

Leave of Absence

Friday, April 01, 2005

HOUSE OF REPRESENTATIVES

Friday, April 01, 2005

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from the following Members requesting leave of absence from today's sitting of the House: The hon. Eric Williams (Port of Spain South) and the Hon. Eulalie James (Laventille). The leave which these Members seek is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the San Fernando City Corporation for the year ended December 31, 1997. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the San Fernando City Corporation for the period January 01, 1998 to September 30, 1998. [*Hon. K. Valley*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguanas Borough Corporation for the year ended September 30, 2000. [*Hon. K. Valley*]

Papers 1 to 3 to be referred to the Public Accounts Committee.

4. The audited financial statements of the Water and Sewerage Authority (WASA) for the year ended September 30, 2001. [*Hon. K. Valley*]
5. The audited financial statements of the Water and Sewerage Authority (WASA) for the year ended September 30, 2002. [*Hon. K. Valley*]

Papers 4 and 5 to be referred to the Public Accounts (Enterprises) Committee.

6. The annual administrative report of the San Juan/Laventille Regional Corporation for the period October 01, 2003 to September 30, 2004. [*Hon. K. Valley*]

Papers Laid

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7. Annual reports on the administration of National Broadcasting (NBN) for fiscal years 2000 to 2004. [*Hon. K. Valley*]
8. The Seventy-Fourth Report of the Salaries Review Commission. [*Hon. K. Valley*]
9. The submission of Conventions and Recommendations adopted at the International Labour Conference June 2004 – Recommendation 195 – Recommendation concerning Human Resource Development: Education, Training and Lifelong Learning, 2004. [*Hon. K. Valley*]
10. The Regional Health Authorities (Amendment to the Second Schedule) Order, 2005. [*Hon. K. Valley*]
11. The Animals (Importation) Control (Amendment) Regulations, 2005. [*Hon. K. Valley*]
12. The Telecommunication Tenders Rules, 2005. [*Hon. K. Valley*]

**COMMITTEE OF PRIVILEGES
(Presentation)**

The Minister of Public Utilities and the Environment (Hon. Penelope Beckles): Mr. Speaker, on your behalf, I wish to lay on the Table the first report of the Committee of Privileges of the House of Representatives (2004/2005 Session) on allegations of breach of privilege arising out of an incident that occurred in the Members' Lounge on Wednesday, September 15, 2004.

ORAL ANSWERS TO QUESTIONS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, as a courtesy to the House, I normally would want to inform the House of the questions that are ready for answer today. They are Nos. 15, 19 and 20. I would seek the approval of the House to have the other questions deferred for a one-week period.

Dr. Fuad Khan (Barataria/San Juan): Mr. Speaker, if you look at the bottom of the page you would see that question No. 7 was deferred for six weeks: two weeks on 2.2.05; one week on 16.2.05 and three weeks on 25.2.05. The people of Tobago are clamouring for the hospital and the Minister of Health—

Mr. Speaker: Yes, I agree with you. I am taking the word of the Leader of Government Business that the answer would be forthcoming next week.

The following questions stood on the Order Paper:

**Scarborough Hospital
(Cost overruns)**

7. Could the hon. Minister of Health state whether there have been any cost overruns so far on the new Scarborough Hospital? [*Dr. F. Khan*]

**United Nations Observance Days
(Steps for Implementation and Support of)**

14. Would the hon. Prime Minister state what steps are being undertaken and programmes implemented or supported by his administration to observe and highlight:
- (i) The United Nations Observance of International Women's Day March 08, 2005;
 - (ii) The United Nations Observance of International Day for the Elimination of Racial Discrimination March 21, 2005. [*Dr. R. Moonilal*]

**List of Criminal and Civil Cases
(Details of)**

16. Could the hon. Attorney General provide this House with a list of all the cases both criminal and civil, in which parliamentarians have been retained as counsel, as well as the amount of moneys paid for their services since January 2002 to the present time? [*Dr. A. Nanan*]

**List of Projects and Programmes
(Details of)**

17. Could the hon. Attorney General provide this House with a list of all projects and programmes involving state enterprises, statutory authorities and other state institutions in which parliamentarians have been engaged by the State, as well as, the amount of moneys paid for their services since January 2002 to the present time? [*Dr. A. Nanan*]

**SWAHA Hindu College
(Details of Construction)**

18. With respect to the construction of the Swaha Hindu College, Sangre Grande, which has been experiencing repeated delays in completion works, could the hon. Minister of Education state:

- (i) why has construction been suspended since December 2004;
- (ii) when will construction be completed;
- (iii) how much money has been expended on construction of this school to date;
- (iv) how much is construction of the college expected to cost;
- (v) what was the original estimated cost for construction? [*Mr. H. Partap*]

**Vendors' Booths
(Details of)**

23. With respect to the vendors' booths built and rented on behalf of the Ministry around the Queen's Park Savannah, could the hon. Minister of Community Development, Culture and Gender Affairs state:
- (a) how many booths were built for Carnival 2005;
 - (b) the cost of construction per booth;
 - (c) how many were occupied during the Carnival season? [*Dr. F. Khan*]

**Queen's Park Savannah
(Plans for)**

24. Could the hon. Minister of Community Development, Culture and Gender Affairs indicate whether there are plans to remove the paved area of the Queen's Park Savannah, and replace it with grass? [*Dr. F. Khan*]

Questions, by leave, deferred.

**Chaguanas Library
(Construction of)**

15. **Mr. Manohar Ramsaran** (*Chaguanas*) asked the hon. Minister of Works and Transport:

Would the Minister state why construction of the Chaguanas Library has not yet been started, and when will such work commence?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Speaker, the Government has decided that the efficient deployment of resources for the development of library services will not be served by an ad hoc approach for the construction of libraries in the country. Therefore,

to ensure a holistic, methodical and effective provision of library facilities throughout Trinidad and Tobago, the National Library and Information System Authority (NALIS) has developed a draft public library development plan which incorporates the needs of the entire country, based on objective analysis of population distribution and other demographic realities.

The plan includes recommendations for the location of public libraries and a schedule of construction for these facilities. I wish to inform this honourable House that this report recommends 11 areas in the country as main library districts which require a main district or regional library. One of the areas identified is Chaguanas. In the meantime, NALIS has been requested to increase and improve its services in the Chaguanas area using alternative methods, including the rental of new and larger premises, as well as the provision of efficient and effective mobile library services.

Mr. Ramsaran: Mr. Speaker, a supplemental question. Is the hon. Minister aware that Chaguanas has seven secondary schools and 18 primary schools, and despite that fact this population and the quality of students have no place that they could call a library?

Sen. The Hon. Dr. L. Saith: I am not aware of the number of schools. I know that there is a large population catchment. That is why, while they are preparing this plan and coming up with a schedule of priorities—and even if it were a priority it would take three or four years to build—I have asked NALIS, as an immediate measure, to seek larger premises to house additional library facilities and to improve the mobile services.

Mr. Ramsaran: Is the Minister aware that the Chaguanas library was approved and budgeted for three years in succession and was put in the national budget, I think, in 2001, 2002 and 2003?

Sen. The Hon. Dr. L. Saith: I am aware that funds were provided. I think they were provided for the design. The design, I believe, is complete, but as I indicated, I think this ad hoc method of allocating resources is not the best way for libraries. We have asked NALIS to go through, develop a programme and, as I said, I am sure Chaguanas is on that list. The programme will be developed within the—they promised me the report by the end of this month. In the meantime—and you know how long construction takes, even if it is a stadium—we will make every effort to increase the premises available and to increase library services in Chaguanas.

**Cocoa and Coffee Board
(Non-payment to farmers)**

19. Mr. Harry Partap (*Nariva*) asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the Minister state why the final dividend (cocoa pool) for cocoa supplied to the Cocoa and Coffee Board by farmers, due since December 15, 2004 has not been paid to date?

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Mr. Speaker, by March 07, 2005, the Cocoa and Coffee Industry Board had received a total of 2,440 claims in respect of which 140 have not yet been paid. The final dividend was paid on 2,100 claims by December 15, 2004 and a further 200 by December 30, 2004. Only 30 of the outstanding claims are now being processed, as the remaining 110 claims are inaccurate or incomplete.

Several reasons contribute to delays in paying the final dividend. Some of these are as follows:

- (1) Submission of claims to the Cocoa and Coffee Industry Board (CCIB) by farmers after the deadline date of December 15. Although the deadline date is advertised in three daily newspapers, claims are still received by the Cocoa and Coffee Industry Board long after the date advertised. Even as we speak, the CCIB is still receiving claims for the 2004 cocoa crop.
- (2) Inaccurate and inadequate information supplied by farmers to the buying agents, that is, incorrect spelling of names, addresses, ID card numbers, et cetera, resulting in the incorrect submission of documentation to the CCIB.
- (3) The late submission of returns by the buying agents which delays the verification process.

I thank you, Mr. Speaker.

**Cocoa and Coffee Board
(Inconsistencies in payment)**

20. Mr. Harry Partap asked the hon. Minister of Agriculture, Land and Marine Resources:

- (a) Could the Minister inform this House why the Cocoa and Coffee Board is paying smallholding farmers \$14 per kilo while farmers with large holdings are paid \$12 per pound;

- (b) Could the Minister state why some farmers are paid per kilo and others per pound.

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Mr. Speaker, there is no difference between the prices paid to farmers with small or large holdings. Effective October 01, 2003, the Cocoa and Coffee Industry Board has been paying all farmers TT \$14 per kilogram for grade one dry cocoa and TT \$3.78 per kilogram for wet cocoa. Previous to that date, the board paid \$12 per kilogram for grade one dry cocoa.

All purchase transactions between the board, its agents and farmers are conducted in kilograms. All claims received from farmers are supported by bills reflecting the weight in kilograms and this is verified with the information on the monthly returns submitted by the buying agents.

I thank you, Mr. Speaker.

WRITTEN ANSWER TO QUESTION

The following question was asked by Dr. Fuad Khan (Barataria/San Juan):

**Eric Williams Medical Sciences Complex
(Details of Free Services)**

8. (a) Could the hon. Minister of Health indicate what services are free of charge at the Eric Williams Medical Sciences Complex and what are not?
- (b) Could the Minister itemize these services and indicate the cost of each?

Vide end of sitting for written reply.

**DEFINITE URGENT MATTER
(LEAVE)**

Escalation of Kidnappings

Miss Gillian Lucky (Pointe-a-Pierre): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the Adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent, public importance, namely, the spate of kidnappings which, as at the end of March 2005, numbered 14 with the most recent kidnapping of Brian Bachan of Chaguanas, occurring on March 30, 2005.

