

*Leave of Absence*

*Friday, March 09, 2007*

**HOUSE OF REPRESENTATIVES**

*Friday, March 09, 2007*

The House met at 1.30 p.m.

**PRAYERS**

[MR. DEPUTY SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Deputy Speaker:** Hon. Members, I have received communication from the following Members requesting leave of absence from today's sitting of the House: Hon. Camille Robinson-Regis, Member of Parliament for Arouca South, from sittings of the House for a further period of six weeks; Mr. Gerald Yetming, Member of Parliament for St. Joseph, from today's sitting of the House.

The leave which the Members seek is granted.

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Deputy Speaker, the Government is not in a position to answer the questions on the Order Paper today and we would ask for a deferral of two weeks.

**Mr. Singh:** Again?

**Mr. Panday:** It is a shame.

**Mr. Singh:** Mr. Deputy Speaker, through you, acting Leader of Government Business, what is the status of the several questions for written answer that have been on the Order Paper which require answers since February 2007?

**Hon. C. Imbert:** Mr. Deputy Speaker, we have asked for a deferral of the questions on the Order Paper today, for a period of two weeks.

Thank you.

**Mr. Deputy Speaker:** Hon Members, the questions on the Order Paper, notwithstanding the fact that I believe they should have been answered by now, have been deferred for two weeks.

*The following questions stood on the Order Paper:*

**Special Reserve Police Officers  
(Status of)**

**62.** Could the hon. Minister of National Security state:

- (a) what is the status of the Special Reserve Police Officers of "SRP1000";

- (b) what are the salaries of the various categories of Special Reserve Officers of “SRP 1000”;
- (c) whether any Special Reserve Officers of “SRP 1000” have been recruited into the regular police service; and
- (d) if the answer to (c) is in the affirmative, could the Minister provide the criteria used for such appointment? [*Mr. S. Panday*]

**Mr. Herbert Atwell**  
**(Terms and Conditions of Employment)**

- 63.** Could the hon. Prime Minister advise:
- (a) what are the terms, conditions of employment and functions of Special Advisor Mr. Herbert Atwell; and
  - (b) his monthly salary, wages and perks? [*Mr. S. Panday*]

**Caroni (1975) Limited**  
**(Land Distribution Programme)**

- 64.** Could the hon. Minister of Finance indicate:
- (a) whether persons/organizations other than former Caroni (1975) Limited VSEP Employees have benefited from the land distribution programme of Caroni Lands;
  - (b) the amount of land distributed, the location of the land and the use in each case; and
  - (c) the price of each plot? [*Mr. N. Baksh*]

**Estate Management Business Development Company**  
**(Distribution of Lands)**

- 65.** Could the hon. Minister of Finance indicate:
- (a) the different areas where state lands will be distributed by the Estate Management Business Development Company for housing and agricultural purposes;
  - (b) the number of plots in each case; and
  - (c) the price at which lands will be sold to former Caroni VSEP workers and other citizens? [*Mr. N. Baksh*]

*Questions, by leave, deferred.*

*Definite Urgent Matter (Leave)*

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**DEFINITE URGENT MATTER  
(LEAVE)**

**Administration of Justice  
(Interference with)**

**Mr. Subhas Panday** (*Princes Town*): Thank you very much, Mr. Deputy Speaker.

**Hon. Member:** Again!

**Mr. S. Panday:** Because the PNM is causing that.

**Mr. Deputy Speaker:** Hon. Member, please; address the Deputy Speaker.

**Mr. S. Panday:** Mr. Deputy Speaker, I am certain that your ears hear on both sides.

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 serious and reckless interference with, and the undermining of the criminal justice system and the subversion of the democracy in Trinidad and Tobago by the Prime Minister. [*Desk thumping*]

Mr. Deputy Speaker, the matter is definite because it concerns the Prime Minister's statement on March 07, 2000 in which he had written to the Director of Public Prosecutions requesting an account of the circumstances and the reasons which led to her decision to discontinue criminal proceedings against the Chief Justice. The matter is urgent because it is very necessary that this Parliament take immediately steps to protect the independence of the office of the Director of Public Prosecutions and to ensure the integrity of the criminal justice system. [*Desk thumping*]

Mr. Deputy Speaker, the matter is important because the office of the Director of Public Prosecutions is enshrined in the Constitution and is independent. [*Desk thumping*] The Director of Public Prosecutions does not have to report or account to anyone as to the circumstances and reasons for her decision.

Mr. Deputy Speaker, I see you have taken out the other reasons of public importance which I am on to, like for example, the undermining of—

**Mr. Deputy Speaker:** Would you please take your seat?

**Mr. S. Panday:** Thank you, Mr. Speaker.

**Mr. Deputy Speaker:** Deputy Speaker!

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**Mr. S. Panday:** Mr. Deputy Speaker, I think you are so good that it is necessary that they elevate you.

**Mr. Deputy Speaker:** Please! The matter does not qualify hon. Member.

**Mr. S. Panday:** You are looking for a no confidence vote. [*Crosstalk*]

**Mr. Deputy Speaker:** You are advised.

**Mr. S. Panday:** Yes.

**BAIL (AMDT.) BILL**

Bill to amend the Bail Act, 1994 [*The Attorney General*]; read the first time.

**Mrs. Persad-Bissessar:** Again, 90 days have gone. We will not support it. You all had 90 days.

**Mr. Imbert:** Do not support it “nah”; it is not a problem.

**Mr. Panday:** Incompetence! Incompetence! [*Crosstalk*]

**SECURITY ASSISTANCE (CARICOM) BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question* [March 07, 2007]:

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Deputy Speaker:** Hon. Members, the debate on the Second Reading of the following Bill which was in progress when the House was adjourned on Wednesday, March 07, 2007 will resume: The Security Assistance (Caricom) Bill, 2007. Members are reminded that as agreed they can speak on the following Bills during the debate: The Visiting Forces Bill, 2007 and the Visiting Police Forces Bill, 2007. The Hon. Member for Siparia.

**Mrs. K. Persad-Bissessar:** Thank you, Mr. Deputy Speaker. On the last occasion we were here debating these Bills we had asked the Government to allow us some more time to study the provisions of our Bills. At that time the hon. Prime Minister, on several occasions, rose and indicated—Sure.

**Mr. Deputy Speaker:** Hon. Member, you were speaking for 18 minutes and have a balance of 27 minutes.

**Mrs. K. Persad-Bissessar:** Thank you, Sir. The Member for San Fernando East, the hon. Prime Minister rose on several occasions and indicated that it was

nothing to worry about, that they were just doing what all the others have done and we told him then, “We do not trust you and we do not believe you”.

We had one other day, we were here Wednesday until after working hours, almost, so we had yesterday, really, to try to do some research very hurriedly. In that limited time, we have discovered that the hon. Prime Minister was a stranger to the truth. It would be unparliamentary of me to say that he lied. But the provisions contained in the Trinidad and Tobago Bills do not contain some of the checks and balances contained in the legislation, for example, which I found for Antigua, Jamaica and certainly, not those from Canada and the UK which the Minister spoke about. So very hurriedly, at a cursory glance at these pieces of legislation, it is clear to us that no checks and balances are contained within the draft legislation that was given to the Government by the Caricom and if there were, they have taken them out because other Caricom members have included checks and balances, and I will go into those in a moment.

It will be remiss of me, if we do not take this opportunity in this time of cricket and Cricket World Cup to congratulate the Trinidad and Tobago Cricket Team on their very excellent form in their recent cricket tournaments in the region. [*Desk thumping*]

The Trinidad and Tobago team has emerged victorious in the Carib Beer Challenge Cup, as well as the KFC Cup and they were also runners up in the Carib Beer Cup in their last three contests. The team is led by the indomitable Darren Ganga. They have truly done this country very proud and we want to pay tribute to the entire Trinidad and Tobago team. [*Desk thumping*]

The achievements are worthy of recognition. We want to recommend that Government financially reward these cricketing stalwarts, commensurate with their efforts and the glory that they have brought to Trinidad and Tobago. In this time where there is a very high incidence of juvenile delinquency in our schools, it is heroes such as these who will inspire our young ones to excel.

So on behalf of the UNC we want to sincerely congratulate the team to wish them continued success in their future ventures. [*Desk thumping*]

Mr. Deputy Speaker, as we are here, the West Indies opens its practice match today in Jamaica and we also wish our team from the West Indies well in the tournament. [*Interruption*] Serious match there, today in Jamaica. I think many of us would have liked to be watching it, but we are here also—[*Interruption*]

Trinidad and Tobago could have been hosts to the West Indies team but we chose the “Brown Paper Bag” instead [*Interruption*] and so with that “Brown

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Paper Bag”, here we are in the Parliament trying to rush through legislation on the pretext that it is legislation that is designed for the cricket; when indeed, it is legislation, as I pointed out on the last day, designed for in perpetuity, or, until such time as Parliament comes back to remove it or amend it.

With that in mind, it is very important that we put into place adequate checks and balances. We are here speaking about allowing visiting forces to come into Trinidad and Tobago; allowing visiting police forces to come. Those were the two Bills; one for visiting forces and one for visiting police forces. If we look first in the Visiting Forces Bill, nowhere do we have the word “forces” defined. We have “visiting forces” defined and we have them as designated:

“‘visiting forces’ means any body, contingent or detachment of the forces of a designated state...”

But again the word “forces” is not defined within this legislation. I have looked at the Canadian and they have defined it; I have looked at some of the other legislation, they defined it, because these forces are all to do with the military. So in the first place the Prime Minister was not correct. The Prime Minister did not speak the truth when he said it is happening elsewhere, in the UK, Canada and so on. There is no legislation I have found anywhere else in the world that deals with police forces visiting. They all deal with forces and they define the forces as being those of the naval, the military and so on, indeed, the defence forces. Here we have a definition of “visiting forces”:

“...body, contingent or detachment of the forces of a designated state for the time being present in Trinidad and Tobago in connection with official duties and includes civilian personnel designated under section 4 as a civilian component of a visiting force.”

We need to know what is the force because we are saying:

“...any...contingent or detachment of the forces of a designated state...”

You may tell me in another law you can find the definition of forces; well if that is the case then tell me “‘forces’ means” as in the interpretation section of the Defence Act or in some other statute. Indeed, as you have done when you told us a civil court has the meaning assigned to it by the Defence Act. “Forces” needs to be defined. Some other jurisdictions have used this but then they go on to say:

“A designated state with which (this country or that country) has an applicable treaty arrangement.”

At the moment we have no treaty arrangements to the best of my knowledge, with most of the states, apart from the Caricom, which they have brought the treaty here for ratification to put into the domestic law. There is no treaty with some of the countries listed here. Therefore, when we come to talk about the blanket, carte blanche immunity being given to these forces; the police forces, defence forces and so on; if we have no reciprocal agreement with them; what we are creating here with the carte blanche immunity from civil and criminal prosecution is a licence to kill. [*Interruption*] That is what it is; it is a licence to kill.

**Mr. Panday:** Mongoose gang.

**Mrs. K. Persad-Bissessar:** And already in our own jurisdiction we have serious problems with our own police force; members within the police force. We have seen in our own jurisdiction the numerous complaints that are made against police officers here. Indeed, in 2004 when we look at the report of the Police Complaints Authority there were over 4,000 complaints against police pending. Out of those they dealt with only 28; then you would have carried over about 4,000 in 2005. Do you know what happened? In January 2005 I rose in this Parliament to deal with a Motion about police killings and in that debate I pointed out the fact that over 4,000 complaints were against policemen and that only 28 had been dealt with in 2004 as contained in their report.

Mr. Deputy Speaker, thereafter, in the 2005 report, in the 2006 report they have stopped carrying the number of pending cases before the Police Complaints Authority, or the new cases that have been filed. So that we do not really know, we will have to file a freedom of information application to find out what had been contained in those reports previously; in the sense you are hiding the numbers that are before the complaints authority.

**Mr. Singh:** Pattern of behaviour on their part.

**Mrs. K. Persad-Bissessar:** Pattern of behaviour, remember how many things they took out of the Freedom of Information Act to remove people from getting information; lack of transparency and lack of accountability. But we do know we can extrapolate from the 2004 numbers, if there were over 4,000 complaints against policemen and you did only 28, you carried over into the next year about 28, and the next year I am told they did about 112 and the following year about 25 or 27, so what you do have is still over 4,000 pending cases—complaints—against police officers that have not been dealt with. [*Interruption*] Those are just carried over. We do not know how many new ones have come in because they have not been consistent in providing information in the reports.

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I am saying that we want to give carte blanche immunity from civil and criminal prosecution in this jurisdiction to police officers from other states. Do you not believe that they also have problems with their police officers in the way that we have? Is there any criteria that will be used for the selection of the persons that they bring to come and serve in this country out of a police force there? What checks and balances are there to ensure that it is not they getting rid of their rogue cops and sending them here? What check and balance is there? There is none! There is absolutely none because there is no criteria whatsoever.

This state will say I need help; I need policemen; please send them. That is all that will trigger the mechanism. That is all that will trigger it, Mr. Deputy Speaker, and they are free to send. But we have seen the pattern of behaviour of this Government and we are exceedingly fearful that without the right checks and balances, that they can bring in forces as they see fit, when they say see fit, because there is no criteria for triggering bringing in those forces. They are there to come in to say they are going to assist in dealing with crimes and threats to national security and so on. Given the pattern of behaviour of this Government, they see everything as a threat. They will lock down; they will shut down and they will bring in forces and give them a licence to kill.

**Dr. Rafeeq:** They are bringing them for elections.

**Mrs. K. Persad-Bissessar:** Licence to kill; we are in an election year. You say there is a threat to national security because people are protesting, marching and so on, and we saw what police officers did to protesters in Barrackpore, in Point Fortin, down in Chatham, in Fyzabad and so on; you now want to bring in others to join them, but you cannot prosecute them. [*Interruption*]

We already have problems with our own; you are bringing others and you cannot prosecute them. It is a very, very serious matter. It is a very dangerous piece of legislation and you bring it in because we are in the middle of World Cup, and you need help from outside forces, so you come and say, pass this now because you know what, the cricket is upon us. In fact, the warm up matches have already started; bring this, let us pass it please, because the eyes of the world, the two billion viewers are on Trinidad and Tobago.

With all of that, the hon. Member for San Fernando East boasted that he was in charge of the security for the Cricket World Cup for the region.

**Mr. Singh:** A failure.

**Mrs. K. Persad-Bissessar:**—and totally failed when in this nation tear gas explodes in the Hilton Hotel where the teams are staying.

**Mr. Ramnath:** Shame on you all. Shame on you.

**Mrs. K. Persad-Bissessar:** That has made the international media. When we should be making international media for the warmth and loving nature of the people of Trinidad and Tobago, for its steel pan and for its tassa drum; we are making world news because of breach in security. Do you know why it is very vital, Mr. Deputy Speaker? Tear gas canisters and so on, they are regulated military items. How did they get into Trinidad; through whom and by whom? You are harassing the workers up at the Hilton and saying they are the ones who had put them there, they caused it; investigating and so on; making all kinds of noises. But the more important point is, how did they get into the country in the first place? By which port? Through which port? In whose hands? How did they get in? The security breach was long before they exploded in the Hilton Hotel. Long before! So Cricket World Cup here we are, with the hon. Member for San Fernando East being the head of the security arrangements and the shame and disgrace of the explosion there of military equipment; tear gas canisters in the Hilton Hotel. Shame and scandal for Trinidad and Tobago!

So I am saying we are going to give carte blanche immunity to police officers from other states. You will recall that when we dealt with a Motion here, again about police killings—in that year it was 2004; we dealt with in 2005—at that time there were 21 killings by police that had been unresolved. Thereafter, the following year it rose to 35. Amnesty International issued press releases, and I raised this, because I am saying, if within our own police here where they do not have the immunity from prosecution, we are seeing this high incidence of killings by the police—remember Galene Bonadie, remember the teenagers who were shot and so on—you bring in these foreign police officers and give them a licence to kill, but we cannot prosecute them; we cannot touch them.

