is report to the Prime Minister; nothing is placed before the Parliament of Trinidad and Tobago. So when you put this legislation in the hand of the Prime Minister and when you place this kind of spy network accounting to no one outside of the Prime Minister, you understand what you are doing? You are entrenching a power that will ensure that the Prime Minister of the day uses that power to terrorize ordinary citizens.

Mr. Ramnath: You are right to resign; you are a man.

Mr. G. Singh: This is not something that is hearsay; it is something happening today. This legislation gives the power for the police to gather information in a manner in which they are subject to certain safeguards. We have seen, in other legislation, that when they have the power to search and gather information, what transpires.

I will read into the record the contents of two affidavits. I will make no comment, because the matters are before the courts. I will read them so you can see that in the event this House is so minded to pass this legislation, the power that will be given to the Prime Minister and this terrorist legislation will, in fact, do. It will unleash further terror into the law-abiding citizens of this nation:

“H. C. A. No. 3287 of 2004

In the matter of an application by Lawrence Andre Duprey and Colltwofour Limited (hereinafter referred to as ‘The Applicants’) for leave to apply for judicial review of

1. The decision to issue the search warrant issued under the hand of Justice of the Peace Prince in the Port of Spain Magistrate’s Court on 25th October, 2004 (hereinafter referred to as ‘The Search Warrant’) under section 5 of the Indictable Offences (Preliminary Inquiry) Act Ch. 12:01 (hereinafter referred to as ‘The Act’) in respect of the first applicant’s home and the second applicant’s property situate at 24 Collens Road, Maraval.
2. The decision to search and the search of the first applicant’s home and the second applicant’s home and the second applicant’s property situate at 24 Collens Road, Maraval.

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Between

1. Lawrence Andre Duprey
2. Colltwofour Limited

Applicants

And

1. Justice of the Peace Eugene Prince
2. Sergeant John Telesford

Proposed Respondents”

It is necessary for me to read this. I am going to read its contents without comment.

“I RUPERT SUPERVILLE, of Light Pole No. 68/1 Stoer Drive, Petit Valley, in the Island of Trinidad, in the Republic of Trinidad and Tobago, Property Manager, make oath and say as follows:—

1. The facts and matters deposed to herein are true and correct and within my personal knowledge.
2. I am the Property Manager in the employ of the First Applicant herein and I am duly authorized by him to swear this affidavit on his behalf and also on behalf of the Second Applicant.
3. On Monday 25th October, 2004 at approximately 11:00 a.m. I was at the office of the First Applicant where he was in a meeting. He received a telephone call as a result of which I left the office to get his car which was parked downstairs. A short while thereafter, he left the meeting and joined me in his car and we set off for his home at 24 Collens Road, Maraval (hereinafter referred to as ‘the said property’). I was driving motor vehicle registration number PBM 5670 and I was accompanying the First Applicant.
4. Upon driving in to the garage at the said property, I noticed two strange men standing at the entrance to the kitchen. As I entered the house on the said property (hereinafter referred to as ‘the said house’) with the First Applicant they identified themselves to us as Sergeant John Telesford and Assistant Superintendent of Police Joseph Edwards.

5. When I entered the kitchen I saw that there were other persons in the house. They identified themselves to us as officer Nanan, Woman Police Constable Debra Brown (hereinafter collectively referred to as 'the party of police officers') and Hans Marschdorf respectively.
6. I saw Sergeant Telesford show the First Applicant a document which he said was a search warrant (hereinafter referred to as 'the said search warrant'). The First Applicant requested a copy of the said search warrant but the request was refused by Sergeant Telesford. Assistant Superintendent of Police Edwards said and was insistent that the First Applicant's home was to be searched and he was not leaving until it was.
7. At about 12:05 p.m. the party of police officers and Hans Marschdorf began the search. They searched the downstairs area of the house and then proceeded upstairs. The First Applicant and I accompanied them.
8. The party of police officers entered and searched each of the three bedrooms, including the First Applicant's bedroom and each bathroom on the first floor.
9. At approximately 12:15 p.m. Sophia Chote and Gillian Lucky, Attorneys at Law arrived at the said property and came upstairs to the master bedroom, the First Applicant's bedroom, where the search was in progress. I saw, Sophia Chote examining the said search warrant and I saw her write its contents onto a pad. A true copy of the said writing is not produced and shown to me hereto annexed and marked 'R.S.I.'.
10. Assistant Superintendent of Police Edwards searched all the drawers in the bed side tables while Sergeant Telesford searched all of the closets in the master bedroom and then Sergeant Telesford searched a chest of drawers belonging to the First Applicant and a drawer handle was broken on the said chest of drawers by Sergeant Telesford when he pulled it. Woman Police Constable Brown and Police Constable Nanan searched the cupboards and Police Constable Nanan climbed on a stool to get down a bag from on top of a cupboard, which he went through and put back on top of the cupboard.

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11. Woman Police Constable and Police Constable Nanan and I went into an annex off the master bedroom and went through some papers lying on a table as well as a box containing old magazines.
12. The party of police officers, Hans Marschdorf and I then went back downstairs. They did not find anything referred to in the search warrant and nothing was taken.
13. The search was completed at approximately 12:25 p.m. when the party of police officers and Hans Marschdorf left the house.
14. At the time they were leaving, there were newspaper and television reporters outside the entrance to the said property”

I will read that again:

“At the time they were leaving, there were newspaper and television reporters outside the entrance to the said property. They rang the bell. I then left the house and walked down the driveway to bring the attorneys at law’s car into the driveway. The said reporters remained outside the said property from where I saw them taking photographs and filming for approximately half an hour before leaving.”

Mr. Ramnath: That is your leading energy entrepreneur in the country; out of spite. And you are the Chairman of the PNM? You “fellas” have no shame.

Mr. Speaker, this is the affidavit of Barbara Duprey. I have another affidavit filed in this matter. [*Crosstalk*]

Mr. Speaker: Order!

Mr. G. Singh: The affidavit reads:

“I Barbara Duprey, of No. 24 Collens Road, Maraval, in the Island of Trinidad, in the Republic of Trinidad and Tobago, Retired Data Entry Clerk, make oath and say as follows:—

1. The facts and matters deposed to herein are true and correct and within my personal knowledge.
2. I am Retired Data Entry Clerk and Director of the Second Applicant herein and I am duly authorized by it to swear this affidavit on its behalf.

3. The Second Applicant is a company incorporated under the Companies Ordinance Ch. 31 No. 1 and continued under the Companies Act Ch. 81:01 with its registered office situate at No. 24 Collens Road, Maraval, (hereinafter referred to as 'the said property').
4. The Second Applicant is the fee simple owner of the said property and I live in the house constructed thereon (hereinafter referred to as 'the said house') together with the First Applicant, who is my brother. My brother and I have possession of the said property. My brother has a bedroom of which he has exclusive possession in the said house. In that bedroom my brother keeps his private belongings including documents.
5. On Monday 25th October, 2004 shortly after 11:10 a.m. I was notified by one of the guards at the said property that there were police officers at the gate. I gave instructions to allow them to enter the gate.
6. Two officers entered. They gave me their names as Assistant Superintendent of Police Joseph Edwards and Sergeant John Telesford. They told me that they had a search warrant. They did not show it to me nor did they read it to me.
7. I attempted to reach my brother, the First Applicant herein, by telephone at his office.
8. Officers Telesford and Edwards then brought several other persons into the property. They identified those persons to me as being from the police.
9. Officers Telesford and Edwards questioned me. They asked me if I knew about any documents. They did not ask me about specific documents. They also asked me if my brother ever spoke to me about any documents. I said he did not.
10. They then asked if there was a study in the said house. I took them upstairs and showed them the place.
11. When we returned downstairs I received information from my brother's office that attorneys were on their way. One of the attorneys, Ms. Gillian Lucky, then telephoned me and said that they would be at the said house in fifteen to twenty minutes. I gave this information to the officers.

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12. Assistant Superintendent of Police Edwards at this point said that he wanted to go up to search and that he did not have to wait on anybody. Sergeant Telesford asked me if I would go upstairs with them and I replied that I would not. They then decided to wait until the First Applicant arrived.
13. Shortly afterwards the First Applicant arrived. He went upstairs with the police officers who were present at the said property. I remained downstairs.
14. A few minutes later two attorneys at law, Ms. Gillian Lucky and Ms. Sophia Chote arrived and they too went upstairs.
15. The search ended some time later when the police left the said property at 12:30 p.m.”

Without commenting on the case, it demonstrates in this society what police can do when they have a political agenda. When you have a political agenda, you find nothing when you go searching, but you bring along the newspapers; you bring along the television cameras. Because your Government was under pressure in the budget debate, you then have a diversion and point the country in that direction. [*Desk thumping*]

You have emanating out of the Office of the Attorney General, a highly paid public relations consultant. I call him “Lord Haw Haw” after that quisling and collaborator who collaborated with the Nazi Germans against the British. So you have a series of plans by Lord Haw Haw.

Dr. Moonilal: How do you spell that?

Mr. G. Singh: H-A-W, H-A-W; Lord Haw Haw. Lord Haw Haw has a name; he is a former editor of the *Express* and is a highly paid consultant now in the ambit of the Attorney General. He is the leak and propaganda machinery. So when you have legislation like this, pointing to terrorism and having such a wide and vague definition of terrorism, whether religious, ideological or political, you will understand the unleashing of terror on the population and the unleashing of propaganda accompanying that terror.

Mr. Ramnath: Haw Haw is leaking Sharma’s matter.

Mr. G. Singh: Mr. Speaker, when you understand what is really the role of the police in a society—in any society it is desirable to keep the police politically independent, in the sense that its operations and the exercise of its discretion should not be dictated or made in the interest of a particular political party; so the police must be answerable to law alone. But when you read the affidavit of ACP Graham, you understand that the police are now dancers to a political tune. My colleague from Siparia read that into the public record. When you understand what will happen when you give this kind of power to attack the ordinary citizens, the kind of power to define who is a terrorist, to label people as terrorists and to lock them up, detention without bail.

Mr. Ramnath: They might lock up Rahael!

Mr. G. Singh: Lord Denning, the master of the rolls, defined very clearly the role of the police. It is clear to us that the police are answerable to law and law alone. What has happened from the time the Prime Minister of this country gave the previous commissioner the letters of appointment? There has been the subversion and subordination of the Trinidad and Tobago Police Service. [*Desk thumping*] That is why in the affidavit of ACP Graham, he said that the present Commissioner of Police is saying, “You see me, I am going to retire in 2007, so I have to know how to dance; I am not going to rock the boat.” [*Interruption*] He is doing hip-hop; he is not doing rock dancing; he is a hip-hop dancer. They have made the police commissioner a hip-hop dancer. [*Crosstalk*]

Mr. Speaker: Order!

Mr. G. Singh: What happens in societies in which the police themselves are corrupt and have become politically partisan, is nowhere best captured than by Nobel Laureate, Wole Soyinka, in his eye-opening book, *The Open Sore Of A Continent, A Personal Narrative of the Nigerian Crisis*.

Mr. Ramnath: Hart, what you think? [*Crosstalk*]

Mr. Valley: I am glad you think so highly of me.

Dr. Moonilal: He does not think highly of you; he thinks low of your colleagues.

Mr. G. Singh: I quote this Nobel Laureate talking about Shehu Shagari:

“The desperate incumbent, the erstwhile humble, reluctant president, progressively sprouted claws and turned the nation over to the tender mercies of an uncouth, power-crazed police chief, one Sunday Adewusi, who promptly inaugurated a scorched-earth policy...”

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I know the Member for Port of Spain North understands scorched-earth.

“in order to ensure his master’s second tenure as Nigeria’s head of state. The Nigerian collective memory tends to be short, but there are many whose memories remain forever seared by the strutting appearances of the gross figure of Sunday Adewusi on television, flanked or backed by specially selected specimens of his uniformed killers. This inspector general of the Nigerian police would point to them and boast: ‘These men are trained to kill. Those who want to make trouble for this government will have to face them. I guarantee such dissidents the bloodiest experience of their lives.’”

Dr. Moonilal: Sounds like Graham.

Mr. G. Singh: It continues:

“Ambassador Joseph Garba felt obliged to devote a few lines to this aberration in his recent work, ‘Fractured History’:

The upholders of law and order had themselves become corrupted by their involvement with the ruling party.”

I will read that again:

“The upholders of law and order had themselves become corrupted by their involvement with the ruling party. Inspector-General Sunday Adewusi was said to have become so partisan that it seemed he did not recognize himself as a public servant paid with tax-payers’ money. His police force was regarded as an instrument of oppression, particularly the Mobile Force which in its unbridled and excessive actions had earned itself the dubious sobriquet of ‘Kill and Go.’

...I saw them Kill and Go, time and time again. And they were also good at watching others kill under orders.” [*Crosstalk*]

Hon. Member: Like Trinidad.

Mr. G. Singh: My colleague, the Member for Siparia, has a Private Member’s Motion in this House through which we are bringing to the attention of the national community that there are over 21 extrajudicial killings in Trinidad and Tobago; at least 21.

Mrs. Persad-Bissessar: By the police.

Mr. G. Singh: By the police; so you have a “kill and go” squad here, because this administration has corrupted the police service. [*Desk thumping*] [*Crosstalk*]

Mr. Valley: You should have left Gillian.

Mrs. Persad-Bissessar: You should pull back your Bill and do the proper thing.

Mr. G. Singh: When you understand that terrorism is a well-established fact. It is an established fact that criminal organizations such as a Mafia or Colombian drug cartels also employ terror as a technique. [*Crosstalk*]

Mr. Valley: We consulted with you, but you have no case.

Mr. G. Singh: In this society, historically, the Mafia or the Kali Cartel have employed terror as a technique in Trinidad and Tobago. There is a well-known criminal organization that has its own system of justice; that came out in a matter being heard before the court. They can dispense justice with impunity. What you see is that, in this situation, you have the Government in bed with that terrorist element. There is emerging amongst Members on that other side, that if you have a different point of view from that administration, you are unpatriotic. For that administration, to dissent is to be treasonous. Where is the logic in that? Politics is about the art of compromise; bringing differing views together to bring about dialogue and compromise. [*Crosstalk*]

Under the cloak of national security, they seek to bring about that if you dissent, you are unpatriotic. The Member for Diego Martin West, in particular, started that approach, followed by his acolyte, the Member for Diego Martin East—[*Interruption*]

Mr. Ramnath: The same faction.

Mr. G. Singh:—that to carry a dissenting opinion is to be unpatriotic. I want to tell the hon. Member, who is currently giving advice to the Member for Laventille East/Morvant—[*Interruption*]

Mr. Panday: Illegal advice, “eh”. [*Crosstalk*]

Mr. G. Singh:—that patriotism is often the last refuges of the scoundrel. [*Desk thumping*] Mugabe entrapped Morgan Sangeri and accused him of treason. So patriotism, my good friend from Diego Martin East, is often the last refuge of the scoundrel. My good friend from Laventille East/Morvant likes to don the cloak of national security; he loves a three-piece suit.

Dr. Moonilal: He was ignored by his colleagues!

Mr. G. Singh: National security, my good friend, is often the last refuge of the tyrant. [*Desk thumping*]

Dr. Moonilal: Imagine nobody on that side supported your Bill.

Mr. G. Singh: He is alone.

Mr. Speaker: The speaking time of the hon. Member for Caroni East has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mrs. K. Persad-Bissessar*]

Question put and agreed to.

Mr. Valley: The Opposition will have its say, but the Government will have its way.

Mr. G. Singh: I thank hon. Members for the extension of my time.

What I thought the hon. Member would have done in his presentation was to present a framework, a matrix in which we discuss this concept of terrorism. I thought the Member would have placed it within a global context. There are differing concepts of how you approach this issue of terrorism and, therefore, I thought that the Member would have placed it within a global context, but the unfortunate reality was that he took a very narrow view. When you understand what is happening in the global environment, the reality is that you have almost a cultural war taking place; therefore, cultural politics is at the centre of this whole issue of terrorism. [*Crosstalk*] In the world today, there are societies in which there is a phobia about Islam, an almost, "Islamophobia", because of their lack of knowledge and the ignorance that comes with that. The unfortunate reality, having regard to the multi-religious, multicultural nature of this society, is that my good friend from Laventille East/Morvant did not seek to define or explain this legislation in the context of our society.

Mr. Ramnath: "Dey doh see" any other religion or race; you have to be Christian and black.

Mr. B. Panday: So you qualify? [*Laughter*]

Mr. G. Singh: In this society, we cannot take a Judeo-Christian outlook and let that be the value system we evaluate. We have to understand the realities of Trinidad and Tobago and we ought not to have allowed that kind of ideological “Islamophobic” approach to legislation, which the hon. Member brought into this realm. [*Desk thumping*]

Dr. Moonilal: He cannot understand that, he is a radio caller. You should have appointed Mr. Enterprise as a minister. [*Crosstalk*]

Mr. G. Singh: In an article entitled, “Terrorism R’ Us”, the author makes the point very, very cogently. Before I deal with that article, I want to refer the hon. Member to an article called *The Pentagon’s New Map, War & Peace in the 21st Century*, by Thomas P. Barnett, a 2003 publication.

Mr. Ramnath: You talk man; my dear boy, listen!

Mr. G. Singh: It says:

“We live either in a world divided by competency or one divided by culture. A world divided by competency corresponds to Thomas Friedman’s description of the differences between the ‘Lexus world’ and the ‘olive tree world’. In his seminal 1999 volume exploring the globalization phenomenon of the 1990s, Friedman divided the world into those people who seem to ‘get’ globalization and all that it promises (e.g., the ability to manufacture high-tech goods like Lexus automobiles) and those people who don’t seem to ‘get it’ and thus prefer to remain trapped in a simpler world where groups fight over little chunks of ‘sacred lambs’ (like this olive tree grove, or that mountain top)...

Samuel P. Huntington...*The Clash of Civilizations* posited that the future of global conflict would be defined by where the world’s major civilizations bump up against one another (the concept of ‘fault-line wars’). In his mind, it’s not so much a matter of who is good or bad at globalization as it is the sheer reality that different cultures value globalization’s resulting connectivity and content flows in very different ways.”

So when I look at the different points of view with respect to that and at the multicultural nature of this society, I could not comprehend that the hon. Member for Laventille East/Morvant, bringing together a fundamental piece of legislation, as he has brought, to deal with fundamental rights and freedoms and the taking

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away of fundamental rights and freedoms, yet he did not attempt to place that in the context of the reality of Trinidad and Tobago society. That is part of the problem we face with this Government: the acceptance of boilerplate legislation without tailoring it to meet the realities of our society.

Mr. Ramnath: Is it boilerplate?

Mr. G. Singh: Boilerplate. Mr. Speaker, I now go on to deal with some provisions within the body of this Bill and to demonstrate that, of itself, the legislation lacks clinical and incisive analysis by the Government. For example, clause 4, and my colleagues dealt with it, states:

“A person who, directly or indirectly, provides or makes available financial or other related services intending that they be used, whole or in part...”

The legislation, effectively, allows and makes a person guilty, because even if you do not know that you are facilitating a terrorist act, you are going to be charged. There is no mens rea component in it. For example, if you work in the corner shop and are selling stamps and envelopes, and someone is using those envelopes and stamps to put some kind of anthrax or any other kind of toxin into the system, the presumption is that you will be guilty of facilitating a terrorist act.

If you have a garden shop, as in my constituency, there are several, and you are selling ammonia and the gas station is selling diesel, diesel and ammonia make a potent bomb, as Timothy McVeigh demonstrated, you will be facilitating an act of terrorism.

4.15 p.m.

Hon. Valley: [*Inaudible*]

Mr. G. Singh: It is not gasoline, my good friend—you will catch yourself afire—it is diesel. [*Laughter*]

Hon. Valley: So what is it?

Mr. G. Singh: It is diesel, it needs an extensive fuse. [*Interruption*] So within the body of this piece of legislation, you have that kind of situation where you cannot expect us to pass this legislation, so we are saying, send it out for public comment. Why is there that reticence to embrace the public? What is the agenda?

Mr. Speaker, my colleague, the Member for Couva South, spoke about the vulnerability of the society; and my good friend, the Member for Laventille East/Morvant, talked about fixed platforms offshore; and my friend, the Member for Couva South, spoke about the population of Trinidad and Tobago being very vulnerable to attacks in the Point Lisas area.

Do you know, Mr. Speaker, that when you file with the Environmental Management Agency (EMA)—whatever the document, I cannot seem to recall it now—you have to point out the vulnerable sites within your compound?

Mr. Ramnath: The Certificate of Environmental Clearance.

Mr. G. Singh: Certificate of Environmental Clearance—you have to point out the vulnerable sites within your compound. So here you are saying that you are taking anti-terrorism legislation, but that is a piece of document available to the public—the Certificate of Environmental Clearance. So you boast, and we all boast about Trinidad and Tobago soon to be the largest producer of methanol.

Hon. Member: Exporter.

Mr. G. Singh: Exporter of methanol, but before it is exported; it has to be produced here.

Mr. Speaker, methanol is explosive. [*Interruption*] It is a highly volatile explosive; I had some research done. It forms an explosive mixture with air and burns with a non-luminous flame; it is a violent poison. Drinking mixtures containing methanol have caused many cases of blindness or death. So it is a potent nerve poison, but in the presentation of the legislation, you are blind to that reality.

You see, when you are accepting things from foreigners, accept them, but tailor them to deal with the local reality. Put some steel pan music on it; as Barbara Streisand said, put some guava jelly.

Hon. Member: Too much bush rum.

Mr. G. Singh: I would not say the other line, come rub it where, Mr. Speaker.

We produce over 2.8 million tonnes of methanol on an annual basis, over 2.5 million tonnes of ammonia on an annual basis, and ammonia is another deadly toxic poison but the legislation is quiet on that and you are serious about anti-terrorism? I am saying to the Government we understand its predicament, you have to rush to come to Parliament with this Bill because you have a conference. It is a pattern of behaviour. [*Interruption*] The conference is still going on; they invited me to a cocktail party this evening. [*Interruption*] It is still going on. Have they issued the communiqué? They have not issued it. [*Interruption*] So you want to announce tonight that you passed the Bill, and trample upon the fundamental rights and civil liberty of the people of Trinidad and Tobago. [*Desk thumping*]

Hon. Member: Good point, good point.

Mr. G. Singh: Uncle Tom agenda. Mr. Speaker, [*Interruption*] therefore, you have a legislation that is not tailored to meet our local reality, notwithstanding what the Member for Laventille East/Morvant has said. It is legislation that tramples on the fundamental rights and freedom of the citizens and it is one that does not take cognizance of the cultural reality of Trinidad and Tobago.

Mrs. Persad-Bissessar: Well said.

Mr. G. Singh: I want to echo the sentiments of Acting Prime Minister, Sen. The Hon. Dr. Saith. Although the Americans came last night in their press conference and slammed the Acting Prime Minister, I want to echo his sentiments when he said that poverty eradication is important. I read from an article entitled "Terrorist R US" written by Ziauddin Sardar, a British writer, broadcaster and cultural critic: It says:

"Of the 4.4 billion people living in the developing countries, nearly three fifths lack access to sewers, a third to clean water, a quarter to housing, and a fifth to health care of any kind. Every day 800 million people go hungry. A baby born today in Botswana has a life expectancy of 39.

This is not the product of some fluke of history, or natural disasters, or mismanagement by tinpot dictators, or lack of initiative by the wretched of the Earth. These people are the direct victims of our consciously-planned policies and actions. We deny government aid and our markets to African peanut farmers but give billions of dollars in subsidies to American peanut farmers and ensure that they can sell their products all over the globe. We subsidize every cow in the European Union by \$2.50 a day and force the vast majority of peasants in Africa and Asia off their land to live on less than \$1 a day.

We also kill cultures, destroy traditional communities in the name of development, turn rainforests into deserts to satisfy our craving for hamburgers. Ten languages fall silent every year. Entire cultures, lifestyles and different ways of being human are disappearing as a direct result of the cultural terrorism we perpetuate.