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The matter is definite since it relates to a specific matter. The matter is urgent because the number of kidnappings has escalated significantly in the month of March and has a direct relation to the lack of safety of all law-abiding citizens. The matter is of public importance because each citizen is at risk and could potentially be deprived at any moment of his or her constitutional right to liberty and security of the person. [*Desk thumping*]

Mr. Speaker: Hon. Members, the Motion by the hon. Member for Pointe-a-Pierre, indeed, touches a very grave and serious issue and one that warrants an answer. Regrettably, however, it does not meet all the criteria set out in this particular Standing Order. However, I am of the opinion that the issue of kidnapping deserves the attention of the House and, accordingly, I would treat the Motion as presented by the Member, as a Motion on the Adjournment of the House and I am directing that this Motion be listed for debate at the next sitting of the House on the Motion for the Adjournment and I urge the Government to come prepared to answer it.

Mr. Ramnath: We did not ask for that. Why are you so generous?

ARRANGEMENT OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I have to inform the House that there would be a statement by the hon. Prime Minister later in this session.

Mr. Speaker: Hon. Members, I have given approval for the hon. Prime Minister to make a statement later in the session. May I remind Government Members that this is an exception to the rule, since it is a statement by the Prime Minister and one which, I gather, is of some importance to the national community.

Private Members' Day must be strictly for business of Private Members, so I am urging the Government to bear this in mind. As I have said, I have made an exception to the rule in this particular instance. I also wish to inform Members that I have given leave to the press to carry this statement live. This is in keeping with our desire to have proceedings of the House telecast live.

FIRE SERVICE (AMDT.) BILL

Bill to amend the Fire Service Act, Chap. 35:50 [*The Minister of National Security*]; read the first time.

NATIONAL CARNIVAL BANDS ASSOCIATION (INC'N) BILL

**Special Select Committee
(Replacement of Member)**

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move the following Motion:

Be it resolved That the hon. Eulalie James, MP, be discharged from the special select committee appointed to report on a Bill for the incorporation of the National Carnival Bands Association of Trinidad and Tobago, 2004 and that hon. Eudine Job-Davis, MP, be appointed a Member and Chairman of the said committee.

Question put and agreed to.

**INDEPENDENT TRIBUNAL
(POLICE SERVICE)**

[Third Day]

Order read for resuming adjourned debate on question [January 28, 2005]:

Be it resolved that this House:

- (i) reaffirm its commitment to the rule of law and the aforesaid fundamental human rights of the individual;
- (ii) call on the relevant authorities to take steps to review by way of a fair and public hearing by an independent and impartial tribunal all the actions of the police in the police killings of persons;
- (iii) agree that Government provide the necessary financial and other resources to effect the aforesaid review;
- (iv) agree that this exercise be completed in the shortest possible time.
[Mrs. K. Persad-Bissessar]

Question again proposed.

Mr. Speaker: On the last Private Members' Day, the hon. Colm Imbert, Member for Diego Martin East, was addressing the House. He has 22 minutes of his first 45 minutes left.

Hon. C. Imbert: Mr. Speaker, on the last occasion I made the point that there was no rational basis for this request by the Member for Siparia with respect to

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the setting up of a tribunal to review, by way of a public hearing, all the actions of the police and the police killings of persons. The Motion brought by the Member for Siparia is clearly intended to derail the operations of the police force of Trinidad and Tobago and, clearly, the intention is to intimidate the police in the lawful conduct and performance of their duties.

Trinidad and Tobago has no history of extra judicial killings in the sense of how the term is known in the developed world, in the free world, in the democratic world. There is no history of such a thing in Trinidad and Tobago. On the last occasion I made the point that perhaps this Motion would find its place in countries such as Burkina Faso, Ethiopia, Palestine and places like that, where extra judicial killings are a serious cause for concern.

What is an extra judicial killing? That is an execution of a civilian in an unlawful manner, usually by some arm of the State; some arm of the security forces, and so on. I would like to read into the record the kinds of things that take place in other countries and refer you to an article about a call by Amnesty International into extra judicial executions in Burkina Faso, of all places. According to this report, which is the February 2002 Report, there were 106 extra judicial executions in a three-month period in the Burkina Faso Republic.

According to a human rights group in that country, unburied dead bodies were found handcuffed, bullet-ridden and thrown to the dogs and vultures. Bodies were found throughout the country in areas such as Bibo-Dioulasso, Ouagadougou and places like that, and the Minister of Security of Burkina Faso acknowledged in February 2002, the involvement of the police in the killings. That is something that I could understand. That is a description of a situation where you would have had the police exerting unwarranted force against presumed criminals and people being killed in an unlawful and extra judicial manner. That is Burkina Faso.

Let us go to Palestine, because in order to attempt to understand what the Member for Siparia was trying to say, I had to do some searching around the world to find out what this extra judicial killing thing is all about. In 1997 in Palestine four land dealers were found dead and it was widely believed that the Palestinian authority was involved in these killings. I quote:

“These killings followed a declaration in May 1997 by the Minister of Justice that land dealers would be subjected to the death penalty. Hence the killings corresponded to a quasi-official policy. Instead of denying the accusations that it was behind the killings, the Palestinian authority issued statements condoning them.”

So that is an example again of another country where we have extra judicial killings.

I have a statement here from a human rights group in Ethiopia. Ethiopia is one of the African countries that suffer from grave human rights violations and extra judicial killings, and it refers to an incident in 2002 in the southwest region of Ethiopia where several hundred persons were killed during an election demonstration; houses were burnt and ethnic violence was encouraged. That is Ethiopia.

Now let me go to a document that I found on the web. It is something put out by the US Department of State: "Country Reports on Human Rights Practices", and I am reading from the 2003 Report released by the Bureau of Democracy, Human Rights, and Labour of the US Department of State. This speaks about Algeria. The heading is: "Respect for Human Rights. Respect for the Integrity of the Person, Including Freedom From: Arbitrary or Unlawful Deprivation of Life".

In this report the US Department of State is making a categorical statement:

"Security forces committed extra judicial killings mostly during clashes with armed terrorist groups."

It goes on to say:

"During 2001 and 2002, the majority of civilian deaths at the hands of security forces occurred during protests in and around the Kabylie region.

The Government...announced that 2,269 gendarmes and 211 policemen had been dismissed...for abuse of authority."

In Algeria, as well, there were riots and demonstrations in which security forces killed over 80 persons and security forces also killed 40 suspected terrorists in Algeria. This is the US Department of State Security Report, 2003. So you have hundreds of persons killed in Algeria and the killings being described as extra judicial by the US Department of State.

Let me move now to the US Department of State Report on Trinidad and Tobago, because they report on every country in the world. You see, what the Member for Siparia is trying to do is to paint a picture in the international community of gross human rights abuses, link us to the kind of atrocities that have been reported in Algeria, Ethiopia, Palestine, Burkina Faso, and all of these countries which are under scrutiny by international agencies where there is serious cause for concern that there are severe human rights abuses and a number of extra judicial killings.

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What the Member for Siparia is trying to do with this misguided and dangerous Motion is to place Trinidad and Tobago in the context of the international concerns with regard to all of these other countries where there are serious human rights abuses; to essentially “bad-mouth” and label Trinidad and Tobago as a bad place; the usual unpatriotic behaviour of the Members opposite. [*Desk thumping*] If you cannot rule it, “mash” it up! If you cannot win the Government by legal means, “mash” up the country!

So let me read now from the US Department of State Report—same year, same time with the one for Algeria where they spoke about hundreds of people being executed in extra judicial killings. This is Trinidad and Tobago:

“Respect for Human Rights. Respect for the Integrity of the Person, Including Freedom From: Arbitrary and Unlawful Deprivation of Life

There were no reports of political killings. However, the police killed a number of persons during arrest or questioning in circumstances that were under investigation.”

And they go on:

“On May 25, the media reported a police officer shot a particular individual who had apparently become mentally deranged. The police alleged he wielded a knife during the incident. The next day police shot and killed two persons in a drug raid. On May 27, police shot and killed two men. One was an outpatient from a mental hospital.

On September 05, police in San Fernando arrested a particular individual and they allegedly beat him while in custody.”

And finally:

“In October, the jury found former Cabinet Minister, Dhanraj Singh, not guilty for the 1999 slaying of politician Hansraj Sumairsingh.”

That is the end, just one paragraph of the US Department of State Report on the Respect for Human Rights and the Arbitrary and Unlawful Deprivation of Life in Trinidad and Tobago.

Mrs. Persad-Bissessar: What year was that?

Hon. C. Imbert: The year 2003.

Mrs. Persad-Bissessar: We are talking about 2004, and tell me about the 22 killings.

Hon. C. Imbert: I will go to that in a little while. Do not worry. In Algeria, however, the report went on for several pages, and if one goes onto this Website, the US Department of State, or any other Website—Amnesty International—on any of the human rights groups all over the world and one compares what is happening in these countries with what is reported to be happening in Trinidad and Tobago, one sees it is chalk and cheese. Yet this irresponsible Member of Parliament would want this House to call on the relevant authorities to review by way of a public hearing, by an independent tribunal, all the actions of police in the police killings of persons.

When we have a problem with crime in this country, when we have to give the police as much support as we could possibly give them in the execution of their duties, that is what is called for by Members of Parliament in this House. We need to support the police authorities; we need to help them; we need to give them the kind of encouragement that is required for them to carry out their duties, yet you have a Member of Parliament coming into this House saying that we are in the same category as Burkina Faso, Palestine, Albania and all of these countries and we must now subject police to unconstitutional investigations, to mongoose gangs, to kangaroo courts, and so on.

It is absolutely amazing. If we were to lose our heads for one minute and agree to that foolishness—and they expect the police to do their work, you know—you could imagine, the police would be under the threat, as I indicated earlier in my contribution, every time a policeman is accosted by a gun-wielding bandit or his life is threatened by some gun-toting drug dealer or somebody opens fire, a policeman has to think twice and say: “Well, you know, if I pull out my gun and return fire and the bandit happens to die, I would be subjected to this independent extra-constitutional tribunal”—the “Kamla” tribunal. What do you expect police officers to do?

The other point that has to be made is that the rights of police officers are protected under the Constitution of Trinidad and Tobago. We have police service regulations which give chapter and verse on how you investigate the use of excessive force by police officers; constitutional guarantees on protection. How on earth is this House going to set up this kangaroo tribunal, this “Kamla” tribunal, without amending the Constitution?

Mrs. Persad-Bissesar: You like my name?

Hon. C. Imbert: And why should we tinker with the Constitution simply to pander to the unpatriotic adventures of the Member for Siparia, especially when

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we came to this Parliament in 2004 and brought a package of legislation designed to reform the police service, to establish a Police Management Authority? A package of legislation that had been compiled by the Members opposite that had been tabled in this House by the hon. Member for Couva North; a package of legislation designed to give the police management the tools and systems that they require to effectively manage the police service. When we came here, the words of the Member for Siparia—and I am quoting, Thursday, July 01, 2004:

“We took an oath as Members of Parliament, as representatives of the people who elected us.”