There is nothing in the Bill which tells me what is going to happen to them. If we have no treaty arrangement—as we do not have with some of those nations states—do you think when they go back to their own country anybody is going to care whether they kill you or me here in Trinidad and Tobago? Do you think anybody is going to care when they get back to their nations state? If you are telling me that you are leaving the prosecution up to their nations state, then we should have a treaty arrangement. There must be an agreement which says: “that should you do something in Trinidad and Tobago whilst you are on duty, whilst you are a member of a visiting force and so on, that you will not go scot free”. *[Interruption]* That you will be punished! When you go back you will be punished. There must be a check and balance to ensure that that happens.

Mr. Deputy Speaker, I am reading Amnesty International's Report, it says:

“Trinidad and Tobago: police killings go unpunished.

In a report published today...(and this is April 26, 2006)...Amnesty International argues that structural reforms within the police forces—including the implementation of a human rights-based Code of Conduct, a transparent chain of command and criminal prosecutions in cases of human rights abuses—are key to regaining community support, essential for preventing and combating crime.

Amnesty International's report looks at the issue of police killings and deaths in custody through cases reported since 2003. The report highlights the authorities' failure to conduct investigations and to bring those responsible to justice.

The crime rate in Trinidad and Tobago is one of the highest in the Caribbean. Murders and kidnappings have been on the rise for the past few years. As a response to increasing crime, there have been calls for tougher police measures.

Between 2003 and 2005, 35 people died after being shot by the police or while in police custody. In March 2006, Constable Dave Burnett became the first and only police officer convicted of murdering a civilian while on duty. The lack of information available regarding investigations into any of the other reported cases shows the lack of the authorities' commitment in bringing those responsible to account.”

This is with respect to rogue cops in our own force, and you want to bring others from visiting forces to work here in Trinidad and Tobago and say, immunity from civil and criminal prosecution.

Mr. Deputy Speaker, it goes on to say:

“On 13 October 2004, 17-year-old Sherman Monsegue was shot and killed by a police officer. Sherman was in the street with a friend when police arrived and opened fire while the two ran off. Sherman died in hospital. According to the police, Sherman opened fire first. This was denied by a number of witnesses.

A police investigation was opened almost a year after Sherman's death. Police officers called as witnesses have so far failed to appear. According to reports, the police officers are still on active duty in the area. Attorneys representing the family have not been given access to all relevant documentation, including witness statements. The inquest was due to resume yesterday.

In April 2004, a 41-year-old Galene Bonadie, was killed by a police officer in Morvant, a village in North-West Trinidad. Galene Bonadie was shot at close range with a rifle after she intervened to stop the police beating a man. The inquest into her death has been subject to delays and has been adjourned since the beginning of 2005.

‘Galene's case perfectly illustrates how Trinidad and Tobago's police forces respond to a rise in crime using lethal force without measuring the terrible consequences it has on dozens of people and their families.’

‘Coroners inquests must be made mandatory in all investigations of police shootings and deaths in custody’”

Coroners’ inquest, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Hon. Member, what is the reference?

**Mrs. K. Persad-Bissessar:** The reference is on Amnesty International press release dated April 26, 2006. The Index is AMR 49/004/2006 (Public). Embargo Date: 26 April 2006 GMT (Greenwich Mean Time). It continues:

“The Police Complaints Authority (PCA), a civilian oversight body set up in 1993 to monitor the investigation of complaints by the Police Complaints Division, received 12,919 complaints between 1999 and 2004. Complaints include battery, harassment and criminal damage. Only 20 % of cases were investigated.

Amnesty International hopes that the recently passed Police Complaints Authority Act will enhance its ability to conduct independent investigations...”

Mr. Deputy Speaker, Police Complaints Act passed in this Parliament almost one year ago; proclaimed recently in January and still not implemented as all the other Police Reform Acts. None have been implemented. We pass laws here for the benefit of the people of Trinidad and Tobago who are living under siege in the worst crime wave that we have been experiencing and we do not implement those. But even before we pass the law to bring people from outside we have already brought them and they are already operating. We bring them and we are hastening to give them immunity; if it is they should harass, batter, murder, maim, kill or rape a citizen of Trinidad and Tobago; total immunity from criminal and civil prosecution.

The hon. Member for San Fernando East rose in this Parliament to give the assurance, not once but twice that what they were proposing in our Bills was to be

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found in the other Bills around the region and there was nothing unusual about it, it was normal. That is total untruth. I read from the Antigua legislation. [*Crosstalk*]

**Dr. Rafeeq:** What, the Prime Minister tell untruth.

**Hon. Member:** He misleading Parliament.

**Hon. Member:** That came like Mc Nichols—

**Mrs. K. Persad-Bissessar:** The Antigua legislation gives:

“Primary right of civil courts...(of Antigua)...to exercise jurisdiction”

Not immunity! Let me read our provision and then I will read Antigua’s for you so you will see the difference:

- “(1) Members of a visiting force shall enjoy immunity from the civil and criminal jurisdiction of Trinidad and Tobago in respect of actions taken in the course of their official duties.
- (2) Where any Member of a visiting force commits an offence against any law in force in Trinidad and Tobago while acting outside his official duties, the civil court shall exercise jurisdiction...”

What is a “civil court”? “Civil court” has the meaning assigned to it by the Defence Act. When we go to the Defence Act it tells us that the civil court is a court of ordinary criminal jurisdiction. So even though it uses the word "civil" it is only therefore with respect to criminal matters that the local courts will be able to intervene where these visiting forces act outside of their official duties. What happens through civil matters, because you have granted immunity for civil?

A visiting officer is driving his vehicle down the road, and they are allowing within this legislation that they could use their driver's licence from wherever they come, okay. So they are driving a vehicle along the road and so on, of course they are on official duty; they are always on official duty. [*Interruption*] Yes, they will say they are on official duty and they knock down a child on the road—

**Mr. Panday:** And kill.

**Mrs. K. Persad-Bissessar:**—and kills that child, who is going to pay for that? They maim and break a man's leg or break his neck; damage him, he is injured, personal injury claims, death claims; who is going to pay for that? Nowhere in the legislation do I see that a citizen of Trinidad and Tobago is given the protection, is given the right that they have as a citizen of this land to be able to seek compensation for death or personal injury.

An officer is going on his business—a visiting officer again, every action that he commits, he drives along the road; we see things happen on the road—the car runs off the road and runs into a lady’s bedroom; mashes up the person's house; who is going to pay for that? Who do I sue? Nothing in this legislation! You give them immunity from criminal and civil prosecution; you then come and say that is only if they are acting officially, but if they are not acting officially then only the civil court. But what is the civil court for the purpose of this legislation? Ordinary criminal courts; Magistrates' Court with summary jurisdiction or High Court jurisdiction.

**Mr. Ramnath:** And Mc Nichols presiding. [*Laughter*]

**Mrs. K. Persad-Bissessar:** Mr. Deputy Speaker, that is totally unacceptable! We cannot accept the legislation with that in it. I come back to the point I started making. Here it is. Look what Antigua did; Antigua gives:

“Primary right of civil courts to exercise jurisdiction

Except in respect of offences...of section 7, the civil courts have the primary right to exercise jurisdiction in respect of any act or omission constituting an offence against any law in force in Antigua and Barbuda alleged to have been committed by a member of a visiting force...”

When we look at what is the exception; the exception is only with respect to where the offence is in respect of the property or security of the visiting state; where it is in respect of the person or property of another member of the visiting state.

Once it is within, your own the local courts will not have jurisdiction, you will have to deal with that in your courts, but they give primary right of the civil courts to exercise jurisdiction. There is nothing like that in our legislation.

We come to Canada, Mr. Deputy Speaker. Again I said the hon. Member misled us when he told us that everybody else was doing the same thing. [*Interruption*] I do not believe you! Now the black and white of the statutes coming out of the jurisdiction gives the lie to the statements that were made. [*Interruption*] Misleading this Parliament and misleading the nation. Canada again says, they also do the same. They give primary jurisdiction to the local courts. Primary rights of civil courts to exercise jurisdiction.

This is the Canadian Visiting Forces Act, section 5:

Except in respect of offences mentioned in...6(2), the civil courts have the primary right to exercise jurisdiction in respect of any act or omission

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constituting in an offence against any law...alleged to have been committed by a member of a visiting force or a dependant.”

**2.00 p.m.**

We go to 7 where they talk about the service court having jurisdiction and this is where once again, they are talking about visiting forces as naval and military and they will have a service court with respect to courts martial. They will be able to have their court martial and disciplinary processes as set out within the defence force. All these defence forces, they have legislation that sets out what they can do and what they cannot do, but we are talking here about bringing police officers, not just about military personnel.

So what happens then? You give them *carte blanche* immunity. You leave the citizens of Trinidad and Tobago without recourse or redress as far as I have seen and perhaps the Minister who has now arrived will be kind enough when he is winding up to show us where in the legislation you have given the protection to citizens of Trinidad and Tobago and have given the rights to the citizens of Trinidad and Tobago. When we come now, Mr. Deputy Speaker, as to how you decide whether this officer, this visiting officer, is acting in his capacity in his official duties, again we have problems. So you are saying you have immunity if you are acting in your official capacity, carrying out official duties. Mr. Deputy Speaker, again, the checks and balances are there. In Canada, they speak about setting up an arbitrator:

“Where a question that cannot be settled by negotiation between the parties arises... as to whether

- (a) a member of a visiting force was acting within the scope of his duties or employment...”

—this is Canada—

...an arbitrator shall be appointed for the purposes of this section by agreement between the designated state concerned and Canada from among nationals of Canada.

So they will set up an arbitrator who will be an independent person. You know what we have in the Bill? We are saying that the person who will determine whether you were acting in your official capacity is the Commissioner of Police.

Once again we have no faith or confidence in any office holder in this land given the machinations of the Government. We cannot have that confidence. I speak not of persons; I speak of the office holders; I speak of the office; you

cannot give that power and authority to the Commissioner of Police in the case of the visiting police officers. But even more dangerous, in the case of visiting forces as in the military and the naval and so on, you give the right to the head of their service force to say whether they were acting in the course of their duty or not. How can you do that? How can you trust that? How can you feel comfortable to know that this man is under my command; he is working with your forces out there in Trinidad and so on, and he goes out—and I see you give him a licence to kill because he is getting immunity—he says fine, I was acting in the course of my duty and then his boss says yes, he was acting in the course of his duty. Totally wrong! We must have checks and balances.

Canada has put in as I say to have an arbitrator appointed where it is there is any dispute as to whether the person is acting in an official capacity or not. That is vital and most important if we are to have checks and balances. But you know what it is? The Government is asking us to pass this thing. The cricket is going on and we do not want the world to see; we do not want threats; we do not want terrorists; and we do not want all of this. If that is the case, if we cannot put those checks and balances now, we cannot pass this for the rest of time. Therefore, we want to suggest that a sunset clause be inserted in the two Bills, the Visiting Forces and the Visiting Police Forces, that at the end of the two months when the cricket ends, you will come back here and let us put the checks and balances in place. [*Desk thumping*] It is too dangerous.

**Mr. Deputy Speaker:** Hon. Members, the speaking time of the hon. Member for Siparia has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

*Question put and agreed to.*

**Mrs. K. Persad-Bissessar:** Thank you, Mr. Deputy Speaker and I thank my colleagues.

I am saying that the legislation is far reaching; it has very serious implications for the safety and security of the citizens of Trinidad and Tobago. Certainly it has implications for those visiting as well that they must be given protection and so on, but there are not sufficient checks and balances to ensure that the Trinidad and Tobago citizen is getting the best of the deal. There are not sufficient checks and balances within the legislation. You are in a crisis with your cricket and our cricket, and therefore, as I said, I repeat, we insert a sunset clause into this

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legislation, into both, and we say, come back in two months as the case may be, have it redrafted; put in your checks and balances; even set up a committee if you wish to look at it.

Let us have sufficient time to look at the other legislation from around the world; let us see the kinds of checks and balances they have inserted; let us look right here in the Caricom region because I have already read for you what happened in Antigua and it is just by chance that theirs was the only one up on the website, the Antiguan legislation from the Caricom. I would not be surprised if some of the others have also given primary jurisdiction to their local courts, but we have not done that. We are giving primary jurisdiction to other courts not our own courts. And in the case of civil wrong, in the case of torts—personal injury, deaths and so on, our citizens appear to be left with no redress whatsoever in terms of the provisions I have read within these Bills.

So, we can compromise the situation if we are serious about gaining benefits for our citizens; if we are serious of ensuring that their rights are not going to be breached in this manner and indeed, all kinds of constitutional issues arise. If it is that citizens of this land have a right of access to the Supreme Court of Trinidad and Tobago which is a constitutionally guaranteed right where it is a wrong has been done to them, the citizen has that right to seek redress in the Supreme Court. I am sure, hon. Deputy Speaker, you would have done that in your own practice as a distinguished lawyer, your good self. Constitutionally, every citizen of Trinidad and Tobago has a right of access to the Supreme Court for the determination of their rights and obligations.

Here you are saying, you are taking away that right from a citizen of Trinidad and Tobago, you are taking that right away in a backhand way by saying that you are granting immunity to these persons. The question arises, is this in violation of the Constitution? In my respectful view, it is. You cannot take away my right to go to the court that is my guaranteed right, and even before the Constitution was passed, it was part of the rights of every citizen of this land to approach the Supreme Court for redress.

We have now as I say in a backhand way by granting this immunity, we have taken it away—perhaps that is why Antigua in their legislation, they ensured that they gave the primary jurisdiction to the local courts and then they granted the exception. But not us, we have not guaranteed the primary jurisdiction to our local courts, and therefore, the right of the citizen to access the local courts. Instead, what we have done is to say, *carte blanche* immunity for civil and criminal jurisdiction matters, taken it away; immunity to these visiting forces.

Mr. Deputy Speaker, if we are to do that, then these Bills certainly cannot be passed with a simple majority. If you pass them and if one citizen in this land is harmed as a result of these visiting forces acting within or without their official capacities, then we will test it in the courts. It will be tested by a citizen in the courts. Before we even get there to test it in the courts, let us do the right thing; let us give the citizen the protection. That is what we are here as a Parliament for, as a watchdog to monitor and ensure that this Government does not run away—you know, you run off to the Caricom and sign all kinds of paper but under the Standing Orders of this Parliament, there is a Standing Committee of the Parliament that needs to be established. I have mentioned it so many times before—*[Interruption]*

**Hon. Member:** The Foreign Affairs.

**Mrs. K. Persad-Bissessar:**—the Foreign Affairs Committee. We do not have a Foreign Affairs Committee and this Government therefore makes foreign policy on its feet. So they run off up to some Caricom island up there, they sit down and have a good time and so on and they say, "Listen nah fellas, you know I have an election coming up this year, I need to get some fellas to come in from where you are. I need some of your forces to come in down here, you know—" *[Interruption]*

**Dr. Rafeeq:** Muscle power.

**Mrs. K. Persad-Bissessar:**—"I need some muscle power and so on because these fellas are going to be marching and protesting because crime is the worst ever in this country; workers rights are being tampered with and so on; we see workers protesting everywhere. You know what?" *[Interruption]*

**Mr. Ramnath:** San Fernando West.

**Mrs. K. Persad-Bissessar:** "My brother from St. Vincent and so on, let us sign this thing; let us sign this." Foreign policy made on their feet without any recourse to the Parliament and without any recourse to the representatives of the people, and therefore, without any recourse to the people of Trinidad and Tobago. That is the only way I can see that this Government could agree to take away the rights of the citizens in the manner that they are attempting to do with this legislation. Even if you tell me it is a draft Bill that has been done by the Caricom, how come Antigua has done is differently? How come, are they brighter than us? Is Antigua brighter than us, or is Antigua more concerned about their citizens first? Why is it that we do not care about our own first? Why is it that we are so concerned about protecting the visiting forces and we cannot take care of our own forces in Trinidad and Tobago? We cannot. Not only can we not take care of our

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forces, we cannot even take care of the citizens of this land. Every man jack and child is living in fear. We cannot even protect our own, but no, you see them "fellas", if they come and shoot you, immunity.

**Mr. Ramnath:** Judiciary has collapsed.

**Mrs. K. Persad-Bissessar:** Immunity, Mr. Deputy Speaker. And instead we spend all our time hunting down the Chief Justice, bringing the administration of justice into disrepute. Bring it into disrepute. The scandal of a Chief Magistrate refusing to give evidence as a witness in court—[*Interruption*]

**Mr. Panday:** And lying.

**Mr. Ramnath:** That is relevant, you know.

**Mr. Deputy Speaker:** Hon. Member, the matter is not only in court at this time, a number of things, but also [*Crosstalk*] it is in court.