In return, we gloat. America constitutes three percent of world's population but consumes 25 percent of its energy and produces 30 percent of its pollution. The three richest Americans have assets exceeding the

combined gross domestic products of the 48 least-developed countries. Americans spend \$8 billion on cosmetics, almost as much on pet food, and \$10 billion a year on pornography—more than the estimated total needed to provide clean water, safe sewers and basic health care to the world's poor.

This, then, is the world that the West has created over the past two centuries and America has shaped during the last few decades.”

When you are carrying out an American agenda, you must place that in the context of the global and new liberal reality. [*Desk thumping*]

Mr. Ramnath: Do not terrorize the Caroni (1975) Limited workers.

Mr. G. Singh: Mr. Speaker, it goes on.

“The future need not be an extension of the past or the present. It can be shaped, decolonized and made more equitable and just. But to shape a future free from terrorism, we must realize that the ‘war on terror’ is not a war at all. It is cultural politics.”

Hon. Member: Read that over.

Mr. G. Singh: My colleague wants me to read it over.

“But to shape a future free from terrorism, we must realize that the ‘war on terror’ is not a war at all. It is cultural politics. It is a struggle to create cultural space for other ways of knowing, being and doing. It is a politics of visibility that brings the inhuman consequences of our policies and action into sharper focus. It is personal exertion to live a more sustainable and humane life. It is an attempt to address the politics of identity that accompanies neo-liberal globalization. In the end, a terrorism-free future begins with our Selves.”

Mr. Speaker, my colleague, the hon. Member for Laventille East/Morvant, did not place in any context what is the Government's policy. He just presented it like if it is a fast-food piece of legislation carrying out an agenda which is clearly not one suited for Trinidad and Tobago.

So when you look at this legislation and recognize what it seeks to do, do you know that environmental groups which are significant in issues affecting the world today will be affected, for example the impact of the tsunami and other areas? Do you know that because of this piece of legislation a world environmental group like Greenpeace will now be regarded as a terrorist organization by the Government and people of Trinidad and Tobago?

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Mr. Speaker, this is unacceptable. It was the environmental group Greenpeace—in order to highlight and deal with issues like whaling—that intercepted ships floating whalers. When toxic material was attempted to be brought in throughout the Caribbean, Greenpeace intervened. Now you are blind to that reality. An international environmental organization like Greenpeace would be regarded as terrorist and in our own local reality, Gary Aboud and Fishermen and Friends of the Sea would be regarded as terrorists.

If they decide to take ideological action in furtherance of the protection of the environment—Molly Gaskin, the environmentalist—they would be regarded as terrorists. Blind! When former Minister Eden Shand, took a cutlass and went to protect the rainforest, he too, will now be regarded as a terrorist because he had the capacity to inflict physical damage. [*Crosstalk*] That is the kind of—

Mr. Speaker: Order!

Mr. G. Singh: Do you know what is interesting? [*Interruption*] What is interesting about this piece of legislation is that it seeks to preclude the police and other quasi military organizations from being regarded as terrorists. But as I have indicated, it is the State in under-developed democracies like our own that inflicts terrorism, and it is the State in under-developed democracies like our own in partnering criminal organizations inflict terrorism on the people.

It was Forbes Burnham, in partnering the House of Israel under so called Rabbi Washington who inflicted terrorism upon the people of Guyana and they killed that liberation theologian, Father Dark. They stabbed Father Dark in a demonstration.

Hon. Member: And they killed Rodney.

Mr. G. Singh: The State, in partnering a terrorist from Miami, placed a bomb in a walkie-talkie that killed that West Indian and Caribbean intellectual, Walter Rodney. So you understand in fledgling democracies like our own, it is the State that is the purveyor of terrorism. What checks and balances do we have against State abuse in this legislation? [*Interruption*] None whatsoever! They are excluded and you know there is no monitoring mechanism.

In the British legislation, they have an oversight authority to look and see the functioning of the legislation. There is no oversight authority whatsoever, but you say this is the legislation you want. You have to understand the nature of the society, the brutality, and the nature of the patronage under the Westminster Model.

There are so many clients of the State that today the Law Association is silent on this legislation before this Parliament. The Media Association of Trinidad and Tobago (MATT) is silent. I believe they are silent because they have no knowledge of the impact of this legislation, and this demonstrates the need to go out for public comment.

Mr. Speaker, everyone must be treated equal in a democracy and, therefore, the will of the majority must not be allowed to prevail in matters of such a fundamental nature. Equality requires that the equal rights of every citizen must be sustained and we on this side view with serious concern, the fact that this legislation seeks to undermine the fundamental rights and freedoms codified in our Constitution and the Bill of Rights.

We have the right to liberty, to fraternity, to freedom of association. We have the right to belong to political parties; we have the right to freedom of worship, all these are codified in our fundamental rights and freedoms. This Bill betrays that. [*Desk thumping*]

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea and will be resumed at 5.00 p.m. promptly.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. G. Singh: Mr. Speaker, just prior to the tea break, I was making the point that in dealing with this whole question of civil liberty and its interpretation, I now refer to the House of Lords decision in:

“A (FC) and others (FC) (Appellants) v. Secretary of State for the
Home Department (Respondent)
X (FC) and another (FC) (Appellants) v. Secretary of State for the
Home Department (Respondent)
ON
THURSDAY 16 DECEMBER 2004”

Mr. Speaker, this had to deal with the detention under the Anti-Terrorism Act 2001, and this is what Lord Hoffmann had to say at page 52:

“Of course the government has a duty to protect the lives and property of its citizens. But that is a duty which it owes all the time and which it must

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discharge without destroying our constitutional freedoms. There may be some nations too fragile or fissiparous to withstand a serious act of violence. But that is not the case in the United Kingdom.”

At page 53:

“The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these. That is the true measure of what terrorism may achieve.”

I quote the sentiments of Lord Hoffmann this evening, that the real threat to the life of the nation of Trinidad and Tobago comes not from terrorism, but from this particular law and law such as this and, therefore, we cannot support this piece of legislation.

The human rights and counter terrorism body had this to say.

Since September 11, 2001, countries across the world have moved to limit basic human rights in the name of fighting terrorism. In some cases, these moves appear little more than opportunistic attempts to justify human rights, abuses and political repression. While legislation that undermines fundamental freedoms is by no means confined to the developing countries, an added concern is that oversight mechanisms in many developing countries are weak or nonexistent and legal advice can be difficult to obtain. Consequently, poor people are often at greater risk when basic rights are limited by legislation.

Mr. Speaker, so you understand that kind of framework, and when my colleague, the Member for Laventille East/Morvant, spoke about adherence to a series of conventions and the conventions against plastic explosives being numbered, I recall that two missiles were found in the premises of former Member of Parliament for San Fernando West; they were numbered, and it is now some three years that the police have not yet traced the source of those missiles.

Terrorist activity and allegations were made against the police in this country of planting that some three years after the planting of those missiles, notwithstanding we are party to the Convention, the police have not yet been able to locate the source of those two missiles. That is the kind of environment. Terrorism perpetrated by police against citizens of this country—a Member of this august House at that time—and you expect us to support this piece of legislation?

This is repressive legislation, this is a draconian Bill and, therefore, we on this side will vote against this piece of legislation because it is against the national interest and against that of the people of Trinidad and Tobago.

Mr. Speaker, I thank you.

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I join this debate on the Anti-Terrorism Bill piloted by the Member for Laventille East/Morvant. It is unfortunate that the Member, who is such a good speaker in this House, did such a poor job in the initial presentation. I hope he does a better job in the reply.

The Bill, to criminalize and to provide for the detection, prevention prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists' assets, in the Explanatory Note, it goes on to the aftermath of the United States on September 11, 2001.

Mr. Speaker, this Bill also defines what a terrorist act is. It says:

“‘terrorist act’ means—

(a) an act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause—

- (i) loss of human life or serious bodily harm;
- (ii) damage to property; or
- (iii) prejudice to national security or disruption of public safety including disruption in the provision of emergency services or to any computer or electronic system or to the provision of services directly related to banking, communications, infrastructure, financial services, public utilities, transportation or other essential infrastructure,

and is intended to—

- (iv) compel a government or an international organization to do or refrain from doing any act; or
- (v) intimidate the public or a section of the public,

for the purpose of advancing a political, ideological or a religious cause; or

(b) an offence under any of the Conventions;”

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And it says what the Conventions are.

Mr. Speaker, I started off with this so I can ask you one simple question. Have you ever heard the term “weapons of mass destruction”? I think we are all familiar with that term and it was that terminology that caused—

Mr. Ramnath: That was the big lie.

Dr. F. Khan: It was that terminology that was bandied about—and I mean no disrespect to the United States of America—for a couple of months. Investigations were done, advice was given and the Secretary of State sent to the United Nations and everything went that way with the term “weapons of mass destruction”.

So when you look at a terrorist act and equate it to a saying of “weapons of mass destruction”, what you are really saying is that a terrorist act is one defined by this Bill to be any act defined by the government of the day, or the national security people, the police, or whoever it is that determines what a terrorist act is. They could define what is a terrorist act based on this legislation. Any act, or anything. The term, “weapons of mass destruction” was used to wage war against a terrorist person, a leader of a Middle Eastern country who purported, and who was seen to be a so-called dictator as defined by the United States of America.

In the movement utilizing the words “weapons of mass destruction”, people from the United Nations checked through the whole country, they opened their doors to the investigators and inspectors who did not find any “weapons of mass destruction” and reported it to the United Nations but the war still took place.

When it was taking place and the dictator was being checked out, the place was being bombed, women and children were being killed, we were told on national television that the enemy targets were being bombed and nobody was harmed, but we saw other things and, as a result of that, the definition of the terrorist act, which was “weapons of mass destruction” was utilized. The dictator was ousted, the people now have been taken over by a new government as they say by free and fair elections, and those are parts of this internet that will tell you exactly how you can determine free and fair election.

A man lost his two sons who were killed because they were the terrorists who received \$25 million, and they found the terrorists and blew them apart. There have been numerous car bombings and insurgence against the then regime. So what has happened as a result of the term “weapons of mass destruction” which they quietly found out now that there were none?

So what I started off by saying is that any definition can be utilized to determine an agenda, so if there is an agenda against so-called terrorists—we are all for fighting terrorists—do not get us wrong, you have to define and make the law so tight that it cannot be open to abuse.

If it is not tight, it is vague, and you will find that it will be open to abuse as we have experienced in our country and when you see the Acting Prime Minister, Sen. The Hon. Dr. Lenny Saith, as articulated by the Member for Couva South, speaking about democracy and the need for democracy in a country, and equal opportunity to fight terrorism, he is correct. Although democracy in Iraq is a different kind and war will be going on with guerilla warfare indefinitely, the amendments of the Anti-Terrorism Bill circulated by the hon. Attorney General to be moved in the committee stage says:

“Delete clause 10 and substitute the following new clause.

10 Any person who conceals or harbours another person or hinders, interferes with or prevents the apprehension of, another person having reason to believe or knowing that that other person has committed, is planning or is likely to commit, a terrorist act, commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”

And he goes on for a device used for mass destruction.

What I am saying is that arguments against anti-terrorist legislation have taken these types of legislative wordings and shown how they can be misused against political campaigners who are against that of the ruling Government. It could also be used for industrial espionage and different things and I will read into the record certain aspects of it.

It is unfortunate that we belong to a system of the constitution of the doctrine of collective responsibility and I feel sorry for my colleagues on the other side, who, since they have piloted the Bill as the Government recognizes and will recognize the limits to freedom because the laws that you make while you are in office come back to haunt you when you are not in office, and if you think that you are going to be in office for your whole life, think again. So the laws that you are passing now in Government may one day come back to haunt you or your family, so be very careful in what you are deciding to commit to.

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You see, on December 21, 2001 there was an 18/18 scenario in this country and the President of the day, because of a so-called agreement, decided to put the party in office which had less votes and equal seats: 265,000 versus 285,000. According to the Constitution, it says that the incumbent party and Prime Minister can never and cannot be removed by the President. He can remove Cabinet Ministers on the advice of the Prime Minister, but he cannot remove a Prime Minister. It is in our Constitution, but he chose to remove an incumbent Prime Minister with the same number of seats, and there the problem began.

5.15 p.m.

We had the 18/18 scenario. It was difficult to elect a Speaker. We started off with different things. In that interim period a budget that was passed without letting the House know where the money was spent. A lot of it went into school grants and shifted from one thing to the other. That is when CEPEP started, which is the private army. I am not going into CEPEP; I am just showing you. The Member for Diego Martin Central is laughing now. He would not laugh when his leader comes behind him with this.

Then came CEPEP; then came the social services and then an election was called. I think it was October 07, because the budget was close after. From October 07, that period before the election, I, being the Member for Barataria/San Juan, which is a marginal seat in this country, what happened in that period, I would hate to go through again, because not only were we terrorized by people who belong to a certain religious sect, not only were the people of the area terrorized on election day and throughout the meetings that were held, et cetera, but they were forced—guns were shown. The Government says, “show me the proof”. It is difficult to find proof with abstractness. It is an abstract proof. It happened. People will not come and talk about it, because in this country there are no witness protection programmes. Once you are a witness in this country you are a sitting duck and the Government has refused to have a witness protection programme to catch the perpetrators of the crime.

So in that period of the election the Election and Boundaries Commission was terrorized by the then PNM government—but that is another story—and nothing came out of that commission of enquiry. The movement against the people in the marginal seats was so intense that people refused to come out to vote and at the end of the day the Government ended up with 20 seats and the Opposition, 16. So when you say something is a terrorist act and part and parcel of terrorism, I hate to say it, but they are all guilty of that. So according to this law they will all be

jailed. I would like to read extensively from this because it says it quite well: “Specific Issues in Internet Policies and Regulations”. It is taken from the ICT, the Association of Progressive Communication, Internet, and ICTs for Social Justice and Development. It is an organization; it is a policy handbook and it starts by saying:

“Following the attacks on the World Trade Centre and the Pentagon on September 11, 2001, many States enacted laws to tackle the perceived threat of terrorism. At the same time there was an increase in the dialogue and cooperation between the operations of the Internet, et cetera.

September 11 also provided a perfect excuse to introduce measures that previously would have met more resistance from those concerned about how these new measures might erode essential civil liberties.”

It goes again:

“The principle has allowed that widespread surveillance of many protest groups in the UK, while the offences these groups carry out are very minor, such as trespass and obstruction of the highway, the fact that they are carried out by many people working together allows them to be investigated with the same powers reserved for organized criminals. When considering how the State has taken new powers to enable the surveillance of groups in society, we must take note of the semantic redefinition. Terms such as cyber crime terrorism and organized crime can be used under these new procedures to allow the surveillance of groups that oppose many aspects of government policy, as well as developments which may affect the economic well-being of larger corporations. Organization that may be affected by this re-drafting of legislation must consider these implications as part of their planning for future work and campaigns.”

So it shows that these vague laws can be used against people who are dissident against the policies of the then governments. It said:

“Most of the treaties and the bills lack privacy and civil liberties protections. It is far too broad. It lacks dual criminality requirements for cooperation with the police or other nations. Protection for political activities is too weak. It threatens to further unbalance intellectual property law. It would give the police invasive new surveillance power; contains an overly broad criminalization of hacking tools and was drafted in a closed manner.

The War on terrorism:

Until recently, terrorism was defined as activities motivated by a political ideology for the overthrow of the government. The redefinition of terrorism by states in September 11 has stressed motivations other than political ideology, potentially classifying non mainstream protest actions, campaigns and organizations as being involved in support of terrorism.”

The problem with these new laws is that they extend the definition of terrorism into areas of campaigning by civil society groups; those engaging in mass protest or taking direct action to disrupt trade conferences; the development of infrastructure projects or the operation of private enterprise risk being classified as terrorists. In practical terms, these new laws will not allow the banning of most terrorist groups or the prosecution of their members as terrorists. However, those who associate or work with these groups can be investigated as if they were terrorists. In turn, the information gathered from such investigations could be used to restrict or nullify the action of these groups.

Citing the provision of the Patriotic Act, in this case, the FBI is sending letters to journalists telling them to secretly prepare to turn over their notes, e-mails and sources to the bureau. Should we throw out the First Amendment to nail a hacker? The demand that journalists preserve their notes is being made under law that require ISP and other providers of electronic communication services to preserve, for example, e-mail stored on their service pending a subpoena under the statute of legislation. The purpose of the law was to prevent the inadvertent destruction of electronic records pending a subpoena.”

So what we are saying, Mr. Speaker, is that journalists can be summoned and their e-mails used against so-called terrorist activities:

“The implications for civil society groups.

It is important to remember that most new terrorism legislation and pretty much all initiatives in relation to the investigation of serious cyber crime are based on the increased surveillance of communication. Groups that seriously challenge governments or multinational corporations, could, under these legislative framers, come under direct surveillance. It is more likely that governments will use these new systems to monitor and retain communications data in order to map the activity and membership of the campaign groups.

The membership of these organizations even if they have no formal structure can be mapped. The role of different members within the organization can be analyzed. From this data, opponents could devise actions against key individuals or the network as a whole, to stop it from functioning. This is particularly problematic if the group is campaigning against the state, but will also affect anti-cooperation campaigns. For those who engage in international action, there also is the problem that instruments such as cyber crime convention, would allow the supply of communication surveillance data from their home state...”

The legislation that we are passing here is tantamount to the same thing, because it is almost drafted upon the same lines as the Patriotic Act and the Secrecy Act of the United States. This came about as a result of September 11, 2001. When the Acting Prime Minister said yesterday that poverty and terrorism could be linked, the American gentleman here indicated that we could have the same argument for drug trafficking. Poverty is linked to drug trafficking; poverty is linked to terrorism, to whatever, where he said people around the world are feeding their families, et cetera.

I take you back to the beginning of my argument when I said that initially a whole war was caused and a whole war continued and it became a whole country in the Middle East, which has been attacked with weapons of mass destruction, which is considered a terrorist act. So at the end of the day the terrorist act and the definition of terrorist act as defined by this Bill, opens up a whole host of actions and activities that could attack any group that is dissident to the then government. When I say that, I mean not only opposition groups; I mean radio frequencies, as we have seen what has happened last night. Last night there was a list of radio frequencies which have not been working according to their licence.

At the end of the day this is the beginning of utilizing the Bill itself to determine what is and is not, a terrorist act. Being such a broad Bill—you know, the job of the Government is collective responsibility, and when you have collective responsibility you must support a Bill that is brought to Parliament even if you disagree with it, and our Constitution definitely needs to be changed. We need constitutional reform so people who represent people of this country could determine exactly what thoughts align and what different ideas can be given. Because, you see, we speak about the separation of powers; the Executive, the Judiciary, the parliamentary legislative arm, and when you look at it, the Executive controls the legislative arm. So the Government of the day decides what Bills need to be passed.

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The Member for Pointe-a-Pierre, quite brilliantly, last week indicated that this needs a special majority. No word has been given on that. We have an amendment before us, but nothing that speaks about a special majority. So, obviously, seeing the stance the Government is taking, it would appear that they do not think it needs a special majority. But at the end of the day we have no separation of powers in this country because the Executive is bringing a Bill to the legislative arm and the legislative arm has to pass it to determine exactly what the Executive wants. So there is no separation of powers. And when a Prime Minister could write to a Chief Justice, infringing on the rights of the Judiciary, that cannot be any separation of power. [*Interruption*] Mr. Speaker, I need protection from the Member for Diego Martin East.

My argument is that this Bill and the purpose of this Bill may be a good thing against terrorists, but the manner in which it is drafted and the broadness of its drafting, determines that it could be used anyhow, anywhere by whoever so desires. That is where the problem lies. It infringes on the fundamental rights of the individual in the democracy of Trinidad and Tobago, as we see it, and the Constitution of Trinidad and Tobago dictates what is necessary for the democracy to grow.

I speak at length sometimes and the Member of Parliament for San Fernando East, in his budget debate, said I had a very fertile imagination. When I said that these are the policies and mechanisms of actions that dictators use to control movements in their organization and towns, this is the kind of legislation and laws that are passed. When people pass it because of collective responsibility, they do not understand that what is in this legislation will come back to haunt, not only themselves, but their families, et cetera. Today, the protective services are on the side of the Government because they are supposed to protect and serve the direction of the Government. Tomorrow it might be somebody else, and who says that that new government, whoever it may be, will not utilize the same protective services and the same legislation to go after the people who are passing the legislation right now. Then they would understand exactly what is the reason.

I go to another one of the Internet papers: "Internet Rights". It is taken from www.internetrights.org.UK/faxsheets.shtml. [*Interruption*] I won an election so I could speak as long as I want here—for 75 minutes. [*Desk thumping*]

Mr. Imbert: "Dot corrupt—

Dr. F. Khan: You have to stay there and listen. The Member for Diego Martin East is reflecting what his party is doing right now, and according to Standing Order 36(10), you should not mention the conduct of your colleagues like that—corrupt colleagues.

Mr. Imbert: What are you talking about?

Dr. F. Khan: You just said you all are corrupt. You said “dot corrupt” and “dot” mean “us”.

Mr. Speaker: Do not be taken aside. Could you just address me, please?

Dr. F. Khan: He is the acolyte for the Member for Diego Martin West, Mr. Speaker.

On page 3 of this document it says:

“How does anti-terrorism legislation threaten civil liberties?”

- (a) New legal definitions of terrorism cover more than paramilitary or violent action. They extend into actions that seek to challenge the power of the state. Recent anti-terrorism laws could therefore endanger rights to public protest.
- (b) They could present new opportunities for state authorities to restrict the activities of campaign or protest groups.
- (c) Under the Terrorism Act, the objective of influencing government could class certain types of action, particularly where members of a movement engage in direct action as terrorism, it looks to cover acts that may not in themselves be violent but which nonetheless have significant impact on modern life.
- (d) Under the terms of the act, only the objective of change in the mind of the Government is required. This is a very broad definition. Many activists believe that it strikes at the heart of one of the core principles of democratic society, that is, the freedom of expression.

The Act provides no clear guidance on what type of public expressions are to be permitted, only those which are to be investigated, as demonstrated, potentially terrorist intent.

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Invoking the Act may have an impact upon campaigning groups by prejudicing public opinion or deterring members of the public from joining such campaigns. It could also significantly affect online action through its vague definition of disruptive networks and the potential it gives to investigate those working to develop campaign opportunities via the Internet. There are concerns that certain types of protests would be targeted on the pretext of terrorist investigations. Although this might not result in prosecution, it could restrict the work of campaign groups.

As the Act does not require that people fulfill certain defined criteria to qualify as terrorists, its powers could be used against anyone engaged in disruptive protests or other types of action where the police or security services can use the common purpose principle to justify their investigations.

Another critique points that the Act effectively deregulates procedures for the exchange of information between government agencies and enabling it to take place without oversight on a case-by-case basis. There are concerns, too, on this part of that, that the database of all communication data and its later use, could have a damaging effect and impact on civil liberties.

At the level of the individual, communications data has specific meaning and limited applications beyond the action of the individual. Under the Security Act, in this case, anyone intending to hold an assembly in a public place must notify the local police station.

A movement that held rallies without such notification before would be liable to prosecution and under common purpose principle their activities could be investigated as serious crime and terrorism. The principle of common purpose could therefore apply to civil disobedience actions, such as those associated with social or environmental protests.”

Mr. Speaker, as you are aware, the Opposition has been clamouring for constitutional reform; we have been clamouring for equal opportunity legislation to be enacted; we have been clamouring for equal rights, rather than just having PNM supporters and PNM party hacks being given most of the positions, such as CEPEP and all the different social services. We have been doing that and we have heard the leader and most of us on this side saying, the only way that we can get the Government to listen is by means of non-violent civil disobedience, and if we

utilize the assembly part of this Bill, we could be determined as committing terrorist acts, and by committing terrorists acts we are liable to be investigated, charged, et cetera.

Now people will “steups”, but you have to understand that the legislation passed in this Parliament, when we walk out that door, goes to the courthouse for interpretation. As the Member of Parliament for Couva South said, the former Minister of Local Government was charged and he was basically found not guilty of murder, but he spent three years of his life in jail. In that time his marriage broke up; his house broke up; his father died. It just went negative. Nobody compensated him for that. Had he been in a dictatorial country—which we are soon to become under this movement when that side gets the constitutional majority, because of the change in the EBC boundaries as well as the house-padding that is going on; you will be surprised. As I just indicated, there is no separation of powers. The Executive controls the Parliament; the Executive controls the Judiciary via the President.