What pious platitudes!

“We took an oath to discharge our duty without fear or favour...”

What sanctimonious saccharin!

“When we come to matters of the Constitution, our concern is with respect to generations to come. We cannot tinker and play with the Constitution in the manner they are suggesting...”

The opening sentence coming from the Member for Siparia when we brought the package of Police Reform Bills into this House was: “No, no, no, no. When we stand up in this House, we cannot tinker with the Constitution.” But that is precisely what this Motion asks us to do. It asks us to tinker with the Constitution. Because if we are going to set up this extra-constitutional tribunal that would have public hearings to put policemen on trial when they are carrying out their duties, we would require significant amendments to the Constitution, and it would not deal with the issues, you know; it would not deal with the problems that we have in this country. All it would do is destroy the morale of the police.

There are much more important things that are required with respect to the police in this country. It is clear that the UNC has decided that they would attempt to derail and undermine the police force as best as they can in this country; they would destabilize the police; they would continue to make wild allegations about the operations of the police; they would continue to criminalize the image of the police force because it is their intention to demonize the protective services in this country. That is their intention!

That is why the Member for Caroni East can come and read out sensitive security information in this Parliament with a smile on his face—

Mr. Singh: Nonsense! Nonsense!

Hon. C. Imbert: He can blow the cover of security operatives in this country without shame. He can expose a number of persons working in the intelligence agencies without any regard for the safety of these persons and their families so that the drug dealers and the criminals will now know who they are, what they are doing with what, and he thinks that is a joke. That is simply yet another example of the behaviour of the Members opposite.

So you have the Member for Siparia telling the police that they must not exercise force in the performance of their duties against armed bandits—

Mrs. Persad-Bissessar: You are totally misleading this House. That is not true!

Hon. C. Imbert: What they must do instead whenever they are confronted by a machine gun-toting bandit, they must fall on their knees and beg for pardon and beg that the bandit does not shoot them; they must hand in their service revolver—

Mrs. Persad-Bissessar: Lies!

Hon. C. Imbert: They must promise and swear never to use force in the execution of their duties.

Mrs. Persad-Bissessar: Lies!

Hon. C. Imbert: That is what this is all about. It is simply an attempt at destabilization of the police force in Trinidad and Tobago.

What is particularly atrocious is that the Member knows; it is not as if we were in Burkina Faso or Palestine where there is no system; it is not as if we are in those countries. We are in a civilized democratic country—

Mr. Singh: That killed Glen Ashby!

Hon. C. Imbert: —which has a democratic Constitution, which has a number of systems in place, and I need to repeat: There is already a well-established system and procedure for the investigation of unnatural killings in this country. I need to repeat it, because the Member for Siparia would make people believe that no such thing exists.

I wish to re-emphasize that under the Coroners Act, any coroner—and all magistrates are eligible to be coroners—can cause an investigation into an unnatural killing. The coroner does not even have to wait on a report of an autopsy. If in the opinion of the coroner sufficient evidence has been presented to

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warrant a coroner's inquest, a coroner can proceed immediately, without receiving the detailed medical reports and convene a coroner's inquest. The coroner can summon witnesses; the coroner's inquest has the status of a judicial system; they can subpoena people. They have all the powers of a court.

Instead of the Member for Siparia dealing with the levels of efficiency within that system, instead of making positive recommendations for strengthening the system of the coroner's inquest, the Member comes here with this rubbish. So we are supposed to replace—

Mr. Speaker: Hon. Members, the speaking time of the hon. Member 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. C. Imbert: Thank you, Mr. Speaker. As I was saying, instead of coming here with this rubbish, I would have expected the Member for Siparia to examine and analyze the alleged deficiencies within the existing system of coroners' inquests and determine whether we need more coroners in the country, whether we need more facilities for coroners; what are the problems; what is causing the bottlenecks in the system, because in the coroners' inquest framework, all of the rights of the parties are protected. The police officer who may be under investigation has the right to counsel; has the right to a fair hearing; has the right to due process. There are rules of court involved. The whole question of evidence and what kind of evidence can be admitted, and so on; how the inquest is to be conducted.

All of that is there in the Coroners Act. I have not heard a word from the Member for Siparia or the Member for Oropouche, who prattled on about nonsense as usual, about what is missing inside there. Is there any complaint about the rules of evidence, about the powers of a coroner? Any complaint about how coroners' inquests are conducted? Nothing! Where would the human resources come from? This additional tribunal that the Member would want us to establish, where are the human resources coming from? Are you going to wave a magic wand and create out of thin air new chairmen of tribunals? What qualifications would they have? Where would they be drawn from? Are you going to make magistrates chairmen of these tribunals? Are you going to make lawyers? Are you going to bring judges from the bench? How would you do it?

It is an absurdity in the country where we already have so many systems for dealing with issues, that instead of coming up with positive and mature recommendations to deal with the current inefficiencies, you want to create an additional layer of bureaucracy with the full knowledge that this Motion is doomed to futility. The hon. Member knows we on this side would never agree to the establishment—[*Crosstalk*] We will not support it! We will not support the establishment of an extra-constitutional kangaroo court to put policemen on trial and prevent them from protecting the lives of the citizens of Trinidad and Tobago. [*Desk thumping*]

There are systems and procedures in this country and natural justice must be done to all concerned. We will not support this nonsense! I have not heard anything from the Member for Siparia. Where would these public hearings be held? In Woodford Square? Are you going to hang the policeman from his feet on a tree in Woodford Square and bring the populace there like a public trial? Is that what you are going to do?

Mr. Ramnath: Your grandfather used to hang people in the square.

Hon. C. Imbert: Yes, sure. Right. Or would they carry it to some savannah or somewhere down in the constituency of the hon. Member? How are they going to have these public hearings? Why must you have public hearings? This is an ill-advised and misguided Motion. It is a complete waste of parliamentary time.

Mrs. Persad-Bissessar: You said that 10 times already. You are repeating and repeating. You have nothing to say.

Hon. C. Imbert: I will say it a thousand times, because this Motion, as I have said, is immature; this Motion solves nothing; this Motion does nothing for this country; it does nothing for the development of justice in this country. All it is intended to do is to smear the country's image, because all the hon. Member wants to do is to have some report of this Motion published in some foreign newspaper and then reproduced in the local press. [*Desk thumping*] That is my belief; that this Motion would be fed to some activist that is supportive of the hon. Members opposite. It would be published in some foreign newspaper, unknown—because people just do not know; they cannot believe that a Member of Parliament in Trinidad and Tobago could be so dishonest. So they would publish it and then it would be reproduced in the local media as if it were fact.

We have seen a lot of that in recent times. It is a deliberate strategy to go out there and dirty the name of Trinidad and Tobago with absurd propositions to

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create this belief that Trinidad and Tobago is like the wild, wild west; that we are all killing each other over here; that law and order has broken down; that it is as if there is no civilization in Trinidad and Tobago. That is the intent of the hon. Members opposite.

The Member has produced no justification for this Motion.

Mrs. Persad-Bissesser: You have nothing to say.

Mr. Singh: Eighty-seven murders!

Hon. C. Imbert: Eighty-seven murders? Mr. Speaker, do you hear the kind of trash they talk? All of those were extra judicial killings?

Mr. Singh: No.

Hon. C. Imbert: How do you want the police to do their work when you want to terrorize and intimidate the police? [*Crosstalk*] Listen to what the Member is saying: 87 murders for the year. And this Motion, which is going to put the police on trial, is going to solve that problem. Do you see how they think? You see, their natural role is in opposition. They were uncomfortable in government. That is their nature. They want to be in opposition so they could oppose every single thing that is right and good and just in this country.

Mr. Singh: We are opposing the extra judicial killings!

Hon. C. Imbert: Yes, okay. So, Mr. Speaker, I have very little more to say on this Motion—very little to do. When I look around the world and I look at the established authorities, and I look at the credible organizations and groups that report on the Trinidad and Tobago; when I look at what the United Nations has to say about Trinidad and Tobago; when I look at what Amnesty International has to say about Trinidad and Tobago, I see no comparison between what they have to say about this country in terms of the way the police carry out their duties and those other countries where there is genocide and atrocities, and so on. This Motion has no place in this Parliament and we on this side do not support it.

I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Harry Partap (Nariva): Mr. Speaker, I enter the debate this afternoon, because, like the mover of the Motion, we of the United National Congress have a concern for the families of those men and women who were either killed by police bullets or were brutalized by actions of the police through use of excessive force or a flagrant disregard for the fundamental rights of citizens guaranteed under the Constitution. There is a close relationship between extra judicial killings by the

police and police brutality. So in dealing with this Motion this afternoon let me commend the Member for Siparia for bringing it to the attention of Parliament and for her most brilliant contribution and articulate comments in providing a rationale for the Motion that we are discussing.

Clearly, the Members on the Government side who spoke on the Motion had no cogent answer for the Member for Siparia's well-researched discourse. They waffled and wobbled in an effort to defend the PNM's incompetence as a Government, and when they realized that they could no longer baffle the House, they resorted to personal attacks against the mover of the Motion. But I will return to that later.

It must pain them on that side to sit on the Government Benches, week after week, and be humiliated by Members on this side—humiliate their performance as a Government.

Dr. Rowley: That is your intention?

Mr. H. Partap: You better keep quiet, you know, because I have a special part of my contribution to deal with you.

They cannot do anything right. They are a bunch of incompetent, feeble-minded and backward imposters. [*Desk thumping*] I want to say now that there are few of them on that side I could extract from this comment. I would not want to name them. They are only a few; they could hardly be counted on one of my hands.

The Member for Diego Martin East, in his contribution a while ago, raised the issue of elections and he said that the UNC could not win elections. I am saying this afternoon that they are imposters. Their friend, the Jamaat leader, Abu Bakr, confirmed that they are imposters when he confessed in the court what we had been saying all along, that they stole their way into Government through intimidation, threats and bribery. [*Interruption*] Do not sigh for that. He admitted that in court.

Hon. Member: “Tabanca”.

Mr. H. Partap: He admitted that the PNM used him and then they denied him. The Jamaat leader admitted to be a close friend of Sen. Yuille-Williams who, before the confession was made in court, used to act as Prime Minister of this country. After the confession he put somebody else to act. He also admitted to working with the PNM, through her, in their campaign of intimidation of UNC

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supporters in the marginal constituencies, and we have evidence of that. The evidence is there.

When the goodly Senator was caught with her pants down, or whatever, she casually told the media: "I know not the man." The goodly Senator reminded me of a TV thriller in my time called "Mission Impossible" where the leader of the destabilization unit, presumably from the CIA, would receive his instructions from an old telephone booth, and at the end of it there is a caveat which was: "Should you or any of your agents be held, the secretary will disavow any knowledge of your activity."