**Mrs. K. Persad-Bissessar:** No, it is not in court, Sir. The case collapsed.

**Mr. Deputy Speaker:** In any event, hon. Member, if you want to discuss that, you would have to do it by a substantive motion. Would you please not go there?

**Hon. Member:** Noooo!

**Mrs. K. Persad-Bissessar:** I am guided, Mr. Deputy Speaker.

**Mr. Ramnath:** Police officers who have to go to court—

**Mrs. K. Persad-Bissessar:** We are talking about national security issues here. We are talking about bringing visiting forces whether police, naval, military whatever, visiting forces. We are talking about bringing persons to act as police officers in this country. When they have done wrong, where do they go? To the courts.

**Mr. Ramsaran:** Go to Mc Nichols.

**Mrs. K. Persad-Bissessar:** And if we cannot have confidence in our courts, in our Judiciary, then we are spinning top in mud. Every law we pass here is a waste of time. [*Desk thumping*] It is a waste of time passing law because the law is to be interpreted by the Judiciary and administered by the Judiciary, that is where it is interpreted. When it is you have the highest offices in this land, conspiring and in collusion to bring down the administration of justice, to bring down the head of Judiciary, then we have very serious cause for concern in Trinidad and Tobago. [*Desk thumping*] It is a very, very serious concern. Why are we passing laws?

You bring a law here and now you want me to approve that every one of these visiting forces will have the same powers, duties and obligations as the Trinidad and Tobago Police Service has by Act, No. 7 of 2006.

Clause 5 reads”

“... a member of a visiting police force who is sent to Trinidad and Tobago for the performance of police duty shall, while on duty in Trinidad and Tobago be deemed to be a police officer for the purposes of this Act and shall have the same rights, powers, privileges as are conferred on members of the Trinidad and Tobago Police Service by the Police Service Act...”

Act No. 7 of 2006.

You are giving them rights; you are giving them powers; you are giving them privileges—*[Interruption]*

**Mr. Panday:** No responsibility.

**Mrs. K. Persad-Bissessar:**—but absolutely no responsibility, no accountability. Then you want to come and attack the police force in Trinidad and Tobago to say that they are not doing their jobs. You do not give them the resources; you do not give them the equipment; you do not even pay them overtime when it is necessary and on top of that, you have a man at the head of the Magistracy who ends up wasting police time. *[Desk thumping]* Wasting police time. *[Interruption]*

**Mr. Ramnath:** You will use him again to give evidence.

**Mrs. K. Persad-Bissessar:** The coward that he is, when to come to verify his statements, backs out, withdraws and give some foolish answer and explanation as to why.

**Mr. Deputy Speaker:** Hon. Member, I repeat, that if you require to go in that direction, you know very well that the Standing Orders require that you come by way of a substantive motion and I would not like you to do that again please.

**Mr. Panday:** You will get it.

**Mrs. K. Persad-Bissessar:** I am guided, Mr. Deputy Speaker. Mr. Deputy Speaker, I am guided by what you are saying; certainly we will take every step that we can to bring this travesty of justice to an end. We will do it and we will come right back here in this Parliament. *[Desk thumping]* We will bring a motion of censure against the Chief Magistrate. We will do it here because he has shamed the entire administration of justice and has set an example that every witness must now follow.

**Mr. Ramnath:** He must not be protected.

**Mrs. K. Persad-Bissessar:** We must not protect him.

Mr. Deputy Speaker, clause 5, I repeat 5, they shall—

"... be deemed to be a police officer for the purposes of this Act, have the same rights, powers and privileges as are conferred on members of the Trinidad and Tobago Police Service by the Police Service Act..."

Act No. 7 of 2006.

Do you all remember that, Mr. Deputy Speaker? Do you remember Act No. 7 of 2006? Do you recall what became Act No. 7 of 2006? That was the Police Service Act that was passed together with the Constitution (Amdt.) Act; that was passed together with the Police Complaints Authority Act, all passed as a package of legislation in this Parliament after the Government spent millions of dollars in a PR campaign, in advertising and so on.

**Mr. Panday:** Did not proclaim it.

**Mrs. K. Persad-Bissessar:** Passed it. They did not proclaim it. We started to pressure and they came in January—the President called me to say, we have now proclaimed the law.

Mr. Deputy Speaker, having proclaimed that law, they have not implemented one single section of the law, not one single section of that law. None whatsoever. In order for that law to be effective, to be implemented, you must have police service regulations. You have regulations that are way back when—how many years ago you passed these regulations which have now been superseded because of the new Act—and in that legislation you know what they said in that police service old regulations? You have to be of a certain height and size and all kind of nonsense.

You know right now you have all those short "fellas", I see a whole lot of short "fellas" in the visiting forces coming from wherever. Indeed the bomb detection squad, a set of little, little "fellas" like Hamza here—*[Interruption]*

**Dr. Rafeeq:** Like the Member for Diego Martin East.

**Mrs. K. Persad-Bissessar:** Like the Member for Diego Martin East and so on. Here in the bomb detection squad coming out of India, it is the expertise; it is not the muscle power, it is the expertise, so obviously those regulations have to go. But you see, we have not implemented the Police Service Act.

**Mr. Deputy Speaker:** The hon. Member for Princes Town and the hon. Member for Tobago East, if you all wish to speak I will not prevent you. You could then go outside and talk and come back. Please! I am serious. Hon. Members, this crosstalk must stop.

**Hon. Member:** [*Inaudible*]

**Mr. Deputy Speaker:** I do not need your assistance.

**Mrs. K. Persad-Bissessar:** Thank you, Mr. Deputy Speaker. Lest the point be lost, the Member for Caroni Central and the Member for Diego Martin East, some tiny "fellas" and so on and someone suggested that I am insulting my Member. Of course not, I said it shows, it is not just about muscle power, it is also about brain power. It is about expertise and therefore you need both. You need the brawn, the muscle, and you need the brain, you need the both to go together. And so those present regulation we have will not allow for that. So I wonder now, you are deeming them to be police officers under the Act of whatever, but the regulations say in order to be a police officer, you have to have a certain height and size.

So does that mean that they qualify or they do not qualify? Can they simply be deemed with the wave of a pen that people who do not qualify in Trinidad and Tobago they come in from outside and be deemed to be police officers? You know, somebody then, if not the Member for Caroni Central, but certainly the Member for Diego Martin East, who is also short and tiny, they may say that they are discriminating again me, because you are allowing these short and tiny people to come in and go into the police service here, but I cannot as a Trinidad and Tobago citizen, I am being discriminated against.

Mr. Deputy Speaker, these are all the conflicts. The thing just does not gel; it does not go together. Why? Because you run to pass it, and you say February 14 you signed it across there. Another untruth. You said on February 14, it is only then you could get this treaty going. Totally untrue because I pointed out on the face on the treaty itself, it was signed since July 2006. You had a protocol, an amendment which contained only four or five clauses, so the main body of this treaty was already in existence since July 2006. But no, that is how we operate. That is how this Government operates, by "vaps". It is only when the hour is upon them, they rush into the Parliament to come and have it done.

We are going to be doing it again. I will not anticipate a debate, but another Bail (Amdt.) Bill is coming because the 90 days that we gave to them—I did not give to them, but they were given by others in this Parliament—is about to expire and they have not kept a single one of the promises they made when they begged

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for 90 days to fight crime. They begged for 60 and they got 90. They asked for 60 days, they got 90 and that 60 has long come and gone and 90 is about to expire, so we are going to be wasting Parliament's time again with this Bail (Amdt.) Bill, when not a single one of the promises made have been implemented. But instead, we are very concerned for visiting officers and visiting forces, we have no concern for the people of Trinidad and Tobago that we will expedite the package of anti-crime legislation that will assist the police officers in their detection jobs, in their prevention jobs. No, we have no haste for those, we only have haste now because it is World Cup Cricket. Typical PNM manner of operating. Typical of this Government.

So what has happened I ask? You are deeming these officers to be police officers under Act 7 of 2006, what is the status of that legislation? What part of it has been implemented? What about the Police Complaints Authority? You proclaimed it in January after almost a year, 2007 after you passed it last year March or April, have you set up a new Complaints Authority; have you set up a new tribunal? When you look at the reports of the Police Complaints Authority, they are telling you at the moment it is a one-man tribunal hearing these cases. Most of them cannot be dealt with; it is a one-man tribunal under the old law. What is the status of the Police Complaints Authority, the board itself because if you have proclaimed the new Act, then you would have repealed and replaced the old one? If the new one is in force and it is because you proclaimed it, what is the status of those things? You cannot have the two operating. Which law are we operating under? And if it is the new one, then you have to appoint a new membership for the new Police Complaints Authority. Nothing has been done.

Mr. Deputy Speaker, with respect to the Police Service Act, the Constitution (Amdt.) Act, the President had called me weeks ago, said he had proclaimed it, and therefore, they would now be putting a new Police Service Commission; asked for recommendations of names and so on under the new procedure that we had put into the Bill. I have heard nothing since. We are into March, so yet again, even though you proclaimed it, no business of implementation.

When the President spoke with us, he indicated the law says he must consult with the Leader of the Opposition and with the Prime Minister. At that point he had not yet consulted with the Prime Minister; I do not know what has happened with that.

Again, what is the status of legislation that we passed in this Parliament after so much trauma to the nation and to the parliamentarians, what has become of it? Has crime now become second priority issue and cricket is number one issue?

When it is people get murdered watching these cricket matches and so one, what is the message we are sending to the world? What guarantee can we give that we can protect people who are visiting our shores? So whilst the world looks on at Trinidad and Tobago, we continue to operate in a manner that lacks planning, that lacks foresight.

The hon. Member for Laventille East/Morvant in his presentation talked about anticipation and foresight when nothing is further from the truth. How could you have anticipated when you had this treaty since last year, but you told us it is only from February you could come to bring the draft legislation here? Where was the anticipation, the planning and the foresight? None whatsoever. So if we look at the three Bills again, I again want to repeat the call, let us not rush this through this Parliament. Let us in the interest of the cricket—in the committee stage I have several other amendments I would want to propose to put checks and balances. But given the importance of this matter, let us put a sunset clause in it and let the Parliament come back to make sure that the checks and balances are contained within it.

Mr. Deputy Speaker, if we look at the Visiting Police Forces Bill, we see that if this piece of legislation is made available to the Government; to a Government that has a proper respect for the rights and freedoms of citizens, it will greatly assist us in the fight against crime, because it can facilitate the exchange of experienced and skilled police officers from the designated States. But in the hands of a Government that has no respect for rights and freedoms of the citizens of the land, the legislation can be used to terrorize people, it can be used even to assassinate citizens in this country.

The Bill does not say under what circumstances, for what period of time and for what purpose, members of a visiting police force will be in Trinidad and Tobago and in my view, this is a very serious omission for a Government that may bring in visiting police forces for sinister reasons. Nowhere in the Bills does it say under what circumstances, and for what period of time and for what purpose the visiting forces would be brought in.

I just have about three minutes—[*Interruption*]

**Mr. Hinds:** [*Inaudible*]

**Mrs. K. Persad-Bissessar:** Once you undertake not to make a long speech.

**Mr. Panday:** No man.

**Mr. Hinds:** Thank you very much for giving way—[*Interruption*]

**Mr. Ramnath:** Where is your Minister?

**Mrs. K. Persad-Bissessar:** Stop eating.

**Mr. Panday:** Swallow first.

**Mr. Hinds:**—I read in the newspaper that you commented as Opposition Leader that it might provide for an opportunity for the Government to bring a mongoose gang. Do you sincerely believe that? Do you genuinely believe that or was that just paper talk?

**Mrs. K. Persad-Bissessar:** Mr. Deputy Speaker, I—you did not have to read that in the newspaper, I said it here in Parliament. If you were listening you would have heard it right here in the Parliament. [*Desk thumping*] And I repeat, in a Government that does not have a proper respect for the rights and freedoms of the citizens and this Government has demonstrated it does not have that respect. It has used the police force to brutalize protestors down at Barrackpore, down at Chatham in so many other places; it has used the police force to go after individuals for persecution and prosecution. You send police down to the Chief Justice house, now you drop the criminal charges. You send them down with gun to Basdeo Panday; you use the police. You use them and we do not trust you.

So in this Bill you have nothing which says what you are bringing them for; what period of time you are bringing them for; what is the purpose; and what criteria you would use for the selection of the persons who would come here. You have nothing of the sort in the legislation. But you know what, you bring one Bill, the Security Assistance (Caricom) Bill, 2007, and in this one you set out the purposes; you make this treaty law in Trinidad and Tobago. But when you come to the other Bills you are now saying visiting forces can come, that is the military and so on, and visiting police can come, but you do not tell me for what; you do not tell me when; you do not tell me how long; you do not tell me why and how they will be triggered; nowhere in it. Nothing in these Bills.

Mr. Deputy Speaker, it is a total hodgepodge of drafting; it is something that is very dangerous given the way this Government operates, and again, I call upon Government not to pass this legislation in its present form. Let us put checks and balances; put it through for your cricket for the two months; put the sunset clause and let us come back and ensure, whether it is you or anyone from now till when, that no Government must be given this legislation which can be so severely abused. [*Desk thumping*] No Government should be given that; especially I am saying that given your modus operandi, you certainly should not be given this kind of power.

So, Mr. Deputy Speaker, the Member asked me the question—If we consider this scenario; we have the immunity clause, consider the following scenario which is not so far-fetched having regard to the record of this Government. The Government intends to knock down a certain area as they do from time to time. They include members of a visiting force and a team of the police involved. So you have the visiting people together with our own officers. The members of the visiting police force, as I have said before, they are given a licence to kill because they have the immunity. No criminal or civil actions could be taken against them for it is likely to be advanced that their actions were done in the performance of their duties. It will be very difficult for a citizen to refute that it was not in the performance of their duties; and again as I say for the visiting forces, you are leaving it up to their commanding officer as being the person, their authority, from the service angle, they are going to tell you whether they have the immunity or not. They are going to tell you if they acted in the course of their duties. Totally, totally no checks, no balances.

**2.30 p.m.**

Mr. Deputy Speaker, you have the two sets of forces; they may say, "We are going to wipe down this area; lock down the area" or whatever are the words they use; then what happens? Collateral damage; bullets start to fly. You know what? It is not our officers doing it; it would be the visiting officers. Why? A licence to kill. They are not accountable to the citizenry of Trinidad and Tobago or to our courts and that cannot be acceptable. How do you determine if they are acting in their official capacity or not?

Canada has a model where they talk about having an arbitrator; we can look at that further. Let our courts decide. If the evidence is there, you charge him, bring him before the court and then he could raise it as a defence. His defence would be, "I was acting in the course of my official duties"; that could be a defence, but you cannot grant him carte blanche immunity and then leave it up to his officers to say whether he was acting in the course of his duty or not, or leave it up to the Commissioner of Police.

Do you know what could even happen? We have great police officers in this country; the majority of them are great police officers, but even within the force they would acknowledge it and outside, that we have those who are rogue officers. Again, you go in there, collateral damage takes place and bullets spray and fly all over the place. What happens? They all decide, "You know what fellas, if a Trinidad and Tobago officer does it, he going to court, he going to jail, he could get lock up; so we will decide that it is the visiting police officer; it was

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his gun; he was holding the gun." Why? He does not get prosecuted. Every time they work together, it would always be that the visiting police officer is the culprit. He may have done it.

When you are making law, you must look at all the permutations and extend them to see the scenarios within which the law would apply. You must, therefore, plan the law in a way to cover those scenarios; that is where the checks and balances come in. The examples and scenarios I have given are not farfetched; they are all possible. Good law would be such that it would envisage the permutations and scenarios that would arise and plug the ways in which people could escape through those scenarios.

Good law must make sure that you have accountability and transparency. When you are given rights, powers and duties, you must also have responsibilities. With due respect to the draftsmen, I do not see it in these Bills at all. I do not see these Bills as providing sufficient protection for the citizens of Trinidad and Tobago. I believe that Government is being pressured because of the international cricket. The Government must not allow an event to pressure it to pass a law that will be to the detriment of the citizens of Trinidad and Tobago.

I thank you, Mr. Deputy Speaker.