Mr. Bereaux: Hon. Member, I hear what you say and I recognize that nobody is guaranteed to be in government, so, therefore, if the Act is bad, it is bad for everybody. What I would hope, notwithstanding your eloquent discourse, is if you would say, well, “maybe we should knock out this part; add in this and make some specific comments”—[*Interruption*] Just give me a chance, please—Or you say, “let us throw this Act out.” You know, I am hearing all these things which possibly—they are sounding all right to me, but I am not seeing any way in which we could go forward, and that is the point.

Dr. F. Khan: Mr. Speaker, I take what the Member for La Brea has indicated and he is quite right. To provide solutions to different clauses, I would like to indicate that it would be wise, because of the broadness of this legislation and the way it is termed, that it either be sent to a joint select committee to be thrashed out completely by both sides of the House and, possibly, invite the public at the same time to make amendments and to dissect the Bill, because at the end of the day it is going to affect everybody.

I would like to have the input of the public, as well as the joint select committee and let the lawyers on either side, together with some lay people who perhaps have some feeling still left in them, to determine exactly where this Bill is supposed to go. Because today we may not have a dictator; tomorrow we may not have a dictator, but 10 years down the road, we might, and if this law is in the hands of somebody who is a dictator—I am not saying anybody is going to be a

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dictator; if there is one—what will happen is that this Bill is going to be used the same way Fidel Castro used different legislation to entrench himself into power and prevent any political dissidents from rising.

So my suggestion is, let us go to a joint select committee and have the public comment on it. Just one last thing on the human rights.

“Human Rights Watch: It criticizes anti-terrorism legislation for the same reasons, that personal liberty should not be a casualty of the campaign against terrorism. We believe Congress can develop anti-terrorism measures that protect the nation without sacrificing important rights. According to the Human Rights Watch, the breadth and vagueness of the criteria for certification and detention of citizens raise the possibility of arbitrary or abuse applications. If the detainees are not criminally charged or deported from the country, they would remain in administrative detention until the Attorney General determines they are no longer a risk to national security.

While judicial review of the detention would be permitted, neither bill ensures meaningful prompt or periodic reviews to ensure the detention is warranted. Human Rights Watch urges the Congress to incorporate safeguards for the rights of detainees in the anti-terrorism legislation, including—

- (1) Precise guidelines for determining when detention is necessary.
- (2) Prompt periodic reviews of the initial and continued detention.
- (3) A prohibition against indefinite detention and safeguards against non-citizens as well as no less than citizens have a right to freedom from arbitrary or indefinite administrative detention. As the US defends itself from terrorism, it must be also strengthening its defence of the freedoms that are the hallmark of the country.”

So this is the criteria that we have to go with:

“Protecting the rights of the individual, preventing longstanding detentions and allowing the periodic reviews.”

On this note, before I end, when somebody is charged in this country for a non-bailable offence, they could languish in the prison structure for a very long time waiting for their case to be heard, and while they are languishing in that prison structure, they are stripped of all their rights. They are not yet guilty but

they have been charged for a non-bailable offence. Terrorism will definitely be classified along that line. We say, unless somebody is guilty, or indicted, for want of a better word, their visitation rights should not be denied them, and their ability to seek periodic reviews.

With these few words, I thank you. [*Desk thumping*]

Mr. Speaker: The hon. Member for Oropouche.

Dr. Moonilal: For what?

Mr. Speaker: Sorry—Fyzabad. The exclamation of your honourable colleague precludes that he is, perhaps, not wanting ever to come your way at all. [*Laughter*]

Mr. Singh: Mr. Speaker, he is just merely vigilant.

Mr. Chandresh Sharma (Fyzabad): I think, Mr. Speaker, you have given us notice of the next election.

Mr. Speaker, as I join this debate I cannot help but reflect on why we are here. What is the intention of this House? We met on Wednesday; the Government was not prepared. They lasted less than an hour and a half, and they come today, unprepared, not a single Member willing to participate in this debate. The question is why? Why are they here? Having heard the very valuable contribution of colleagues on this side, why are they not going with the suggestion to have public comments or to a joint select committee? Is it that the PNM is so bent on capturing the headlines in tomorrow's newspapers? "Bill passed, regardless".

Over the years, this has been the PNM style. It has often been said in this House that the PNM lacks vision. What does this Bill do to add value to people's lives? This Bill cannot be looked at in a vacuum; it has to be looked at in the context of what obtains in Trinidad and Tobago. One newspaper today said: "Forty murders in 46 days". How does this Bill lend support to those families who have lost their loved ones? Today, in Trinidad and Tobago, more than 50 per cent of the population is living under the poverty line. Many are unable to buy groceries. What does this Bill do for them? How does this Bill treat with more than half a million of our citizens in our oil-rich country who, as we speak, have not had a proper lunch, and certainly will go to bed without having dinner? What does this Bill do for them? Who is this Bill intended to treat with? There are many schools of thought. Again, when you look at the current context; when you look at what obtains in the Bill or what it is intended to do, is this Bill intended to frighten citizens of Trinidad and Tobago? That is the first point I want to advance.

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We have been reading in the print media of a particular matter that is unfolding in the city of Port of Spain in a similar forum like this, and we are seeing the Government's role in that particular outfit. The Government is now being exposed by that outfit. This Bill is intended to silence those people, to threaten them with the use of the provisions in this Bill. Because when you look at this Bill, it cannot be intended for the national community of Trinidad and Tobago. We are a small population, living side by side. Who is this intended for?

Over the last years, PNM has made it their business to discriminate against more than 50 per cent of the population. How does this Bill address it? Is it going to add to that level of discrimination? I want to advance, it will. In fact, you may have seen in the newspaper of Saturday, January 01, an article written by Mr. Michael J. Williams, who was a former President of the Senate. In it he spoke about, "for the children's sake". He spoke about driving to Biche to visit the Biche High School, because he was concerned. Having gone there, he discovered that the school was in tiptop condition, better than many schools he visited. He asked the question: Why is the Government not treating with this \$35 million investment and preventing the children from going to school? Is this terrorism on the Government's part?

So right here you are seeing that the Government is failing to treat with the national community out of spite. In fact, at the school there are a number of people working there; security officers and other people. Nobody is affected. As the Member for Couva South indicated earlier, there are a number of public buildings in similar kinds of areas and no one is affected, and here you have the Government going out—if you look at a \$35 million investment at 10 per cent maintenance, they are paying approximately \$3.5 million a year to spite the innocent children. What that means is that they would go way out—and this Bill demonstrates that very clearly—to spite people at other places, because the Government intends to do any and every thing within its power, legal and illegal, to remain in power, and with this Bill it hopes will do that.

This Bill is not to add value to people's lives. This Bill is not going to treat with the thousands of patients who go to the hospitals and public health institutions on a daily basis and are not receiving treatment. There are no pharmaceuticals, no ambulance services. Every day people die at the public institutions because of a lack of treatment.

Mr. Rahael: That is not true.

Mr. C. Sharma: The Minister of Health does a lot of public advertisements. It does not fool anybody. That is the truth of the matter.

But more than that, when you look at the intention of the Bill, when the Government thought of this Bill, what was on its mind? Did it think that this Bill would come to this House and obtain the support of all Members on both sides because it is going to do something good for Trinidad and Tobago? Nowhere in this Bill does it indicate that. In fact, if you look at clause 4, it would make it an offence for any person to directly or indirectly provide financial or other related services for the purpose of committing or facilitating the commission of a terrorist act. How would people know that?

There are many NGOs and CBOs going around asking for money. So if somebody comes to the office of the Member for Diego Martin West asking for a contribution; he takes out \$100 and gives it to the particular group and five years or five months down the road, it is discovered, is the Member for Diego Martin West guilty of an offence? This is what the Bill is saying. How foolish is this? Is this a Parliament? Is this what this Government is paying for? [*Interruption*] You will have a chance to reply, Member for Laventille East/Morvant. Make sure and be academic.

Clause 5 would make it an offence for a person to provide or make available money or other property with the intention, knowledge or reasonable belief that it would be used to carry out a terrorist act.

Who is going to measure this? Is it going to be an agent of the PNM? So if they want to get at the Member for St. Joseph and they say: "Okay, you have done this", who measured it? A PNM hack. We have seen the PNM peddling its influence all over: In the police service; the legal departments; the institutions of Trinidad and Tobago; states agencies, all over.

Clause 6 would prohibit the use of property directly or indirectly for the purpose of committing or facilitating the commission of a terrorist act. What they are saying here—you know, it is very clear that the Government has not thought out its requirement; its job. I want to draw the example of Ramsingh's shop at Couva—whoever is Ramsingh's shop; I do not know it. So a young man goes into the Ramsingh's shop and buys a pound of channa and a bottle of pitch oil. He takes it on credit. He tells Ramsingh: "Here what going on, I have no money. I need some channa and some pitch oil; I 'doh' have food home." So Ramsingh gives him the channa and pitch oil and he goes home and makes a channa "bomb". Is Ramsingh contributing to this offence?

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This is what the PNM has reduced this country to, to stay in power. This has nothing for Trinidad and Tobago. This is about staying in power, regardless, because every day arms come into this country. Who brings them in? Is it Ramsingh's shop? *[Interruption]* The Member for Tunapuna is correct. He said PNM. You see, at some point the truth will come out. For years it has been happening. Illegal drugs go right through this country. I saw in a newspaper where they said people who are involved in it sit in the Parliament. I am sure they did not mean me and you. I am very certain of that. *[Interruption]* Say that again?

Mr. Bereaux: Wait until we go outside.

Mr. C. Sharma: Say it inside, "nah man". Why you want to go outside. Everything you want outside? You must take something inside.

Mr. Speaker: Order!

Mr. C. Sharma: Clause 7 would prohibit arrangements that would facilitate the acquisition, retention or control by and on behalf of another person of terrorist property, whether by concealment, removal—

So what happens to a real estate agent who obtains a property for sale, goes to Hobson's, engages the services of a lawyer and then six months down the road, after he sells the property, earns his commission; the lawyers gets his commission, he discovers that it is terrorist property? How would someone know who is a terrorist? This is really foolishness. So when somebody comes to a real estate agent, should that person produce an ID to show he is not a terrorist?

Mr. Singh: They want one from Al Qaeda.

Mr. C. Sharma: Mr. Speaker, I think it is a good time for the Government to indicate that they need to revisit this. Forget the headlines in tomorrow's newspapers. Today's headlines were pretty good. *[Laughter]*

Clause 8 would make it an offence to knowingly deal in any terrorist property, acquire or enter into any transaction in respect of terrorist property, convert, conceal or disguise terrorist property. How are the banks going to treat with this? If you go to make a deposit, after a certain sum of money—like when the Member for Port of Spain North/St. Ann's West goes to deposit money, he has to give a declaration as to where he obtained the money. Whether he speaks the truth or not, does not make a difference. But what happens, when you go to deposit a large sum of money you have to give a declaration, but if every day you deposit \$5,000 or \$10,000 in six different banks, the banks will not know the difference. Even when they become aware, what do they do? So, again, the legislation is not well thought out.

Clause 9 will prohibit the soliciting and giving of support to a terrorist group for the commission of a terrorist act. Again, how would people know? In fact, the Government has been meeting with community leaders and giving them millions of dollars in support. We do not know if some of these groups are involved. And if they are involved, what is the Government doing about it? So the Government is the sponsor of terrorist groups and this has been said in many, many places. [*Desk thumping*] In fact, in the very matter I spoke about earlier that is unfolding in Port of Spain, you have seen the role of the Government. The Government is the number one sponsor of terrorism in this country that has led to murder.

Mr. Singh: Better than Digicel.

Mr. C. Sharma: Narayansingh. What you have against Indians, boy? What you have against Indian people? Everything is race?

Mr. Speaker: Hon. Member, please. Perhaps if you will address me and forget the asides, I think you would be better off.

Mr. C. Sharma: Mr. Speaker, I intend to do that, but I will not treat with racism. The PNM is bent on labeling every Indian in a particular way. Every person of Indian origin in this country is under threat under this PNM Government, and they make no bones about it, morning, noon and night. It is very unfortunate and people are becoming fed up! There is racism in everything, from recruitment from the lowest level, to scholarships, to promotions, to contracts. I took an oath in this office, without fear or favour to discharge my duties, and the day we have to come to this House and pretend that racism and discrimination does not obtain—

Mr. Speaker: Please, hon. Member, we are not talking about racism now. I think you made your point. Get back to the Bill, please.

Mr. C. Sharma: Mr. Speaker, I started off by saying that legislation, especially of this kind, must not be seen in isolation; it must be seen in the context of what obtains in this country. More than half of this population feel discriminated against and they are correct to feel so. It is legislation of this kind—

Mr. Speaker: I think you were on clause 9.

Mr. C. Sharma: Thank you very much. I quote from the Explanatory Note:

“Clause 9 would prohibit the soliciting and giving of support...”

Well, I spoke about that. How will persons know of groups that may come to them, and from the Government as well? Because you have seen over the years

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and in recent times, a number of groups obtaining Government assistance. This legislation is intended for use in Trinidad and Tobago, so what the Government is saying is: "Listen, there would be groups and if you treat with those groups, it is an offence and you can get 20 years imprisonment." Yet here it is, this very Government is giving out to groups and we do not know. There is no publication; there is no advice.

Clause 10 states:

"Clause 10 would make it an offence to harbour or conceal, hinder or interfere with the apprehension of any person who there is reason to believe has committed a terrorist act or is a member of a terrorist group."

How will I know this? If somebody comes to the office of the Member for Fyzabad or any Member of Parliament's office, to seek assistance, how are we to know, and how are we to treat with that? And the penalty for this is imprisonment for 20 years. It is very clear that the Government has not thought this out. It has just copied this legislation from somewhere. The Explanatory Note continues:

"Clause 11 would prohibit the provision of any explosive or other device for the purpose of committing a terrorist act."

Again, the point the Member for Caroni East made, somebody goes to a plant shop and asks for some ammonia, or they buy it, or a neighbour gives it to another neighbour and uses it for a particular purpose, how are they to know? Who is this legislation intended to serve? It certainly cannot be the citizens of Trinidad and Tobago.

Even if somebody goes to a farmer and the farmer has some vague suspicion that this person may be involved and the person says to him: "I know you might be thinking I was involved in such activity, but I am clean now. I am doing some gardening so I need some ammonia"—and whatever else. So he obtains the ammonia. The farmer does his job of being a Christian and assists him, and he uses it. Is the farmer now guilty of aiding and abetting and runs the risk of 20 years? Are you creating a very selfish society? This is not the intention of legislation. Legislation must bring people together; must bring out the best in them. This legislation is sending us back. This is not 2020; this is 1820. I continue:

"Clause 12 would prohibit the recruitment of another person to be a member of a terrorist group or to participate in the commission of a terrorist act."

Well, who is guilty of this? The act that is unfolding in Port of Spain tells you that the Government is very, very guilty of this and should be sentenced to 20 years:

“Clause 13 would prohibit the training or instruction in the making of explosives or other lethal devices, in carrying out a terrorist act or in the practice of military exercises to a person engaging in or preparing to engage in the commission of a terrorist act.”

We all have young sons in the boy scouts or cadet force, and if five years down the road they become, whatever, against this particular Bill, are they going to charge the scout master? And if I am the sponsor of such a group, will they charge me? Again, this is very, very vague legislation.

You see, the sole purpose of this Government is not to treat with the national community, you know, and when you speak the truth the Member for Diego Martin Central makes a lot of noise. I am not concerned about that; I am concerned about once I lend support to legislation in this House, it is for the national good, which adds value to everyone. *[Interruption]* The PNM does not want that, because if it wanted that, there would have been consultation. The former Prime Minister spoke earlier and indicated that, “let us go for public consultation”.

Mr. Valley: How many clauses are in this Bill?

Mr. C. Sharma: Read it. You did not do your home lesson. You are depending on the Member for Laventille East/ Morvant. He cannot help you with this. I continue:

“Clause 14 would prohibit the incitement or promotion of the commission of a terrorist act...The penalty for the commission of this offence would be imprisonment for 20 years.”

Let me give you a very practical example.

Mr. Valley: Look at where they have you, quite down there. Ganga came in after you and look at where he is.

Mr. C. Sharma: That is all right, man. You resigned in the morning and in the evening you begged your way back. I am not doing that; I am a Brahim. Ask the Speaker, he will explain it to you.

Let me tell you what clause 14 says, and this is intended at opposition parties. When we address a Monday night meeting and people come and tell us that the

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PNM is discriminating; that they are not providing water in the area, and we tell them to take action, the PNM could charge us the next day for inciting, based on this particular Bill. When people come to us and say: “Listen, I have tried to join the police service; I have passed my examinations; I have met all the requirements and I am not being selected”—as obtained in Petrotrin the other day where they took 129 estate constables not reflective of the national community. Many people felt discriminated against and we told them to take action—legal action, of course. Then again, what will happen?

What will happen to the Rotary clubs, the Lions, the youth groups, the village council groups, that are existing for the promotion of goodwill and the committee they serve brings to their attention injustices and they are advised to take action? Would the PNM Government come and say: “You are causing incitement?” I continue to quote:

“Clause 15 would make it an offence to provide a building, premises, room or place or any facilities for the commission of a terrorist act or for any of the purposes under clause 16. The penalty for commission of this offence would be imprisonment for twenty years.”

So when a group asks a businessman, or even asks the Government to make available—and the Government always makes it available. In fact, you would have seen the Prime Minister had to cancel his trip to Mexico for a particular building somewhere in Laventille, because a group wanted to use it and the Town and Country Planning was saying it is an illegal structure, “we have to demolish it”. The Prime Minister said: “No, no, you have to leave it there.” There were many stories about it.

What will happen to owners of buildings who make available to a group—and the offence for this is 20 years. How will they know? Where is the check and balance? What is the Government doing about that? So the Government is setting up people. We are going to return to 1989. We are very close there. Everybody wants to leave this country because of legislation of this kind. On the one hand you have discrimination, sponsored by the State; you have kidnappings sponsored by the State; you have murders sponsored by the State, and now you bring this:

“Clause 16 seeks to implement the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.”

This refers to what obtained in 1988. This is a very important clause to think on, because I made the point earlier that a lot of illegal activities take place in our neighbouring harbours here, but the Government is powerless. It is not doing

anything. Guns come in; drugs come and counterfeit is taking place. In fact, you would have seen in a facility owned by a Minister of Government, or his relatives, whoever—no difference—a large shipment of illegal substances came in. How many times is that happening? At one time they got caught because of some person was not getting their cut, or something. But it has been happening for a number of years.

Mr. Ramsaran: Pier 1. For the record in this Parliament, Pier 1 is a port not registered.

Mr. C. Sharma: Do you know what is the risk here? The penalty for the commission of this offence would be imprisonment for 20 years. However, if the death of a person results from any of the prohibited act, the penalty, upon conviction, would be death.

So we have our open seas where many concerns have been expressed over the last two or three years, in particular. We have seen a large increase in the transshipment of guns, ammunition and illegal drugs. This legislation is intended for whom? It is not intended for those people, you know. This is intended to protect those people, because without this, it is happening, and because people are now making noise the national community is saying: “Listen, too many illegal guns are coming in. What are you doing about it?” Do you know what this PNM does? It comes and creates legislation to protect those illegal guns that are coming in. Every day a mother cries in Laventille. A son dies; a husband dies. What a shame! And they want support for this, and when you speak the truth they say you are being racial. Who cares?

I will skip clause 17 and go to clause 18. Clause 18 will implement the convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents adopted by the United Nations on December 14, 1973. This already obtains. It is an offence to do any of this. Why is this now coming in here? Why are you repeating it? So I cannot understand what is the Government’s thinking. It is a crime to harm anyone. Diplomatic members working in Trinidad and Tobago are protected. This is out of the United Nations Agreement in 1973. Why is it coming in here suddenly?

Listen to what it talks about: “Prohibiting the murdering or kidnapping of an internationally protected person.” The Government is unable to protect locally kidnapped persons. In the case of Vijay Persad, a young child from Moruga, when the Opposition raised its concerns, the Prime Minister said: “Do not go there; you do not know the whole story.” Today the newspapers are talking about following

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a murder. They cannot protect children in this country; they cannot protect the nationals of this country, and now they want to bring legislation for diplomats. This Government is really visionless—useless.

My political leader dealt with clause 19, so I will skip that. Clause 22 says, “with the use of chemical, biological or nuclear weapons against a citizen of Trinidad and Tobago or a person ordinarily resident in Trinidad and Tobago, while the person is outside Trinidad and Tobago, against any person...” But this already obtains again. How are they going to do that? If you are in Canada, the laws of Canada would protect you. You cannot protect people in Trinidad and Tobago, you will protect them in Canada?

Clause 23—and this is another very dangerous one. The Government cannot fool people, you know. Yesterday, at the office of the Leader of the Opposition in Port of Spain, a lot of people attended that seminar. They are very concerned. Citizens are afraid of this PNM, you know. Ask any citizen in Trinidad and Tobago if he or she is afraid of the PNM—little child, big man, anybody, is afraid of the PNM.

“Clause 23 would authorize a police officer, with prior written approval of the Attorney General, to apply *ex parte* to a Judge of the High Court for a detention order, for the purpose of preventing the commission of an offence under this Act. A detention order would only be valid for forty-eight hours in the first instance and may be extended for a period not exceeding five days.”

This already obtains. Any police officer in Trinidad and Tobago—any citizen, for that matter—can intervene in the prevention of a crime. Why is this legislation here? This is for political victimization, and nothing else.

We have seen the action of the Attorney General—very, very frightening in the case of the Chief Justice of Trinidad and Tobago; dangerously frightening!

Mr. Hinds: We do not know the facts.

Mr. C. Sharma: The Member for Laventille East/Morvant says he does not know the facts. They want to “lick up” the Chief Justice, but he does not know the facts. So “lick” him up and then find out the facts—PNM style.

So clause 23 is very dangerous, and you could well imagine and appreciate why the citizens of Trinidad and Tobago are concerned. Let me read it again for the record:

“Clause 23 would authorize a police officer...”

It does not talk about the rank of the police officer, you know. This should not be under the rank of an Inspector of Police.

“with prior written approval of the Attorney General...”

So he goes to the Attorney General, when, a week before? I do not understand this at all. So the police officer has some suspicion today of a crime next week. When does he get it from the Attorney General, in the morning?

“for the purpose of preventing the commission of an offence...”

But that already obtains so there is absolutely no need for this clause. I am indicating the fact that this clause exists in this Bill is intended for political victimization and nothing else.

Let us look at clause 24. And very interestingly, clause 23 talks about the police officer:

“Clause 24 would empower a police officer of the rank of Inspector or above...”

6.15 p.m.

[*Interruption*] How he got in where? That is a very interesting question. The Member is asking how Indian persons get in the fire service? In spite of some of the discrimination a few of them get in. I am glad that you are asking the question. For the last three years, I have had cause to look at the armed and unarmed services under this PNM Government and it does not reflect the cosmopolitan mix of Trinidad and Tobago. In my constituency, Fyzabad, it cannot be by accident that every intake in the police service; fire service; coast guard and the army the mix of Fyzabad is not reflected. Fyzabad has a 50/50 mix. By that I mean almost half and half of people of Indian origin and Afro origin. I am glad that the Member for Laventille East/Morvant aided by the Member for Tunapuna asked the question.

“Clause 24 would empower a police officer of the rank of Inspector or above, with the prior written approval of the Director of Public Prosecutions to apply *ex parte* to a Judge of the High Court for an order for the gathering of information. An order would be granted where there are reasonable grounds to believe that an offence under this Act has been committed and that the information sought may reveal the whereabouts of the offender. This clause further provides for the procedural aspects of the order, the powers of the court and the rights of the person named in the order to defend himself.”

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Here a police officer goes to the Director of Public Prosecutions to apply *ex parte* to a judge in the High Court. What if the DPP refuses? Before he refuses, where is the check and balance? We have seen in the case of Sadiq Baksh, a Member in the other place, where cocaine and other stuff were placed in his water tank. It is public information that police officers under the advice acting as agents of the PNM planted those things in the water tank of Sadiq Baksh. How are we going to be protected?