That is what she did: "I know not the man." After using the man to intimidate our supporters in the marginal constituencies, she does not know the man. But that is the kind of people we are dealing with on the opposite side. This is why crime in this country is at the level it is today. They are consorting with the criminals so they cannot control the criminal activities taking place in Trinidad and Tobago.

This is where Trinidad and Tobago has reached under the PNM. It is precisely because of this runaway state of the criminal activities in the country that the police are caught up in extra judicial executions. The police are under pressure from law-abiding citizens to fight crime, but they are reluctant to act, knowing full well that criminals may have access to the Prime Minister through one cell phone call to the Jamaat leader, as he revealed in court. He said all he had to do was to make one phone call to the Prime Minister and the Commissioner and: "Go ahead. Do what you have to do." That is what they are condoning on that side. I read that in the newspapers just as anybody else, and sometimes people believe a certain newspaper, and I believe that one.

One week ago a young man whom the media described as mentally disturbed had reason to frown on the religious community and asked the same question I ask today: Where is this country heading? Roman Catholic Priest, Fr. Clive Harvey—

Mr. Imbert: He is a mad man.

Mr. H. Partap: Yes, you could call him a mad man because you all made him mad.

Mrs. Robinson-Regis: We made him mad? You were there first. [*Crosstalk*]

Mr. H. Partap: Yes, he called you all Satan. [*Crosstalk*] Give me a chance to finish. Let me continue.

Mr. Speaker: You see, hon. Member, if you address me instead of Members opposite you would not run into that trouble, so address me.

Mr. H. Partap: Thank you for the advice, Mr. Speaker. I was saying that Roman Catholic Priest, Fr. Clive Harvey, who the young man described as a hypocrite, was also at a loss, admitting—and I want to quote him; it is in the *Daily Express* of March 26, 2005.

Mr. Imbert: You are quoting a mad man now?

Mr. H. Partap: I am quoting Fr. Harvey. Try to understand what I am saying. I am quoting from the *Daily Express* of March 26, at page 7. Listen to what Fr. Clive Harvey said:

“I have prayed for this country; things have gone downward. Something continues to block what we consider the goodness of God among us...to block that flow of love and integrity.”

That is what the goodly Priest said. [*Crosstalk*] Well, I will tell you: Fr. Harvey called it a block; former President Ellis Clarke called it an ailment and Police Commissioner Trevor Paul called it a deeper problem.

Mrs. Robinson-Regis: That is you all.

Dr. Khan: We call it PNM.

Mr. H. Partap: I have a message for Fr. Clive Harvey, for President Clarke and for Commissioner Paul, but before I deliver that message let me give you what the Collins Pocket English Dictionary says about “hypocrite”. I am using the Collins Pocket Dictionary because that is a common one. Anybody could get an ordinary Collins Pocket Dictionary. So look it up and see what “hypocrite” means. It says:

“A person who pretends to be pious, virtuous, et cetera, without really being so.”

That is what “hypocrite” means.

2.30 p.m.

The message I want to send to these three outstanding gentlemen—not poor Mario Noel whom you call a madman; he is not mad—is that they block the ailment, and the deeper problem they are talking about is the PNM. Face the facts, gentlemen! Be honest with yourselves. The PNM is the problem. Former President ANR. Robinson and the PNM are responsible for what we have become

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as a society in three and a half years. It is time to stop making excuses. The blame rests squarely with the PNM.

Fr. Harvey may be advised, and this afternoon, I advise him to get all his prayer warriors together and start praying for the removal of this blight called the PNM. Only a blight can sink this nation into 82 murders in 90 days or one murder every 26.3 hours. There have been 3 murders in Tobago; 14 kidnappings in Trinidad and Tobago at the moment; 36 road deaths and not to mention bandits stealing from those who have been knocked down on the road. There have been two incidents and one was from Nariva. The Minister of Labour and Small and Micro Enterprise Development and Minister in the Ministry of Housing was in my constituency yesterday, but he was not looking at roads, I am sure. Two earthquakes struck this land, quietly though, and there was a spate of fires. PNM is a blight! *[Interruption]*

Let me talk to you, Mr. Speaker. This Motion could not have come at a more opportune time. While it focuses on the unprecedented killing of 21 citizens by members of the police service, it calls for a commitment from the Government to the rule of law and respect for human rights. *[Interruption]* Do not get me a little annoyed. It is too early. The Motion also calls on the relevant authorities to take steps to review—by way of a fair and public hearing by an independent and impartial tribunal—all the actions of the police in the killing of these 21 persons. It is more important now for the Government to reaffirm its commitment to the rule of law. Every life is precious and we cannot dismiss it.

Recent events have pointed to blatant actions by the Prime Minister, the Member for San Fernando East, that undermine the rule of law and the independent institutions of our country. These independent institutions were placed as a buffer between the Executive and the people. There have been unprecedented incursions into these independent institutions in the country under Prime Minister Patrick Manning.

In shaping the 1962 Independence Constitution, the then Leader of the Opposition, Dr. Rudranath Capildeo, threatened to walk out of the independence talks in London, if provisions were not made for the buffer between the people, the State and the Executive, especially people working in the public service.

Mr. Speaker, I want to tell the House that it has just been announced that Pope John Paul II has died in Rome and we on this side express our sympathy on behalf of the Catholic community. *[Interruption]* They have no respect even for an important person like the Pope.

Dr. Capildeo had the fear that PNM leaders may have wanted to harass and intimidate public servants and officials for political reasons. Forty-three years later, Dr. Capildeo's fears are at our doorsteps. Today, the Prime Minister and Member for San Fernando East is undermining these independent institutions such as the Judiciary and later he is coming to do that. He is coming to further undermine it. Do not laugh because you have been a part of that. The Prime Minister has been interfering with these independent institutions, the police service, the statutory services and the Public Service Commission. Like a bad virus, he is contaminating these institutions. The Prime Minister's interfering hands have reached the San Fernando Chief Executive Officer, Miss Marlene Coudray; then it was the National Lotteries Director, Devant Maharaj, and it is believed that he ordered the release of the Bajan fishermen in the Tobago matter and Dennis Graham as well. He also made a call to the Marabella Police Station to enquire about his chauffeur. The Prime Minister is a serious threat to the fundamental human rights of individuals and the rule of law. He, as head of the Government, must reaffirm Government's commitment to the rule of law and the guarantee of fundamental human rights of the individual. He must tell the House that.

I thought that the Member for Diego Martin Central would have addressed the issue of the escalation in crime and extrajudicial killings with a certain level of honesty, if only to reassure the people of Trinidad and Tobago. Instead, he took on the innocence of a saint pleading that crime must not be made a political issue. In other words, he is saying, "Do not politicize crime." Member for Diego Martin Central, tell me, how can we separate crime from the politics, when one of the main purposes of government is to provide for the safety and protection of the citizens? If you fail to deal effectively with crime, as it is obvious now, then it becomes a political issue. Last year when 274 citizens were murdered and 82 have already lost their lives this year, and all we get is a litany of crime plans, then, you have made crime a political issue. I am not talking about wheelbarrows here, Member for Diego Martin West.

Mr. Speaker: I have directed the hon. Member for Nariva to address me and please do so.

Mr. H. Partap: Mr. Speaker, you know that I do not want to disobey your ruling. Sometimes it gets across here and I cannot help.

Governments are obligated to protect their citizens from the hands of criminals. That is a fundamental obligation of the government and a political

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responsibility. They must not try to shirk and shift responsibility. They must tell the country that they have failed the people of Trinidad and Tobago. You cannot blame everybody, left, right and centre.

Are they admitting that the UNC was more effective and better than the PNM in mobilizing the whole family, church and community in dealing with crime? That is what they are admitting and we say, "Yes!" They are on target and they are right. The UNC was able to do that and crime was going down. In spite of their "bad mouthing" of the UNC we did keep the crime down. Put that in your pipe and smoke it!

I want to dispute a comment that was made by the Member for Diego Martin Central in his contribution to the debate. He said that when the Member for Couva North was prime minister he had thrown his hands in the air and said that he could do nothing about crime. That never happened! I am saying it in Parliament today. When he was the prime minister, Mr. Panday never surrendered to the criminals. That is a PNM lie! Sorry, Mr. Speaker, I think that we cannot use "lie". It is PNM propaganda. It is an untruth planted by the PNM to justify their negligence of the people of Trinidad and Tobago. The facts are there.

Under the UNC administration the murder rate was in decline. At the end of 1995, the PNM left the murder rate at 121. By the end of 2000, when we were there, the murder rate was 120, 1 less than theirs. In 2002, when they came back into office it skyrocketed to 172. In three and a half years under the PNM, 758 persons were murdered. Blood is on their hands! The UNC's hold on crime did not happen by accident. The decline was a direct result of initiatives introduced by the Member for Couva North who was the prime minister. Let me tell you what those initiatives were.

I am taking it from pages 2 and 3 of a document entitled, *UNC 2001 We Delivered*. That is an original title of the UNC. They stole it from us. Let me quote what that document said.

When the UNC took office, crime was rampant in Trinidad and Tobago. Shootings and murders were on the rise. Drug lords ruled our streets. Too many of us lived in fear. In 1995, we said that we would get tough on crime and clean up the country. The UNC fought hard to take back our streets from the criminals. The result was that serious crime fell since 1995. The murder rate decreased every year by 24 per cent as of last year.

That was in 2000.

Shootings and woundings were down by 33 per cent. The UNC Government placed 1,741 new police officers on the streets. UNC built 22 police stations and renovated numerous others. The UNC added 241 police vehicles and implemented the E999 Rapid Response System, so that emergency calls from the public would be responded to quickly. The 114 new vehicles added to the police fleet in 2002, under the PNM were approved by the UNC Cabinet in August 2001. The UNC Government computerized police stations and divisional headquarters across the nation.

The UNC Government introduced the Highway Patrol to man the nation's highways. The UNC Government trained hundreds of officers to act as community police officers.

These men and women now have the authority to intervene in domestic violence situations and protect our women and children who are victims of this horrible crime. You all stopped that.

The police and defence forces conducted more than 10,000 raids on drug lords resulting in over 7,000 arrests. Drug arrests were up by 19 per cent under the UNC.

The UNC Government strengthened the Coast Guard and deployed anti-drug aircraft and ships to protect our shores. The UNC Government seized \$5.7 million in assets from four convicted drug traffickers.

The first time such an order was obtained under the provision of the Dangerous Drug Act which they passed. The UNC Government turned the former estate of notorious kingpin Dole Chadee into a drug rehabilitation centre. The UNC Government launched the Drug Abuse Resistance Education (DARE) to educate young adults on the consequences of drug and alcohol intake.