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Deputy Speaker, before I deal with some of the points made by the Leader of the Opposition, I need to correct the record in terms of some of the wild statements made by the hon. Member for Siparia on the last occasion; wild and untruthful, and I shall prove it.

I am reading from the *Hansard* record of the Member for Siparia from Wednesday during the period 2.30 to 2.58 p.m.:

"In the first instance, we received these Bills very late yesterday afternoon..."

This statement was made on Wednesday and, therefore, the reference to "yesterday afternoon" was a reference to Tuesday afternoon.

"...so coming here today to debate them in the early afternoon of the day really is to ask for a rubber stamping of what is contained in these Bills. There has been very little time for any kind of serious research on matters that really involve serious issues...You bring serious legislation where you are granting all these immunities and privileges; all these clauses contained within it and we had two hours to look at it. How can I trust you?"

I have often heard the hon. Prime Minister say that politicians have themselves to blame for their poor image in this country. [*Crosstalk*] Contrary to the untruths uttered by the hon. Member for Siparia, I have before me the record of delivery of these Bills. The Bills were delivered on March 05, 2007; that was Monday. After the hon. Member for Siparia uttered those absurd remarks, the Members on the Back Benches—[*Interruption*] [*Crosstalk*]

**Mr. Deputy Speaker:** Please, hon. Member, you will have your opportunity. Hon. Member for Siparia, you had your opportunity. Please allow the Member for Diego Martin East to speak. [*Crosstalk*]

**Hon. C. Imbert:** One of the reasons we deferred the debate on Wednesday to today was because the hon. Member for Siparia was screaming on that side about having just received the Bills two hours ago. [*Crosstalk*] I have the record. [*Hon. C. Imbert lifts document in the air*] I will read this into the record: On March 05, Mr. Chandresh Sharma received the Bills; Dr. Adesh Nanan received the Bills. [*Crosstalk*] This is from the Parliament department. Mr. or Master Kris Bissessar, I do not know the age of this individual, received the Bills for the hon. Kamla Persad-Bissessar on March 05, 2007. Is the hon. Member saying that her son hid the Bills? Rubbish!

**Hon. Members:** Lie, lie! [*Crosstalk*]

**Mr. Hinds:** She did not go home! She slept out!

**Mr. Deputy Speaker:** Hon. Member, the Member for Diego Martin East does not need any assistance; therefore, I plead with Members, do not try to help him. Moreso, hon. Members on the Opposition side, please, you will have an opportunity to refute it if you so desire. [*Crosstalk*]

**Mr. Ramnath:** Why are you dragging the Clerk of the House into this? [*Crosstalk*]

**Hon. C. Imbert:** You also received this on March 05, Mr. Deputy Speaker. Mr. Harry Partap received the Bills on March 05; Mr. Subhas Panday received the Bills; this is his signature. Dr. Roodal Moonilal received the Bills; they even have the time on Monday. Look at him grinning; he received the Bills on Monday. Yet the Leader of the Opposition came here on Wednesday and put an untruth onto the parliamentary record that caused the sitting to be adjourned. We accepted the statement in good faith; it was a deceitful piece of political dishonesty. [*Desk thumping*] That is why they are there and we are here. [*Desk thumping*] That is why they are there and they shall remain there, because political dishonesty. Got the Bills on Monday, came to the Parliament on for this kind of deceitful Wednesday and told an untruth, saying that you only got it two hours before. [*Crosstalk*] Nonsense!

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It was the Members on the Opposition Back Benches who caused me to start checking the record. It was because the Members of the Congress of the People told me that they received the Bills on Monday that I went to check the record.  
[*Interruption*]

**Mrs. K. Persad-Bissessar:** Point of order, please, Sir; Standing Order 33(4).  
[*Interruption*] [*Crosstalk*]

**Mr. Deputy Speaker:** What are you proposing?

**Mrs. Persad-Bissessar:** Under Standing Order 33(4)—

**Mr. Deputy Speaker:** I know what it says. Please, explain to me where you have been misquoted.

**Mrs. Persad-Bissessar:** Can I stand while you are standing?

**Mr. Deputy Speaker:** No, you cannot. I have read 33(4), it states:

"A Member who has spoken on a question may again be heard to offer explanations of some material part of his speech which he, alleges has been misquoted or misrepresented, but he shall not introduce new matter."

The hon. Member read from the *Hansard*; unless you are going to say that the *Hansard* is wrong.

**Mrs. Persad-Bissessar:** No, Sir. You will not know—[*Interruption*]

**Mr. Deputy Speaker:** Continue. [*Crosstalk*]

**Mrs. Persad-Bissessar:** You have to hear me.

**Mr. Deputy Speaker:** I do not have to hear you.

**Mrs. Persad-Bissessar:** "he, alleges has been misquoted or misrepresented". [*Crosstalk*] The hon. Member read the *Hansard*; that is true. [*Crosstalk*] He read the *Hansard*, Sir, but thereafter he misrepresented what was said in it. He read the *Hansard* and went on to say that I had said two hours. [*Crosstalk*]

**Mr. Deputy Speaker:** Please, take your seat.

**Mrs. Persad-Bissessar:** He totally misrepresented the *Hansard*. [*Crosstalk*]

**Hon. C. Imbert:** Thank you, Mr. Deputy Speaker.

Since we are on live television, let me read it again; page 5 of the *Hansard* record of the hon. Member for Siparia. [*Crosstalk*] I have all the time in the world.

"In the first instance, we received these Bills very late yesterday afternoon..."

That statement was made on Wednesday. My Roman calendar tells me that Tuesday is the day that precedes Wednesday; so when the hon. Member said, "We received these Bills late yesterday afternoon", she was referring to Tuesday and was not speaking the truth. [*Desk thumping*]

Secondly, that is not all; on page 11 of the *Hansard* record of the Member for Siparia, she said—and I am reading from the record:

"...all these clauses contained within it and we had two hours to look at it."

**Mr. Manning:** Where did he misquote you?

**Hon. C. Imbert:** Where am I misquoting the hon. Member? This is the kind of political deceitfulness that I am talking about; deceitful and dishonest political behaviour; causing the Parliament to be adjourned. We could have concluded this matter on Wednesday. We took the hon. Member at face value, in good faith and she was not speaking the truth. [*Desk thumping*] [*Crosstalk*] We cannot believe anything they say.

I want to congratulate the Members of the COP—[*Laughter*] [*Desk thumping*]—it was more than one of them that had the decency to tell me that they received the legislation on Monday and that they knew the UNC had also received it on Monday. [*Laughter*] I congratulate them for speaking the truth. [*Desk thumping*] Wicked; untrustworthy! [*Crosstalk*] Talk to Kris.

The other thing, Mr. Deputy Speaker, is that I read where she had said, "We received these Bills", so unless the hon. Member had mice in her pocket, the hon. Member was referring to the other Members of the Opposition, and we have it here, Dr. Roodal Moonilal; Mr. Subhas Panday; Mr. Harry Partap; Mr. Nizam Baksh; Dr. Adesh Nanan; Mr. Chandresh Sharma. When I went to school, that was what "we" meant. "We" did not mean I; it meant all of us.

Let us go now to the substance of this debate. [*Crosstalk*] In researching for this legislation, I came upon some legal advice proffered by the Attorney General of New Zealand on October 30, 2003. I am looking at the Visiting Forces Bill 2003, of New Zealand. The question that the Attorney General of New Zealand had been asked to examine was whether the Visiting Forces Bill—it was curious that I was looking at this, because I had absolutely no idea what the hon. Member for Siparia was going to say—was consistent with the New Zealand Bill of Rights; in other words, whether the Visiting Forces Bill of New Zealand offended the fundamental rights of the citizens of New Zealand.

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It is an eight-page article; I will not read the whole thing into the record, but the conclusion they came to was that they considered the provisions in the Bill did not appear to be inconsistent with the rights and freedoms contained in the Bill of Rights. The Member for Siparia touts herself as a distinguished legal luminary; I will like to read into the record the basic principle of international law which underpins the need or rationale behind visiting forces legislation.

This is the Attorney General of New Zealand advising the government of New Zealand:

"The Bill affirms the principle of international law that a state admitting a visiting force into its territory must be regarded as having conceded to the visiting force all authority necessary for it to continue to exist as an efficient force available for the service of the sending state. Accordingly, the Bill permits a visiting force to exercise exclusive disciplinary jurisdiction over its members while they are in New Zealand." [*Desk thumping*]

I would have thought that this distinguished legal luminary would know that and would also know that this is why so many countries all over the world, and you could just do a Google search, put in visiting forces legislation. You get about 20,000 hits, because visiting forces legislation is commonplace throughout the world. [*Crosstalk*] I repeat that it is a:

"...principle of international law that a state admitting a visiting force must be regarded as having conceded to the visiting force all authority necessary for it to continue to exist as an efficient force available for the service of the sending state...(and thereby) exercise exclusive disciplinary jurisdiction..."

It is a well known principle of international law, but because of the confusion between the applicability of international law and domestic law, as you may very well know; there is a lot of argument about the applicability of international law within the jurisdiction of a sovereign state. It is necessary and many States have enacted into their domestic law this basic principle of international law to allow visiting forces to exercise disciplinary jurisdiction over their own forces and over their own members; of course, when they are outside their own territory.

It is all over the world, for example the United Kingdom. I would have thought that the Member for Siparia would have done some work. The UK enacted a law called the Visiting Forces Act in 1952; 55 years ago. I read from the title of the Visiting Forces Act of 1952 from the UK statutes, Chap. 67 of 1952:

"An Act to make provision with respect to naval, military and air forces of certain other countries visiting the United Kingdom and to provide for the

apprehension and disposal of deserters and absentees without leave in the United Kingdom from the forces of such countries to enable corresponding provision to be made in the law of the colonies and dependencies;"

I want to repeat that:

"to enable corresponding provision to made in the law of the colonies and dependencies..."

When this Act was passed, Trinidad and Tobago was a colony of great Britain:

"and for purposes connected with the matters aforesaid."

When you go into the UK legislation of 1952, you see the following provision:

"Subject to the provisions of this section, a person charged with an offence against the United Kingdom law shall not be liable to be tried for that offence by a United Kingdom Court if at the time when the offence is alleged to have been committed he was a member of a visiting force or a member of a civilian component of such force and—

- (a) the alleged offence, if committed by him, arose out of and in the course of his duty as a member of that force or component, as the case may be."

So the general principles that are in the legislation before us have been enacted into UK law for more than 50 years. This one dealt specifically with visiting military. I will come to the reason for the visiting police in a little while. This meant that since 1952 members of the armed forces of Trinidad and Tobago could have gone, by invitation, to the UK and would have received immunity from prosecution under the United Kingdom law. [*Desk thumping*] Mr. Deputy Speaker, 50 years this thing has been in existence in the UK.

Again, if the Member for Siparia had done a bit of work, I have here the Defence (Visiting Forces) Act of the Commonwealth of Australia, which was enacted in 1963, more than 40 years ago. I shall read from this Act; it is exactly the same:

"The service tribunals and service authorities of a country in relation to which this section applies may, within Australia, or on board a ship or aircraft belonging to or in the service of the Defence Force or a part of the Defence Force, exercise over persons subject to their jurisdiction in accordance with this section all such powers as are exercisable by them in accordance with the law of that country."

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So in the Commonwealth of Australia since 1963, there has been visiting forces legislation, which gives immunity from prosecution for visiting members of the military, again by invitation, to do operations in Australia.

If you go into the literature, you would see that it is with replete with examples of visiting forces legislation. A feature of visiting forces legislation throughout the world is immunity from prosecution; subject to prosecution by the service courts and tribunals of the country from which the visiting forces came. It all flows back to that passage I read from the opinion of the Attorney General of New Zealand who pointed out that when you invite visiting forces to come into your country to engage in joint operations, you concede authority to the service courts of the country from which these forces come, because that is necessary. Remember that these are men under arms; these are complex issues; this is no Mickey Mouse thing.

The military forces operate in a particular way. Men have to take orders from their superiors; that is how armies work; these are men under arms, and in order to maintain discipline and the operating efficiency of an armed force, you must allow the institutions that are being set up to govern that particular force, to function. You cannot have a situation where someone who has gone into the UK military force and understands that there are court marshals, military tribunals and the whole disciplinary framework within the UK military, and then when he comes here by invitation, he is subject to our courts, once he is acting within his official duties. It would destroy the discipline of such an armed force; it would render it completely inefficient. That is the fundamental philosophy behind all these bits of legislation that deal with visiting forces. The principle is very simple.

It is a travesty for the Member of Siparia to come here and pretend that this is not a well known principle of international law. Mongoose gang; nonsense; it is done all over the world. Our military can go to all these countries that have visiting forces legislation and enjoy immunity from prosecution. [*Desk thumping*] It has already happened, as the Prime Minister pointed out to me. It is political dishonesty.

The issues we need to deal with are much more complex than the issues raised by the Member for Siparia. We certainly have to look at what we want to do in this country, but the concept of giving immunity to visiting forces is commonplace. It has been around in international law for more than 50 years and so many countries do it. We need to look at what is appropriate for Trinidad and Tobago and the Caricom region of which we are a part.

I want to correct another piece of mischief. The Member for Siparia, who has run away, said that the Treaty which established the security assistance within Caricom was signed in 2006 and there was only a minor amendment in February 2007, therefore, we could have brought that Treaty into Parliament and enacted it into our domestic law long ago. Not true; the amendment made in February 2007 was comprehensive. I shall read into the record what it was. This is the Protocol to the Treaty on Security Assistance among Caricom member States relating to the establishment of Caricom operations, planning and coordinating staff. That is what was signed at Kingstown, St. Vincent, on February 14, 2007; just last month.

That protocol establishes the Regional Operations Commander; the Caricom operations, planning and coordinating staff; determines the functions of the Caricom operations, planning and coordinating staff, COPACS for short; establishes the powers and duties of the regional operations commander, who is to be appointed by the conference of the Heads of Government. In other words, the amendment to the Treaty that was made in February dealt with a lot of grey areas that existed in the Treaty previously.

In keeping with the military tradition I just outlined, which is why we have to allow visiting forces to be subject to their own tribunals, if you have a regional force, it could only have one commander. You cannot have a regional force with 10 different commanders. So in February 2007, the Heads of Government was established the framework for the operations, planning and coordinating staff, the command structure of the regional security service, COPACS.

Mr. Deputy Speaker, COPACS has the following functions: mobilizing, coordinating and deploying the resources of the security assistance mechanism during the period and with respect to the incident or event for which it is convened, ascertaining the quantum and availability of resources in the territories of the contracting States; preparing and implementing a resource mobilization plan; preparing budgets; acting as the focal point for relations with governments of Third States and performing other functions within its establishment by Article II. It also has to establish a regional operations coordinating centre. I believe this is going to be in Barbados, Prime Minister. I know that the RSS was temporarily housed in Barbados from the time of the last hurricane.

The amendment that was made to the Security Assistance Treaty in February 2007 was fundamental. Prior to that amendment, there was no regional command structure and there was no regional leadership for the regional security system. Therefore, for the Member of Siparia to say that it was only a minor amendment to the Treaty, is to trivialize this thing to the extreme and just demonstrates to me

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that, perhaps, when the hon. Member was reading the papers, the hon. Member was not entirely coherent, at that particular point in time, or was not thinking clearly. [*Crosstalk*] [*Desk thumping*]

I also want to put into the record some other facts which will demonstrate the political dishonesty of the hon. Member of Siparia. On February 27, 2007, the Barbados Parliament passed the Visiting Police Forces Bill. The hon. Member said that there was no country in Caricom which has visiting police forces legislation. Not so Member for Chaguanas? Here I have the Bill, February 27, 2007, passed by the Barbados Parliament. Maybe that was not enough time. That was just how long ago, 10 days? Maybe it takes more than 10 days for news to travel from Barbados to Trinidad or, perhaps, the Internet connection of the Member for Siparia receives data within a 12-day period; maybe that is what is going on. Barbados also passed the identical incorporation of the Treaty for Security Assistance on February 27, 2007.

There is another point I wish to make. I have in my possession the visiting forces legislation, the laws of Barbados, LRO, 1985. Let me repeat: I have in my possession a law passed in Barbados in 1985, which is as follows:

“An Act respecting the armed forces of countries visiting Barbados...”