What is the intention of this legislation? In the first instance you do not need it. It already obtains in the laws of Trinidad and Tobago. If you suspect a crime taking place or activities that would lead to a crime you can intervene. We saw the intervention of the DPP in the Chief Justice matter and it begs questions.

Mr. Speaker: Do not go along those lines. Do not go there.

Mr. C. Sharma: I am not sure what you mean by that, but I will be guided for whatever it is worth. A Member of this House can go in the Senate and talk about it and there is no intervention. A Member in this House elected here cannot speak.

“Clause 25 delimits the jurisdiction of the courts of Trinidad and Tobago in respect of any offences referred in the Bill. Where the Minister receives information that an alleged offender may be present in Trinidad and Tobago,”

Mr. Speaker, you know that there could be political interference in this. We saw a Minister of Government, a Member of Parliament in the person of Diego Martin East went to the enquiry and told falsehoods. We have seen it happen elsewhere with Ministers of Government. The Minister receives information. From whom?

In more than one matter we have seen the Government through its agencies going to the prisons and bringing convicted persons to give evidence. The Minister can do that too. This is a very dangerous clause. I am sorry that the press is not here. I hope that this reaches out to the national community. I see a good friend there. I know that tomorrow morning I will hear it. Did the Government really sit and go through this thing? Did they feel that they could fool us? They feel that they will keep us here until 12 midnight and do not provide any meals and we will get hungry and go home. We will stay here until 2.00 a.m. with or without meals.

“Clause 27 would allow the certificate purporting to be signed by the appropriate authority that a thing or substance is a weapon or a hazardous, noxious, radioactive or harmful substance to be admissible in evidence...”

Where and how? Where is the check and balance?

Clause 28 is a very interesting clause.

“Clause 28 would allow the Minister after consultation with the Attorney General, to accede to requests from the appropriate authority of a foreign State, for information relating to terrorist groups or terrorist activities.”

Under the Freedom of Information Act that obtains and the Government is paralyzing the system. It is not allowing information to go. You saw that in NEDCO. They came like “tief” in the middle of the night and said that NEDCO information would no longer be available because only their supporters and friends were obtaining loans, the majority of which has not been paid. What is the intention of this? This could be very political. The PNM has a way of witch-hunting, going to Japan and all over the world trying to get information on Members of this side. The Member for Tunapuna says that he has some money in Japan.

I will skip clause 29 because they talked about the treaties and we have done that.

Clause 32, states:

“Part 7 of the Act addresses disclosure and sharing of information. Clause 32 would impose a duty on every person to disclose any information,”

This is very interesting. We asked questions in this Parliament two or three months ago and they have not been answered. This is the Parliament of Trinidad and Tobago. We saw the Prime Minister wrote to somebody in high office and asked for answers in a week. In the House where we agreed that there would be a particular approach for answers to oral and written questions, for months you cannot get an answer. In another place, you write somebody and within a week, give an answer.

“...would impose a duty on every person to disclose any information, which would assist in the prevention of the commission of a terrorist act,”

We ask the Government for information and it does not give it to us. Where is the obligation? You will impose that upon people. How will you do it? We come to this House. Every day the Government spends taxpayers' money; travels all over the place; acquires properties all over the place; bad spend money; ill treat people; pharmaceuticals cannot be obtained and we cannot get answers. You come in Part 7 of the Act and say that it will be an offence.

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“The penalty for failure to disclose would be imprisonment for two years.”

This Government is like Hitler. Everything is punishment; go to jail; gas chamber; sentence you to death. This is 2005? This is the Parliament that I belong to? I am ashamed to belong to this Parliament. Is this what we are telling the national community? Ashamed of the Government. This is what they have reduced us to? They expect me to go back to Fyzabad and say that I lent support to this?

Mr. Hart: When last they broke into your office?

Mr. C. Sharma: When last they broke into my office? When last the PNM sent people?

“Clause 33 would impose a duty on a person to disclose to the Minister any information...”

That is the worst thing. “To disclose to the Minister”? The Minister is a PNM agent. Disclose what to him? How can you want the Minister, a political appointee who is against the UNC and is trying to lock up everybody here? Every day they are trying to find information on Ganga. Well, they are fed up trying on me. They broke open my office ten times and when they could not get information they tried to assault me, but I am still here.

Hon. Member: Who tried to break open your office?

Mr. C. Sharma: A “fella” who used to work for Franklin. Franklin sent him for \$2.

“Clause 33 would impose a duty on a person to disclose to the Minister any information relating to terrorist property in his possession or which to his knowledge...”

Let us be fair. Let us be intelligent for once. You are going to ask somebody something that the person knows nothing about and when that person tell you that he or she does not know anything, do you know what you will do? You will turn around and sentence him or her to five years. This is PNM. PNM is great. It shall prevail. Keep people; do not give them knowledge; do not give them education; build NHA houses and give the houses to them; flood the place with CEPEP and URP and you have a 2020 vision country. What a shame! Clause 33 continues:

“The Minister would be required to disclose any information received to the appropriate authority...”

It is himself to himself. Who is the appropriate authority? Do you know how many people have gone to Ministers; spoken to them and shown evidence of illegal activities? Nothing has come. Let us go back to the thousands of illegal guns in the country. You want to tell me that 20 Ministers opposite and in another place 10 or 15 and nobody has gone to them and said, "Minister, guns are coming in Port of Spain, so and so; cocaine is passing through; Minister X is involved. Nobody has come? Legislation will cause it? This is to shut up people so they will lock up somebody.

The PNM has always been a dangerous government. You must not forget Gene Miles. Selwyn Richardson's death has not been solved to this day. There are many stories that the PNM has been involved in. That is not important. What is important is how many of those have obtained in the last 30 or 40 years of PNM rule. How many people are in jail because of PNM's involvement, indirectly and directly? This is a dangerous Bill.

Mr. Speaker, I do not know if I can ask you a question, but at the risk of not knowing I will ask you. How does the Speaker treat with legislation dangerous like this? Is the Speaker committed? Does the Speaker have a responsibility to advise the Government? "Listen, there is something that needs to be revisited in this". I do not know. If I were the Speaker I would have put a stop to this debate a long time.

Mr. Speaker: Hon. Member, you are tempting me. Please continue.

Mr. C. Sharma: To put a stop to me or the debate? We must do our duty, regardless. The 18th chapter of the Gita talks about doing your duty without fear or favour. If more of it is done, we will have a just society. You only came here to earn your keep.

Clause 33 continues,

"The Minister would be required to disclose any information received to the appropriate authority."

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

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

Question put and agreed to.

Mr. C. Sharma: [*Cross talk*] I was tempted to say, let me save my energy for other things. Clause 33 continues:

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“Every financial institution would be required to report every three months to the Designated Authority that it is not in possession or control of terrorist property or if it is, the particulars relating to the transaction.”

This is speaking from both sides of their mouth. Firstly, it is illegal to accept such transaction.

The second point is that they have to report every three months. The Government has not come to this House and indicated to us any financial institution that is doing so. What is the Government’s communication to the bank to measure a person qualifying under this? None. Anybody can go to the bank and make deposits.

Mr. Hinds: Like the one you made.

Mr. C. Sharma: Mr. Speaker, this is the second time—I want to draw your attention to comments made by the Member for Laventille East/ Morvant. He is a Minister in the Ministry of National Security. He has come to this House on more than one occasion—this is the third—and spoken about deposits made by Members. As a minister he is privy to information. As a Member of Parliament, I filed my papers with the Integrity Commission. If the Minister has any information I want him to produce it. Do not try to create fear in my mind or to terrorize me or to use the police which you have command over to interfere with me, or any Member on this side. I do not take that lightly. [*Desk thumping*] I have noted. It is no secret that the PNM has been investigating, manufacturing and creating information on every Member on this side.

I hate to go, but I have to go. You would recall that I had filed a question in this House which was turned down.

Mr. Speaker: May’s would tell you that in debates you cannot make references to any question that may have been refused. Do not go there at all.

Mr. C. Sharma: Agreed. Honestly, I did not know that. I intend to file a question in this House asking the Government to list the names of all Members of the Parliament whose phones have been tapped or their conversations listened to, by electronic or any other means. To that list I am going to add the names of judges and other prominent persons. It has come to my attention as a Member of Parliament that the Government has been doing that and it is an act of terrorism. [*Desk thumping*]

Mr. Ramsaran: That is the biggest terrorist.

Mr. Singh: I demonstrated the capability this evening.

Mr. C. Sharma: “Part 8 deals with seizure and forfeiture of property.

Clause 34 would empower any customs officer, immigration officer or police officer to apply to a judge in Chambers for a restraint order in respect of property he has reasonable grounds to believe is intended for use in the commission of a terrorist act or that the property is terrorist property”

This clause does not talk like clause 24 about “the rank of Inspector or above”. What happens to a police officer who is in a bar having a drink and another group is having a drink somewhere and they talk something? The police officer overhears a conversation that is not related, this allows him to be a “maco”; he believes anything that he wants to believe and more dangerously, to believe what the PNM wants him to believe. What will happen if Minister Franklin Khan, the Member for Ortoire/Mayaro, tells a police officer what he hears? Is that police officer to believe the Minister or a Member of Parliament on the Opposition side and act on clause 24?

“Apply to a judge in Chambers”? Is this legislation? This is a very, very dangerous thing.

“The restraint order would be valid for a period of sixty days...”

This means to say that a taxi driver who earns his livelihood by driving taxi; he is paying a mortgage on his taxi; the police officer believes that the taxi was used for an offence; he can seize the taxi for 60 days. He still has to pay his mortgage; feed his family and he will not have his taxi. The police officer listening to anybody else will believe this. This is very dangerous. I cannot support this. I continue:

“and would be renewable upon application to a judge. The judge would be empowered to release the property under certain circumstances. No civil or criminal proceedings would lie against an officer for a seizure of property made in good faith.”

All the seizures would be made in good faith. That would be his story. Leader of Government Business, this is a dangerous thing. Think of your poor constituents.

Mr. Valley: I am thinking of you right now.

Mr. C. Sharma: I know that you are thinking about me and Caribbean shop too. Let me give a classic example. Somebody goes to the National Entrepreneurship Development Company (NEDCO) to borrow \$200,000 to open a boutique.

Mr. Valley: You cannot get that at NEDCO.

Mr. C. Sharma: Whatever sum of money they can get. Under the PNM all things are possible. They go to NEDCO to borrow \$50,000. They can get that. They open a boutique or hair salon. A customer comes to cut his or her hair on a Friday. Two weeks later the person comes back to dye his or her hair or some aspect of service he or she buys. After two month the person becomes a regular customer. Based on this:

“Clause 35 would enable the forfeiture of property used in the commission of terrorist acts or property obtained as proceeds of crime where a person has been convicted of a terrorist offence.”

The person becomes engaged in some act knowingly or unknowingly, that entire business can then be seized, based on this. The customer might bring a referral the next day. This is very dangerous. The person has no right to anything. Once you say that the person has been involved in anything, under this, you seize.

“Clause 36 would empower the Director of Public Prosecutions to apply to a judge in Chambers, where he has reasonable grounds to believe that there is property in a building, place or vessel in respect of which a forfeiture order may be made under clause 37,…”

How does that information come to the DPP? Is he getting it himself? Somebody carries that information to him. Who is that somebody? Based on how the Government operates; it goes to the prison; takes out a prisoner convicted of murder or some offence and he becomes the source of information. Your entire life or career goes down the drain. What the PNM has in store for Trinidad and Tobago? Disaster upon disaster. I continue:

“for a warrant authorizing a police officer to search for and seize the property, if found.”

How will they measure this property if found? What is the description of this property?

“The Director of Public Prosecutions would be empowered to apply for a restraint order to prevent any person from disposing of or otherwise dealing with any interest in that property.”

This is the example of the young lady with the beauty salon. She cannot go to her business. She cannot sell the chair in the business.

“The judge would be empowered to make certain orders in respect of the property as required.”

It does not spell out what it is.

“Clause 37 would enable the Attorney General to apply to judge of the High Court for an order of forfeiture in respect of terrorist property.”

What is the legal definition of “terrorist”? Looking at the conduct of the Attorney General in recent times, this is very questionable. Sit properly Member for Diego Martin Central. If you fall we cannot pick you up.

How is the Attorney General obtaining this information? From a police officer? How does the police officer obtain it? He goes to the prison; takes up a convicted murderer and that is the source of his information. In Trinidad and Tobago we are in big trouble. You want to pass this tonight? You want the headlines? Call the *Newsday*, you will get any headline that you want. Let the *Guardian* and *Express* write differently.

“Any person who has an interest in the property would be notified and would be entitled to be a respondent to the application.”

Let me revisit clause 37.

“Clause 37 would enable the Attorney General to apply to judge of the High Court for an order of forfeiture in respect of terrorist property. Any person who has an interest in the property would be notified and would be entitled to be a respondent to the application.”

Do you know what that means? They have to hire a lawyer. Senior counsel, give and take will charge \$100,000 and junior counsel \$50,000. Immediately upon seizure that person would be notified and entitled to be a respondent to the application. The person will have to go to court. The person will have to find \$150,000 to obtain the services of attorneys.

This is clause 37. Let me do it again, three times. I hope that it sticks in somebody.

“Clause 37 would enable the Attorney General to apply to judge of the High Court for an order of forfeiture in respect of terrorist property.”

The Attorney General can apply to a judge. We have to backtrack a bit. How does the Attorney General come in to this information? He gets it from a police officer who goes to the prison; he gets it from a convicted person sentenced to 10

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or 20 years and makes a deal with that person. He gives it to the Attorney General who causes the High Court judge to cause the property to be forfeited. The owner of the property is notified. He is entitled to be a respondent to the application and he now has to find a lawyer or lawyers. Immediately he has to put out \$100,000.

“Any interested party who has not been notified would be entitled to apply to the High Court to vary or set aside the order within sixty days of its making.”

Take Jack Street from Mucurapo Street; property seized; he is not notified and he has to go to the High Court. He cannot go there alone. He has to engage the services of an attorney. This is PNM legislation for 2005 to take us to 2020 vision. 2020 is “dog eat dog”. They thought that they would come here and go with public advertisements; spend \$321 million on public relations and say that the Opposition is standing in the way of legislation. They cannot fool anybody.

“Clause 38 would allow Trinidad and Tobago to share the property forfeited under this Act with another State pursuant to any existing agreements. The property would be utilized to compensate victims of offences under this Act.”

I hope that you did not misunderstand this. It is not for the PNM to share.

Mr. Speaker, you were in this House when they passed the Bill on proceeds for the victims of crime. The Government has not compensated a single victim of crime. The families of all those persons who have been murdered do not get assistance with burial grants and money is available for this. This is how you expect to win Trinidad and Tobago.

The Government has already established in its mind that it would make money from this. They do not care what the cost is. They will seize a property worth maybe \$100,000; legal costs might run into \$3/4 million; sell the property for \$100,000 and share it with the other State. That is PNM business plan.

“Part 10 of the Bill contains miscellaneous provisions. Clause 39 would impose a duty on the operator of an aircraft or the master of a vessel departing Trinidad and Tobago, or on the operator of an aircraft or master of a vessel registered in Trinidad and Tobago but departing from another place, to provide information, to the Chief Immigration Officer, relating to the passengers on board, or those persons expected to be on board, or any other information as required under the Regulations.”

Can you picture this? Take a cruise ride. Jack Robinson gets the job as captain; applies to Hugh Eastman and Associates or Gloria Eastman and Associates who are recruiting agents for the shipping line. He gets the job and goes to be the captain of this boat. He now has to walk around to see how many passengers there are. He has to go under every bed and in every cabin. What foolishness is this?

They said that the owner could be liable as well. The owner gives the boat to a broker or an agent who leases the boat. He has nothing to do with it. He is liable. *Sonia*: You think you could charge these people? This is Government at the hands of other people.

6.45 p.m.

Mr. Speaker, in clause 40 it says that it would enable the Minister to refuse application. We have to tell all those people in Guyana not to apply here because I know it is them you are going after. It is all right for those from Grenada; Guyana, no; Suriname, no; Jamaica, yes. [*Interruption*] “Boy, all yuh does find politics in everything.” I do not believe this! Let me read the clause for the record. “Clause 40 would enable the Minister to refuse a refugee...” What is the legal definition for refugee? It is to refuse a person’s application on the basis of—he cannot be a refugee; he is already a refugee. You are a minister, you cannot refuse a minister; it is to refuse you. What should have happened is to refuse you from becoming a minister. I do not mean you personally—national security and public safety. Already many persons are deported from all over the world, Canada and the United Kingdom and they come here and we cannot do anything about it.

“...if he has reasonable grounds to believe that the applicant has committed an act...”

Again, how is he going to get this information? Where are the checks and balances? What is the House being told as it relates to this?

Mr. Speaker, I want to visit the Bill for a few minutes. I quote:

“Part II

OFFENCES

3. (2) When a terrorist act involves the commission of a crime under some other law, the person committing it shall be liable to be punished for that crime as well as for the offence created by subsection (1),...

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Mr. Speaker, you cannot punish the person twice, that is illegal. The Constitution does not provide for that. Let me read it again:

“When a terrorist act involves the commission of a crime under some other law,...

You have to make up your mind. I continue:

“the person committing it shall be liable to be punished for that crime as well as for the offence created by subsection (1), and any term of imprisonment imposed in respect of such crime shall run consecutively to that imposed under subsection (1).”

It cannot be.

“3. (3) The penalty specified in this section does not apply to offences referred to in Part III.

4. A person who, directly or indirectly, provides or makes available financial or other related services intending that they be used, in whole or in part, for the purpose of committing or facilitating the commission of, a terrorist act commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”

Mr. Speaker, this is a dangerous piece of legislation because people by their nature, are designed to help other people. Some person who comes for assistance to any organization, individual, NGO or CBO, including the Government, how are they going to measure this? How are they going to protect themselves against this? Mr. Speaker, they are opening a can of worms with this and, this can be used politically.

Mr. Speaker, if somebody comes to my office in Fyzabad to seek assistance: that person tells me he or she has no money and need some to buy some food and I give him or her \$500—[*Interruption*] How much? [*Interruption*] Pay my telephone bill with \$500. I hope that is not privy information. [*Laughter*] I hope you did not overhear that in a telephone conversation. [*Laughter*] I was really hearing some beeps. [*Laughter*] Mr. Speaker, with respect to clause 4 under “Offences,” so you make any financial or other related services—Mr. Speaker, if someone comes to me at midnight and says “MP, mih wife is in labour; I cannot get an ambulance; I need your car borrow to go to the hospital.” If I lend him the car and he commits the crime; I am now charged. They would seize my motorcar for two offences. “Imagine if I go to jail, partner, wha go on.”

Mr. Speaker, this is not legislation that requires this House's attention. It is very sad and unfortunate that we have to sit in this House after so many of us did in-depth research, made proposals and asked the Government to reconsider and to send it for public comment or to a joint select committee. They should bring legislation that brings value to people's lives. This does not describe this at all. It goes on:

“5. A person who collects, provides, or makes available property having reasonable grounds to believe that the property will be used to commit a terrorist act, commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”

Mr. Speaker: Hon. Member, I must confess that I am a little confused. I get the impression—you were recently up to clause 41—that you are starting again.

[Laughter]

Mr. C. Sharma: No, Sir.

Mr. Speaker: Are you sure?

Mr. C. Sharma: Not at all. Mr. Speaker. In clause 5 under “Offences”, I was making the point:

“A person who collects, provides...”

I have not made this point before. I continue:

“or makes available property having reasonable grounds...”

The doubles vendor or the newspaper vendor: Roodal Moonilal is a customer, he buys a newspaper and says: “Do me a favour, keep this bag for me, I will be back in one hour.” Or, a pregnant woman comes and says: “I have to go to the hospital, keep this bag for me; I will be back in one hour.” So the police comes half an hour after the pregnant woman leaves the bag there and buys a *Newsday* and then says: “What do you have in that bag?” The vendor says: “I do not know.” He opens it and sees something. What happens? The newspaperman has committed an offence. Under PNM's proposed legislation he goes to jail for 20 years. Do you see how dangerous the legislation is, Mr. Speaker? This is very sad. [Interruption] Let us all look at it collectively. Let us put aside party differences. I continue with clause 5:

“A person who collects, provides or makes available property having reasonable grounds to believe that property will be used to commit a terrorist act, commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”

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Mr. Speaker, do you know how many persons would be caught in this? You must make legislation not as though you would be in government for the rest of your life. You would be out of government some day. Your sons and daughters are the young children of the future and they will fall under this legislation. This is very, very dangerous. I continue:

“7. Any person who knowingly becomes concerned in or enters into an arrangement which facilitates the acquisition, control or retention of terrorist property by or on behalf of another person commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”

Mr. Speaker: Member, please, I must caution you. What you are really doing is repeating. You did speak on clause 7 already. You have not touched the Schedule. I do not know if you would wish to address the Schedule. *[Laughter]*

Mr. C. Sharma: Mr. Speaker, the point I am making is that the way things operate in Trinidad and Tobago, persons who are engaged in different areas of business would find themselves under the advice obtained here. Bankers, lawyers, real estate agents, valuers, persons who offer professional services, can be caught up with this thing, unknowingly, and it is very dangerous.

When you look at what obtains in clause 9(2) it says:

“For the purposes of subsection (1) ‘support’ includes but is not limited to—

(a) an offer to provide or the provision of expertise or a skill;”

Mr. Speaker, that means that any person offering any expertise, professional or otherwise, has to now decide how to protect himself or herself from what obtains in this legislation. Even in offering to make photocopies—somebody could come to your store and say: “Photocopy this for me.” The owner of the store gives it to a clerk to photocopy the document and the police comes and sees that it says how to make a bomb; how to bomb an aircraft. The provider of the photocopy services was not aware; he had no time to read the document he was asked to photocopy. This legislation is telling him he must read and decide if photocopying this document comes with the legislation that has a 20-year jail sentence. This is a very dangerous thing.

Mr. Speaker, I cannot believe the Government brought this! As a Member of Parliament or as a lawyer, you are sometimes asked to certify copies of original documents so you could be caught up with this as well. When somebody goes to

an MP's office and says: "MP, I need to photocopy five pages and I am in a rush; they would go to the photocopy machine to copy it and then leave. A police could be waiting there, could set them up. They could say, go by the MP's office and copy this for me. Or, they could wait for them by the steps and as they walk out with it they could say: "Whey yuh get this?" The reply would be: "The MP just photocopied this for me." The MP has to walk down the road in handcuffs. Mr. Speaker, I regret I do not have time to go through all the remaining things. [Laughter]

Mr. Speaker: Hon. Member, I am almost certain that you went through that already but you have three more minutes; check the Schedule.

Mr. C. Sharma: Mr. Speaker, before I go to the Schedule I want to touch on clause 15. It talks about:

"Any person who being the—

(a) agent, charterer, lessee, master..."

I wanted to refer specifically to online services where you can go and purchase goods and services. How will this legislation prevent you from offering legal services that could now make you liable for being—

"Any person who being the-

(b) agent,...operator of an aircraft permits that...

(c) ...any place or premises permits a meeting to be held in that place..."

So if somebody books a room; they are having lunch and during that lunch they have a meeting to discuss a matter, under this, a restaurant owner could be held liable under clause 15. Similarly, on clause 16(a):

"seizes or exercises control over the ship..."

Mr. Speaker, the Cedros fishermen's boats are always seized. When their boats are seized, can they go in the waters, take another boat and go back and seize the boat, would they now, based on this legislation, be committing an offence? According to the legislation they are committing an offence. Clause 16(b) to (f) talks about ship but it does not talk about definition of a ship. A speedboat could be used for any of these things and based on the legislation does not qualify. Again, are they protecting a particular interest? The legislation does not talk about water vessel; it talks about ships, so it is intended to protect somebody.

Mr. Speaker: Hon. Member, I am afraid that your time is up.

Mr. C. Sharma: Thank you, Mr. Speaker.