The initiatives taken by the UNC did not carry any fancy and "follow-fashion" names like Baghdad, but they reached the targets resulting in a reduction and control of criminal activities in the country. Our approach was holistic. It covered the main pressure points of criminal activities and we did not depend on a police bill or the PNM. With such an aggressive programme to deal with crime and the success rate revealed in the statistics I mentioned earlier, would the prime minister of a UNC government throw up his hands in disgust? To borrow a word from the Member of Laventille East/Morvant, it is preposterous to think that after

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all this was done and we were getting such success in terms of controlling crime, that the Member for Couva North as prime minister would throw up his hands in disgust? Do you see the folly of their propaganda? I am sorry for them.

The Member for Diego Martin East who also spoke then and today, was like Alice in Wonderland. He could not grasp what extrajudicial killing meant. He was in denial. If you are in denial you will not be able to fix the problem. Perhaps, he may have already denied that the stadium in Grenada did not collapse. "He must be blame the hurricane." I am sure that he is saying that the wall that fell in Maraval did not fall. He is a local and regional failure. [*Laughter and desk thumping*] I did not want to say this, but maybe, his bogus engineering skills have earned him a place on the engineering blacklist. He is a total and absolute failure. I would not worry with the man. An alcoholic has to admit that he is an alcoholic before he can be helped, so too with cocaine and marijuana addicts.

If the Member for Laventille East/Morvant wants to answer, I have no problem. If you are a cocaine and marijuana addict, unless you admit it, you cannot get help. It is a similar thing happening with the PNM. If they will admit that they have failed, perhaps, they may get help. Help will be denied if you try to deny that it does not exist. Today, I hope that after 82 murders in 90 days and 14 kidnappings for ransom, the PNM will no longer be in denial and face the fact that they are incapable of protecting the citizens of Trinidad and Tobago. [*Desk thumping*]

Do you know that the Member for Diego Martin East is gloating about that? He is happy. He did not even carry a sad face to make us feel that they are sorry for the numerous killings.

Mr. B. Panday: I thought that he always has a sad face.

Mr. H. Partap: He cannot change his face. His contribution lacked substance and could easily be dismissed. I will really dismiss it now.

My friend, the Member for Laventille East/Morvant, did not help his side in this debate. His contribution lacked substance. He confirmed that he had taken the title of the PNM clown from the Member for Diego Martin East. In an attempt to protect the Minister of National Security, he foolishly advanced the argument that ministers are not to be held responsible when things go wrong in their ministries. He said that ministers make policies. From what he said, they cannot be held responsible for the implementation. That is the most stupid and senseless statement I have ever heard from a politician and a minister. Clearly, the Member for Laventille East/Morvant does not have a clue about ministerial responsibility. [*Desk thumping*]

He had the Minister of National Security speaking the same nonsense that fighting crime is for the police and not the minister. He roped in the Member for San Fernando West to make the lady look so impotent. Not important, eh! Impotent in defending that piece of foolish talk. You defend that? In their usual wastage of public funds to sustain propaganda, they used the Government Information Service Programme, THE BIG PICTURE to crown off their stupidity, by paying big money in THE BIG PICTURE to get five persons to make fools of themselves, by repeating the same nonsense that the Minister must not be blamed for the escalating crime.

This is what Minister Joseph had said. I am quoting from the *Daily Express*, March 16, page 7.

“Fighting spiralling crime is the responsibility of law enforcement and not directly that of the Government, National Security Minister Martin Joseph said yesterday.

Joseph said it was Government’s duty to provide the security services with resources and they in turn were charged with directly dealing with escalating crime.

‘At the end of the day, it is the law enforcement agencies that have to go out there and do the work that needs to be done.’”

I was amused to hear the Commissioner of Police, Trevor Paul, facing television cameras condemning his tenure at the helm of the police service, by repeating the public relations sound byte that the population should not blame the Government or the police for the sorry mess we are in today, so far as crime is concerned with one murder a day. I was flabbergasted by that statement coming from the Commissioner of Police. Here was the Commissioner of Police intent on not wanting to rock the PNM boat reading from the same PNM hymn sheet oblivious to the fact that he was incriminating himself. That is PNM loyalty for you! I could understand Sen. The Hon. Martin Joseph saying so and the Member for San Fernando West saying so because Hazel is coming for your seat. I am serious. They are grooming Hazel for your seat. That is the talk. I could understand the Government Information Service doing it but not the Commissioner of Police.

Everybody who is responsible for taking back the streets from the criminals is now singing from the same PNM hymn sheet. It was not me. Do not blame me. We are in big trouble, not big picture. I hear on the streets—I do not know if it is true;

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I am on the streets everyday—I do not have to believe it; I do not believe it but people are saying that the Presidency is party group No. 1. I do not believe it, Mr. Speaker.

Mr. Speaker: I think you better be careful.

Mr. H. Partap: They are saying that DOMA is party group No. 2; the IRO is party group No. 3—that is from the streets—the Transparency Institute of Trinidad and Tobago is party group No. 4 and now I am led to believe that the Commissioner of Police is the chairman of party group No. 5. [*Desk thumping*] They do not know what trouble they are in as yet. The Commissioner of Police is reminded that the Minister of National Security is on record as saying that fighting crime is the responsibility of law enforcement officers and not the Government. Since the Commissioner has admitted publicly that the alarming state of criminal activities in Trinidad and Tobago should not be put on his doorstep, then this situation demands one thing and one thing only, that the Commissioner hand in his resignation. [*Desk thumping*]

3.00 p.m.

He must do so because he has failed us all. He has failed even you, Mr. Speaker. Further, the Government must now hold a public enquiry into the operations of the police service so we could find out what is happening. Why is it that the police have fallen down on the job? We want to know! They have set up commissions of enquiry for everything. I heard that they are going to set up one on the Chief Justice this afternoon. Mr. Speaker, I see these as a corollary to the shifting of blame between the Government and the Commissioner of Police while the criminals are attacking people with impunity. [*Interruption*] We were not elected as the Government; we were elected as the Opposition and if you do something good we would support you.

Mr. Speaker: Hon. Member—

Mr. H. Partap: Mr. Speaker, I am sure you know Sprangalang, if he hears all these things do you know what he would say? He would say: “It couldn’t get better than that.”

Mr. Speaker, that is not all. With an increase of 30 per cent in murders and 40 per cent in kidnappings in 2005, listen to the clownish statement made by the Member for Laventille East/Morvant. I will quote from an article in the *Guardian* dated March 23, 2005, at page 5, headlined: “Govt closing gap on criminals says Hinds.” I repeat the “jokey” statement: “Govt closing gap on criminals says Hinds.” [*Laughter*]

Mr. B. Panday: That is why the criminals are ahead.

Mr. H. Partap: I continue to quote from the story by Juhel Browne.

“Regarding kidnappings, Hinds said, ‘The kidnappers know full well, to use the term hot, they know that the battle is getting hotter.

They know that we are closing the gap.’”

Is this Member for real? [*Interruption*] We do not want to hear that! We want to hear how you are dealing with it! We do not want to hear that they are well armed! We know that they are well armed, but you have to deal with it! Has this man lost his reason? [*Interruption*]

Mr. Ramnath: You deal with London in Tobago; do not interfere with that.

Mr. H. Partap: This senior Minister speaking a few days ago acknowledges that the murders are up to 33 per cent and kidnappings are up to 40 per cent and he talks about closing the gap. Yes man, the gap will close. Kidnappings will come equal to murders just now. Mr. Speaker, this is why in the *Guardian* online poll dated March 17, 82.8 per cent of the people said that Sen. Martin Joseph and Junior Minister, Mr. Hinds should go as well.

I would like to say one thing more about the Member for Laventille East/Morvant and his earth-shattering theory that Ministers are not to be blamed for failures, that they only make policies and in the case of the Ministry of National Security the police are to only carry out these policies.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member 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. H. Partap: Thank you, Mr. Speaker and Members of the House. I was just talking about the Member for Laventille East/Morvant's statement that the Ministers only make policies, that they are not responsible for the implementation. Mr. Speaker, was the reason Sen. Joseph replaced Sen. Howard Chin Lee because he could make better policy than Sen. Howard Chin Lee? Or, now that Minister Hinds has been made a junior Minister, I am wondering, did the Prime Minister not put him as a Minister because he did not feel he could make good policy? If that is the criteria for appointing a Minister—that he must make

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good policy—then obviously Sen. Howard Chin Lee, Sen. Martin Joseph and Minister Hinds should not be in the Ministry. [*Desk thumping*] There is one thing they can do, they could give up.

I want to support the call for a fair and impartial tribunal comprising persons nominated from all sides of the legitimate political spectrum to investigate extrajudicial killings as was expressed by the Member for Siparia. This would be a more transparent and speedy process and it would remove distrust that would surround an internal investigation. Internal investigations, as you know, not many people believe the results of these investigations, therefore, I feel what the Member for Siparia is advocating is something we should look at very closely.

Mr. Speaker, as I said, we are in very serious trouble because at the end of the day it is the courts of this country that would really protect us. We, the ordinary people, would have to depend on the courts of this land. The Member for Siparia recognized this in the Preamble to the Motion but at the time she wrote it she did not realize that there was this high level news-carrying ring linking the top of the Hall of Justice with the Whitehall. I understand that we would hear more about that a little later this afternoon. The thing is that the stability of the Judiciary is being undermined by the PNM so who are we going to look to for help?

Those on that side have called Mario Noel a mad man. He is not a mad man; they made him mad because these are the things that worry people. People want to depend upon the institutions of this country to handle their matters and that is what sent Mario off the edge. Things were looking hopeless. If the Government cannot protect the rights, property and personal freedoms of people; the church cannot protect the rights and freedoms of people; the leaders of the church are genuflecting under State pressure; the leaders in civil society are falling head over heels in order to butter up the Government; they would make a statement today and withdraw it the next day and apologize unashamedly. Mr. Speaker, do not expect the media to come to your assistance; they would not do that when the Government has a \$5 million and more budget dangling in their faces. They would not want to upset the apple cart. The responsibility, therefore, will fall once again on the United National Congress to stand up in defence of the rights of the people. [*Desk thumping*] [*Interruption*] I am telling you we will be ready and able to do just that.

The Motion is asking the Government to also provide the necessary funding to establish this tribunal. The Government can find the funding. Mr. Speaker, I do not know if you saw the newspaper, this week or last week, where the Member

for Diego Martin West, the Minister of Housing, had a three-quarter page advertisement; a letter he wrote to Transparency International. That letter had nothing to do with the Ministry of Housing but it was addressed to Transparency International to reply to something that Transparency International said was true. The taxpayers have to pay. The Ministry of Housing put the advertisement there on two newspapers, the *Express* and the *Newsday*. They took taxpayers money to do that! That had nothing to do with housing! That is abuse of public funds! [*Desk thumping*]

The Motion deals with the unprecedented killings of the 21 persons and I have in my possession a statement from a person who witnessed a police shooting. I will read what that statement says. It is in the hands of the Attorney General, I understand. I am reading the statement—

Mrs. Robinson-Regis: So how do you have it?