So for more than 20 years, our neighbour in Caricom has had visiting forces legislation. Let me read the relevant extracts of the Barbados legislation; section 5, Civil Courts Jurisdiction:

“Except in respect of offences mentioned in subsection (2) of section 7, the civil courts have the primary right to exercise jurisdiction in respect of any Act that constitutes an offence against any law enforced in Barbados and that is committed by a member of a visiting force or dependent.”

When you go to section 7, it says as follows:

“Subject to this Act, the service authorities and service courts of a visiting force may exercise within Barbados, in relation to members of that force and dependents, all the criminal and disciplinary jurisdiction that is conferred upon them by the law of the designated State to which they belong.”

With respect to the alleged commission by a member of a visiting force of an offence respecting the property or security of the designated State, the person or property of another member of the visiting force or dependent, an act done in the performance of official duty, the service courts of the visiting force has the primary right to exercise jurisdiction. So for more than 20 years, Barbados has

had legislation dealing with visiting armed forces, giving the military tribunals the jurisdiction to deal with offences committed by members of visiting armed forces with respect to offences committed within the performance of their official duties.

So what on earth is the Member for Siparia carrying on about? God alone knows. This legislation was agreed to by the Heads of Government, just a couple weeks ago. The Heads of Government at a meeting in St. Vincent and the Grenadines were sitting to look at final preparations for the Cricket World Cup; they asked that this legislation be enacted in order to allow visiting forces coming with their foreign teams, South Africa, India, and so on, to have standard privileges and immunities that are afforded our military forces in the United Kingdom, Australia, New Zealand and so many other countries in the world.

I cannot recall, but I think that World Cup soccer would be in the UK in 2014; I think in 2010 it will be in South Africa. Let us assume that World Cup soccer will be in the UK in 2014, our military will enjoy privileges and immunities if they accompany our Soca Warriors, as part of a security force. It is trite and trivial, the objections made by the Member for Siparia. [*Desk thumping*]

I also want to make the point that we want to get this legislation right. In the same way that we deferred on Wednesday, for the wrong reason, we are quite prepared to take the necessary time today, because it is our intention to complete this legislation today, to listen to any points made by hon. Members opposite, that make sense. If there are issues with respect to who determines whether a member of a visiting police force or armed force has acted inside or outside his official duties or if we could tighten the legislation to give our citizens greater protection than what currently obtains in the legislation before the House, I wish to give hon. Members opposite the assurance—and I am really talking to the Back Benches—that we can consult with the legal draftspeople who are here and see how we can tighten up that aspect of the legislation.

We can also look at the definition of “visiting forces”. When you look at the UK legislation, it is obvious it is talking about military forces. When you look at the Barbados legislation, they are speaking about armed forces and so on; so if we need to add some drafting in order to tighten up the definition of what is a visiting police force and so on, we would be happy to look at that over the next couple hours and come with appropriate amendments.

I want to go back to next piece of nonsense uttered by the hon. Member for Siparia. I go straight to clause 6 of the legislation passed by the Barbados

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Parliament in February: Powers and Immunities of Visiting Police Forces. I am dealing with the visiting police forces legislation of Barbados. Section 6(1) says:

“Any member of a visiting police force who is sent to Barbados to perform police duties similar to duties performed by him in his State during Cricket World Cup shall, while on duty in Barbados, perform the same duties under and in accordance with the directions of the Commissioner in the same manner and in all respects as if he were a member of the Police Force.”  
[*Desk thumping*]

Section 6(2) says:

“Subject this Act, the members of a visiting police force shall have the same rights, powers, privileges and immunities as are conferred by law on members of the Police Force as may be necessary for the performance of their duties.”

Section 7 is as follows:

“Notwithstanding clause 6(2)...”

which will give the members of the visiting Police Force the same rights, powers, privileges—

“the members of a visiting police force shall be immune from prosecution in criminal court proceedings in Barbados in respect of actions taken in the course of their official duties.” [ *Desk thumping* ]

This is why I said that the Member for Siparia was entirely disingenuous; Twisty and Twirly I believe were the two miscreants.

Let me read section 12 that the hon. Member conveniently overlooked:

“Claims Against Visiting Police Forces”

And we have a very similar provision in our legislation:

“For the purposes of the Crown Proceedings Act,

- (a) a tort committed by the member of a visiting police force while acting within the scope of his official duties or employment shall be deemed to have been committed by a servant of her Majesty in right of Barbados while acting within the scope of his official duties or employment;”

Let me go to our legislation which states at clause 8, and I am talking about the Visiting Police Forces Bill:

“...for the purposes of the State Liability and Proceedings Act,

- (a) a tort committed by a member of a visiting police force while acting in the course of his official duties shall be deemed to have been committed by a servant of the Republic of Trinidad and Tobago while acting in the course of his official duties;
- (b) property owned, occupied, possessed or controlled by a visiting police force shall be deemed to be owned, occupied, possessed or controlled by the Republic of Trinidad and Tobago;
- (c) a service motor vehicle of a visiting police force shall be deemed to be owned by the Republic of Trinidad and Tobago.”

What does this mean? It means that if a member of a visiting police force commits a tort, an offence, that person shall be deemed to be a servant of Republic of Trinidad and Tobago. It means that a citizen of Trinidad and Tobago can take action against the State of the Republic of Trinidad and Tobago. [*Desk thumping*] What is the problem?

It is clear that the actions of the visiting forces are deemed to be actions committed by a servant of Trinidad and Tobago, in terms of State liability and proceedings, in terms of civil proceedings, compensation for damage to property, injury, loss of life and all these sorts of things.

To be absolutely clear, let us go to our law in terms of visiting forces. Clause 19, Claims for Personal Injuries and Property Damage:

“Subject to sections 20 and 21, for the purposes of the State Liability and Proceedings Act—

- (a) a tort committed by a member of a visiting force while acting in the course of his official duties shall be deemed to have been committed by a public officer while acting in the course of his official duties;”

What more you want than that? This is the kind of rubbish we have to listen to, and the Member for Siparia is supposed to be a legal luminary. It is tiring. Imagine we adjourned the Parliament on Wednesday for this stupidity. We should be up in the University of the West Indies watching South Africa and Pakistan, like some Members of the Opposition. [*Laughter*] I hope that I have dealt with the issues.

The fact is it is standard international law. It is a principle of international law that you invite them into your territory and you concede to them all authority necessary for them to continue to be efficient. You cannot invite military in and

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then tell them that they have to go to the Magistrates' Court, if they are acting in the performance of their official duty; then they cease to be a military force; they become a civilian force. They would not come. You are not going to get any visiting force to come here under those conditions.

It is necessary for us to put that into our domestic law. Even though it is a general principle of international law that when you invite visiting forces into your territory, the same would apply in any other country, there is a settled principle that international law is only applicable in your country if it does not conflict with your own domestic law. So international law applies when it is not inconsistent with or in conflict with the rights of citizens in the country in which the international law is being applied. From the time you have a conflict or a difference between international and domestic law, all countries, for the avoidance of doubt, have enacted these provisions into their domestic law.

I will read from an article relating to the various theories of international law, whether international law or domestic law are applicable and in what circumstances and to what extent British courts can apply rules of public international law. *[Interruption]* The author of the article is somebody from Czechoslovakia; I am unable to pronounce his name, but I will make the literature available to the hon. Member opposite. The title of the article is as follows: "Is the Dualist/Monist Controversy in International Law Simply a fiction?". The article went into the theory of monism and dualism. If the hon. Member wants me to go into that, I will.

The monist theory supposes that international law and national law are simply two components of a single body of knowledge called law. In the dualist theory, contrary to monist theory, dualism denies that international law and national law operate in the sphere. That is the monist/dualist controversy. The conclusion of this article was as follows: The main principle that governs the application of treaties in the United Kingdom is that in the case of conflict, statute prevails over treaty. So for the avoidance of doubt and since Members opposite sometimes like to waste their time in making useless applications to the courts, we thought it necessary to avoid controversy by enacting the general principles of international law with respect to the privileges and immunities given to visiting forces into our domestic law; that is why we are here today.

Since there is all this confusion in the legal world about whether international law is superior to domestic law and which theory applies, whether monist or dualist, we felt, as most States in the world have done, we needed to incorporate this Treaty and the principle of international law with respect to visiting forces

into our domestic law. That is why we are here today, because we do not want a plethora of court actions dealing with offences committed by visiting forces, as to whether international law or domestic law is applicable. That would be a paradise for lawyers; and they attract heavy fees. *[Interruption]*

**Mr. Deputy Speaker:** The speaking time of the hon. Member for Diego Martin East has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. *[Hon. J. Narine]*

*Question put and agreed to.*

**Hon. C. Imbert:** If the hon. Member for Oropouche does not want to be educated about international law, that is not my problem, I am sure the Members opposite want to learn.

Let me recap. The hon. Member for Siparia deceived this Parliament when that Member stated falsely that the Members opposite only received their documents on Tuesday. *[Crosstalk]*

**Mrs. Persad-Bissessar:** I received it on Tuesday; this is my document.

**Hon. C. Imbert:** Is that so? This says March 05. *[Crosstalk]* Kris Bissessar. *[Interruption]* “Yeh, he take it and he throw it way.” *[Interruption]* You could keep beating that drum if you want to.

The point is that this House was deceived by the hon. Leader of the Opposition and we are not going to get caught again. *[Crosstalk]* Visiting forces legislation is commonplace throughout the developed world. It has existed in statute in the United Kingdom when we were a British colony, since 1952. It exists in Australia; it exists in New Zealand; it exists in so many countries all over the world, that it is trite law that you concede jurisdiction to the tribunals of visiting forces.

The Barbados Parliament has had a visiting forces legislation on the books since 1985. *[Crosstalk]* Mr. Deputy Speaker. I am hearing some mutterings from the Member for Siparia. Since the Member for Siparia was outside—the Parliament of Barbados. Since, hon. Member for Siparia, you do not know, you are ignorant—*[Interruption]*

**Mr. Deputy Speaker:** Please, speak to me.

**Hon. C. Imbert:** Mr. Deputy Speaker, through you, since the Member for Siparia is ignorant and does not know; the Barbados Parliament passed visiting

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forces legislation in February 2007; for your information. Therefore, the statement by the hon. Member that no other Caricom country had passed visiting police forces legislation, was simply an untruth. [*Crosstalk*] “Look, gimme me a chance.”

We are simply implementing an agreement of the Heads of Government. The hon. Member for Siparia was involved, she was the Acting Attorney General when the Revised Treaty of Caricom was signed by the former Member for Couva North. When the then government of Trinidad and Tobago agreed to the principles of the Revised Treaty of Caricom under the UNC, the hon. Member for Siparia was the AG. When the UNC signed that Treaty, the former discredited administration accepted the jurisdiction of the organs of Caricom, including the Regional Security Service, the Conference of the Heads of Government, the Conference on Trade and Development—there is another one on health—and the Caribbean Court of Justice. They agreed to that.

They bound this country to the jurisdiction of the various organs of Caricom. They have come back seven years later, behaving as though it is sacrilege; that we must not do anything that other Caricom territories are doing; that Trinidad and Tobago must become a pariah, an outcast within the Caribbean community; that Trinidad and Tobago must flip-flop and reject decisions of the Heads of Government and decisions of Caricom. We have no intention of doing any such thing.

If comments are made by hon. Members opposite that make sense—and I certainly expect the Members on the Opposition Back Benches to make sense—we on this side would be most welcome to take them on board to tighten various aspects of the legislation, but we reject absolutely the nonsense uttered by the hon. Member for Siparia.

Mr. Deputy Speaker, I thank you.

**Mr. Winston Dookeran** (*St. Augustine*): Mr. Deputy Speaker, I rise to make a few comments on the Bills before us in the context of what has been said and what prevails in our environment today.

When I listened to the Member for Siparia, I thought the essential points that were being made were, firstly, whether or not reciprocal arrangements between our jurisdiction and other jurisdictions were in place and, in my view, rightly questioned whether or not that provision was in place. The Member for Diego Martin Central—[*Interruption*]—the Member for Diego Martin East, squatting in Central at the moment—postulated, based on his information, that was in fact so. The question really is one of interpretation. I have no doubt that we would want to get clarification and confirmation that the reciprocal arrangements are, in fact, in place.

The other more fundamental point raised by the Member for Siparia dealt with the provision in one of the Bills in which there is immunity from prosecution.

"Members of a visiting force shall enjoy immunity from civil and criminal jurisdiction of Trinidad and Tobago in respect of actions taken in the course of their official duties."

While the Member for Diego Martin East said that this was also a provision in other bills of a similar nature, I think he missed what was essentially the point raised by the Member for Siparia, which was, will such immunity be granted at the risk of the civil rights of the people of Trinidad and Tobago?

**Mr. Manning:** We said no.

**Mr. W. Dookeran:** She went on to argue that there were checks and balances that must be put in place to protect the civil rights of the people of Trinidad and Tobago. [*Crosstalk*] It is in that context, the substantive points raised by the Member for Siparia were somewhat deflected in this debate. I urge that in the committee stage of our deliberations that we would hear what amendments need to be put into place to protect the civil rights of the people of Trinidad and Tobago in granting this immunity.

I think it is a legitimate matter raised. I hope that this Parliament in its deliberation will be able to deal with that and so protect the civil rights of the people, notwithstanding the international obligation to provide immunity for visiting forces, whether police or otherwise. It is also significant or somewhat ironic, perhaps, that these Bills are being debated in Parliament at a time when there was an incident pertaining to the very cricketing teams in our midst. The incident, of course, was the tear gas explosion that took place at the Hilton Hotel on the very day these Bills were introduced, when the South African, Pakistani, Irish and Canadian national cricket teams and the support staff were booked at the Hilton along with foreign journalists and officers from Interpol. Ironically, bomb experts from India brought down as part of the Cricket World Cup security group were also staying at the Hilton when we had that tear gas explosion.

It is almost symbolic of a general situation that we are facing in this country where our security system is clearly at risk. No provisions of immunity or provisions of reciprocal arrangements could, in fact, provide the comfort that is required, unless the security system in Trinidad and Tobago is foolproof. That is the context in which these Bills are being brought to Parliament.

Much has been said about our system of security. Today I would not once again repeat what has been said on so many occasions in this Parliament, but to

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draw to the attention of the general public that our security systems remains on the edge that has created a sense of fear in the country and, obviously, this would reflect itself in the audience of the visitors here with us.

**3.30 p.m.**

I believe it is the Attorney General in his press briefing yesterday when the Prime Minister made certain declarations pertaining to this question of justice and security, who said that what is happening today in our country is testing our patience. This is being said in the aftermath of so many statements about the criminal justice system which had been argued before, and admitted by the Attorney General and others in high office in this country that it is in a state of near collapse.

I believe this set of legislation before us can only be effective in the real sense of the word if the criminal justice system can be repaired, corrected, and put on a stable path. [*Desk thumping*] That to me is the major contention as we bring legislation before us when that system itself is faulty and is not promoting confidence.

In fact, the national security system of the country can only be a system which can inspire confidence if there is confidence in the institutions for the promotion of justice in a country, for they go hand in hand. If the system of justice does not promote confidence, then the system of national security will have no meaning, for underlying the system of national security is the system of justice and it is ironic and perhaps paradoxical that this Bill is coming before us when this country is in the eyes of the international cricketing world and our very system of justice is now exposed for the whole world to see. Unless that can be corrected, then the provisions in this Bill will be purely academic and, therefore, it is appropriate for us in debating this Bill to look at the current issues that are in the public domain and see how we are being exposed to a sense of public compromise in the administration/management of justice.

In fact, I believe today there were so many commentators from the legal world talking about the violation of the separation of the arms of the system of Government. We have the Judiciary, the Legislature and the Executive. Mr. Speaker, perhaps it is symbolic that this Bill has come when that issue has come to the fore, because in our society we have not been able to understand how to deal with legitimate tensions that do exist among the three arms of the Government of our parliamentary system. We are all aware that the Judiciary, the Legislature and the Executive will always have a degree of tension for the roles are different.