Mr. Manohar Ramsaran (*Chaguanas*): Mr. Speaker, I would like to say from the very beginning that I am sure nobody in Trinidad and Tobago would be against this particular Bill. What has happened after September 11, the entire world has awakened to the fact that terrorism and international terrorism is here to stay and the Government must move quickly to address the situation. When I heard that the Government was bringing this Anti-Terrorism Bill, I thought we would have had an exciting debate, where Members would listen to each other. To me it is an insult to the Parliament of Trinidad and Tobago—no insult to the Member—to have the Junior Minister in the Ministry of National Security come to this Parliament to present an important piece of legislation like this. Legislation is made to fill gaps and there is, indeed, a gap. When we look at how broad this Bill is, it will affect the entire nation. Of course, it will affect the wrongdoers—I hope they could do it because in Trinidad and Tobago we have numerous pieces of legislation and yet terror continues; murder continues, kidnapping continues, so maybe legislation is not the only way to go. One needs to have an all-round approach to it

Mr. Speaker, the majority of people's human and civil rights will be affected. I believe to catch a sardine they are putting a net across Trinidad and Tobago. This is because of the superpowers that are imposing on Trinidad and Tobago what we should and should not do. Maybe the Minister of Trade and Industry could tell me whether this is the final thing we have to do to get the FTAA in Trinidad and Tobago. We are jumping to the tunes of other people.

Mr. Speaker, when you look at this piece of legislation it could really affect the human rights of the people of Trinidad and Tobago. I will read from the Explanatory Note what I consider to be very important. I quote:

“The purpose of this Bill is to criminalize and to provide for the detention, prevention, prosecution, conviction and punishment of terrorist activities. The Bill also provides for the confiscation, forfeiture and seizure of terrorists' assets. This Bill seeks to give effect to Trinidad and Tobago's international obligations to implement the United Nations Security Council Resolution 1373 ('Resolution 1973') that was adopted in the aftermath of the terrorist attacks on the United States on September 11, 2001.”

Did Trinidad and Tobago sign this document to which I refer? Did we sign that? Mr. Speaker, this is what this debate is about. The Attorney General—as has been said quite nicely by the Member for Pointe-a-Pierre—has wide powers regarding this piece of legislation. Where is the Attorney General? Where is the debate? Where is the Minister of National Security? Where is the Prime Minister? These are the people who are given the opportunity and the privilege to control the security of this country and here we have one speaker and all he did was to read the Bill, clause by clause. When he was finished with that he went to the Explanatory Note but that did not help us. Why must Trinidad and Tobago, overnight, so to speak, come to this Parliament to pass this Anti-Terrorism Bill? What is the thinking behind it? What is the spirit of the law? What does Trinidad and Tobago have to do with terrorism? We have to be very careful of what we do, as a developing country, to satisfy our bigger neighbours.

Mr. Speaker, 114 insurrectionists came to this Parliament; they were arrested; they were charged; of course they were freed later, but they were debarred from going to the United States. Up to today a football coach, Jamal Shabazz, the coach of the national team, was debarred from going to the United States. Those 114 persons have not been allowed to enter the United States of America. That is their policy. But here in Trinidad and Tobago we have the Government of the day hugging up, so to speak, these insurrectionists. It is public knowledge that the leader of this group, the Jamaat al Muslimeen, confessed that the Deputy Leader of the PNM and the person who has acted as Prime Minister on several occasions, is his personal friend.

Mr. Speaker, are we not blowing hot and cold at the same time? Here we have come to this Parliament to rush through this piece of legislation to side with the superpowers of America to have an Anti-Terrorism Bill passed, yet, on the other hand, we are playing games with these 114 insurrectionists. That is something I am worried about.

Mr. Speaker, this Bill is going to give unprecedented powers to the Government, the Prime Minister and the Attorney General. Mr. Speaker, history has shown that the PNM has been afraid of two persons in this country: “Ah fraid Karl” and, in 1995, “Ah fraid Ramesh”. Suppose somebody who would become Prime Minister one day, were the Attorney General—maybe Ramesh or maybe Karl or maybe somebody in the future—and they get hold of this piece of legislation—this is why, I am sure you have heard it said by Members on this side because we spoke on it in its entirety; we read through the Bill—you will see the powers that are being given are very wide because human rights are being

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challenged. We must not sit in arrogance that we are in Government; we are in the majority; we are going to pass the Bill and so be it. Mr. Speaker, if we get on the wrong side of this—and my colleague from Fyzabad attempted to teach you—innocent persons could find themselves facing years in jail.

Mr. Speaker, Trinidad and Tobago is a small country; we have all the laws, let us face it, I could go through the Customs Act, which covers almost everything in this Bill. If you have enough suspicion you could—I will read a part of it, but the fact is that we must understand where we are going. I warn this Government that we must not just follow something because we want to follow. Let me read the dictionary's meaning of the word:

“Terror: extreme fear. the use of terror to intimidate people. a cause of terror. (The Terror) The period of the French Revolution when the ruling Jacobin fraction ruthlessly executed anyone considered a threat to their regime...a person causing trouble or annoyance.”

Mr. Speaker, we all know that history repeats itself in various forms. Terrorism means the unofficial or unauthorized use of violence and intimidation to the pursuit of political aims.

“Terrorist: a person who uses violence and intimidation in the pursuit of political aims.”

Mr. Speaker, it is quite clear that when you are in office—When we make laws do not believe that it is just the PNM making laws for the opposition; these laws are made and put on the statute forever. Let us say we have a prime minister who wants to remain as prime minister until death and he uses the strength, the authority, and the state resources—the army, the police, what have you—and terrorizes persons, what will happen to this country?

Mr. Speaker, this is an example of what I experienced when I went to play cricket in Guyana in the 70s, I think, Burnham had just died Prime Minister—Burnham; President Burnham; Comrade Burnham—and we went to play cricket at the Demarara Cricket Ground—that is the Ground of Clive Lloyd and Desmond Harper and because of the poverty in Guyana at that time transport was difficult. We had one car, which took four passengers, which would make a few trips to take us back and forth from the hotel, which was about 45 minutes. Being the captain of the team I decided to stay last. I was among the last three players plus three Guyanese players who stayed with us. The place was dark because electricity in those days—if you had been to Guyana you would know what I am talking about. I looked up and suddenly I noticed a picture of Burnham hanging

on the wall but Burnham's picture was there for years—the President was Hoyte—so I jokingly said: “But this man dead already and so much pressure he put on Guyana,” and I just turned the picture. Mr. Speaker, no sooner—and we were just six people in this clubhouse, in the dead of night, about 9 o'clock in the evening; nobody around for miles—one of the persons there jumped over me; he almost broke my back to put the picture right. He was afraid of the late Forbes Burnham. The three persons after discussion said: “Mr. Ramsaran, yuh want us to get killed!” Mr. Speaker, this is what terrorism is about in the hand of the wrong people. We have to be very careful! As my colleague from Barataria/San Juan would say, the signs of a dictator—

Mr. Speaker, let us be honest, if they read this Bill piece by piece and clause by clause and understand the ramifications, they will withdraw this Bill. In the United States where this idea was mooted to have these Bills passed, the human rights activists are all trying to make the people understand. *[Interruption]* Yes, we are siding with the big, bad, super powers.

Mr. Speaker, in going through the Internet you would notice that this Anti-Terrorism Bill could work against all Third World countries living in the United States—

Mr. Valley: Countries? You mean citizens.

Mr. M. Ramsaran: —because non-residents are not covered by this Bill *[Interruption]* But this is what it is all about. This is where it started. I just read it. Let me read it for you. You were asleep. This is your Bill.

“This Bill seeks to give effect to Trinidad and Tobago's international obligations to implement the United Nations Security Council Resolution 1373 (‘Resolution 1373’) that was adopted in the aftermath of the terrorist attacks on the United States on September 11, 2001.”

This is where it started. This is your Bill; this is not mine! So you know that you have to keep awake, as Leader of Government Business. This is what I am warning against.

Mr. Speaker, if you go on the Internet there is a paragraph here, let me read this part:

“The breadth and vagueness of the criteria for the certification and detention on non-citizens raise the possibility of arbitrary or abusive application.”

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And understand it. If you are living in the United States or you are living in Trinidad and Tobago and you are here as a visitor and somebody spread a rumour that you are a terrorist, you could be deported. So, Mr. Speaker, we have to understand what we are doing.

Mr. Speaker, people talked about terrorism and when you go through the Bill—I do not want to read it clause by clause—but it talks about the threat to our freedom that we have enshrined. I will now go to the Representation of the People Act to read a few chapters to discuss what I see as terrorism in this country. We have the law but laws are nothing. I will first read into the record section 70 and I want Members to listen as I discuss this because it means we could have the myriad of laws; we could have legislation after legislation and we do not—because of the political will—get people to act we would be in trouble. [Pause] I will come back to section 70. I will read section 85. Mr. Speaker, I want to be sure of what I am doing because this is very important. [Pause] Mr. Speaker, I think I got my pages mixed up.

Mr. Speaker, I will read section 46 of the Customs Act into the record so that people would understand that having these laws put in place—

“Until revoked by Order, under section 44, the following goods are prohibited to be exported or imported: arms, ammunition and military and naval stores except with the written permission of the Police.”

The point is that we have this law, and I am sure it will be in other chapters in our Ordinance, where we talk about the laws of Trinidad and Tobago. These laws are here but what do we have? We have in our statute, laws that govern all these things but are we politically strong? Are we in a position to enforce these pieces of legislation? We are not. When I look at the RPO 70, I want to read into the record what happens at election. To me, this is terrorism in Trinidad and Tobago. We have heard a lot of talk but I want to put on record section 70. Thanks to my colleague, Mr. Ganga Singh, for helping me find it. I quote:

- “(1) A person is guilty of an offence if at any election he—
- (a) fraudulently defaces or fraudulently destroys any nomination paper;
 - (c) fraudulently defaces or fraudulently destroys any ballot paper;
 - (d) without due authority supplies ballot paper to any person;”

Mr. Speaker, it was rumoured, and again this is why we have laws, why we have police officers to investigate. I repeat:

“(d) without due authority supplies ballot paper to any person.”

We heard it in this Parliament; we heard it outside where persons were exchanging ballot paper and nothing happened. The policemen were there as if nothing was going wrong. I continue:

(f) “...authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of the election;”

7.15 p.m.

I am making these points to show that the laws we attempt to pass would not be the solution to our problems. Had this been done, maybe today the whole question of our democracy would have been safeguarded. That is why I have no confidence in this Government making laws in this Parliament.

Section 85:

“(1) Subject to subsection (3), a person shall not, with a view to supporting or opposing the candidature of any individual as against any other or others at an election, either let, lend or employ or hire, borrow or use, any motor vehicle or any animal drawn vehicle or any animal for the purpose of the conveyance of electors to or from the poll, and if he does so, he is guilty of an illegal practice.”

Mr. Speaker, I read in a newspaper that in the last THA election, the PNM hired over 100 cars. This is illegal. The election should be nullified. But what do you have in this country? We hear rumours—nobody investigates. We break the law with impunity and we expect the Opposition—an opposition is to make sure that things happen.

Where any motor vehicle is hired, animal drawn vehicle or any animal is let, lent, employed, hired, borrowed, or used with a view to supporting or opposing the candidature of some individual as against some others at the election, until the contrary is proved this will nullify the election results.

Mr. Speaker, what passes for democracy in this country? When last have you heard a police officer investigate anything? On election day, there are so many breaches of the law, but nothing happens. I am putting it on record that anti-terrorism legislation would not solve the problem we hope it will solve.

This one is very interesting. We hear, during debates, allegations and counter allegations. I am not interested in who is guilty and who is not. I am not interested in who is saying it and who is not. We have laws and they should be put into effect. That is my position.

Section 96 states:

- “(1) A person is guilty of a corrupt practice who is guilty of bribery.
- (2) A person is guilty of bribery who, directly or indirectly, by himself or by any other person on his behalf—
 - (a) gives any money or procures any office to or for any elector or to or for any other person on behalf of any elector or to or for any other person in order to induce any elector to vote or refrain from voting;”

Mr. Speaker, these allegations are made every day in Trinidad and Tobago. Yet, do police officers look at this Representation of the People Ordinance and do something about it?

- “(b) corruptly does any act as in paragraph (a) on account of any elector having voted or refrained from voting; or
- (c) makes any gift or procurement as in paragraph (a) to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any elector, or if upon or in consequence of any such gift or procurement he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any elector.
- (3) A person is guilty of bribery who—
 - (a) advances or pays or causes to be advanced or paid any money to or to the use of any other person with the intent that the money or any part thereof will be expended in bribery at any election; or
 - (b) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.”

Mr. Speaker, we hear this every day. During this debate we heard it, where the Members for Ortoire/Mayaro, Tunapuna and San Fernando West were accused of doing this. Did anybody get up and say, “Let us investigate this”? That is why I have no confidence in the Anti-Terrorism Bill. The Minister is supposed to come here, talk to us and look at the Constitution to see whose rights are infringed.

We talk about Vision 2020, but if they do not have a vision in 2005, how could they reach to 2020? We have to make this country a First World country. We have the facilities for that; we have the money to do that, but we do not have the political will. We are weak and we must come to this Parliament and be honest and understand that when we make laws they are to be put in the statute books in 2005 and be able to stand the test of time.

I would just read perhaps one more, section 97:

- “(1) A person is guilty of a corrupt practice who is guilty of treating.
- (2) A person is guilty of treating who corruptly, by himself or by any other person on his behalf, either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment or provision to or for any person—
 - (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election; or
 - (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election.
- (3) Every elector who corruptly accepts or takes any such food, drink, entertainment or provision is also guilty of treating.”

We have the laws and what could be a good start for us. 2020 vision, Mr. Speaker, is that we should face election as mature people. Let us not hire insurrectionists to intimidate voters. It is an offence according to the Representation of the People Act. Yet we do it. We say glibly, “You did it, so we are doing it, too.” That is not the way to go. They want to come here now to pass progressive legislation. We have to clean up our act.

Section 98 reads as follows:

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“(1) A person is guilty of a corrupt practice who is guilty of undue influence.”

The 114 insurrectionists—their leaders and supporters—have been reported as doing that. According to section 98 of the Laws of Trinidad and Tobago, Representation of the People Act:

“(2) A person is guilty of undue influence who—

- (a) directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting at any election, or on account of that person having voted or refrained from voting at any election;
- (b) by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of an elector or thereby compels, induces or prevails upon an elector either to vote or to refrain from voting at any election; or
- (c) by duress, induces a public officer to use his office to prevail upon an elector to vote in a particular way at any election.”

We have the laws there, but do we follow the laws? Are we interested in having a democracy of which we are proud? What would make us now believe that we would use this anti-terrorism legislation to be fair? I am not at all happy with this Bill. It reeks of acts that could be done against a person in Trinidad and Tobago. If we examine this Bill clause by clause, we would see how dangerous this piece of legislation is. We have to be very careful how we attempt to do it.

As I mentioned in the beginning, nobody in Trinidad and Tobago would be against the Government for coming to this Parliament and having us debate this Bill. There are human rights groups in this country. They throw a net to trap a sardine. We have to be much more careful. In my mind, this is worth repeating. This law, made by the PNM Government in 2005, could act against the PNM and others in 2007 or 2020. We have to be careful of this. This is draconian legislation.

Someone mentioned poverty vis-a-vis terrorism. Two Ministers in this Government—the Minister of Trade and Industry and the Minister responsible for Tertiary Education who are supposed to know better—came to this House and announced that for people who received \$1,000 NIS pension, that money would not be counted in the ceiling for old age pension, which is so far from the truth. Even this morning, before coming to Parliament, I received phone calls from senior citizens, who said they have not seen the increase in their pension and that they understood I had raised the issue in Parliament and the PNM said that I was not talking the truth. That is terrorism, you know—terrorizing senior citizens.

Mr. Valley: Mr. Speaker, I do not know that we have to argue this, you know. I have a little \$500 in my pocket. If the Member wishes, he can come up with \$500 and we can determine the issue. If I am right, he gives me his \$500 and if he is right, I give him my \$500. I find that fair. We are big men. [*Interruption*]

Mr. M. Ramsaran: Explain what you mean and I will take the bet now. I did my research and these two people have misled the people of Trinidad and Tobago. My bet is that the \$1,000 is included in computing the ceiling to qualify for old age pension. Let me hear yours.

Mr. Valley: I am saying, Mr. Speaker, that the \$1,000 NIS payment is not included in the determination for old age pension purposes.

Hon. Member: In the ceiling?

Mr. Valley: Yes.

Mr. M. Ramsaran: Member for Diego Martin East, are you throwing in your bet, too?

Mr. Imbert: [*Inaudible*]

Mr. M. Ramsaran: Mr. Speaker, if I am wrong, I accept my liability.

Mr. Speaker: I am listening to both Members. I do not think gambling is permitted in the House, you know. Perhaps in some private members' club, but certainly not in this House.

Mr. Valley: Mr. Speaker, this is a friendly wager; it is not gambling.

Mr. M. Ramsaran: He takes a side and I take a side.

Mr. Speaker, poverty is something we should not take lightly. I did not read the entire text by Minister Saith, but I do not believe poverty is an excuse for anything. However, poverty will drive us to certain things that we would not

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normally do. There is rising poverty in Trinidad and Tobago—50 per cent and rising—and the hon. Ministers come to this Parliament and tell poor people that the \$1,000 would not be counted. Do you know what is the wager? The Member for Diego Martin Central must get up in this House, make a television address and apologize to the people of Trinidad and Tobago. If I am wrong, I do not have the authority to get on the media like you, but I would write a letter apologizing to the Member for Diego Martin Central.

He has misled the people of this country and that is terrorism.

Mr. Valley: I understand you know Kamal. Talk to him!

Mr. M. Ramsaran: I am talking to you. This is the problem. We are in Parliament. We have to learn to believe you. You have to convince us.

Mr. Valley: You do not believe me, talk to Kamal!

Mr. M. Ramsaran: Mr. Speaker, this terrorism legislation is something we should not take lightly. [*Interruption*] I really feel sorry for you. Arrogance would not help you.

Mr. Hinds: You keep your sympathy.

Mr. M. Ramsaran: We have come to debate a bill like this, Mr. Speaker, and nobody will rise to support the Bill. [*Interruption*] Then, we should not have debate. We should forget parliamentary debates. We should just come; one person says his garbage, read the Bill, one person reply, say, “Boy you are not talking the truth”, sit down and go home. That is not what it is about. They are breaking the traditions of parliamentary debate on an especially important Bill like this. [*Interruption*] That is not the point. The arrogance, Mr. Speaker!

I want to put on record that this Bill is draconian and that it would not serve the purpose intended. And I am saying it in the background of Caricom. As a political bloc, what is the Caricom position on anti-terrorism legislation? What is the resolve of Caricom? How are the member states treating with anti-terrorism legislation? We should be told this. We should understand this. This Bill mentions non-nationals of Trinidad and Tobago and they could be treated differently. What is a Jamaican doing in Cocoyea Village in a house with smoke coming through a chimney? What is he doing there?

This is saying how non-nationals would be treated. What is the Caricom position on this? Tell me! Do we agree, as a body, to deal with this issue?

In November 2001, the members of the Council of Europe signed an extraordinarily broad new treaty to increase cooperation among law enforcement officials of different nations.

This convention does three things:

It includes a list of crimes that each member country must have on its books. The treaty requires criminalization of offences such as...

Well, I would not go through them. It requires each participating nation to grant new powers to search and seize to its law enforcement authorities, including the power to force an Internet service provider. It requires the law enforcement in every participating country to assist police from other participating countries by cooperating in a mutual assistance request.

When they do this, they will be giving meaning to Caricom. What I cannot understand is the United States, which is interested in anti-terrorism legislation. In my mind, we have not thought about this properly. The danger of these pieces of legislation is when the Prime Minister and his public relations campaign team would go to the nation and say that the UNC voted against anti-terrorism legislation. The signal is that we were not interested in anti-terrorism legislation and that is furthest from the truth. How long will propaganda carry this Government? We must go on record as saying that it threatens the fundamental human rights of the citizens of Trinidad and Tobago and we will not support the legislation as is. If the Government were to come back with this, go through clause by clause, consult—let people interested in human rights and so on have an input—we would fully support any measure that is implementable and within reason to satisfy the people of Trinidad and Tobago.

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that the House continues to sit until the completion of the business identified for today, which is this Bill, the Pilotage Bill and the Customs Motion.

Question put and agreed to.

ANTI-TERRORISM BILL

Mr. Nizam Baksh (Naparima): Mr. Speaker, I have been away from this Parliament for some time and I have observed how the activities of today have transpired. I am aware of a Private Members' Day, but, after looking at today's proceedings I now think that we have an Opposition Members' Day. From 1.30

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p.m. to 7.30 p.m, only the Opposition Members have been on the floor. I wonder if this is the way the Government Members are treating this Bill—very callously—this evening.

I compliment my colleagues for the very illuminating, brilliant, factual and enlightened contributions on this Bill. I feel compelled to speak on it after listening to the contributions and looking at the definition of the Bill. This propels me to speak on this aspect of it. I want to look at the definition:

“‘terrorist act’ means

(a) an Act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause—

- (i) loss of human life or serious bodily harm;
- (ii) damage to property; or
- (iii) prejudice to national security or disruption of public safety including disruption in the provision of emergency services or to any computer or electronic system or to the provision of services directly related to banking, communications, infrastructure, financial services, public utilities, transportation or other essential infrastructure,

and is intended to—

- (iv) compel a government or an international organization to do or refrain from doing any act; or
- (v) intimidate the public or a section of the public for the purpose of advancing a political, ideological or a religious cause;”

Mr. Speaker, I am concerned with this part of the definition with regard to the ideological or religious cause. There is a general perception that, once you are Muslim, you carry the label, “terrorist”. This compels me to speak on this Bill this evening.

I look at the first part of the definition—“an act committed in or outside of Trinidad and Tobago which causes or is likely to cause”. If I just came from Saudi Arabia and I am associated with a number of persons there who are from different countries and who might be fundamentalists with regard to Islamic views and teachings, and something occurs there, could I be responsible for it in Trinidad and Tobago?

When I first entered Parliament, there were allegations that I was linked to Al Qaeda. [*Interruption*] I do not want to elaborate on that to expose my own connections. The point is that people travel around and meet different people and unknowingly may come upon people who are involved in activities that you are not in sync with. If something occurs and they say that because of your presence you could be held responsible in this country for that act, this is something I have great concern about.

I have heard it said many times today: The Opposition has its say and the Government has its way. This is happening with such alarming and frightening frequency that I do not feel comfortable. You are making a contribution; you are part of a Parliament; you want to know you can say certain things and when you say these things, people just tell you to have your say, but they can do what they want. That can mean anything.

Mr. Valley: Mr. Speaker, I want to put on the record that this Bill was being debated last Friday when the Member for Pointe-a-Pierre made her contribution. The Government adjourned the debate and considered what the Member had to say. It is in that context that the Government is back here today. So that, although the government would have its way, the Government listened to the Opposition. The Member for St. Joseph would tell you also that he made certain contributions in a particular debate and that debate was adjourned. We have not come back to the House as yet. We have come back today because we have a particular position.

Mr. N. Baksh: Mr. Speaker, that might pertain to discussions with the House, but having their way could be outside the walls of this compound as well. That is the frightening aspect of it. But I will leave that alone.

Mr. Speaker, this debate is a sort of global debate. My colleagues have outlined a number of countries that have pursued similar debates and laws. I think it all started with the September 11 situation. That is the root of it. That has triggered some panic, but I have seen some documentaries—some of you might have heard about *Farenheight 911*. I have seen that documentary. In that documentary, they portray that certain groups of people were responsible for the incident that occurred on September 11, 2001. Subsequent to that, I saw another documentary, *9/11 In Plain Sight*, produced by Power Hour and the commentator was Dave Von Kleef. I hope that the day will come when we can bring these audio visual material to be used in the Parliament as part of our own development. It could be part of the 2020 vision.

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In that documentary, I have seen the commentator use the 9/11 scenario to show that the entire thing could have been a conspiracy by the US government. I do not have the time now to give details, but if any Member would like to see it, I would lend it to him. *[Interruption]* You know how things happen these days better than I do.