Mr. Imbert: The mailbox.

Mr. H. Partap: My mailbox.

“On Thursday August 05th, 2004 at around...”

Mr. Speaker, this was a witness to the shooting incident involving the police at Lady Young Road lookout on Thursday, August 05, 2004 in which two men were killed; they were Cameo Raphael age 25 of San Juan and Roger Raphael age 31, also of San Juan. I suspect that they are brothers or are related in some way. I will read the letter.

“On Thursday August 05th, 2004 at around 5.00 pm, I was proceeding in a Southerly direction along the Lady Young Road. I was driving at around 40 km per hour. As I approached the northern entrance/exit of the Lady Young lookout, the vehicle in front of me came to a stop. I stopped my vehicle also. I could see three vehicles in front of me. The car immediately in front of me was a cream old model Laser. As the traffic stopped, I glanced in the direction of the Lady Young lookout which was to my right. I saw a mature lady, perhaps in her 50’s walking from the right front of her vehicle, which was facing west towards the trunk of her vehicle.

At this point, I heard a volley of shots which sounded like firecrackers bursting one after the other. I saw the lady duck and run to the front of her vehicle and remained crouching.

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I started to look around because I knew that the sound were gunshots. I glanced at the right door mirror of my vehicle. I saw nothing. In front of me, I saw several persons in dark blue sweaters with the lettering 'Police' written to the front of their sweaters with guns drawn firing at a blue car as they fanned out. This blue car was approximately 75 feet from my vehicle. I saw five policemen shooting at this blue car, as they slowly approached it, two from the southern side, two from the lookout side (western) and one from the mountain side (eastern).

I saw the policeman on the southern side, one with a handgun and the other with an 'Uzi' type gun firing at the blue car. I saw the policemen on the western side of the vehicle firing also. Bullets hit the mountain side to my left fender of the vehicle in front of me.

I did not see the occupants of the blue vehicle firing any shots."

Mr. Speaker, I repeat.

"I did not see the occupants of the blue vehicle firing any shots. Then the gunshots stopped.

I then saw approximately 100 feet in front of me at the Southern entrance of the Lady Young lookout a policeman pointing his 'Uzi' type weapon at someone who was lying on the ground. The person on the ground tried to get up. As he reached up on his hands and knees, the policemen continued to point their guns at him and he dropped back to the ground on his stomach and raised his hand in the air.

At this time with his handgun drawn and approaching the blue car from the southern direction, a policeman had reached the trunk of the blue car. Traffic began to move in a southerly direction slowly, getting closer to the blue car. I then saw the policeman leaning over the trunk of the car fire a shot into the blue car. As I drove slowly past the blue car, I heard and saw this policeman fire a second shot into the blue car. I saw the rear windscreen of the blue car. It was shattered and there was a large hole approximately 8" by 8" and the policeman was aiming into the hole in the windscreen.

As I reached alongside the blue car, I looked into it. I could see into it because both the right and front windows were down. The right and left front seats were reclined. I did not see anyone in the driver's seat. But the front left passenger seat, I saw a slumped body. This person was wearing a yellow shirt with red patterns.

As I slowly passed the blue car, the policeman at the back of the car was still pointing his gun into the car. I had a good look at him, he was dark brown in complexion, clean shaven, with a very short haircut and pronounced cheekbones.

As I passed the blue car, I saw the man who was lying on the ground and who by now was handcuffed with his arms behind his back being led by two policemen one on each side and taken to a white Land Rover vehicle. The handcuffed man was stoutly built, of African descent, about six feet tall and weighing approximately 155 lbs. He was wearing knee-length denim jeans, a blue and white flowered Hawaiian shirt, white sneakers and white socks about halfway between his knee and his ankle. He did not appear to be injured.

This incident was witnessed by the occupants of five vehicles who were blocked on their way out of Port of Spain as well as by the occupants of the other vehicles approaching from the opposite direction and by the persons at the Lady Young lookout.”

Mr. Speaker, that is the end of the statement. The eye witness had no material interest in this matter, except that he was present at the time when this thing took place and he was a law-abiding citizen. He said quite emphatically: “I did not see the occupants of the blue vehicle firing any shots.” There was no time, as the Member for Diego Martin East says, for the fella to kneel and to beg pardon. The police did not give him any time.

There were two men who died at the hands of the police but was there an inquest? If so, what was the result? Is it right for the police to be the accuser, judge, jury and executioner? Are we going back to a former era when young men and women were gunned down in cold blood with the connivance of the PNM government? Are we going back to that time, Mr. Speaker?

What is happening to the Bonadie killing? I understand the inquest was started and it has stopped. What is the situation with the Gaylene Bonadie killing? Twenty two persons were killed by the police in 2004 in 14 incidents. What has been the result? Of the 14 incidents six were sent to the Justice of the Peace for questioning before reaching the coroner. We have been told that none has been referred to the coroner. Four files were deemed incomplete because there was no forensic analysis. Three were sent to the DPP, while one is still in the hands of the police. Constructively, all 14 incidents are still outstanding after periods ranging from six to 15 months. They have not been referred to the coroner for

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determination despite the hollow claim from those opposite that there are existing laws to deal with such killings.

Mr. Speaker, if we are a civilized country heading towards, what they call, 2020 we have to deal with police killings of victims. They must be brought before the law and go to the courts and face trial and then action must be taken according to the law. You cannot execute people because you feel that they have done something wrong. You cannot carry out an execution. That is what we are talking about on this side. This is why the Motion today is relevant. When I started I said that not only police killings but also brutality. I know I would not have time to mention the others that I have here but I want to bring one to your attention. I am quoting from an article written by attorney Anand Ramlogan which deals with a police brutality case. I quote:

“Over six years ago, on August 9, 1998, a 22-year-old boy called Richard Ramnarace was shot at point-blank range by Constable Visham Boodoosingh at a bar in Penal owned by Boodoosingh’s wife. Ramnarace had gone to the local restaurant and bar with his brother and two friends for a lime after a hard week's work. He saw two guys harassing one of his friends who had gone to get some drinks and went to ‘make peace.’ Instead, he was slapped, choked and his jaw blown away by a single gunshot wound that left a gaping wound on the left side of his face where his jaw was.

Doctors at the San Fernando General Hospital performed emergency surgery that involved the excavation of close to one pound of flesh from his hip to plug the gaping hole in his face. Ramnarace was bleeding profusely, he had lost seven teeth, the tip of his tongue was grazed off, his lip was shredded, and his jaw blown away.”

[*Interruption*] Yes, it is a joke for you, it is an essay, yes. Listen and learn something! I continue to quote:

“His pain and suffering were excruciating and indescribable. His face was disfigured for life and he cried like a baby every time he looked into a mirror.”

That is what the PNM impose on these people! I continue to quote:

“In July 2001 Justice Bereaux delivered a written judgment in favour of Ramnarace in a civil action for assault and battery against PC Visham Boodoosingh. The court found that the shooting was ‘wilful’ and ‘callous’...

...former Assist Director of Public Prosecutions (DPP) Ms Indra Ramoutar-Liverpool...in charge of the southern office of the DPP at the material time...recommended the laying of charges against Boodoosingh, because the evidence against him was ‘cogent and compelling’...

To date, the only thing that has happened is that Boodoosingh has been promoted by the Police Service Commission to the rank of corporal! The travesty of justice has become even worse!”

The matter was referred to the Privy Council. On another issue relating to this, I continue to quote:

“In a unanimous judgment delivered by Lord Brown, the PC adopted the strong views expressed by High Court judge Justice Nolan Beraux that police officer Visham Boodoosingh’s defence was ‘grossly untrue’ and ‘nothing more than a well-rehearsed contrivance.’

Lord Brown also repeated Justice Beraux’ cry for justice by quoting the strong sentiments expressed in his judgment as follows:

‘I am driven to describe PC Boodoosingh’s account as a boldfaced lie. That (the victim) has escaped with his life was an act of forbearance of the Almighty; that Boodsoosingh escaped a criminal prosecution is a travesty of justice. In my judgement he is lucky not to have been charged with attempted murder.’

Mr. Speaker, those are two incidents; I have more but I do not have the time. I relate these two cases to you this afternoon to demonstrate how necessary and urgent it is for those on this side to accept this Motion which was moved by the Member for Siparia and act post-haste to establish this independent tribunal we are calling for. The argument that we already have laws to deal with police brutality and killings is not cutting ice with families, friends and relatives of victims. The people are hurting.

The PNM has undermined all the independent institutions of this country. Now they are focusing on the Judiciary, which is basically the only institution we can now depend on for justice and fair play. Yet they have put their tainted dirty hands on the Judiciary—we will hear more about that later. Where can citizens look for protection when the PNM has corrupted all the streams of justice? This Motion is an attempt to restore confidence in the police by ensuring that they are held accountable for misdeeds and/or are exonerated in the most transparent manner. That is the purpose of this Motion.

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Mr. Speaker, we have reached the point, as the Old Testament prophet Amos did, in an environment of wild spending, bribery and stealing by the wheelbarrows at the time of the reign of Uzziah, king of Judah. Amos saw the degradation and was forced to appeal to God and he cried out, "...let judgment run down as waters and righteousness as a mighty stream..." Mr. Speaker, I would add, let that stream wash away forever this blight called the PNM.

Thank you, Mr. Speaker. [*Desk thumping*]

Mr. Hedwige Breaux (*La Brea*): Mr. Speaker, I join this debate on the Motion and I begin by saying that even the devil can quote scriptures for his own use. [*Desk thumping*] I thank the hon. Member for Nariva for the fact that he, at least, came back to the Motion sometime later, but only after he had been given an additional 30 minutes to speak. That really confirms the point you made, Mr. Speaker, that we should really have 30 minutes time in this House to make our contribution because he did not need as long a time to make his contribution.

Mr. Speaker, so that no one will forget the actual Motion before this honourable House—what we faced earlier were various Members on the other side, going on frolics of their own—I am also willing to discuss and to debate on the question of crime.

3.30 p.m.

Mr. Speaker, I just want to get to the Motion and to deal with it in its proper perspective. I note that when the Member spoke earlier about the handling of cases; he spoke about the Judiciary involvement in it and it being upheld by the House of Lords. Unfortunately, my namesake was involved in that landmark decision. That is the quality from which people on this side come. Let me read the Motion because I want to keep to the Motion.