The role of the Judiciary and the Legislature to be able to be protectors of our legal system and to be operating as pillars in the functioning democracy, can only work if there is a genuine core value for the observation of the rules of law in Trinidad and Tobago. [*Desk thumping*] It can only work, if there is in fact a serious commitment on the part of those who hold high office to ensure that these fundamental separations must be honoured and we must not use our own positions and power to interfere and meddle in the sacredness of these divisions. It is in that context that the security legislation must be seen in terms of the public spectacle that is taking place today; a public spectacle in which there are so many precepts of our democracy under test and question.

The sense of insecurity in the national security system is only deepened by the sense of fear that our institutions of justice are now also under threat, and it is in that context that I would like to raise a number of issues and take this opportunity to say how we should in fact, immediately, correct that situation, but to do that, we must look at a bit of the history particularly the history of a Government in which the Prime Minister presides; a history in which there have been so many occasions on which citizens of this country had to go to the highest jurisdiction of the Privy Council to seek recourse.

Within recent times, there have been a number of high profile occasions where an ordinary citizen—Marlene Coudray had to seek against the State the rights that are enshrined in our Constitution. Where Gangapersad Bissoon, another citizen had to seek the rights that are enshrined in the Constitution at the Privy Council, Feroza Ramjohn, in the case against the State had to seek her rights in the protection of her individual liberty in the civil matter at the Privy Council and more recently, the Maha Sabha as an organization had to go all the way to the Privy Council to get its right honoured and all in a situation where the Prime Minister presides, so to speak, on this phenomenon.

It is a pattern that has emerged over the last few years and when we look back at some of the evidence before that, and at the occasions on which many different parties had to seek redress in order to ensure that their rights are protected, we would see in the judgments of the Privy Council in matters against the State, under the stewardship of our present Prime Minister, there are numerous occasions. There is a long list of such incidents and anyone can get hold of it by simply going into the website of the Privy Council where there is a list of cases in which citizens' only recourse was to seek the rights of the Privy Council.

I raise this, Mr. Deputy Speaker, if only to emphasize the point that perhaps one of the most important legacies that are emerging under the leadership of the

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present Prime Minister of Trinidad and Tobago is the legacy that citizens of this country have to find their rights protected by going all the way to the Privy Council on numerous occasions. [*Desk thumping*] It is a legacy that perhaps reflects that the core values of the leadership do not support those very fundamental rights of which I have been speaking and which have been raised in this debate as being essential if we are to have a functioning democracy.

What will be the legacy of this administration on this issue? The legacy of the abuse of power and process by the State will remain an important component of the history of this Parliament. This is not only a matter pertaining to the situation with the Chief Justice; this is just but one example, and I am saying if the core values are not there and the mindset is not supportive, then regardless of what legislative apparatus we put in place, the administration of justice will always be at risk in Trinidad and Tobago. [*Desk thumping*]

I had the opportunity to visit Tobago two days ago and they were speaking about the persistence of this administration in not honouring the spirit of the legislation that granted them internal self-governance in 1980, and amended in 1996. What was at stake here was that although the legislative apparatus was put in place, the mindset of those who have to administer that due relationship had not changed from the colonial period. [*Desk thumping*]

Tobago was seen as a ward of Trinidad and although the legislative provision was such that it allowed them internal self-government, under this administration the mindset did not free itself of what they had inherited. That is why today we continue to have those cries because the point I am making is that if the core values of the leadership do not honour in real this sense of fairness, fair play, and this sense of protecting rights then we would always be faced with the kinds of confusion that have now emerged. Confusion clearly there is, and there are many issues that have come on the national agenda in the last few days and perhaps will confirm the view that it is only here in Trinidad and Tobago that we have had this phenomenon expressing itself with such frequency and possibly we can now say that we are facing a situation where the Government of the day is the most serious violator of constitutional rights in Trinidad and Tobago. [*Desk thumping*]

If that is so, or not so, we can continue to debate, but I can assure you today that there is a loss of confidence of the people in the Government's ability to protect the constitutional rights of the people of Trinidad and Tobago. [*Desk thumping*] That is why I raise the point of the Member for Siparia of the checks and safeguards that are required; not because the Bill meets the norm of international standards must we accept it; we must only accept it in the context of

the reality of the situation in our own country. [*Desk thumping*] And if the reality of our situation suggests that these rights are at risk, we must put those checks and balances in place. In other words, we might be creating a new norm in international reciprocal arrangements.

Let us look at the evidence which suggests that that core value that should in fact be part of the leadership of the country and what has really happened. I do not wish to go into those matters, there are many who have commented on the serious violation of the principle of the separation between the Executive, the Judiciary and the Legislature; it is an ongoing issue. There are those who have argued on the rights of citizens and witnesses not to provide the evidence in the court.

Mr. Deputy Speaker, I remember not long ago in a matter in which I was once responsible, I was asked to provide witness in my capacity of holding an office in this country before and I thought perhaps I could do so in one affidavit, but I was told on more than one occasion that it was my civic duty to be a witness in a case even though I had no vested interest in it. [*Desk thumping*] It was my civic duty as a citizen of this country and moreso as an official of the governance process of this country, that I should discharge that responsibility whether I had an interest or not in the matter.

I was told by legal people that that is a fundamental precept upon which our democracy is based, and when you saw what happened today when a major witness refused to give evidence, whatever the grounds, it reflects to me that the core values on which we are operating are not consistent with the democratic institutions we have in place. As a layperson I would say that is a civic responsibility especially since you were the one who provided the evidence in which the Prime Minister may or may not have acted.

**Mr. Deputy Speaker:** You are treading perilously close, but go ahead.

**Hon. Member:** Perilously close to what?

**Mr. Deputy Speaker:** I am saying, hon. Member, that you are moving perilously close in getting into a legal area that does not appear to be completed. I do not want you to go there.

**Mr. Panday:** But he can comment on it.

**Mr. Deputy Speaker:** Please, I am speaking to the hon. Member and I do not want your comments. Thank you.

**Mr. W. Dookeran:** I will always be guided by your ruling, Mr. Deputy Speaker, but I want to suggest that what I am talking about are the core values

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that would in fact inform the legislation in which we are now engaged in debating—[*Desk thumping*]

**Mr. Panday:** Of course.

**Mr. W. Dookeran:** I am making the broader point that if the core values of the leadership do not support the spirit of the legislation then the legislation itself is of little value. I am making a further point that the national security system which we intend to protect by this legislation in light of the special circumstances in which we are engaged today will not be able to get the comfort if the very core values upon which our political system of governance is based are not upheld. So it is in that context I am raising these issues, Mr. Deputy Speaker. I do not know if that is wrong.

**Mr. Panday:** So it is not perilous.

**Mr. Deputy Speaker:** I have told you and—

**Mr. W. Dookeran:** I am trying to establish my case.

**Mr. Deputy Speaker:** I will repeat it for your benefit. What you are saying is perfectly legitimate and above board, however, I am telling you that you are coming perilously close to commenting on a matter on which I have already ruled.

**Mr. Panday:** Ha, ha, ha, ha.

**Mr. W. Dookeran:** Mr. Deputy Speaker, should I continue on this line or not?

**Mr. Deputy Speaker:** I am certain you understood me.

**Mr. Panday:** Continue, continue!

**Mr. W. Dookeran:** Thank you, Mr. Deputy Speaker. I was making the point that we cannot have two parallel systems of national security, one official and one unofficial. [*Desk thumping*] The unofficial one must be informed by the core value that reflects itself in the official one, and we cannot have a system of national security if, in fact, we do not have a system of justice in which we are all comfortable, or have confidence in. That is the point I am making. So in that sense I was using the evidence of what is taking place to bring home the point that today, it would appear as parallel systems.

**Mr. Deputy Speaker:** What I am saying, hon. Member, it is in using that evidence that I am asking you to be careful.

**Mr. Panday:** A pre-emptive strike.

**Mr. W. Dookeran:** Mr. Deputy Speaker, on this issue of evidence, I was advised if we are to follow the rule of law, any criminal offence brought by the State is so brought because it is considered an offence against society and an attack on the rule of law. As such it is incumbent on any person making a complaint that he or she was a victim of any such offence to give evidence of the facts of the offence. In our courts victims of such criminal offences have been severely chastised for not giving evidence and could be charged under Chap. 10:04, section 5(1).

**Mr. Deputy Speaker:** That is where it is going, and because I know that I am telling you to be careful because the opinion may not be finished.

**Mr. Panday:** So?

**Mr. Singh:** What is the point?

**Mr. Panday:** It is not *sub judice*. [Interruption]

**Mr. W. Dookeran:** Mr. Deputy Speaker:

“Where a person has committed an arrestable offence, any other person who, knowing or believing him to be guilty of the offence or of some other arrestable offence, does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution is guilty of an offence.”

The question, therefore, is whether there was a lawful authority, or a reasonable excuse.

Mr. Deputy Speaker, we have a situation, and I do not want to go into the whole episode and agony of the last 18 months, we will have other occasions to do that with respect to the situation with the Chief Justice, but I am defending what I think is my interpretation of the rule of law. If you are charged for an offence and the prosecution decides they shall withdraw that case for whatever reason, then there is no basis to say that you are lawfully being charged because the case is being withdrawn, and if there are no other cases on the books at the moment—there may be threats of cases—then I am a free person and the rule of law should prevail. [Desk thumping]

**Hon. Member:** Yes.

**Mr. W. Dookeran:** It is in that context I believe that if we want to preserve the rule of law and the respect of the people of Trinidad and Tobago in the confidence of our Judiciary, then I believe that in the current context the Chief

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Justice should be reinstated in his position until the matter is reopened. [*Desk thumping*] That is where I am leading, that the core values must support the legal instruments, and such reinstatement—because there is no charge and what charges there were are being withdrawn and there is no existing charge because there are threats of existing charge and that itself is being done in a manner that does not inspire confidence, then I see the rule of law being supreme over everything else in the country at this time.

**Mr. Panday:** No man is above the law.

**Mr. W. Dookeran:** It is in that context I make the point once more because I do believe that at the heart of the national security system is the judicial system and its integrity, and at the heart of that is the preservation at all times of the rule of law in Trinidad and Tobago.

Maybe, Mr. Deputy Speaker, this is not only my view, I have been sent numerous opinions by citizens of this country, one of which says:

I thought the Director of Public Prosecutions (DPP) worked independently from the Executive, if so, any attempt in any form that the PM takes to communicate with the Chief Magistrate will serve to undermine not only the Judiciary, but the Constitution itself.

This is an opinion sent to me from the people and I have had numerous comments by the people who have uttered their views.

**Mr. Panday:** And they shoot down my Motion today.

**Mr. W. Dookeran:** Some of the newspaper editorials talk about that.

**Mr. Deputy Speaker:** Hon. Member, 36(10) of the Standing Orders says:

“The conduct of the Governor, Members of the Senate or the House of Representatives, or of Judges or other persons engaged in the administration of justice shall not be raised except upon a substantive motion...”

Moreover, you just spoke about the Director of Public Prosecutions—

**Mr. Singh:** The office.

**Mr. Deputy Speaker:** Yes, we are not speaking about the person, the office and he is involved in the administration of justice and you are not allowed to circumvent or try to circumvent this Standing Order by reading what other persons have told you. Since you are, I now rule that you do not raise it anymore.

**Mr. Ramnath:** They can speak about it in public, but he cannot raise it here?

**Mr. Deputy Speaker:** The unfortunate part is you are not permitted to do it, but you must do it on a substantive motion. Why do you not want to do it properly?

**Mr. Ramnath:** The issue has been made public but we cannot do it.

**Mr. Deputy Speaker:** He can do it in a motion.

**Hon. Member:** Throw out that Standing Order!

**4.00 p.m.**

**Mr. W. Dookeran:** Mr. Deputy Speaker—[*Crosstalk*]

**Mr. Deputy Speaker:** I want to repeat: Nobody is stopping you or trying to stop you; it just says the manner in which it must be done and all the protestations will not change what is written here. It is not mine.

**Mr. Ramnath:** But we should not be disallowed a comment.

**Mr. Deputy Speaker:** Well, maybe we could move the Standing Order but—[*Crosstalk*] Please, honourable gentlemen, we can remove the Standing Order but while it is here I am bound by it and so are you.

**Mr. Ramnath:** It is preventing us from making any comment.

**Mr. W. Dookeran:** Mr. Deputy Speaker, I am also bound by my oath in office to bring the views of the people to Parliament. [*Desk thumping*] That is all I wish to say—

**Mr. Deputy Speaker:** Hon. Member, I hear what you say but I have ruled.

**Mr. W. Dookeran:**—and in so doing I am trying to assert the constitutional independence of the Director of Public Prosecutions as a individuals; I am talking about the offices and the need to maintain the major concern of the people as evidenced by this. [*Desk thumping*] I have not raised the names of independence of these offices and I believe that that—

**Mr. Deputy Speaker:** Hon. Member, I am repeating—

**Dr. Rowley:** And you have ruled.

**Mr. Deputy Speaker:** Please, give me a chance. Let me tell you, you are a person for whom I have great respect but I will enforce the rules regardless of who you are. Go ahead.

**Mr. Ramnath:** The conduct is not in question; we are talking about the office.

**Mr. W. Dookeran:** Mr. Deputy Speaker, I said we would abide by your ruling, but I did not think your ruling was telling me that I cannot assert in this Parliament the views of the public that they want independence of the Judiciary, the Executive and the Legislature. I did not think that the people's voices on this matter should not be brought to the attention of this Parliament, because that—

**Mr. Deputy Speaker:** I am explaining that when you are prevented by the Standing Orders from doing something, you cannot circumvent the Standing Orders by bringing it through the mouth of somebody else who has written to you. You are not permitted to do it.

**Mr. Panday:** That is right, but he is not impugning anybody's conduct. [*Crosstalk*]

**Mr. W. Dookeran:** Mr. Deputy Speaker, in the same way we must not have one national security system and a parallel security system as evidenced by some of the activities that have been raised in this House before, it is the same way I believe we should not have one judicial system that is official and another judicial system that is unofficial. In that context I am saying that this country's national security system would be better served by having a judicial system in which the people shall always have confidence and that there should be one system with one core value and one set of legislation that must deal with it.

That is all I am saying on that matter and there is much more to say on this and other matters, but today we face a situation in which the entire cricketing world is focusing on us for the purposes of this international event, but it has happened at a time in which this country is beginning to lose its patience, as the Attorney General said, in this continuing chaos and confusion. I am using this opportunity in Parliament to call for us in Parliament to follow the rule of law and put an immediate stop to this continuing chaos and confusion that is taking place in the minds of the people, as they want to protect a genuine democratic society in Trinidad and Tobago. [*Desk thumping*]

Rules and procedures will be dealt with by those who have the responsibility to do so—and you, in any event, have forbidden me from going further on that issue, so I will hold on to that. But I want to show you that that will not deny the fact that the people in this country today will argue that unless there is a return to the core values of our democratic system and the exercise of the power consistent with that, there will always be, in our country, a feeling that our very national security system is not based on fundamental principles that we all adhere to.

It is in that context that I raise those issues before us. I have said it before, that tension between the Executive, the Government and the Judiciary are normal; how to handle it is the real challenge of leadership. If it is mishandled and it inspires lack of confidence in the people, then it is not responsible. Only time will tell us that the recent events have created a clear feeling in our country today that there is now in the leadership of the Government a view that is not consistent with the rules of the separation of powers between the Judiciary, the Executive and the Legislature. It is common knowledge.

I urge the Prime Minister to deal with this situation to restore that confidence, because at this stage that is the reality. The statement that he gave which was laid in this Parliament talked about a number of things which are of much concern to us. I read from the statement which was circulated:

“On December 06, 2006, (the Prime Minister says) my lawyers wrote to the Attorney General asking him to provide a statement which had been previously requested. On February 13, 2007, my lawyers requested the Director of Public Prosecutions...”

I am quoting from the next paragraph:

“Accordingly, today, I have written to the Chief Magistrate asking whether he intended to give evidence before any tribunal set up under Section 137.”

Later on the Prime Minister says:

“I have also written to the Deputy Director of Public Prosecutions asking for an account of the circumstances and reasons which led to a decision to discontinue proceedings against the Chief Justice.”

Is this not suggesting that there are two parallel systems of justice where the Prime Minister is dispensing his own system of justice and he has, in fact, sought advice of his lawyers in order to talk to his Attorney General? Is that not being suggested?