I could lend people this to look at it. It is very interesting to look at and to listen to the comments and to the evidence they give to show that it had very little to do with Al Qaeda and Bilal. I believe that the 9/11 incident had far-reaching implications. It had something to do with setting the base for an attack on Iraq. We talk about international terrorism because they went under the pretext of finding weapons of mass destruction. They said that Saddam was producing this in large quantities. Today, we see evidence that there was nothing to this effect and it has now turned to another area. We see that they are putting democracy into the area. We have to understand what is happening globally.

If we look at Afghanistan, they went under the pretext of moving the Taliban, and so far this was done. We have a similar situation in Iraq. Again, we have the US attacking North Korea, producing nuclear weapons and the attack is also being made on Iran and Syria. Look at the messages they are sending to North Korea and to Iraq and Syria. The wavelengths are different. You have to understand what is happening. In my view, that is more than just terrorism. This is manmade.

I read in an Arab newspaper when I was in Saudi Arabia—and I am sure it was here too, that—

Mr. Khan: You talked to too many people.

7.45 p.m.

Mr. N. Baksh: Yes. I just returned from *[Inaudible]* *[Interruption]* I am coming to that. I am establishing my international connections.

There was a senior American soldier, who made some statements with regard to murdering the Taliban. He said he took pride in doing that and he was warned about his remarks. This is something you have to understand whether it is a deliberate pattern to attack the Muslims. I said I am speaking here tonight as a Muslim. I see this as attacking the Muslims and we want to know if, when this Bill is passed, it will be aimed at the wider community, members of various organizations or the Muslim community. This is why we need to have consultation with the wider community.

Mr. Speaker, at this year's pilgrimage, there were 3.5 million Muslims from various parts of the world. I met people from Kashmir, Iran, Indonesia, Malaysia, South Africa, Sudan, Fiji, Sumatra, United Kingdom, United States of America and Canada. We met some of these people over lunch, and sometimes we had discussions and so forth. You know, arising out of those discussions, there was consensus that what is happening is an imposition of western democracy on countries of Islamic ideology. This is the trend that we are seeing. The question was asked whether the western countries are suffering from Islamic phobia. This is something that we need to look at.

We have to understand that once you are carrying a Muslim name or you belong to the Islamic faith, you are labelled a terrorist. As a Muslim here, if you start to attack my faith, you are putting my back against the wall, and people find different ways to respond, and sometimes it may not be the way that we expect them to respond.

You know, when we talk about a terrorist, who is a terrorist? My grandparents used to tell me stories about ghosts and phantoms and so forth, and I feel this is what we are chasing. We cannot see anything physical there; this is something just imaginary. We are labelling a terrorist and we are going after him. This is what is happening. So, if you attack me and I retaliate, are you going to tell me that I am a terrorist? This is something we have to understand.

I heard that the Acting Prime Minister made a statement that terrorism is linked to poverty. That is so far from the truth.

Mr. Valley: And Ramnath agreed with him.

Mr. N. Baksh: Mr. Speaker, if that is so then they would not have labelled Bin Laden a terrorist, because he is very wealthy. I just came from there and I understand that the Bin Laden family is very wealthy; they are into construction and so forth. I cannot see terrorism being linked to poverty. I believe that this is more an excuse for the inefficiency of the Government because, similarly, they said that crime is also linked to poverty. That is only an excuse. We have to address this matter differently.

Mr. Speaker, I just want to look at three clauses in the Bill. I am not going to do like my colleague and take them consecutively.

“Clause 4 would make it an offence for any person to directly or indirectly, provide financial or other related services for the purpose of committing or facilitating the commission of a terrorist act, or for the benefit of any person

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who is committing or facilitating the commission of a terrorist act. The penalty for commission of this offence would be imprisonment for twenty years.”

I am seeing that an imprisonment for twenty 20 years is listed in all these clauses. At my age, if you pick me up, I may not come back out alive.

“Clause 6 would prohibit the use of property, directly or indirectly for the purpose of committing or facilitating the commission of a terrorist act. This clause would also prohibit the possession of with the intention that it be used or with the knowledge that it would be used for the purpose of committing or facilitating the commission of a terrorist act. The penalty for commission of this offence would be imprisonment for twenty years.”

Mr. Speaker, I am using these three clauses because I want to link them.

“Clause 9 would prohibit the soliciting and giving of support to a terrorist group or to the commission of a terrorist act. The penalty for commission of this offence would be imprisonment for twenty years.”

Mr. Speaker, there is a group of Muslims from various Islamic organizations that move from village to village and country to country to spread the word of Islam. This is called “dawah”. Those persons carry the name of “Tablighi Jamaat”. From time to time, you will see persons from other countries visiting this country as well. When these persons come here to do their Islamic work they stay in various communities. These persons could also be my guests. As a Muslim, we could entertain another Muslim for three days as a guest. *[Interruption]* I am just giving you some Islamic knowledge. These persons may stay in a Mosque or at a Muslim home.

Mr. Imbert: *[Words expunged]*

Mr. N. Baksh: *[Words expunged]*

Mr. Speaker: No, no. *[Interruption]* Hon. Member, I would ask you to withdraw that statement and apologize.

Mr. N. Baksh: The Member should also withdraw what he said to me.

Mr. Speaker: The Member should stand and apologize.

Mr. Imbert: I withdraw it absolutely.

Mr. Speaker: Right. Do likewise, too.

Mr. N. Baksh: I do likewise, Sir.

Mr. Speaker: Yes.

Mr. N. Baksh: Mr. Speaker, I am saying that when there are persons moving around doing their religious work, these persons could be taken up for planning and plotting a terrorist act. I know that the police interrogated these persons in the Mosques and so forth. So this is a group of persons that could come in here and be labelled as terrorists, because they dress in a particular way.

While travelling in some of these airports, I have observed groups of Muslims heading towards Saudi Arabia. When I looked back, I saw them going through the security at the airport. Many of these Muslims were dressed in their long gowns and they had long beard, and most of them were pulled to the side and they were interrogated. They were enquiring from them as to how often they travel and what was their purpose for travelling and so forth. I would assume that because of their appearance, they were putting them aside without any information whatsoever. This is something we have to be very careful about. We have to understand that this is a country, which tolerates Islamic and other religious beliefs.

Mr. Speaker, I just wanted to make that point, and to conclude by saying that with respect to the arguments presented by my colleagues here this evening, I am convinced that this Bill is dangerous, draconian and it has far-reaching and serious implications on the citizens of this country.

Mr. Speaker, I want to thank you for the opportunity. [*Desk thumping*]

Mr. Speaker: Before we proceed, the little exchange that happened just now, I would not want it to go down into the record. So, I would direct the *Hansard* to expunge that. I would also ask the press present not to publish any matter related to the exchange between the Member for Diego Martin East and the Member for Naparima. I could understand that in the heat of things—and especially since you have returned from a religious experience—one has to bear in mind that there is a certain decorum and dignity that the House demands. I would not want that to go down in history. So, please, this would be expunged from the *Hansard* and not be reported in the press. [*Desk thumping*]

The Minister in the Ministry of National Security (Hon. Fitzgerald Hinds): Mr. Speaker, thank you very much. Clearly, the Bill before the House created very strong emotions from the other side, but they were equally unfocussed. The strength of the emotions was matched by the unfocussed tone of the debate.

Mr. Speaker, as the Member for Diego Martin Central said during the Member for Naparima's contribution, we, on this side, demonstrated optimum magnanimity! Last week, we presented the Bill, and having heard the Member for Pointe-a-Pierre—she was so wrongly applauded by all of her colleagues on that side—as a magnanimous ever-present and ever-listening team, we decided that we will consider what was said. Having taken into account what was said, today we return to continue the debate. Unfortunately, today we heard nothing new, and whatever we heard did not generate any serious demand on us to contemplate further. Let me show what I mean.

Mr. Speaker, the rationale for this Bill, which has been read time and time again, is to criminalize certain terrorist activities. The rationale behind this Bill is really about international cooperation—and I said that when I presented the Bill—not only among the “comity” of nations, as it was called. In respect of cooperation, we really expected that we will find some internal cooperation within our borders; cooperation among all the law enforcement and intelligence agencies is necessary; cooperation among all our citizens; and, certainly, cooperation among us politicians.

Mr. Speaker, notwithstanding all that has been said the Bill before us is quite a serious one. We are all aware of the incidents of terrorism around the world, and the potential for it to take place right here in Trinidad and Tobago. I made this point when I presented the Bill earlier, and there is no need to belabour that point.

Since then, I attended the formal opening of the 5th Regular Session called “CICTE” of the Inter-American Committee Against Terrorism at the Trinidad Hilton. Trinidad and Tobago was the site for this 5th Regular Session and, of course, at that session, Trinidad and Tobago was given the Chair for this Inter-American Committee.

There were over 25 countries participating in this session and they are all very serious. This means that Trinidad and Tobago is not the only country in this region that is particularly concerned about this matter. When you hear the presentations of our brothers and sisters from around the region at that committee level, it is quite clear that terrorism is a serious business; it is a serious matter; and, therefore, on that basis, we are quite happy to have come to the Parliament with this Bill, and we feel very proud having done so.

The Member for Caroni East was on a Talk Show a few nights ago, making the point that he reiterated here today that the legislation that we propose is not in keeping with the reality of Trinidad and Tobago. Mr. Speaker, the Member failed

to demonstrate beyond the point that was made by the Member for Pointe-a-Pierre, any specific provision or provisions of the entrenched elements of the Constitution, in terms of the human rights provisions, that were offered here today, that would have been breached. This is why I began by saying that this is all about emotions and strong feelings, but very unfocussed. Not one of them on that other side said anything, or directed us to any provision of the Constitution, or any measure in this package that threatens our human rights. So this was a repetition of the same thing over and over again. As the Member pointed out earlier today, the next best thing to having your way is having your say.

I want to say to the Member for Caroni East that I consider it to be wholly unpatriotic, reckless, evil and destructive to have stood in the Parliament today—I want to place this on record—and like a man who was with a woman, after a separation, to come here and speak about the woman publicly. That was an act of political baseness. For the 10 years that I have been in this House, I consider that act as the worst example of public misconduct that I have ever seen. [*Desk thumping*]

Mrs. Job-Davis: He should be ashamed of himself.

Hon. F. Hinds: One has to ask the question: why would a former Member of the government of this country, who like an insider-trader—someone with insider trading information, so to speak—acquire information as a minister of government representing the people of Trinidad and Tobago, and then come here today and spend minutes on sensitive information and talking to all those who want to be terrorists and criminals in the society, and telling them exactly the strategies that are used to detect them. That is wickedness and a clear sign that the UNC, in particular the Member for Caroni East, has no love for this country. I love my country and I condemn it. [*Desk thumping*]

I want to tell him that the police officers and the operators in the intelligence agencies who spend night and day, hours and hours, gathering intelligence information to deal with kidnapping and other crimes will not be impressed by that. We want them to understand that the recklessness started there and it ended there. We on this side will have no part of that. We strongly condemn it. [*Desk thumping*] I want to make that very clear. The Member was egged on by the Member for Couva North, who was a former prime minister and former minister of national security. I have reason to believe that the Member for Couva North would have provided the Member for Caroni East with the obviously stale-dated

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and backdated information that he gave here today. That is to be strongly condemned; that was the worst example of public misbehaviour that I have ever seen in this country.

Hon. Member: Yes.

Hon. F. Hinds: Mr. Speaker, terrorism is quite serious, if only because it is very indiscriminate. Terrorists just spend all of their time looking for soft targets, and once they find a soft target they will deal with it. With respect to the events of 9/11, not only Americans died, but also many Trinidadians and Tobagonians died in that calamity. The Member for Naparima said that never happened and that was a set up.

Mr. Ramsaran: He never said that.

Hon. F. Hinds: Okay. I will not waste my time on that matter. In 1990, we had our experience here with a failed attempt to topple our democratic institutions.

Mrs. Job-Davis: Led by the UNC; led by the Member for Couva North.

Hon. F. Hinds: Our financial systems—a strong and growing economy; an economy that grew 13 per cent in 2004; an economy which, apart from China, is one of the fastest growing economies in the world; an economy that attracts massive foreign investments from the United States of America, second only to Canada—could easily be used and it would be very attractive to those who want to be involved in this business of terrorism. Trinidad and Tobago is not by any means isolated from these possibilities.

Mr. Speaker, terrorism costs lives and limbs. Could you imagine if there was a major terrorist activity in Trinidad and Tobago? Recently, we had advisories from certain countries, and the Opposition made a song and dance about that. They were almost praying for no tourists to come to Trinidad for Carnival. If we have a major terrorist activity in Trinidad and Tobago, and all of our potential visitors—all the tourists from North America and Europe—decide that they are not coming to Trinidad, do you know with will happen?

I was told that after the events in Bali—Bali is a small nation with largely a Hindu population in a sea of Muslim citizens of the world. After the events in Bali where over 220 persons died, tourists from around the world are afraid to go there. Bali was a thriving tourist economy and the place is almost barren and empty. Similarly, that will affect Trinidad and Tobago but, more than that, it will

affect the entire Caribbean region. That is one of the reasons we know that this legislation is of critical importance. We are proud to have presented it for the consideration of this Parliament, whether they like it or not. [*Desk thumping*]

Mr. Speaker, the Member for Couva North surprised me but, yet, in a strange way, I was not surprised. I know he has passed his best; I know that he told us that if you saw him and a lion in a fight to feel sorry for the lion. I took his advice. I only feel now that the lion will suffer from tetanus. I was expecting that the Member would have come here and provided us with a much more robust intellectual argument. As the Leader of the Opposition, and leader of the UNC, I was really expecting that. The main point the Member for Couva North made was that the provisions in this Bill seriously threaten our civil and human rights, and like the rest of them, to my mind, that was a good example of exaggeration; a good example of hyperbole. As I have indicated, apart from the Member for Pointe-a-Pierre, who wrongly identified the provision that these measures would infringe; he said nothing new.

Mr. Speaker, the Member described the legislation, as was parroted by the Member for Chaguanas, as draconian, failing to demonstrate what was draconian about it. It was the Panday administration, led by the Member for Couva North and the then Member for Couva South, who denounced—talking now hypocritically about human rights—access of citizens of Trinidad and Tobago to two international human rights bodies. [*Desk thumping*] It was the UNC! The Member described the provisions as being too wide. He went to South Africa; he went to Tanzania. He took us on a whirlwind trip all around the world. If anyone was irrelevant, in terms of Trinidad and Tobago, it was the Member for Couva North.

Mr. Speaker, the Member said that every single act that challenges the Government with these measures becomes a terrorist act. All I could say is that was absolute nonsense; rubbish. The Member for Couva North purported that we try to intimidate judges. He said that. He persuaded himself of this. Last week, in another debate, the Member for Siparia and the Member for Caroni East were taking pains to point out that we were upset with judges, because they were finding so many decisions against the Government, but yet he claims that we are intimidating judges. The Member is deluding himself. It was the Member for Couva North and the then Member for Couva South who, in our view, terrorized judges in this country. That was demonstrated some time ago.

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The debate that we are dealing with here today really reflects on international debate. At the end of the day, it is a question of balancing human rights as established in some constitutions, and the fight against terrorism, and both are legitimate aspirations. This is the balancing of two very legitimate pursuits or interests.

The Member for Pointe-a-Pierre quoted from a civil society organization called “FXI” in South Africa. She quoted extensively from its report and she was saying—

[Dr. Nanan stands]

Mr. Speaker: As far as possible, try to please the Member for Tabaquite.

Hon. F. Hinds: Mr. Speaker, that is very much difficult. I have forgotten my primary school experiences, but I should try.

We have tried and we have succeeded in presenting measures here today which, as I said, found a healthy balance between the preservation of the rights enshrined in our Constitution, and in an effort to deal with this question of terrorism, measures that are non-existent in the laws of Trinidad and Tobago up until this time.

Mr. Speaker, let me address some of the concerns raised by Members in this debate. Members raised the question with respect to the definition of a “terrorist act”. Many Members suggested that the definition was too vague. I do not consider the definition to be too vague because there are three elements to the definition of a “terrorist”. I need not read these definitions over because they have been read ad nauseum.

Mr. Valley: Read it.

Mrs. Job-Davis: Read it again so that they will understand it.

Mr. F. Hinds: Well, I was asked to read it and I should do so.

“terrorist act” means—

- (a) an act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause—
 - (i) loss of human life or serious bodily harm;
 - (ii) damage to property; or
 - (iii) prejudice to national security or disruption of public safety

including disruption in the provision of emergency services or to any computer or electronic system or to the provision of services directly related to banking, communications, infrastructure, financial services, public utilities, transportation or other essential infrastructure,

and is intended to—

- (iv) compel a government or an international organization to do or refrain from doing any act; or
- (v) intimidate the public or a section of the public,

for the purpose of advancing a political, ideological or a religious cause; or”

There are three elements. On the one hand, you must disrupt one of the elements that I have explained—disrupt largely in a physical sense—and while so doing, have an intention “...to compel a government or an international organization to do or refrain from doing an act”; and it must be “for the purpose of advancing a political, ideological or a religious cause”. [*Desk thumping*] So, when you listen to the baseless arguments, the three elements must come together. So the many other examples that were given about if you photocopied something and so forth are just a waste of voluminous nonsense; time-wasting nonsense. There are other criminal laws in the country. For example, if you stole something or damaged something somewhere, you could be charged under a number of other offences. I do not want to spend any further time there.

Mr. Speaker, the definition has to be very broad to capture many possibilities. We cannot know in advance exactly what strategy a terrorist group would take. So it is of necessity to be very broad to cover a wide range of activities. The definition did not stop there. The definition expressly excluded legitimate trade union type protest action activity. Why did I say so? It says:

“(2) An act which—

- (a) causes death or serious bodily harm to a person taking active part in armed conflict in accordance with the applicable rules of international law; or
- (b) disrupts any service and is committed in pursuance of demonstration, protest or stoppage of work and is not intended to result in any harm referred to in paragraph (a) of the definition of ‘terrorist act’,

shall not be considered a terrorist act.”

So, we are not leaving it to chance and by implication. The language of the Bill expressly excludes protest of union type activity. [*Desk thumping*] So, why on God's earth will the former prime minister, the Member for Couva North, the Member of Caroni East and the Member for Siparia—well, I can understand why the Member for Siparia would do it. She is well known for giving poor legal advice, so I could understand why she would do that—spend hours misleading the national community by creating hype, fear and pandemonium when none exists. “Is it just wicked yuh wicked and dishonest?”

Mr. Speaker, however, if the Opposition has a better formula for what they consider to be a vague description of a “terrorist”, why did they not draft one and present it? If they had spent all that time—since this Bill was tabled here in the Parliament last week—and found that the definition was too vague, are they too intellectually lazy to have penned something that is more sensible and acceptable and present it to the House for consideration?

Mr. Speaker, while I am dealing with that matter, one of the other dishonesties that they have perpetrated—I heard the Member for Couva North on a radio show and I also heard the Member for Caroni East saying that the only time that this Bill went on the Parliament's website for public attention was the day when they had that failed press conference in the Leader of the Opposition's office.

What are the facts? In any event, we on this side are not responsible for what the Parliament does. The Parliament runs its affairs, in terms of the administration. They are the ones who decide what will go on the website and when. At any rate, the facts are that this Bill has been on the website since October 13, 2004. [*Desk thumping*]

Mr. Singh: Would the Member give way? Before Members get carried away, the hon. Member for Couva North read a letter from the American Chamber of Commerce—I cannot recall the date—and they indicated that they were not able to acquire a copy of the Bill from the parliamentary website.

Dr. Rowley: They are inciting racial hatred.

Hon. F. Hinds: I want to proceed to another one of the clauses that the Members on the other side talked about in an attempt to incite mayhem and confusion in this beloved country.

“3. (1) A person who commits a terrorist act is guilty of an offence and is liable to imprisonment for twenty-five years.

(2) When a terrorist act involves the commission of a crime under some other law, the person committing it shall be liable to be punished for that crime as well as for the offence created by subsection (1), and any term of imprisonment imposed in respect of such crime shall run consecutively to that imposed under subsection (1).”

Mr. Speaker, the Member for Pointe-a-Pierre who seems to have excited her colleagues no end, spoke about that clause when we last met here. I am quoting from the Hansard record and she said:

“In other words, let us say the person committed a crime that finds itself in the summary jurisdiction, where magistrates could hear matters faster, it would mean—and this is how ridiculous it is—that the terrorist would be in the Magistrates’ Court for simple theft and if found guilty, the magistrate would have to say, Wait, Mr. Offender, you are also charged for terrorist activity; how am I going to sentence you? I have to sentence you, consecutively, to what the sentence is for the terrorist act.”

At this stage, I interrupted and shouted “nonsense”, and you quite rightly said that I should not do that. I was really irate and upset to hear a lawyer—someone who was a prosecutor and paid by this State—utter such unadulterated worthlessness.

The Member went on to say:

“Mr. Speaker, that is how it is worded. Mr. Speaker, when people...”

She was now sending a slight criticism my way:

“...people do not practise or they pretend to practise in the criminal court, they will not understand these problems and you are putting judicial officers in a quandary. What this subsection is mandating is that one would have to hear the terrorist act case first; have that matter determined and then there will be the hearing of other matter. That is the only way the sentence for the second matter is going to be able to be imposed practically.”

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Mr. Speaker, judges and magistrates have passed concurrent and consecutive sentences daily. In most cases, in a situation like this, all the charges would appear upon the same indictment. Even if it is a summary matter, the magistrate will deal with the matter in the Magistrates' Court; and the matter that is for the High Court will be committed for trial in the high court and sentence will be passed. There is nothing to stop the magistrate from dealing with the matter now.

I do not understand why the Member for Pointe-a-Pierre would have tried to mislead us like that. You see, she was just scraping around for something to say and to win unworthy applause, which she won, and to make the news! It was an embarrassment to all lawyers. Her proposition was wholly and absolutely wrong!

Mr. Speaker, I brought the lawyers bible, which I am very familiar with. This is my personal copy. This is Archbold, 2004. I did not get a copy of 2005, and I was here then. At paragraph 5, it says:

“Offenders serving existing sentences

Where an offender who is already serving a sentence of imprisonment is sentenced to a further term of imprisonment, the two terms are treated as a single term for the purpose of release...This may result in the whole of the new sentence being absorbed in the existing sentence: see *R.v. Davies*...”

This is the instruction:

“The sentencer should order the new sentence to run consecutively to the existing sentence, making an allowance if appropriate to ensure that the new aggregate sentence is not excessive, and to allow for the fact that the new sentence may convert the whole sentence into a long-term sentence, if the aggregate amounts to four years or more...A sentencer is not, however, required to impose a sentence for the later offence which would be inadequate or unduly lenient:

As a general principle, consecutive terms should not be imposed for offences which arise out of the same transaction or incident, whether or not they arise out of precisely the same facts, but much is left to the discretion of the court:

A court may depart from the principle requiring concurrent sentences for offences forming part of one transaction if there are exceptional circumstances:”

And a number of cases were quoted.

Mr. Speaker, I simply read this lawful learning on the business of law to demonstrate that this is quite usual. There is no difficulty whatsoever, as the Member so wrongly attempted to raise. Again, this was a clear attempt to mislead us in this House.

As the law now stands, this is quite possible, to run consecutive sentences, and it happens every day. The Member for Pointe-a-Pierre also made a frivolous point with respect to the transporting of terrorists. Hear what the Member had to say:

“I am making the point that if a terrorist is found guilty and is incarcerated, when that terrorist has to be transported to whichever court is hearing his matter one has to imagine the resources that would be necessary to take him there!”

So, the Member’s big concern was the vehicle and the gas to take a terrorist to court.

“It is now that the DPP would be called upon to nolle pros or to have it adjourned until there could be resources put in order for this transport to take place.”

Big point! She tries now to make a foolish point and the Member goes on:

“Mr. Speaker, the simple way to solve this problem is to remove the mandatory nature of the consecutive term.”

So, we are proposing a consecutive term for a serious offence like terrorism, and in the circumstances where another offence is committed, she identified that transporting a terrorist to court as a big problem and suggested to us that the way to solve that big problem is to remove the consecutive provision. This is just ridiculous! I watched them applauding and I wanted to know why. I sat there seething with anger. I restrained myself because I know my day would come, and here it is. [*Desk thumping*]

The Member went on:

“Why is the Government so intent on interfering with the independence of the minds and the establishment of the Judiciary? Why is there this need to constantly seek to control, to undermine and to remove discretion?”