"Whereas under the Constitution, the people of Trinidad and Tobago have asserted their belief in a democratic society and have recognized that men and institutions remain free only when freedom is founded upon respect for the rule of law; and

Whereas under the Constitution it is recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist the fundamental right of the individual to life and security of the person and the right not to be deprived thereof except by due process of law, and the fundamental human right of the individual to the protection of the law; and

Whereas the Police Service is an essential pillar in upholding the rule of law and in ensuring the aforesaid fundamental human rights; and

Whereas the unprecedented twenty-one killings of persons by members of the Police Service has generated considerable alarm, anxiety and apprehension in the country and eroded public confidence in the Police Service:

Be it resolved that this House:

- (i) reaffirm its commitment to the rule of law and the aforesaid fundamental human rights of the individual;
- (ii) call on the relevant authorities to take steps to review by way of a fair and public hearing by an independent and impartial tribunal all the actions of the police in the police killings of persons;
- (iii) agree that Government provide the necessary financial and other resources to effect the aforesaid review;
- (iv) agree that this exercise be completed in the shortest possible time.”

The pronouncements made in respect of the Constitution are all lofty but, I think, when the hon. Member for Siparia was preparing the preamble to this Motion, that hon. Member should have had in her mind the provisions of the enshrined rights in section 4, “the right of the individual to equality before the law and the protection of the law.” It tells something. When we speak of the police, we do not speak of some foreign beings that have come down from somewhere else. The police are part of our country, they are our citizens and they are entitled to the same equality before the law and to the treatment before the law as every other citizen. [*Desk thumping*]

And the fact that a police officer would misbehave, that a police officer may do something wrong, does not identify the Police Service as a group of people whom we should kick out—[*Inaudible*]

There was a Member of this honourable House who was charged with murder. Does it mean that politicians are all murderers? I know that I am not, and I will commit no crime. There are former Members of this honourable House who are before the courts charged with stealing large sums of money. Does it mean that everybody on the other side was a thief? No! It is not true. I am certain it is not true, and why then is it that we start by saying—and this Motion is extremely subjective, and in order to understand the subjectivity of this Motion, we must

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first understand what is the job of the police and what is the situation in Trinidad and Tobago today.

The job of the police is to protect and to serve. That means when we are sleeping in our homes, the police officer is sometimes in the bush, on the road blocking people, stopping and checking and doing all sorts of things at all hours. Do you think it is because the police officer does not want to sleep in his or her bed too, because there are female police officers performing at the highest level? No! They want to do it but their job is to protect and serve us and when they do not do it we are harsh on them, and as well, we might be, because they are paid to do that. But why then have we decided, have we dared to bring a Motion in this Parliament, not to talk about crime and how we could solve it and the various elements in crime, but to say there are twenty-one killings by the police? I find it extremely difficult to understand the logic of the hon. Member for Siparia and the hon. Member for Nariva. But I excused the hon. Member for Nariva because he is not only short, but he is also short on ability so I will leave him out. I will treat him with respect and with a certain degree of tolerance. But the hon. Member for Siparia is an attorney-at-law of some stature, I understand.

On the one hand, the hon. Member begins her discourse indicating all the various criminal activities which have been going on in this country over the past year. The hon. Member even spoke about the kidnapping of the son of the hon. Member for Naparima and I understand how she feels. The hon. Member spoke about the number of murders in the country this year. Nobody, least of all a Member of Government, could be happy with the number of murders that there are, or crimes in general; crimes of all kinds, because when one speaks about crime and about the young men shooting and killing each other, one has to remember that the money that could have been spent, five, six years ago to train these young people in order that they would become valuable members of society, some of it is abroad, stung, and I not blaming any one person here. I believe that the people who stole the money are not here and I hope so. But some of that was stolen.

Mr. Speaker, I want to remind—[*Interruption*] Which matter is sub judice? Am I speaking about something in particular? If the hon. Member could help me, he could tell me.

I want to point out a number of persons who come into this Parliament and who go elsewhere and boast of their great abilities, those persons received free education up to university at a time when the Government was paying full

university fees and yet they come here to talk about crime. The one who steals the money rubs the public purse and prevents the poor from getting an opportunity to think and to aspire. He is not a criminal—I am saying it is wrong to kill. It is one of the commandments and we must not do that. We have to deal with crime in its entirety.

But to get back to the point, the hon. Member for Siparia listed the criminal situation and murders in this country and I could not help but get the feeling that hon. Members on that side were talking about crime notwithstanding the fact that they claim that crime attacks—and a number of their constituents are the victims of crime—and I know they are speaking the truth. Notwithstanding that, I hear in their voices a kind of gloating, a kind of hope, that it could get worse. I do not know if I am hearing something wrong but I hear that in their voices, and they talk about many of the crimes being horrible in terms of the killings and apparent executions. But those executions are not caused by cuff and slap, and in very few instances are they caused by knives. They are caused by guns.

There was a time when it was said that we were giving the police pop guns to fight criminals with high-powered weapons. If you are a police officer and you are required to be the malefic of the state in order to get control of the criminals, you would need to be armed.

I knew the day when police officers walked with sticks, and the worst police officer was a big man with a long riot baton. He was a bad police. Today, it is different. At one time they called them “police boys” because they wore short pants, but not today. If a policeman dare go around the smallest—the little 17-year or 18-year old will deal with him because a weapon is available and when that policeman goes out—mind you, I am not in any way supporting nor must I be construed as supporting wanton killing by police officers. I am not saying that. I am saying that a police officer, armed properly and entitled to be armed, because he was given that weapon by the State is just as much a citizen of this country and entitled before the law to be innocent until proven guilty and there should be no special court, tribunal or however you want to call it, to deal with the police unless and until we are faced with clear—and in any event, if that happens we can deal with that. The law is there. I am going to come to it.

On the one hand you say we must have a special tribunal for the police officer but on the other hand, you want to put him at a disadvantage or send him unarmed, because that is what it will come down to. If I were a police officer and you are giving me a gun outside and anytime I discharge that weapon or get in

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trouble I have to go before a special tribunal put up only for me, what do I do? I would say keep your gun. As I have said, I do not have any weapon and I boast about it. I do not want a gun because I am no police or army man. There are policemen and army men to deal with that. I am a politician and a lawyer and I will talk and if they stick me up, I will beg. Those are the facts. But, I am not worried because I do not have plenty money and above all, I am not involved in any scampishness so nobody will kidnap me and ask for “coke”. They know I would not have it—and guns. We have got to treat the police as though they are part of the citizenry of this country and are entitled to equal treatment under the law.

Mr. Speaker, what is the real situation? We have a serious criminal problem and we must face it. We must have the police as one arm not only to defend us, but there are other things to do to bring down the crime situation.

When the Government brought the police Bills to this House, the Opposition, for whatever reason, chose not to support some Bills which have been done before. But that is their right. They can do it, as we all know. We are all Members of this honourable House and we all have to face an election in the future and when the time comes no matter what we believe, there is a certain group of people tied down and must vote for us, stories will tell and those people out there are sensible enough to recognize that the Government by itself, without assistance, particularly in the nature of which the Constitution of this country is written, cannot solve crime.

I do not want to be taken too far off track in respect of dealing with this Motion. Hear what the Motion says:

“...the unprecedented twenty-one killings of persons by members of the Police Service has generated considerable alarm, anxiety and apprehension in the country and eroded public confidence....”

It does not say much. It does not say when the 21 persons were killed. It does not say in what year. It purports to say “considerable alarm, anxiety and apprehension in the country and eroded public confidence”. But every time anybody gets damaged, any time anybody gets kidnapped they would say, but the police “ain’t” reach, where is the police helicopter? Who are you calling for? If the police is so bad and the public confidence so—why are you calling for the police? Do not try to back out. You have to stand by what you say.

Mr. Singh: You are carrying it to the point of absurdity.

Mr. H. Bereaux: If that is what you want to say, fine. You will have your opportunity if you had not had it before. [*Crosstalk*] That is why I am bringing these points because you will not be permitted with me to just make statements with coded meanings and we do not deal with them properly. The police officer and the police service need the support of the entire country. They need the information and when you do not give it—[*Crosstalk*] You want to make your point?

Mr. Speaker, let me go through—since I was talking about what the police have done. I am thankful for the hon. Member for Siparia. In her dissertation, let us see the so-called 21 killings which, in her speech, she identified. She did not reach 21, but that is another question.

In her speech the hon. Member said 2004.

“January 07, 2004. Christopher Khanai, 32, hunter of Calvary Hill, Arima. Shot dead by police at Lalaja, Paria while on his way home from a hunting expedition in Blanchisseuse.”

She did not say the man had a gun.

“January 25: Kevin Cato, 18 of Chin Chin, Cunupia. Shot dead at Hot 93. fm’s Outrageous in Red Carnival fete at Pier 1, Chaguaramas.”

“Sterling Pompey, 28, of Upper Covigne Road, Diego Martin. Shot after he pulled a pistol on a police in Diego Martin.”

So when he pulled the pistol on the police, the police should do like me and beg him, put up your hands and give him the pistol and say leave me. The police is not entitled to defend but the hon. Member is so unfair to number that.

“Damien Antoine, suspected robber of Phillip Trace, Le Platte Village, shot in his chest in a reported shoot-out with Western Division and Anti-Kidnapping Squad units in Maraval.”

A shoot-out! If we do not understand, that is like gun fight and OK Corral, where he shooting at the police and the police shooting at him. What must the police do? How unfair could you be?

“Ishmael Clarke, suspected bandit, of Building Two Maloney. Killed in an exchange of gunfire with police in Trincity.”

“Sherwin Samuel, suspected bandit, of Pashley Street, Laventille. Killed in an exchange of gunfire with police in Trincity.”

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[*Crosstalk*] Hon. Member for Barataria, if you want to speak I will sit and give you a chance. Give me a chance now.

“Shawn Sargeant, suspected bandit. Killed in an exchange of gunfire with police.”

So if the police did not duck, dead police, and they would say we are not giving the police enough guns, we are not defending them and giving them proper protective gear. It is the police they do not like, but if you have something for the police that is something else but do not come here and try by this ill-conceived Motion to make us abandon the police.

“Dwayne Clarke, suspected gunrunner, of Bon Aventure Road, Gasparillo, shot in the chest by the Firearm Interdiction Unit undercover detectives in a sting operation at his home.”

This is one of the men suspected of bringing in arms into the country; they go to him and he obviously has arms too. And what happens? He gets killed as a result of attack or threat on the police. I am taking all this information from the speech given by the hon. Member for Siparia in whose seat you are sitting, but the hon. Member is so despondent at the manner in which you all have supported her Motion that she has fled this House. [*Interruption*] I am not getting emotional. I am just dealing with the matter. I am going through this slowly.