*[Mr. Manning stands]*

**Mr. Panday:** Do not give way!

**Mr. W. Dookeran:** I will give way to the hon. Prime Minister.

**Mr. Manning:** Mr. Deputy Speaker, I thank the hon. Member for St. Augustine for giving way. I think the hon. Member for St. Augustine ought to make it clear—because not everybody who is hearing him understands our constitutional arrangements—that the Prime Minister is acting in accordance with

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the provisions of section 137 of the Constitution which gives him a certain authority. That is all. So it is not two parallel systems of justice; it is the constitutional arrangements by which we are all bound and which we are determined to uphold. That is all. [*Crosstalk*]

**Mr. W. Dookeran:** You see, Mr. Deputy Speaker, if I were to respond, it will open up the very debate which you have asked me not to get involved in.

**Mr. Deputy Speaker:** I would prefer a substantive motion.

**Mr. W. Dookeran:** We can go through that, but I am just pointing this out because, really, what we are having today is a situation in which—

**Mr. Deputy Speaker:** The speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes [*Hon. P. Manning*]

*Question put and agreed to.*

**Mr. W. Dookeran:** I thank Members and I thank the Prime Minister for moving the motion for my extension, but I would like to use the few minutes—and I do not intend to use all of it—to indicate to my colleague and friend, the hon. Prime Minister, that whether he wants to admit it or not, the perception of the country's confidence in the way he has discharged that very specific responsibility to which he referred, has left the country in bewilderment as to whether or not we can rely on the Prime Minister to protect the constitutional rights of Trinidad and Tobago. [*Desk thumping*] That is all I am saying. The manner in which it has been dealt with without going into the details, as you have instructed, Mr. Deputy Speaker, has left the country, in no uncertain terms, with that perception which has been reflected by many opinion leaders in the country. So it is not something that I am saying here for the first time. I am just using my prerogative as a Member of Parliament to reflect the sentiments of a large section of the people in this on a matter of importance and public interest. [*Desk thumping*]

As I said, this is not only because of this case; it is because of a pattern that seemed to have emerged over the last four years, a pattern which I had expressed earlier on when the hon. Prime Minister, I believe, was not here at the beginning of my contribution.

**Mr. Manning:** I heard it.

**Mr. W. Dookeran:** But it is a pattern and therefore we have now reached that point where we need to get some clear answers on this and we need to get some

clear answers by, one, getting the agreement that we shall uphold the rule of law and that we must allow the status quo to remain while further legal battles take place, which is to reinstate the Chief Justice in his position until the matter is settled. I have argued that case and I believe the rule of law would suggest that.

I think we also need to get very clear guidelines from the office responsible on the question of the rules of evidence when called as a witness in a matter of public interest—what are the rules that must guide the citizen. Because if certain Members can get away with one set of rules then the entire country would believe they can get away with it as well. [*Desk thumping*] That is the beginning of the argument of the Member for Diego Martin West when he spoke some time ago about the lawlessness in the country. He was right. He said it was a problem of enforcement with respect to housing policy; it was enforcement with respect to so many things because that sense of lawlessness has been given a sense of privilege because if the leaders of the country operate in a way that do not inspire the rule of law, then the country at large will feel that there is no compulsion to follow the rule of law. [*Desk thumping*]

**Mr. Ramsaran:** Well said; well said.

**Mr. W. Dookeran:** Those are the real incidents that led to the situation in the country which we can move back to the issue of national security, because I believe one of the arguments raised on the issue of national security was the argument that the lawlessness of the society must be corrected. But if the genesis of that lawlessness arises from the behaviour of those who hold high public office, it can only be corrected by changing those who hold political office. [*Desk thumping*]

That is what I would like to see, because I believe that this particular legislation, as I indicated before, cannot be taken literally. The issue of reciprocity was raised; the issue of immunity to the police forces from abroad and the other force from abroad were raised, but not at the risk of denying civil liberties of citizens of the country, and the necessary checks and balances must be argued. It would have been nice if the Member who promoted this Bill could have assured us—and I hope in his winding up he will assure us—that these checks and balances are in place. I know the Member for Laventille East/Morvant is a man who believes in the law and, therefore, he will try to uphold it, so I look forward to his explaining what these checks and balances are in order to protect the civil rights that we want to protect as we grant immunity to the foreign forces that are in our midst.

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We have no problem with that because that is part of the international agreement and also part of the infrastructure that is required to stage major cricketing and sporting events in the country. This is something we must encourage because as the years move on and as we unleash a new energy in the country, we would have to do more and more of this as we make the entire Caribbean an arena for developing an international sporting industry in the world. So we are laying that foundation by using this opportunity and we must move to the end, but we cannot do that if undermining that entire process is the behaviour of those who hold high office in our country. I do not exclude any one of us. I am saying we have a collective responsibility to do that. If we are to make this legislation economically powerful in the future, then we must be able to ensure that we do not undermine the legislation by the very way in which we conduct the system of national security and the system of justice.

I hope that not only will the Trinidad and Tobago cricket team continue to win, and the West Indies team will continue to perform and bring back the cup to us this time around, but that we shall have more and more international sporting events in the Caribbean as part of the new freedom of economic emancipation in the Caribbean. This, perhaps, might then make it beneficial for us to deal with this legislation and to make something positive out of it at this stage.

So I urge those who are responsible not to see this as a once-and-for-all job, but as a basic requirement for the globalization of the Caribbean in the international sporting industry in which millions and millions of dollars can flow into our country. [*Desk thumping*] It is in that context that we should look at this legislation as an opportunity but it must not be undermined by the system of governance which we exercise on a daily basis.

It is in that context that I thought I should make these comments and I reserve my right to continue to speak on those issues which you have today, by the rules of the Standing Order, denied me that right. I hope one day we shall make those Standing Orders relevant to the democratic aspirations of the people of Trinidad and Tobago where freedom of expression shall be upheld in this Parliament regardless of some rules that were put into place some many years ago. As Deputy Speaker, perhaps the time has come for us to review the core values that are implied by those rules, because one of the fundamental precepts of a parliamentary Chamber is to be able to convey the people's feelings into the Chambers of governance of the country. We must do so within the strictures of a debate, I agree, but we cannot deny it as a matter of a procedure that I believe is not consistent with our expectation of having a participatory democracy in Trinidad and Tobago.

Even there we need to go further, and even the debate on constitutional reform has been on the wrong track, because it is not constitutional reform to create greater accumulation of power in the position of the high office holders; it must be constitutional reform that distributes that power to the people of the country to participate in their own governance. [*Desk thumping*]

I spoke about the comments I heard in Tobago about autonomy. It is because what we are facing today is a mindset of the past that is today still informing what we think about it and how we reflect it in public policy. It is in that context that we should do major reforms. The country is waiting for major reforms, but major reforms cannot come from those who have a vested interest to keep the system as it is; major reforms can only come when collectively, the country and the people decide to stand up to chart a new course; a course to explore the global potential of an economy in the field of sport; a course to change our parliamentary rules and behaviour in such a way that will always inspire confidence that the people are the bosses of the Parliament of Trinidad and Tobago.

It is in that context I thought that this legislation gave me an opportunity to go behind the headlines that have been posed and to suggest that perhaps this is an opportunity for us to think clearly about putting the safeguards in place and, secondly, about exploiting the economic opportunities that can emerge out of the institutional infrastructure that we are laying down here today.

Thank you very much, Mr. Deputy Speaker. [*Desk thumping*]

**The Minister of Public Utilities and the Environment (Hon. Penelope Beckles):** Mr. Deputy Speaker, I join this debate on the Visiting Forces Bill 2007—

**Mr. Ramnath:** This is not the CEPEP debate, you know—

**Hon. P. Beckles**—and the Security Assistance (Caricom) Bill and I would like to say it is a pleasure to debate what I consider to be very historic pieces of legislation. As I do so I would like to read into the records from a book prepared by the ICC Cricket World Cup West Indies, 2007 and I am quoting here from the ICC President. At page one, the President says:

“And it’s a particular treat to be able to stage this ICC Cricket World Cup—the biggest in its history—here in the Caribbean. For as long as anyone can remember, the West Indies have been producing some of the most exciting and passionate cricketers in the world. The sheer class of Sir Garfield Sobers, the brilliance of Frank Worrell, Clyde Walcott and Everton Weekes;

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power of Viv Richards, the elegant ferocity of Michael Holdings and the relentlessness of Brian Lara have touched us all and these are just a few of the great players to have come from this unique place.”

The West Indies first won the World Cup in 1975. We won the World Cup twice and there is another opportunity for us in staging this World Cup to win it another time. But before I get into the substantive contribution as it relates to the Bill, I, too, would like, on behalf of the Government, to congratulate the Trinidad and Tobago cricket team for having, another year, successfully won both the one-day and the five-day regional championships. [*Desk thumping*]

**Mr. Ramnath:** What did you do for them? Did you give them anything?

**Dr. Moonilal:** A CEPEP contract.

**Hon. P. Beckles:** It is so unfortunate that CEPEP has gotten into the minds of the Opposition so much that they cannot seem to be able to speak of anything else.

**Mr. Ramnath:** No, I am talking about—

**Hon. P. Beckles:** I am talking to the Member of Oropouche, specifically, who seems to be now “CEPEPized” and cannot speak about anything else.

These pieces of legislation are very, very important and it is important for us to note that Caricom, in February 2007, agreed that it was important for all Caricom nations to implement these relevant pieces of legislation and we are here, yes, debating these pieces of legislation late in the day, comparatively speaking, but as the actual official cricket starts next week—the warm-up games are taking place this week, and last week—we are very satisfied as to the importance of these pieces of legislation.

As it relates to the Visiting Police Forces Bill, 2007—and the information has already been given that it is internationally accepted practice that visiting forces must have autonomy over their affairs in receiving countries and that there are cautions in relation to that. As it relates to this particular piece of legislation, the intention is to give members of visiting police forces powers of local police while making them subject to the authority and instructions of the Commissioner of Police.

If we were to remember some of what has transpired in the Caricom over the last couple years where visiting forces, either military or police, would have gone to some countries, depending on certain types of situations—the last that I could remember would have been 2005 when Hurricane Ivan, to a large extent, did

considerable damage in Grenada and it necessitated Trinidad and Tobago sending troops to Grenada to assist, in a sense, in a bit of law and order, because we do recall seeing footage of looting. Shortly after that hurricane, if we recall, the Prime Minister at that time called for assistance from several countries in the Caribbean. Trinidad and Tobago was the first country in the Caribbean to respond, and if we recall correctly, within hours the hon. Prime Minister of Trinidad and Tobago visited Grenada together with troops, food and other things.

It was not only Grenada, but we would recall that Haiti and Jamaica as well, a couple years ago, had similar problems following hurricanes. In both instances again, Trinidad and Tobago rose to the occasion and sent our men to Haiti and Jamaica. Those were not the only occasions. We can think of other occasions. But the point is some of us feel that situation may never arise in Trinidad and Tobago and whilst in essence we are debating a Bill to facilitate our men who have gone to other parts of the Caribbean, it is quite likely that the necessity may arise for a similar situation in Trinidad and Tobago and as we debate this Bill we must understand that.

The point is that there are some Members of the Opposition who are so obsessed with Opposition politics that they very often cannot see the value of very important pieces of legislation [*Desk thumping*] and, therefore, the hon. Member of Parliament for Siparia, rather than understanding the value of the legislation, would utilize the opportunity to talk about this Government wanting to put into place a mongoose gang. It is very difficult to understand that logic. It is so scandalous—I sat here and I listened, but I read it and I could not understand for the life of me how, having read these three pieces of legislation, the hon. Member could stand and say that we are using this to create a mongoose gang.

I am so happy that the Member of Parliament for Diego Martin East highlighted the number of countries in the Commonwealth that have implemented these pieces of legislation almost four decades ago. Jamaica has had it more than four decades ago; Barbados has now put it in place—

**Mr. Deputy Speaker:** Hon. Members, the sitting of this House is suspended. We will resume again at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Hon. P. Beckles:** Mr. Deputy Speaker, I want to deal with one area that is important and that is the issue of immunity. The hon. Member for Siparia talked about blanket immunity being given to police officers and the military to come to

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Trinidad and Tobago and do as they please. That is the only area I am going to address. I am repeating something my colleague the Member for Laventille East/Morvant said. The intent of the Visiting Police Forces Bill is to give members of the visiting police forces the powers of local police while making them subject to the authority and instruction of the Commissioner of Police. They will enjoy immunity from prosecution in our local courts in respect of acts done in the course of their duty, as well as in respect of acts committed against another member of their visiting force or in respect of property belonging to their sending country. This immunity will pertain to acts that may constitute either a civil offence or a criminal offence providing the act is done in the course of their duty and that act is against another member of the visiting forces or property belonging to a visiting force.

As it relates to the Visiting Forces Bill the issue of immunity arises. This Bill contains seven parts and 27 clauses. Part I of the Bill provides for preliminary matters and Part II of the Bill deals with the issue of the jurisdiction of courts and, as the Member for Laventille East/Morvant stated, courts of the visiting forces, and it gives to the visiting forces immunity from civil and criminal jurisdictions of Trinidad and Tobago. What is important is in respect of acts performed in the course of their official duties. This does not mean that the visiting forces can come to Trinidad and Tobago and commit offences without impunity as seems to have been suggested by the Member for Siparia. It is important for the public to understand that in both instances, the Visiting Forces Bill and the Visiting Police Forces Bill the immunity applies strictly to acts committed in respect of their official duties. [*Desk thumping*] Not only is it very straightforward but also enough information was given by the Member for Laventille East/Morvant about the history and objective and why it is necessary for us to pass this piece of legislation. We expect whether it is the Government or the Opposition, that responsible statements be made because at the end of the day, the population is not only listening to us but also, they expect us to make statements such that they could be educated properly.

This impression by the Member for Siparia that when the hon. Minister in the Ministry of National Security spoke, he gave the impression that the Bills were being done exclusively for Cricket World Cup is false. The hon. Minister in the Ministry of National Security was at pains to point out that Caricom sat and agreed last month as it relates to the necessity of these Bills and in truth these Bills exist in several countries in the world.

I am very happy that the Member for St. Augustine indicated that this is an opportunity for us not just an economic one but in essence Trinidad and Tobago and the other eight Caricom countries have been given the opportunity to understand what it is to be of First World status. Some of us may not have understood the complexity that would have arisen as a result of agreeing to host Cricket World Cup 2007. The truth is that the West Indies having performed and excelled historically in cricket that is the opportunity we have had. The Member for St. Augustine also indicated that with Cricket World Cup 2007 the entire Caribbean is on the world stage. There are three sports football, Olympic and cricket that are watched internationally by most people in the world. We do not want to end up in a position, as has happened in some of the other countries in the world, where sporting activities have taken place and have resulted in death, injury or dismemberment to other persons. Just recently in Spain a football match was taking place and the government of Spain had to suspend football for a couple weeks. Why did they have to suspend football? A policeman was killed in the line of his duty.

**Dr. Rowley:** Italy.

**Hon. P. Beckles:** Thanks for the correction by my hon. colleague for Diego Martin West.

The Prime Minister of Italy had to go on television; address the nation and publicly state that all football matches in Italy had to be suspended. That is how important it was. Why did the prime minister say that? A police officer was killed. During that match there was so much rioting and at that point in time the government was forced to stop football and put security measures in place before football resumed. In Italy football is a religion and when you suspend football there are substantial financial losses to the entire country. It is an activity that takes place on a daily basis. One understands what happens when a decision like that is made.

Mr. Deputy Speaker, I know that you also follow football. I am sure that you will recall that the European Union passed legislation to deal with hooligans from the United Kingdom and other parts of Europe. As a matter of fact they have gone so far where they now have pictures of hooligans and they cannot attend certain football matches in many parts of Europe. The technology is such that as soon as you appear your picture comes up on the computer and they say that they are very sorry, you are down on a list of hooligans and you cannot attend.

**Dr. Moonilal:** Out!

**Hon. P. Beckles:** Thank you very much, Member for Oropouche. We in the Caribbean do not want to get to that stage or where a prime minister has to say that if you continue to embarrass the government and the country as in the case of Italy, you would have to play to empty stadia.