This was coming from a Member on that side who speaks so glibly about the separation of powers: the Legislature and the Judiciary. This is the Legislature. We make laws! When we make laws the judges and the courts are obliged to follow the laws that we make. Nothing is wrong with that. They did it when

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previous governments did it, and we are doing it now. If we say that we want the sentences to run concurrently, we will put that in the legislation. That is why we are here. That is nothing strange.

Mr. Speaker, there is absolutely no problem with the question of consecutive sentencing that the Member for Pointe-a-Pierre raised. The Member for Tabaquite will not have to challenge me, because I will not be saying “she”, but I will be saying the Member for Pointe-a-Pierre.

I want to move on now to clause 4, which is another point, the Member raised ad nauseum. I heard the Member for Couva North attempting to interpret clause 4, and that is the reason that I am obliged to read it. The Member for Caroni East, lawyer as he is, although we are fully aware that it took him seven years—

Hon. Members: Nine years.

Hon. F. Hinds: It took the Member nine years to graduate. He had a cushy life in New York. One Narinesingh looked after his financial needs, but he could not help him with his exams, so he took nine years.

Mr. Speaker, I heard the Member for Caroni East—embarrassing to us practitioners of the law—I could understand the Member for Couva North and, as I said, that tiger has passed his best. He is on his way out. As I told the Member for St. Augustine today, he will spend 10 years in political purgatory, and after 10 years he will move up one seat from where he is now to the Couva North seat, but they will remain there. Clause 4 says:

“A persons who, directly, or indirectly provides or makes available financial or other related services intending that they be used, in whole or in part, for the purpose of committing or facilitating the commission of, a terrorist act commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”

When the Member for Couva North was speaking, he told this House—and it is in the *Hansard*—that there will be no jury.

8.30 p.m.

In this country, unlike Northern Ireland, where they abolished juries by an Act of Parliament to deal with terrorist problems because they were killing jurors and intimidating citizens, we still have juries here and once a man is on indictment, he will be tried by his peers. The Member for Couva North said today, there will be no jury, but again I can understand. He said that he had difficulty understanding

what “other related services” mean. I am no draftsman but as a first year law student, I remember the *ejusdem generis* rule. I remember some basic rules of construction and when the law says, a person who directly or indirectly provides or makes available financial or “other related services”—“other related services” obviously mean, other related financial services. Not too difficult! You do not have to have a PhD in law to understand that, but it seems like it troubled the Member for Caroni East. But worst of all, the Member for Caroni East was at pains to tell us, there is no mens rea, there is no actus reus. How could you convict a person on this? And we simply had to point out to him, that the word “intending”—intending that they be used is the mens rea that is required.

Again, I can go to Archbold and deal with the question of mens rea and show exactly what mens rea applies when it comes to the word “intending”. Yes, Member for Caroni East, it is right there, if you did not see it. But he, too, was applauded by Members on the other side. Mr. Speaker, it is really a sad moment for this Parliament, it is a sad moment for this country, when Members on the other side come here, either demonstrating optimum ignorance or clearly an attempt to mislead the population to create hype and to get their supporters to feel that the PNM is the worst thing in town, and everybody is afraid of the PNM. But so many people voted for the PNM in the last election and it is going to double and triple the next time we go to the polls.

I want now to move on to clause 9, another clause that the Members on the other side raised and had great difficulty with. Because the Member for Couva North dealt with this and he so misunderstood it, he just saw the word “solicit” mentioned in the clause and he thought it had to do with legal services. So he told his supporters on a radio show—I listened to him myself—that this clause 9 takes away the rights of lawyers to deal with terrorists and if lawyers deal and give advice to terrorists, they, too, could be charged under these provisions. Nothing could be more reckless and further from the truth. Clause 9 says:

“(1) Any person who knowingly—

- (a) supports; or
- (b) solicits support for,

the commission of a terrorist act, commits an offence and shall, on conviction or indictment, be liable to imprisonment for twenty years.”

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Now, Mr. Speaker, as I presented the Bill at the top of this debate, I made the point going through some of the clauses, that you have to squeeze the business of terrorism on all sides. You do not only want to arrest those who are directly involved in perpetrating the terrorist act, you want to deal with those who give them succor, you want to deal with those who give them financial support, any support whatsoever. You want to deal with those who are going around recruiting our young citizens to get involved in that nasty life of trying to compel people to do things by force, rather than democratically, and therefore it is commonsense that you will have a provision like this.

In fact, reference was made to the United Kingdom's anti-terrorists measures and I will make passing reference to that as well. In their Act they have measures to outlaw membership of terrorist organizations, support for terrorist organizations, if you wear the organization's uniform, fund-raising for terrorist organizations, money laundering for terrorist organizations and the like. So it is quite natural, it is quite commonsense, that if you have to squeeze out terrorism, you have to deal with it on all fronts and therefore the suggestions coming from the Member for Couva North and his minions are quite unfounded. Mr. Speaker, I do not want to run afoul of you today. That clause deals really with skills and intangibles and you want to stop the proliferation of those and squeeze the organization out.

I want now to proceed very quickly to clause 23, one that has caused a lot of discussion in this House on these measures. Clause 23, I do not think I need read this again; it was gone over so many times. But we want to propose an amendment to this and we do so having taken into account all of the comments we have had and having taken into account the fact that we really do not want to lend the semblance of any political interference, just to set all those who observe, hearts at rest. And we would like to make a small amendment in relation to clause 23, and in particular subclause (3), which says as it is now written:

“A judge may make an order under subsection (1) for the detention of the person named in the application if he is satisfied that the written consent of the Attorney General was obtained and there are reasonable grounds to believe that the person is—

(a) interfering or is likely to interfere with an investigation of; or

(b) preparing to commit,

an offence under this Act.”

Mr. Speaker, we consider that all law-abiding citizens of Trinidad and Tobago and the world, who can be victims of terrorism on our soil, all decent human beings in this country, would be very happy to know that persons who are involved in terrorist activities can be apprehended at an early stage by the police and an order be granted by the court for such apprehension and detention. The amendment we want to propose is simply that after the word “that”, delete the words: “the written consent of the Attorney General was obtained and”. Having done so, it should now read:

“A judge may make an order under subsection (1) for the detention of a person named in the application if he is satisfied that there are reasonable grounds to believe that the person is—”

and the subclause continues. So they cannot be heard to say that we did not take into account any suggestion that there might appear to be some political interference, they cannot be able to say that.

The UNC spent a lot of time in this House—the Members on the other side—talking about that they so care about journalists and they care about the Judiciary and all of that. It was under the United National Congress, their administration, that the big six—as I call them—three former presidents, three former chief justices had to write a letter asking them to reconsider their encroachment on the constitutionally enshrined rights in this country, not under the PNM. It was under their government that a Chief Justice had to break stride, break silence and come publicly to defend his good name against horrible allegations that were made by Members on that side. The people are not afraid of the PNM, the people love the PNM. The fact that we are here demonstrates how much they love us. [*Desk thumping*] And that love we will ensure by our good service to this nation must continue.

Mr. Speaker, I want to proceed swiftly to clause 24 and in particular clause 24—

Mr. Speaker: Hon. Members, the speaking time of the hon. Minister has expired.

Motion made, That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. Dr. K. Rowley*]

Question put and agreed to.

Hon. F. Hinds: Thank very much, hon. Members and Mr. Speaker. Clause 24, subclause (9) says:

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“A person shall not be excused from answering a question or producing a document or thing on the ground that the answer, document or thing may incriminate him or subject him to any penalty or proceedings.”

Notwithstanding the provision that I have just read, any answer given or document or thing produced or evidence obtained from that person shall not be used or received against him in any criminal proceedings, other than in a prosecution to perjury. In other words, he is called upon to produce information, to assist in an investigation, he does so. He goes on oath and says what he knows and then he tries to change his tongue, so he is now backtracking on his position against the public good and there ought to be some kind of penalty for that. Subclause (11) says:

“A person may retain and instruct counsel at any stage of the proceedings under this section and counsel so retained may attend and represent the person named...”

So we are actually legislating that he is entitled to have counsel as he goes through this entire process—he is entitled. But the Member for Pointe-a-Pierre leading the charge, Member for Caroni East, Member for Siparia—poor advisor as she is—Member for Couva North—mischievous as he is—they all found that that provision is supposed to be contravening section 5(2)(d) of the Constitution of Trinidad and Tobago, an entrenched provision. Mr. Speaker, 5(1) says:

“Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge or infringe or authorize the abrogation, abridgment or infringement of any of the rights and freedoms hereinbefore recognized and declared.”

and all of the rights enshrined in the Constitution are listed. Clause 5(2)(d) says:

“Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not—

- (d) authorise a court, tribunal, commission, board or other authority to compel a person to give evidence unless he is afforded protection against self-incrimination and where necessary to ensure such protection, the right to legal representation;”

Which we have put in the Bill.

So that we recognize the constitutional provision and we are satisfied that nothing is done in contravention of that. In any event, all we are seeking to do is to protect the public good. It says every person, but they presented as though it was only journalists, but it includes everyone—minister, politician, priest, lawyer, carpenter—any person who has information about terrorism. We the citizens of this country and the public will expect that they should give information to protect 500 or 1,000 of us from a bomb blast. That is quite legitimate and sensible. Even when my friend from Naparima went to Mecca, I am sure if some terrorist was in the midst, he would have been happy to know to make his way quickly back to Trinidad. Nothing is wrong with that, and nothing in the Constitution stops the Government from trying to protect the public interests; it says so. Except that when you are doing it certain procedures must be followed, but in this case those procedures are not necessary because there is no infringement.

Let me show you why, again I make reference to Archbold, and I want to quote from paragraph 12-1, under the rubric, The Nature of the Privilege:

“A witness may refuse to produce documentary evidence or give oral testimony on the ground that the information sought is privileged. In respect of documents he is protected from giving oral evidence as to their content, or his knowledge or belief founded thereon... and cases cited therein. Privilege prevents the production of evidence: it is not concerned with its admissibility;...

Privilege against self-incrimination

A witness is entitled to claim the privilege against self-incrimination in respect of any piece of information or evidence on the basis of which the prosecution might wish to establish guilt or decide to prosecute under English law...”

And there are a number of authorities. Hear this part, and Member for Caroni listen:

“The rule does not prevent the production of public documents:”

That was decided in Bradshaw and Murphy. Member for Caroni East, I want you to hear this, so you would never embarrass yourself again:

“The rule does not prevent ... the incrimination of others:”

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So that if a journalist is aware that X, Y and Z are planning a terrorist activity and the journalist having spoken with them or however else he got the information, is called upon by the authorities to produce the information, the rule of self-incrimination does not apply to him the journalist, it applies to the perpetrators of the act. So you got it wholly, absolutely wrong and misled the Parliament and the country again, understand that, and for want of time, I shall proceed.

I took the time to go to the library and to pull up a case on the whole question of a right to silence. It requires some reading, just let me share a few elements of it with you. It was here I got the wonderful words, I love reading the law you know, it titillates me.

“‘The right to silence’: This expression arouses strong but unfocused feelings. In truth it does not denote any single right,...”

I think Pointe-a-Pierre and Siparia should be here for this lesson you know.

“ ... but rather refers to a disparate group of immunities, which differ in nature, origin, incidence and importance, and also as to the extent to which they have already been encroached upon by statute. Amongst these may be identified:...”

I am talking about the right to silence, we use it as a generic term but it is not one concept, it is a number of them, it is about seven of them—

(1) A general immunity, possessed by all persons and bodies, from being compelled on pain of punishment to answer questions posed by other persons or bodies.

(2) A general immunity, possessed by all persons and bodies, from being compelled on pain of punishment to answer questions the answers to which may incriminate them.

(3) ...”

and this is the one we were making reference here to:

“(3) A specific immunity, possessed by all persons under suspicion of criminal responsibility whilst being interviewed by police officers or others in similar positions of authority, from being compelled on pain of punishment to answer questions of any kind.

(4) A specific immunity, possessed by accused persons undergoing trial, from being compelled to give evidence, and from being compelled to answer questions put to them in the dock.

(5) A specific immunity, possessed by persons who have been charged with a criminal offence, from having questions material to the offence addressed to them by police officers or persons in a similar position of authority.

(6) A specific immunity (at least in certain circumstances, which it is unnecessary to explore), possessed by accused persons undergoing trial, from having adverse comment made on any failure (a) to answer questions before the trial, or (b) to give evidence at the trial.”

All of these are different elements of the question of the right to silence, but it was number three that applies here. You just got it wholly wrong and I think on that I can proceed.

We were never intending to interfere with the privilege against self-incrimination. In fact, the legislation says so expressly, and even if we were, I am now arguing that the public interest requires it. But since we are not infringing on the Constitution, we do not need any specified majority and we still crave your support for this very useful measure—these useful measures to combat terrorism, which could afflict all of us. Part of terrorist strategy is kidnapping, that is one of the tools. When I presented the Bill last week, I highlighted a number of the strategies that they use, one of them, and that is a big concern to some of you, think closely of it.

I want now to go quickly to clause 32(1), another clause that was raised by some of the Members here and I want to deal with it. This is the one that dealt with the journalist in particular. It says:

“Every person who has any information which will assist in—

- (a) preventing the commission by another person, of a terrorist act; or
- (b) securing the arrest or prosecution of another person for an offence under this Act, or an offence under any other law and which also constitutes a terrorist act,

shall forthwith disclose information to a police officer not below the rank of sergeant.”

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What is wrong with that? If any citizen of this country has information about terrorist activity, we would expect that we should have it, they should give it voluntarily. If it is asked of them, what is wrong with that? All the decent people, even the few left on the other side might very well support it. Let me go ahead, because I have dealt with that, but you see they presented this “every person” as though it was only journalists, and they made a song and dance over it, which is not true.

- “33. (1) Every person shall forthwith disclose to the Minister—
- (a) the existence of any property in his possession or control, which to his knowledge is terrorist property, or which there are reasonable grounds to believe is terrorist property;”

So he has to know and if he does, then he should disclose it on which there are reasonable grounds to believe that is a terrorist property, and once the Minister gets this information from good citizens of this country, he shall disclose it to the appropriate authorities. In this case the "appropriate authorities" are foreign countries with whom we are relating, cooperating in dealing with the question of terrorism, so that they could know what we know, so that they can take action to protect themselves, their citizens and certainly Trinidadians and Tobagonians who happen to visit their country.

That is the whole rationale behind the thing, international cooperation. But you all are international obstructionists, and you all do not want anything good for this country, and your conduct today demonstrated that to me. When you would reveal trade secrets that you acquired while you were with the company—As I said, like a bad, selfish man who was with a woman and as soon as they broke up, you went and told the world all of her private secrets, a horrible and immoral thing to do, and there could be no politically right way of doing what is immoral, you are wrong. Clearly lacking moral and spiritual values. [*Crosstalk*] Journalists beware, they shouted, all of that, misleading and creating hype in the national community and trying to create mayhem.

So, Mr. Speaker, I really think that we have covered the ground, we have analyzed the issues that they have raised. We are still prepared to hear any further comments, even at this last weakly moment. If you have any further useful comments, you are free to raise them. And I was tempted to wind down, but not before I address some of the points, I still have a few moments left. I still have a few points raised by the Member for Siparia.

The Member for Siparia mentioned in her semi-understanding of what she read—I was about to say semi-ignorance, but I think that would be a little unkind—her semi-detached understanding from the reality in the United Kingdom (U.K.). She said that the House of Lords struck down certain provisions of the British Anti-Terrorist Act, as being in breach of their human rights provisions. The first thing we must understand is that Britain does not have a wholly written constitution. They do not have any entrenched rights like we do. Britain does not have a Bill of Rights, and I just want to say for the moment and I want to remind the Member for Siparia, it sounds boastful, but I am obliged to say it. I approached and succeeded with a merit mark in a Constitutional and Administrative Law Masters Degree at the University of London, [*Desk thumping*] and Constitutional and Administrative Law was really, really my baby. I want her to understand that there is no Bill of Rights in England.

And what happened in this case, the one that she sought to make reference to, is simply this: the UK Government is now part of the European system and they are part of the European Convention on Human Rights. Unlike a court in Trinidad and Tobago, no British court could strike down any British legislation as unconstitutional, because they do not have a written constitution like we do. Our courts can do that if we pass an Act that is not in keeping with the constitutional provisions or procedures for so doing it. It is impossible to strike it down in the United Kingdom. So I want her to get that right.

In addition to that, I happened to be in London and the cases you were quoting from, I read them extensively myself, and the quotation from Lord Hoffman, I read it about a month ago, and it had to do with the fact that the British authorities after 9/11 arrested 14 suspected terrorists and kept them without trial in England, for many months, and the lawyers for these 14 men—it is now 13 because they released one—went to the European Court saying that Britain was in breach of its responsibilities under the European Convention on Human Rights, and Lord Hoffman—and they made the pronouncements that you quoted today. But the British Government, as soon as the judgment came, I was in England at the time, just before Christmas, on December 13, actually, and the brand new Home Secretary Charles Clark—

Mr. Singh: [*Inaudible*]

Hon. F. Hinds: No, again you are trying to mislead me. No, you are misleading me again, be quiet. The guy who replaced the former Home Office Minister. As soon as they got it, he came out and said to the world, we have read

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the judgement of the Court—that is the judiciary speaking—and we respect that. We understand what they are saying, we studied the judgement, but we are the Executive, we are the Government of England and it is our duty, not the Judiciary duty, to protect the citizens of this country from terrorism and we are not letting them go. [*Desk thumping*] That was the British Home Secretary responding to the judgment that you quoted from. And I am not proposing that or recommending that for Trinidad and Tobago, but I am only highlighting the fact that the security of the State and the citizens is the responsibility of the Executive. It is paramount. [*Desk thumping*]

So the Member for Siparia could take that, put it in her pipe—because I know she is familiar with that. You and the Member for Siparia could put that in both “ah all yuh” pipe and have fun in Siparia with it. Pipe, pipe and more pipe, you remember that? [*Laughter*]

And you know the Member for Couva South, he got up here, unprepared as he was, malicious and mischievous as he can very well be, he had to say that all of this Bill is about State terror. I heard the Member for Fyzabad, they all cried loud: “State terror! State terror! and terrorism from the State!” But you know it was the very Member for Caroni East, who saw Lyle Townsend and a few other trade unionists that they talking hypocritically about today, beating African drums around his house and he ordered that they be locked up and charged. [*Crosstalk*]

9.00 p.m.

Hon. Members: Lock them up; lock them up. [*Crosstalk*]

Hon. F. Hinds: The Member for Couva South has the gall to stand and say that we have so many enquiries and nothing comes of them. It was under the UNC, led by the Members for Couva North and Couva South, horrible twins as they were. [*Crosstalk*]

Hon. Member: Twisty and Twirly.

Hon. F. Hinds: Flotsam and Jetsam, “Bim and Bam”. They launched an attack on the Judiciary, which led to an enquiry that cost this country money, and absolutely nothing has come of it; nothing. At least, we had an enquiry into the airport. We paid fees to the Mr. Guerra and the others, as I heard mentioned today, who earned their fees quite legitimately; “no police eh looking for them”; police looking for other people. [*Crosstalk*]

Dr. Rowley: Tell him “doh” talk too soon!

Mr. Speaker: Order!

Mr. Singh: Nonsense! Fabrications!

Hon. F. Hinds: Having paid those fees, persons in Trinidad and Tobago and the world looking on, can see that there are a number of persons before the courts for offences against the State and for raping the Treasury, in accordance with the enquiry into the airport that we had. I want the Members for Couva North, Couva South, Caroni East and Siparia to understand and remember that.

Mr. Speaker, I know that we have had a long day and not only was it long, but it was a bit painful.

Mr. Speaker: You have 10 minutes more.

Hon. F. Hinds: Thank you very warmly. I heard the Member for Caroni East talking about our following a US agenda. Trinidad and Tobago has always been a genuinely independent nation. [*Desk thumping*] In 1955 we went to the Bandung Conference and a non-aligned movement was born out of that. In 1984, I think it was, with the issue in Grenada, Trinidad and Tobago decided independently that we would not participate in what was supposed to be a Caribbean action at the time. I remember Dr. Eric Williams saying quite wittingly many times, "We doh have no "isms", is "we-ism"; we not following no this "ism" or that "ism"; it is "we-ism." [*Desk thumping*] Long live the PNM; we stand on those principles.

We did not run to Shipriider like you did; you were following a US agenda, because you threw Guilliani at us. When we said no, you insisted that we did adopt Guilliani and his measures. You told us that we would get egg on our faces, but look at the facts now. [*Crosstalk*] Bunch of miscreants and misleaders you all are; obstructionists of the highest order. [*Crosstalk*]

Mr. Speaker, I know the day was quite long and, to a large extent, because of the frivolity—

Mr. Khan: You have six more minutes.

Hon. F. Hinds:—because of the frivolity and the bumf, as we used to call it in law school— Do you know what is bumf, Mr. Speaker? When you write an essay on a response to a law problem and a lot of what you said counted for nothing. In the game of all fours they just call it "bush". Today, we got a big lift of bush! Absolutely nothing! The Member for Pointe-a-Pierre spoke on the last day; she spoke a bundle of—she made a lot of noise; talking loud, but saying nothing. Today, you all just echoed that noise, one after the other, and said

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absolutely nothing new. I conclude by saying that you are absolutely mischievous and boring; you did your country a disservice. I feel sorry for you. Those expressing sympathy for me, you better keep it and wear it onto yourself.

Mr. Speaker, with your leave, I beg to move. [*Desk thumping*] [*Crosstalk*]

Mr. Speaker: Order! Order!

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee. [*Crosstalk*]

Mr. Speaker: Order!

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I beg to move that clause 2 be amended as follows:

In the definition of “terrorist property” delete the words “providing support to a proscribed entity or”.

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clauses 3 to 9 ordered to stand part of the Bill.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I beg to move that clause 10 be amended as follows:

Delete clause 10 and substitute the following new clause:

“10. Any person who conceals or harbours another person or hinders, interferes with or prevents the apprehension of, another person having reason to believe or knowing that that other person has

committed, is planning or is likely to commit, a terrorist act, commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clauses 11 to 19 ordered to stand part of the Bill.

Clause 20.

Question proposed, That clause 20 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I beg to move that clause 20 be amended as follows:

- A. Delete the word “radioactive” and substitute the word “nuclear”;
- B. Insert after sub-clause (3) the following new sub-clause:

“(4) In this section ‘device’ means a weapon of mass destruction.”

Question put and agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clause 21.

Question proposed, That clause 21 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I beg to move that clause 21 be amended as follows:

In subclause (1)(b) delete the words “post, rail or any other” and substitute the word “any”.

Question put and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Question 22 ordered to stand part of the Bill.

Clause 23.

Question proposed, That clause 23 stand part of the Bill.

Mr. Hinds: Mr. Speaker, I beg to move that clause 23 be amended as follows:

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In subclause (3) delete the words “the written consent of the Attorney General was obtained and”.

Mr. Chairman, clause 23(3) now reads:

“A judge may make an Order under subsection (1) for the detention of the person named in the application if he is satisfied that the written consent of the Attorney General was obtained and there are reasonable grounds to believe that the person is—

- (a) interfering or is likely to interfere with an investigation of; or
- (b) preparing to commit,
an offence under this Act.”

Clause 23(3) with the amendment reads:

“A judge may make an Order under subsection (1) for the detention of the person named in the application if he is satisfied that there are reasonable grounds to believe that the person is—”

Question put and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clause 24.

Question proposed, That clause 24 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I beg to move that clause 24 be amended as follows:

In subparagraph (i) of subclause (3)(a) insert the word “or” after the word “offence;”

Mr. Chairman, in subclause (10), where it reads:

“Notwithstanding subsection (6)...”

It really should be (9).

Question put and agreed to

Clause 24, as amended, ordered to stand part of the Bill.

Clause 25 to 31 ordered to stand part of the Bill.

Clause 32.