“Stanley ‘Frank’ Hope, 29, suspected kidnapper of Angelina Terrace, Morvant. Shot in the head in a shootout with the Anti-kidnapping Squad detectives near Williams Avenue, Lady Young Road.”

This is a kidnapper, but when somebody who is suspected of being kidnapped you have the hon. Member for Fyzabad going by the homes of the persons because they are in my constituency and saying, I should be out there going searching in the bush. But let me tell him this out here. My mother taught me a long time, there are certain kinds of persons you do not go in the bush with them because you might not come back and she said do not go by the sea too, and he has qualified himself to be one of those with whom I will not associate. I definitely am not going in the bush with him.

“Ryan ‘Jai’ Jaipaul, suspected thief, shot in an exchange of gunfire with Anti-Kidnapping Squad detectives near Williams Avenue, Lady Young Road, Morvant.

The point is they come here every now and then and shed crocodile tears so as to be concerned about kidnapping, but when things are being done—part of the reason there are so many kidnappings of people, they kidnapped today, you lock

them up and they get bail tomorrow, the reason is because when we were trying to make kidnapping an unbailable offence they did not vote for it. So when you are now seeing the kidnapping and your own person get kidnapped, your relatives, your friends and your constituents you must say: mea culpa, mea culpa, mea maxima culpa, and if you do not understand the Latin: it is through my fault; through my fault, through my most grievous fault. And that is what you must say and do not blame me. You know whom to blame, who led you on a frolic of destruction trying to set up this country.

“Roger Raphael, 31 suspected bandit. Killed in a shootout with police at Lady Young Road Lookout.”

That is the one who came with this letter. Of course, the man could not see the other man in the blue car shooting because he is not going to raise his head for him to see he is going to fire a bullet. You do not see bullet when they are being fired. [*Crosswalk*] I am saying that the hon. Member for Nariva spoke about a Roger Raphael and as a result of that I now realize that is the same Roger Raphael, having regard to the location of which he was speaking and in the statement that he read out—I am not saying his statement, I am saying the statement alleged to be written by somebody, it said he did not see anybody from the car shooting. He could not have seen because anybody who is in a shootout will not come and raise his gun and fire so. They will hide. How do you think I know that? I have seen several movies. I am not a cite and relate person. [*Interruption*] The hon. Speaker will control the discussions.

“Kano Raphael, 25, suspected bandit of Maitajual, San Juan. Killed in a shootout with police at Lady Young Road, Lookout.”

But you knew that.

4.00 p.m.

“Don King, 21, suspected bandit of Chin Fong Alley”

I am not going to talk about this because this is in my constituency. One of the things I make it my business to do—[*Interruption*] No. Stay quiet! I have respect for my constituents. [*Interruption*] I do not get into trouble with them. If you do not know that, the hon. Member for Fyzabad knows that. He has been trying to put me in problems all the time without success. That is 13. Then they claim three other persons—14-, 15- and 16-year-olds were—

Mr. Speaker: Hon. Members, you will recall that earlier I indicated that I had given approval to the hon. Prime Minister to make a statement. The Prime Minister is ready to make his statement. I, therefore, call on the Prime Minister.

**CHIEF JUSTICE
(INVESTIGATION OF)**

The Prime Minister and Minister of Finance (Hon. Patrick Manning): Mr. Speaker, you would recall that on February 15, 2005, in the other place, I outlined the events which occurred and the steps being taken in relation to allegations made against the Honourable Chief Justice. I draw attention today to subsequent media reports published.

After this statement, Mr. Speaker, you must have noted that despite public appeals from the Law Association, the Attorney General and the Chief Justice, confidential correspondence continue to be leaked to the media. Understandably, this was the subject of widespread comment and misinformation from certain political quarters. I take this opportunity to assure the national community that the Prime Minister has not authorized anyone to give information to the media in this sensitive matter. In fact, extreme care has been taken to act with the utmost priority, which is why I have been at pains neither to take advice from the hon. Attorney General nor speak to judges at any time at all on this matter. Such leaks were most inappropriate and have caused me great concern and anguish. I could not see what benefits and advantage could have been derived therefrom.

In this regard, therefore, Mr. Speaker, during my recent visit to London, two officers from Scotland Yard were requested to investigate how these leaks occurred and, if possible, who was responsible. They teamed up in Trinidad with two local officers to pursue the enquiries. It is with deep regret and, therefore, most unfortunate that they could not identify precisely and without any doubt whatever the persons responsible to enable action to be taken. The detectives could not get the final evidential commitment to take the matter further.

It must be clearly understood that we are dealing with the holders of very high offices in the country and due diligence is required in the actions we take, since, not only are we under the glare of the local community, but also the Commonwealth and, indeed, internationally and, therefore, exemplary conduct must be maintained always.

In my first statement, I indicated that further information was requested and that upon its receipt and in consultation with legal and constitutional advisors, there were two options available. On the one hand, the matter could end here, or,

alternatively, in accordance with the Constitution, a representation could be made to His Excellency The President that the question of removing the Chief Justice from office ought to be investigated. This would involve the establishment of a tribunal to determine the facts and to refer the matter to the Privy Council for its final determination if the Tribunal so decided.

Mr. Speaker, it is worth repeating that contrary to what has been fed by some—and fed publicly—the Prime Minister, in the exercise of his functions under section 137(3) of the Constitution, is neither judge nor jury and makes no finding of guilt or innocence, but must weigh very, very carefully, the action, if any, he must take. It is a most solemn and onerous task. It requires fairness and it must be devoid of emotion or politics and must be carried out without fear or favour. It is an awesome and enormous responsibility from which he cannot flinch. After all, Mr. Speaker, you are dealing with the holder of the third highest office in our country. This means, therefore, that the Chief Justice must be treated fairly and respectfully. Nevertheless, the rule of law asserts that no one is above the law.

I have given detailed and careful consideration to the correspondence received from the Director of Public Prosecutions, the Attorney General, the Chief Justice and a High Court judge, as well as to the legal advice that I sought to assist me in the proper discharge of my constitutional functions. The advice given to me by two English Queen's Counsel and by one local Senior Counsel—all unanimous—is that the allegations made against the Chief Justice are serious enough to warrant further investigation by a tribunal established under the Constitution.

I have decided, in accordance with this advice, that an investigation into the removal of the Chief Justice is warranted and I consider myself duty bound to allow it to proceed. Accordingly, bearing in mind the possible consequences, and with a heavy heart, I have today written His Excellency The President advising him that in accordance with the provisions of the Constitution, the question of removing the Chief Justice from office ought to be investigated and that a tribunal be established for this purpose. The Honourable Chief Justice has been informed of my decision. The names of the members of the tribunal will be announced shortly.

I emphasize and wish to keep iterating—lest there be any doubt that my decision to cause an investigation to be carried out is a condemnation of the Chief Justice, or a finding of fault against him by the Prime Minister—that there is no requirement for the Prime Minister to determine guilt or innocence in any way whatever. I do no such thing.

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What I have done, in accordance with the provisions of the Constitution, is to cause the establishment of a tribunal of the Chief Justice's peers, to examine the issues in order to determine whether or not the Chief Justice ought to be removed from office, and if they so find, to refer the matter to the Privy Council for final decision.

At the end of the day, given due process, the Chief Justice may be totally exonerated and we must continue to bear this in mind. That the matter would proceed before a tribunal, I am advised, Mr. Speaker, subjects it to the observance of the *sub judice* rule. This should, therefore, temper the remarks of all those who would instinctively make wild and intemperate responses to what is really a very serious matter. I can only implore those who are so inclined to use the utmost restraint. It is only through the established institutions that we can build a strong and harmonious society to unite rather than divide us as a nation.

Let me conclude by drawing to the attention of this House an instructive observation in remarks made in 1938 by then Prime Minister of Great Britain, Neville Chamberlain, who said:

“In war, whichever side may call itself the victor, there are no winners; but all are losers.”

Thank you very much, Mr. Speaker.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this House be now adjourned to Friday, April 15, 2005 at 1.30 p.m.

I wish to advise Members that on that day the Government plans to debate the Motions listed on page 6 of the Order Paper under Government Motions, in the order so listed.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.12 p.m.

WRITTEN ANSWER TO QUESTION

The following question was asked by Dr. Fuad Khan (Barataria/San Juan):

**Eric Williams Medical Sciences Complex
(Details of Free Services)**

- 8.** (a) Could the hon. Minister of Health indicate what services are free of charge at the Eric Williams Medical Sciences Complex and what are not?
- (b) Could the Minister itemize these services and indicate the cost of each?

The following reply was circulated to Members of the House:

The Minister of Health (Hon. John Rahael): The reply is as follows:-

- (a) All available Medical Services at the Eric Williams Medical Sciences Complex are free to patients who are referred by a Public Hospital/Institution in Trinidad and Tobago.
- (b) Below is a breakdown of services for which fees are charged at the Eric Williams Medical Sciences Complex.
- (i) Preventative Medical Services
 Executive Medical Profile- \$1900.00
 Industrial Medical Profile - \$200.00-\$3000.00
 Included in this cost are Medical examinations and other ancillary services (lab tests, x-rays which are components of the profiles listed above).
- (ii) Corporate Clients accessing services at Accident & Emergency.
- (iii) Since the inception of the Eric Williams Medical Sciences Complex, Specialist Medical Practitioners were allowed to use the facility for Private Practice as an incentive for them to remain on the compound, as well as to add to the stature of the institution.

The scale of fees applicable for the various services offered are as follows:

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Private Practice Specialist Services

- (i) Nephrology Clinic
\$200.00
- (ii) Gynaecological Clinic
\$130.00
- (iii) Cardiology Clinic
\$200.00 (Revisit - \$150.00)
- (iv) Cardiology Clinic
\$300.00 (Revisit - \$250.00)
- (v) Neurology Clinic
\$200.00
- (vi) Neurosurgical Clinic
\$200.00 (Revisit - \$150.00)
- (vii) Urological Clinic
\$200.00
- (viii) Orthopedic Clinic
\$140.00
- (ix) Pulmonary (Lung) Clinic
\$200.00

(IV) It is to be noted that non nationals who access services at the Eric Williams Medical Sciences Complex are charged the full economic cost of these services

(V) The Eric Williams Medical Sciences Complex also provides a fee for service "Private" Facility at the Hibiscus Ward comprising nineteen (19) beds which caters for patients emanating from the Private Practice streams, Corporate clientele, and patients covered by Medical Insurance. The fees applicable to the Hibiscus Ward are as follows:

- (i) Room with four (4) beds - \$330.00 per night
- (ii) Room with two (2) beds - \$385.00 per night

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- (iii) Small single room - \$440.00 per night
- (iv) Large single room - \$468.00 per night

All investigations examinations and pharmaceuticals generated from the Hibiscus Ward also fall under the fee for service arrangement.