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Question proposed, That clause 32 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I beg to move that clause 32 be amended as follows:

In subclause (3) delete the word “not” occurring in line 2.

Question put and agreed to.

Clause 32, as amended, ordered to stand part of the Bill.

Clause 33.

Question proposed, That clause 33 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I beg to move that clause 33 be amended as follows:

In sub-clause 3(a) delete the words “any property owned or controlled by or on behalf of a proscribed entity” and substitute the words “such property”.

Question put and agreed to.

Clause 33, as amended, ordered to stand part of the Bill.

Clause 34.

Question proposed, That clause 34 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I beg to move that clause 34 be amended as follows:

In sub-clause 2(a) insert after the word “exported”, the word “from”.

Question put and agreed to.

Clause 34, as amended, ordered to stand part of the Bill.

Clauses 35 to 40 ordered to stand part of the Bill.

Clause 41.

Question proposed, that clause 41 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I beg to move that clause 41 be amended as follows:

Delete subclause (3).

Question put and agreed to.

Clause 41, as amended, ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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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. [Crosstalk]

The House divided: Ayes 16 Noes 9

AYES

Valley, Hon. K.

Khan, Hon. F.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Narine, Hon. J.

Williams, Hon. E.

Beckles, Hon. P.

Bereaux, H.

Rahael, Hon. J.

Roberts, Hon. A.

Hart, Hon. E.

Callender, Hon. S.

Seukeran, Hon. D.

Job-Davis, Hon. E.

Hinds, Hon. F.

Achong, L.

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NOES

Singh, G.

Persad-Bissessar, Mrs. K.

Ramsaran, M.

Rafeeq, Dr. H.

Sharma, C.

Partap, H.

Nanan, Dr. A.

Panday, S.

Baksh, N.

Question agreed to.

Bill accordingly read the third time and passed.

PILOTAGE (AMDT.) BILL

Order for second reading read.

The Minister of Works and Transport (Hon. Franklin Khan): Mr. Speaker, I beg to move,

That a Bill to amend the Pilotage Act, Chap. 51:02, be now read a second time. [*Interruption*]

Mr. Ramsaran: Acolyte and master!

Hon. F. Khan: Mr. Speaker, unlike the previous piece of legislation, I hope that this Bill will be quite simple and short. This Bill provides further legislative support for the full movement of services, people, goods and capital in the upcoming Caribbean Single Market and Economy (CSME). In that regard, it can be seen as a companion piece of legislation to the recently debated Caribbean Community (Removal of Restrictions) Bill, 2005.

Just as a background, “pilotage” is the term used to describe the navigation and safe conduct of ships into and out of harbours and restricted waterways in Trinidad and Tobago. Every ship that navigates within specific ports, harbours and channels in Trinidad and Tobago, must operate under the control of a licensed helmsman or commonly called “pilot” in accordance with the Pilotage Act, Chap. 51:02.

In the Pilotage Act, the Second Schedule outlines the specific areas, being compulsively pilotage areas, where ships navigating must be under the control of a pilot. These areas all comprise the major port facilities in Trinidad and include the following: Chaguaramas, Port of Spain, Point Lisas, Scarborough, Pointe-a-Pierre, Brighton and Point Fortin. Currently, all licensed pilotage services are provided by the Trinidad Pilots and Berthing Masters Association, a company incorporated under the Companies Act. This company was first established in 1939.

Under this Act, the Pilotage Authority was established under section 4 to oversee all matters related to the licensing and conduct of pilots and the safe pilotage of ships within Trinidad and Tobago. Very briefly, the Pilotage Authority is charged, under the Act, with the following responsibility:

- (i) the licensing of pilots for the purpose of conducting ships within compulsory areas;
- (ii) the making of bye-laws;
- (iii) determining the qualifications of candidates for a pilot's licence and pilotage certificates;
- (iv) limiting the number of pilots to be licensed;
- (v) ensuring the good governance of pilots;
- (vi) providing for the punishment of any breach of the bye-laws;
- (vii) approving the training standards of pilots;
- (viii) determining the methods of conducting examinations for masters and mates applying for pilotage licences and certificates;
- (ix) fixing the rates of payment for pilotage services; and
- (x) ensuring that investigations are conducted when there is an accident or incident involving pilotage to determine the cause of the incident and steps to be taken to correct same.

Therefore, the authority is, generally, responsible for the regulation of all matters relating to the pilotage of ships in all Trinidad and Tobago waters. With that background, the amendments proposed today are very simple.

The purpose of this Bill is to remove the discriminatory provisions relating to Caricom nationals who are not Commonwealth citizens and are, therefore, denied the opportunity to provide pilotage services. In its present form, section 8(2) of the Pilotage Act provides that no pilot licence shall be granted to any person who is not a Commonwealth citizen. Section 10(2) of the Act further provides that no pilotage certificate shall be granted to the master or mate of a ship, despite his competence, experience or skill, who is not a Commonwealth citizen.

Further, bye-law 3C prevents the holders of masters' marine certificates issued by the government of a Caricom member State, other than Trinidad and Tobago, from having pilot licences. Bye-law 3D prevents Caricom citizens who have served apprenticeships in equivalent bodies to the local pilots' associations in other Caricom member States from holding a Trinidad and Tobago pilot's licence.

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Clause 2 of the Bill shall amend the aforementioned provision in the Act in the following manner: Regarding section 2 of the Act, the insertion of the definition of “Member State”, as referred to in the Revised Treaty of Chaguaramas, signed in the Bahamas on July 05, 2001. The insertion of the definition of “national”, as it applies both locally and under the Immigration Act, and regionally, as per the Revised Treaty and the insertion of a direct reference to the Revised Treaty itself.

With regard to section 8(2) of the Act, the words “not a citizen of a Member State” have been added. It is important to note also that it is not desirable to make provision for Caricom nationals at the expense of Commonwealth citizens, thus, provisions for the Commonwealth have been retained. In other words, we are making provisions for Caricom Member States who, originally, were not part of the Commonwealth with specific reference to Suriname. In section 10(2), both the provisions and its marginal note have been amended through the appropriate placement of the words, “or a citizen of a Member State” and the words “or Caricom national”, respectively.

Finally, while the pilotage bye-laws under the Act are not within the purview of this House, it is worth mentioning that as a natural consequence of the aforementioned amendment, the bye-laws shall be similarly changed as well; particularly, bye-laws 3A, C and D which were outlined. In this regard, I wish to inform this honourable House that the appropriate amendments to the bye-laws have been drafted and that further instructions have been passed to the Chairman of the Pilotage Authority that the amendments be tabled for the authority’s review and approval, at the earliest possible opportunity, upon passage of this Bill.

With those simple explanations, I put to this honourable House these compliance amendments, so that we can become fully compliant to the upcoming Caribbean Single Market and Economy (CSME). Just as an aside, this is a special piece of legislation, for those who are not aware. The first bill I piloted, as a Member of this House in October 2002, was an amendment to the Pilotage Act; so it has a special place in my heart. More importantly, it is this very Act, on that faithful day, when three Members of the UNC voted against their own Government and they were defeated. [*Desk thumping*] This is a piece of historic legislation. While in its present form it is almost innocuous, as to what we are going to debate, I just wanted to draw to the attention of this honourable House, the historical significance of this Bill.

Question proposed.

Dr. Adesh Nanan (*Tabaquite*): Mr. Speaker, it is late in the night, but this particular debate started from the British Empire.

We heard from the Minister of Works and Transport, the Member for Ortoire/Mayaro, about this particular amendment before the House this evening. In his contribution, he mentioned the bye-laws, the Pilotage Authority and he made reference to the Act. I start off by saying that the Minister is not quite correct when he said that all the port facilities are under the Second Schedule and they have pilots. I want to give a little history of this particular skill of piloting, because it is important for the House to understand how this came about.

Mr. Speaker, as you would have heard from the Minister, the authority came about in 1939, when you had a British Empire spread all over and we had a governor in Trinidad and Tobago. I see the Member for Diego Martin Central looking at me with amazement. [*Crosstalk*]

Mr. Valley: I am looking at how you are maturing.

Dr. A. Nanan: I was spending a little time to trace the history of Caricom, because Caricom and Commonwealth are mentioned. As the Minister rightly pointed out, Suriname is being considered. What he failed to inform us of—and it was probably an oversight on his part—is if you do the cross-referencing, with respect to the Commonwealth and Caricom, right now the only country that would benefit, with this particular amendment, would be Suriname and Montserrat, because Haiti is now suspended from Caricom. So we are here deliberating with respect to the Montserrat and Suriname people having the ability to become pilots. [*Interruption*] No, no, in terms of the Commonwealth and Caricom, Montserrat is not part of the Commonwealth. [*Interruption*]

Mr. Valley: Mr. Speaker, it is a colony of the United Kingdom (UK), and the UK is a fundamental part of the Commonwealth.

Dr. A. Nanan: I take your point Member, but Montserrat was not listed as a Commonwealth country at that time, probably I was mistaken.

Mr. Khan: They are subsumed under the United Kingdom.

Dr. A. Nanan: This is why, when we trace the Commonwealth and Caricom, it is important to see that in 1958, you had the British West Indies Federation being formed. As the Member for Diego Martin would recall, although there was a Federation in 1958, where 10 islands comprised this particular government, so to speak, there was no free trade at all during that particular time. The Federation

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came to an end in 1962. We should recall that a regulated shipping service came into being at that time, during the Federation. You will recall the *Federal Maple* and the *Federal Palm*, two ships given by the Government of Canada; that is how shipping developed within the region. It is important to know this, when to trace this with respect to the shipping service.

This particular Pilotage Authority or the association started when a group of British seamen, retired captains, because of their knowledge of the sea and those conditions, the association was born. It passed on from generation to generation, with respect to the skill being transferred. This is a very highly technical skill; that is why I thought the Member for Ortoire/Mayaro would have given the House some idea of piloting. I will make reference in my contribution to various examples. The Member said that he was going to have the bye-laws come before him, as the Minister, because he would have to make an order, it would be gazetted and the bye-laws would change. There are certain fundamental issues that have to deal with Caricom and the respective Caribbean islands. I want to stay on Caricom, because I am now dealing with the shipping aspect of it and the birth of Caricom.

Mr. Speaker, Carifta came about in 1958 and then you had the Treaty of Chaguaramas in 1953, but what is also important is this particular amendment speaks to a member of Caricom. It is important to know that under the Treaty, there was the particular reference being made to Caricom Member States and not Caricom associate members. So Bermuda, Anguilla, the British Virgin Islands, Cayman Islands and the Turks and Caicos Islands will not have this particular facility as yet. The Caricom associate members will not benefit from this particular facility. I do not know if you disagree with that Member for Diego Martin Central. [*Interruption*] That is under the Treaty, Mr. Speaker.

Of course, in 2001 you had the Revised Treaty of Chaguaramas, where you had the Caricom Community established as well as the CSME, and we heard a lot about that during the debates on the various aspects of the particular Treaty, but the Pilots Association came about because of those retired British sea captains. Today, in this industrialized situation, with shipping internationally as a major trading potential, we have a limited number of pilots. I thought that the Member would have made that point. We are looking at a limited number of pilots and at piloting, a very highly technical skill.

The role of a captain and the role of a pilot are very different. The role of a captain is to keep a ship away from shallow water and the role of a pilot is to bring the ship into shallow water. That is a difference that needs to be established.

[MR. DEPUTY SPEAKER *in the Chair*]

When you are talking about piloting, there is a difference between the captain and the pilot. The captain is trained to keep the ship away from shallow water and the pilot is skilled enough to bring the ship into the shallow water. When dealing with shallow water, we have to define it within the definition of territorial waters, exclusive economic zones, and internal waters. We are looking at a 12-mile limit for territorial waters and a two-mile limit with respect to internal waters. It is within the internal waters that you are dealing with piloting.

The Member for Ortoire/Mayaro said that there were pilots for the port facilities in Trinidad. I want to put this on the record—and it is important for the Member for Port of Spain South to listen to this particular part of the contribution—when this particular Schedule was developed—When I did the research for this particular Bill, I had to go through several amendments. These would have included an amendment made by the Minister under section 3 of the Pilotage Act in 1990. At that time, Carson Charles was the Minister of Works, Infrastructure and Decentralization. Initially, this is relevant because the Minister made reference to this particular Act. The Schedules, initially, that accompanied the Act spoke to various areas. I want to put it on the record, because it is important to understand the concept of this particular piloting and what is happening with respect to Trinidad and Tobago.

The First Schedule speaks about the territorial waters of Trinidad and Tobago south of latitude 10 degrees, 43 north, and west of longitude 61 degrees, 27 west; excluding the harbours and channels in the Second Schedule; Tobago, the Scarborough harbour. The compulsory pilotage areas are of importance, because if you notice, in the initial Pilotage Act are the optional pilotage areas. So you would see that in Tobago, the Scarborough harbour was an optional pilotage area. However, in the amendment to the Pilotage Order of 1990, in the Second Schedule the Scarborough harbour was included, so that harbour must now have compulsory pilotage. What is compulsory pilotage? We have to make a decision between a pilotage licence and a pilotage certificate.

The Member tried to give us some kind of idea about it, but he just went on with respect to piloting, the pilot licence and the piloting certificate. The pilot licence is for a person who is licensed to become a pilot, but a pilot certificate is given to a captain who has the experience, as he rightly said. The association has to make the recommendation to the authority to give the captain the pilotage certificate, which will be for one year. That is why when the two boats, the *mv*

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Sonia and *The Cat* came in, the captain had to have, at least, six trips with a pilot before he could have actually run the route. So that is the importance of a pilot.

These pilots risk their lives on a daily basis; that is why I want to go to the situation now as it stands, because I will be fluctuating back and forth between what happens now and what happened in the past. The irony of this particular situation is that the East Coast is not compulsory pilotage, so at Galeota you do not have a requirement for compulsory pilotage. That is extremely dangerous. The situation at Galeota is that those tankers are not coming into a jetty; they are coming to a buoy that is in 50 feet of water. The tanker is coming to that particular buoy; you have a submarine hose coming from the tanks on shore and bringing the oil to the tankers. [*Crosstalk*] The buoy is anchored by about six anchors and you have this hose being put by the tanker and the oil being transported. What is important here is that it is not compulsory pilotage, so an under-skilled mariner could be on this LNG tanker bringing it into 50 feet of water to that buoy. [*Interruption*]

Mr. Williams: Will the Member please give way? LNG tankers do not operate in that particular area, Point Fortin.

Dr. A. Nanan: Sorry, not LNG, oil tankers. [*Crosstalk*] He cannot say that, because that is not true.

It is these oil tankers that are proving a threat to the environment. You would recall Exxon/Valdez and that situation in Alaska.

Mr. Narine: The man was drunk.

Dr. A. Nanan: That is a good point, Member for Arouca North, because in this particular Act, sobriety is a main requirement to get a pilot licence. [*Crosstalk*] That is the important point; that was a very good point you made with respect to the captain; you can have a drunk captain. When the Member spoke about pilotage, Charlotteville is not a compulsory pilotage area also, and you have cruise ships coming into Scarborough. A drunk captain could be coming in on a ship and although a cruise ship does not carry large amounts of oil, it has fuel, so you can have a situation where the ship runs aground. It is important, in terms of compulsory pilotage, for the Minister to look at this again. Probably, because of the situation with this new development in the industry with respect to the oil tankers at Galeota, you may need to have the East Coast for compulsory pilotage.

Mr. Williams: [*Inaudible*]

Dr. A. Nanan: Exactly, and that is the next point, Member for Port of Spain South. There is a great lucrative market there. We have ships around this island. They are piloting 1,500 ships a year and it is a source of revenue. Another amendment deals with the particular pilotage dues being paid by these ship captains. I made the point for the Member for Port of Spain South, that when a ship leaves Galeota it may be paying US \$1,000 in dues. When it goes to Lake Charles—you must be familiar with Lake Charles in South Western Louisiana—they are paying US \$36,000 just in pilotage dues; a major difference. *[Interruption]*

Mr. Williams: Again, Lake Charles is LNG, Point Fortin, not Galeota.

Dr. A. Nanan: Member for Port of Spain South, with respect to Lake Charles, it is the gateway to the gulf; all the ships go to Lake Charles.

Mr. Singh: Expanding your navigation; you are like an old sea dog. *[Laughter]*

Dr. A. Nanan: I do not want to get into that kind of nitpicking, with respect to the Member for Port of Spain South. I am showing you that there is an avenue where the Government is losing money. *[Desk thumping]* That is the point. The point is that pilotage dues need to be upgraded. If you calculate it, the largest ships are paying less. There was an amendment in 2000 that increased pilotage dues. I am aware that the Pilot Association is making recommendations, but right now it stands at two cents a tonne, with respect to pilotage dues; that is what it works out to be.

Mr. Singh: No wonder those “fellas” have to drink rum.

Dr. A. Nanan: We need to have an upgrade, so that we will be able to capitalize on this shipping area, where there is that kind of opportunity to have revenue coming into the country. In terms of Galeota, you need to make it a compulsory pilotage area and also Charlotteville, because of cruise ships going there.

If we are going to have Caricom nationals together as common citizens and Caricom, as the Member said, you will have more people wanting to become pilots. If the pilotage dues increase, you will have an opportunity to pay more pilots, so you will have more pilots. There is a shortage of pilots; there is a small number of pilots dealing with 1,500 ships for the year; so you will have an avenue where you can pay more pilots and have the opportunity to generate revenue. Those are two points I wanted to make tonight with respect to piloting, the

importance of pilotage areas and compulsory piloting, as it relates to the waters around Trinidad and Tobago.

I am sure the Minister is aware of a particular situation now, because he spoke about port security. With the Patriot Act and how it stands in the United States, when a pilot goes on board a ship, you also have marine marshals going on board. That is the kind of situation happening internationally, especially in Lake Charles. You have these marshals going onto ships with the pilots making sure that everything is okay. So in terms of port security, it is important for our pilots. Let me give you an example with that same oil tanker. These pilots have to climb those rope ladders to go up. If a ship is coming into an area, a pilot must be aware of weather conditions. He must have a proper working watch; that is one of the main requirements, because he must be able to know the time and the tides. He must have the pilotage bye-laws on him. He must be able to go to a ship before it is scheduled to leave, to talk with the captain. Once a pilot is on board, he takes over. He is the one in charge of the ship.

In fact, the highest risk is when the ship is entering or leaving the port. I am sure you are aware of that. That is where most accidents take place. If you do not have a licensed pilot on board, if one of those ships hit your port, the insurance does not cover you; so another factor is insurance coverage. You must have a licensed pilot on board. All these things must be considered when you are dealing with piloting.

Mr. Deputy Speaker, the situation as it stands now, with respect to the number of ships, the ships will only increase. I am not sure that number will decrease, so you will have a greater demand for pilots. It is a very technical skill, as the Minister pointed out, with respect to the bye-laws. The bye-laws are made by the recommendations of the Pilots Association. The Pilots Authority would make the bye-laws and the Minister would sign them off and they would be gazetted; that is how the bye-laws come into effect. I also want to point out another part, as the Minister said, the bye-laws speak to Commonwealth citizens; that has to be amended. The Minister said that is in train and will be signed by him shortly to give effect to this particular amendment.

Mr. Deputy Speaker, before I close, I want to make one more observation on the environment. I spoke about South Western Louisiana, Lake Charles and the particular port there, which is the gateway to the Gulf. An entire community is built around Lake Charles in South Western Louisiana, so it is an opportunity, using the shipping—to fly our national flag. I know that the Shipping Bill is with

a Joint Select Committee, but this is an opportunity to get everything organized, in terms of shipping and port security. Port security is imperative in this whole issue, with respect to piloting and securing the pilots, because somebody could impersonate a pilot, go aboard a ship, it comes in and runs aground and nobody is liable. There is only one other area that this Bill speaks to: when there is no licensed pilot in sight and a ship is in distress, a person could commandeer that ship and render assistance. That is the only possible area where an unlicensed pilot can go on board a ship in a compulsory pilotage area.

Those are the points I wanted to make to the Minister, with respect to this particular amendment and the importance of compulsory pilotage and the opportunity to earn more revenue. To have more pilots, you will have to get more revenue and the Pilots Association will get more money once pilotage dues are going to be upgraded.

I thank you.

The Minister of Works and Transport (Hon. Franklin Khan): Mr. Deputy Speaker, I have listened attentively to the Member for Tabaquite. I am all too aware of his intricate knowledge of shipping; sometimes I wonder, he is an expert on the weather and hurricane systems. He is knowledgeable on tourism, the environment and pharmacology and he is a dentist by profession. I have heard him speak on organic chemistry so, obviously, he is quite knowledgeable and a scholar in his own right. [*Crosstalk*] He also spoke on metrology and weather systems.

The hon. Member has made several points, but I think he has made one basic point worthy of a response, at this time. It is the fact that I did mention, under the Act, the areas that qualify for compulsory pilotage: Chaguaramas, Port of Spain, Pt. Lisas, Scarborough, Pointe-a-Pierre, Brighton and Point Fortin. It really seems strange, from his discourse, why Galeota had not been included for compulsory pilotage. I do not profess to have the full answer, but I need to have discussions with the Director of Maritime Services in that regard. I want to put on record that Amoco, at the time, started to export crude out of Galeota, way back in 1974, which means that it has been 30 years now since oil tankers have been coming to Galeota loading and off loading. As I said, I need to discuss that matter with the Director of Maritime Services, but my current thinking on the matter, at this time, is that compulsory pilotage was not necessary there, because the ships are not really coming into berth in the shallow waters, per se. They are way offshore on the SBM loading and off loading. [*Interruption*]

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Dr. A. Nanan: I thank the Member for giving way; they are one mile away in terms of loading, so in that one mile there could be an accident that could wipe out the whole East Coast.

Hon. F. Khan: The point is valid and I need to consult the Director of Maritime Services, especially since—as Members may be aware—the BHP tank farm and terminal has already been completed and by next week we will be making our first shipment off BHP cargo, which is assigned to the Government as part of the production sharing contract. So, henceforth, there will be two simultaneous operations with SBM, out of the Galeota/Guayaguayare port, one for BP and one for BHP Talisman Totale. In that regard, we will, obviously, have to talk to maritime services and see whether there is a credible basis, as articulated by the Member for Tabaquite, for including Galeota as a compulsory port.

The amendment really dealt with the CSME issue. While we had the point raised by the Member for Tabaquite, which we will consider, if the expert's advise that we should include Galeota, we will come back to the Parliament with the necessary amendment.

With these few words, 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 and 2 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

Bill reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister of Trade and Industry and Minister of Finance (Hon. Kenneth Valley): Mr. Speaker, we have Motion No. 2 on the Order Paper; that is all we had scheduled for this evening, but given the lateness of the evening, I want to adjourn the House, at this time.

Of course, next Friday is Private Members' Day, so the Chief Whip will want to inform the House what business will be conducted on that day.

Mr. G. Singh: Mr. Speaker, there is also a matter on the adjournment, but having regard to the consideration of my good friend, the Leader of Government Business, it is pretty late in the night, so we will also seek to have that dealt with on the next occasion. On Private Members' Day, the Opposition will be dealing with the extra judicial killings by the police; that is Motion No. 1, under "Private Business".

Hon. K. Valley: Mr. Speaker, I inform hon. Members that on the next Government day, the Government would be doing Motions Nos. 2 and 3 on today's Order Paper, as well as Bills 9 and 10 on page 4. [*Interruption*]

Mr. Singh: Is that the Pesticide and Toxic Chemicals and the Food and Drugs Bills?

Hon. K. Valley: Yes, that is right. Mr. Speaker, we plan to sit also on Wednesday, March 02, 2005. On that day we would want to debate Committee Report No. 1, Public Broadcast of Debates and Business of the House. We would want to have a guillotine debate, in that, we will have to research it, so that is going to be on March 02. Then we will meet, therefore, on March 04, 2005 for the debates with Government Business.

Mr. Singh: Are we doing both committee reports?

Hon. K. Valley: I would want to do the other one in the following week, perhaps. [*Interruption*] We will schedule both of them for Wednesday, March 02, 2005 and see how it goes.

Mr. Speaker, with those words, I beg to move that this House do now adjourn to Friday, February 25, 2005 at 1.30 p.m.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 10.03 p.m.