When we talk about these three pieces of legislation, I close by indicating that it is very important. It is unfortunate that the impression is given or that the Opposition is trying to give the impression that Trinidad and Tobago is using the opportunity of World Cup Cricket to bring this legislation into being and to suggest that it should be sunset legislation. It is not sunset legislation in any other Caricom country. The approach and decision that we have taken with the way the legislation is structured is that Trinidad and Tobago in a sense has not taken the legislation from Jamaica wholesale. Caricom agreed that in terms of your legislation you will see whether there any unique clauses you would want to put. It was agreed that all the Caricom countries will follow a particular model piece of legislation.

This is what Trinidad and Tobago has done. I congratulate the Minister in the Ministry of National Security, the hon. Fitzgerald Hinds because I know that he too did not have any length of time to prepare for this piece of legislation, but he had sufficient time. Some of us do not need two days, three days and three years. Some of us are competent that we will come here—and having had assistance which he is entitled to get as a minister from the technical experts, that is his right. When those on the other side were here they had the benefit of technical assistance. At the end of the day he made an excellent presentation for which I congratulate him.

For us in the West Indies and those of us who support cricket and at every opportunity stand to say we support Lara, Ganga, all the others and Trinidad and Tobago, Trinidad and Tobago is very fortunate. We have Simmonds, Pollard, Brian Lara, Bravo and Ramdhin. Trinidad and Tobago has the largest number of players on the West Indies cricket team. The West Indies is not playing in Trinidad and Tobago but in Jamaica. When as a Caricom country we meet and take decisions to implement policies and legislation that would ensure the development of Caricom, Trinidad and Tobago has signed on to that and we are ensuring that we fulfill that mandate and agreement. I rise in full support of these Bills.

I am of the view that at the end of Cricket World Cup, with these pieces of legislation Caricom would be in a better position when we host other types of sporting events to have had certain things in place and have at our disposal the

technology; some of the best resources; visiting forces and police forces to assist us to ensure that Trinidad and Tobago is a safe place. So often on the other side they talk about tourism and safety. We understand the value of tourism in the West Indies. Tourism is the largest employer of persons in the Caribbean. We must ensure that whatever we do we put everything in place so that the visitors and tourists can feel safe at all times. Again, I commend my colleague, the Minister in the Ministry of National Security for an excellent presentation. [*Desk thumping*]

Thank you.

**Dr. Roodal Moonilal** (*Oropouche*): Mr. Deputy Speaker, I rise to contribute to this debate on three measures before us that colleagues have already indicated are measures that are extremely serious and critical in the context of both Trinidad and Tobago and the region and may be even more critical in the context of the ongoing World Cup. I have several issues to raise pertaining to the provisions in the three pieces of legislation before us.

Before I do that I want to make some introductory points concerning the debate and some of the issues that have arisen. Let me begin by congratulating the Member of Parliament for Siparia and the Leader of the Opposition for a very eloquent and technical contribution on the matters before us and for raising some of the serious security and legal issues to which this Bill gives rise. The Leader of the Opposition has raised several important matters which one cannot easily brush aside, notwithstanding the urgency of the measures before us.

An issue arises here which needs some clarification. We were told by the distinguished Member for Arima that these measures before us are not being driven with any haste with regard to the Cricket World Cup that has started already. The Government is indicating that we have to consider these measures but they are not only an imperative by the Cricket World Cup; there are other issues to deal with. You will recall that Parliament was hastily convened last Wednesday to allow Members to deal with these three pieces of legislation. Let me correct the misinformation, misconception and misguided mischief of the Member for Diego Martin East.

These pieces of legislation came to all Members and to me before Wednesday. It was deposited—I am taken aback that the Member for Diego Martin East almost acting like a postman came earlier in the proceedings and rattled off from a sheet, Parliament Department, House and Senate Order Paper; read into the record the names of persons on the Front Bench and date when we would have received

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the documents. It is not that the Member for Diego Martin East is not entitled to do that but it pushes the argument very far to suggest that you are reading the persons who are signed to receive. One has to be very careful about whom one sends to sign for these documents when the Parliament van comes to one's home.

**Mr. Singh:** Be careful who you have at home. [*Laughter*]

**Dr. R. Moonilal:** By extension, the Member for Caroni East indicated that one has to be careful who is at home in the first place and who is signing.

I wished that the Member for Laventille East/Morvant had dropped it. Under no circumstances I would invite him to my home but I have a pet dog named Juris that often offends the parliamentary staff. It is very vicious and the parliamentary staff is always very careful when putting materials in the post box around that pet dog. Only on that circumstance I suggested that the Member should have dropped. Whatever is the clownish representation by the Member for Diego Martin East the long and short is that three important pieces of legislation were delivered within 48 hours to Members of Parliament.

Let me read from the piece of paper that he was holding up.

The Member for Oropouche placed in post box 9.20 p.m.

At 9.20 p.m. on Monday these materials were delivered. This is the central point. Important pieces of legislation and you would have had a day or a day and a half, depending on when whoever collected it at whatever point. It is not important whether it was Tuesday night or Monday morning. It was two days and what could be less than two days for Members to consider these matters. On Monday night at 9.20 you received your documents and you are expected on Wednesday to be fully prepared for debate. The Opposition has said/says this is not good enough. It does not matter whether someone collected it Monday night or Tuesday morning. You would expect a decent time of at least one week to read, internalize and research three pieces of legislation like this. The clownish exhibit of displaying a parliamentary leaflet with Members signing and their children was not required. The point was well made by the Leader of the Opposition that measures like this require some days to be considered rather than one day or a day and a half as the case may be.

I raise the first issue of whether or not these Bills are imperative because of Cricket World Cup because we believe they are. I ask the Government and the responsible Minister whether or not at this time there are any foreign forces, police or other agencies from any other territory in Trinidad and Tobago at this

time. If they are here it raises many issues concerning their presence and work in the absence of this law. That is an important question. One gets the impression that at the moment we have visiting forces in this country and they are operating without this piece of legislation. They may be operating outside this law.

The second point is that on several measures dealing with the Caribbean; foreign affairs; Caribbean integration and promoting the region, the Government has a tendency to point fingers at the Opposition as if to suggest that the United National Congress and Opposition Members are against the integration movement; harmonizing Caribbean law and forces and participating in the regional affairs. I recall when Members on this side stood in this House, including me, and raised an alarm over the Government's spending in a bid to attract the headquarters of the Free Trade of the Americas (FTAA) the Government Members including the Member for Diego Martin Central said that we were unpatriotic; we were not supporting Trinidad and Tobago; we hate this country and we were not supporting the headquarters. We told them that they were wasting taxpayers' money because the FTAA would never get off the ground and they would not have headquarters in Port of Spain. Today the sum of over \$14 million has been spent on promoting the headquarters of the FTAA in Port of Spain and there is no FTAA on the horizon.

I say that in the context of Cricket World Cup. The Member for Arima indicated that it is a moment to be proud; a time that the Caribbean is now exposed on the universal stage and we must be proud not only of the history of cricket but also our current crop of cricketers. It is not the first time that the Member for Arima has been at cross purposes with her colleagues and administration. It is not the first time that the Member for Arima has been on different ends of an argument with Members of the Government. I challenge the Prime Minister to say otherwise. On the deadline of submitting bids to the World Cup a senior officer in the organizing committee for World Cup had to be on the phone with the Prime Minister, begging him to accept a bid, some package or something because Trinidad and Tobago was completely outside of the Cricket World Cup hosting any event. That is a fact.

This Government is anti cricket. They stand here and say that they support cricket and World Cup but they did not put in a bid. When the Prime Minister first bungled on the matter, he stood in the House and said that our Caricom neighbours deserve this because they have tourism and they do not have much. In a bid to get FTAA support within the region give them the nice juicy matches; we would watch the warm-up matches. That was the Prime Minister of Trinidad and Tobago. Today, they stand and say that they are so happy; they welcome the

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Cricket World Cup. When Darren Ganga and the cricket team won at Guaracara Park a few days ago, I challenged the Government which Minister found one minute out of four days to go to Guaracara to support the Trinidad and Tobago cricket team. I do not know. I am told no one showed up. We are on cricket.

I do not know if it is a cruel irony or just poetic justice that when the World Cup begins the Minister of Sport breaks down. I wish the Member for Toco/Manzanilla as a colleague a speedy recovery; whatever his health problem he gets well and returns to us in this Parliament. I want to put that on the record. It may well be a cruel irony that when you look to the fast bowlers the Minister of Sports breaks down at this time.

There was a pattern of incompetence that led to the World Cup at our door. That was the pattern that was developed. The Government never wanted Cricket World Cup but we got it and the brown package. We are blessed to see Ireland play against South Africa at UWI grounds. *[Interruption]* We have covered grounds there. The point I want to make with this World Cup is that before the first ball is bowled, do you know the two countries that benefit the most? China and Taiwan; people may say one country. They built a stadium in Grenada and one in Barbados. A few days ago I had the opportunity to watch the BBC. The BBC carries a half an hour promotional documentary called "Fast Tract" in which they highlight the Caribbean and the venues and so forth. And the BBC is presumably shown to millions and millions of people throughout the world. They highlighted the fact that the Chinese and the citizens of Taiwan were the first to benefit from the World Cup.

### **5.30 p.m.**

They also highlighted that in Trinidad and Tobago, the global premier batsman, Brian Lara, his stadium was still being constructed in Tarouba, Trinidad. They showed the backhoe and over loader digging up sand and they said that Trinidad and Tobago did not prepare; the stadium was not prepared in time unlike everywhere else. That is how we were portrayed to the world.

I say this with great regret and sadness because a UNC government would have done otherwise. A UNC government supports sports, not only football but cricket as well and certainly, if Trinidad and Tobago had been playing Barbados at Guaracara Park under a UNC government, not one, but several Ministers of Government would have seen it fit to go to Guaracara and give support to the Trinidad and Tobago cricket team as we do. When the Trinidad and Tobago Football team is playing we are also there.

It is really sad that the Government shows absolutely no interest in cricket and will not go to support the Trinidad and Tobago Cricket team when they are playing in such a big tournament on such a grand day for the country.

Mr. Deputy Speaker, I want to proceed by indicating that the World Cup has started. I imagine that these Bills are very important because of the World Cup. We register again our concern that on two of these Bills, not the three, specifically the visiting police force and a Bill to provide for the presence, activities, privileges and immunities of members of visiting forces and for matters connected therewith, we are insisting that there be a sunset clause that will see this legislation to the end of the World Cup, and we will return after the World Cup to deal with the much more serious matters that we have raised. Because you cannot bring legislation, the visiting police force and so forth, and decide that this will happen forever.

We can understand the treaty—there is a treaty in place and we will come to that in a few minutes, and Trinidad and Tobago, as a Caricom member state, would have to debate, discuss and eventually approve this treaty. But there is no imperative to pass visiting police force and the others so that you give almost in perpetuity visiting police forces certain rights, certain immunities without proper debate, without checks and balances.

It was said already in this debate by another speaker on this side when we raised these matters with the Government, the Government has a stock line. They will say these are international agreements. This law is international and they pass it all over the world and this is what was passed in Jamaica and Barbados, and take it or leave it because this is how it is and it happens in another country that way and we have to do it here. But we are saying no. We reserve the right to discuss legislation and where possible amend and place the checks and balances in to reflect our local political environment. Maybe, in another country they have greater faith in their Government, in their President, Prime Minister, but we are saying that given the circumstances, the context and where we are today the Opposition has no faith in the Government and the Prime Minister and the Minister of National Security.

Mr. Deputy Speaker, the Member for Laventille East/Morvant is today 50 per cent the most incompetent ministerial team ever placed in Trinidad and Tobago to deal with security. So in this context we are to approve legislation that will place in the minister's hands power which we are sure that he is so incompetent to carry out and to act according to the law— and I will raise some of the concerns in a few moments.

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The Member for Arima raised the matter of Trinidad and Tobago's contribution to the region, and that is well known. We have made an important contribution and I want to indicate to the House and to the country that a future UNC government will continue to promote regional integration, it will promote policies that redound to the benefit of all Caricom members and will promote trade, investment, security within the region, while at the same time furthering the interest of citizens of Trinidad and Tobago. That is UNC policy.

That is where the UNC stands on these matters. But the UNC reminds the nation that it has the sacred interest of the citizens of Trinidad and Tobago at heart. We are not sure that the incumbent Government that will last for a few more days in office will have the prime interest of the citizens of Trinidad and Tobago at heart.

Mr. Deputy Speaker, I address the Government in its last few days of office by giving some suggestions and so forth, hoping before they demit office they would accept some of the suggestions by Members on this side of the House.

The Cricket World Cup has begun and we are seeing in the absence of these pieces of legislation several issues arising, not only problems that we raised before. Mr. Deputy Speaker, I stood in this House in the debate on other matters pertaining to the World Cup and I raised the important issue given the legislative framework of the entry at the grounds, the rules that were being drafted and contemplated whereby citizens and visitors would be prohibited from carrying into the grounds instruments for promoting and supporting their team, food items in some cases, beverages in some cases.

Mr. Deputy Speaker, we were hoping that the powers that be including the Minister of Sport and Youth Affairs, and we got an assurance; we got an assurance in the House that although the law and the regulations stated a very stringent list of restrictions, that it was still possible to negotiate with the local organizing committee to have some type of flexibility. Today the World Cup has started and there is no flexibility. Patrons, visitors, local cricket fans still cannot enter the grounds with musical instruments; they cannot enter the ground with food or beverage. Today at the grounds I am told that it is \$18 for a beer; \$12 for a bottle of water, \$6 for a doubles. That is what patrons face.

Mr. Deputy Speaker, I want to make an important point about that. When one asks why are the prices high? The organizers would say this is a world class event and if it were in Australia or England, one would pay more. But could the Government and private sector organizing committee not have done something to assist the vendors, because the vendors will claim that they have to pay a high

cost to vend inside and to sell and they have to raise their prices? Could we not have worked with the vendors and so forth to ensure that we give some type of support so prices would have been reasonable for our visitors, and for our local cricket supporters?

If one needs to go to the ground one needs to drink and eat well before one enters a cricket venue, because one cannot afford to eat anything inside there. Apart from \$40 to see a warm up match and when one gets inside one cannot afford a bottle of water, a sandwich, whatever the beverage one is interested in. So we have in a way priced out a lot of our local supporters and cricket fans from going to the grounds. And these are the issues. The jokers on the other side who are anti-cricket will not understand this, by definition they cannot. Because they do not have any experience of cricket. This is a serious point that patrons are raising, and it may not be too late for whoever is the acting Minister of Sport and Youth Affairs to raise some of these matters and seek to resolve them.

Mr. Deputy Speaker, another matter on cricket I wish to draw to the attention of the House involves some of the regulations. I have been fortunate to secure some tickets for some of these matches and only because I am debating some of these matters and so forth, that I take the time to read the fine prints at the back of these tickets.

Mr. Deputy Speaker, there are at least 80 to 100 lines of fine print behind a very small World Cup ticket. I do not know who is reading it, but I read it. I am shocked because I sense that some of the rules published and printed on the tickets may not be consistent with the legislation or regulations that we saw. I am seeing rules suggesting that if one comes with something that is prohibited, it can be seized and never returned to the owner. While in the legislation I recall you can seize things, you hold them and at a later time you return them under certain circumstances. I am seeing in draconian way regulations stating that we have some blanket power to throw you out without reasonable cause and so forth. That they could just take a look at you and if they think you should not be in the grounds, out, and these are issues I wanted to put on the table because I am not sure whether or not persons who bought tickets, will in the first place read them and whether or not the organizers who would like at times for different reasons to implement the full brunt of the law, the letter of the law and not the spirit, would use these regulations for all types of other matters. These are some of the cricket related matters I wanted to place on the table. As I said, the security matters we will come to now, I want to make a point.

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I read today in the newspaper that at the UWI facility, already, without the World Cup starting, there has been a robbery and \$10,000 worth of equipment was stolen. I get no joy from telling you that. I am extremely sad about that, but I am also angry because we kept asking the Government whether or not there was enough security in place, whether or not systems are in place to protect players, fans, equipment, and before the Cricket World Cup begin, \$10,000 worth of equipment has gone. But we should not be surprised at that because I also read in today's newspapers that apparently a vehicle belonging to the Special Anti-crime Unit of Trinidad and Tobago was stolen at gun point. One needs to watch now whether the car belonging to the Special Anti-crime Unit would now be used in the commissioning of criminal offences. But we should not be surprised at all with that.

Mr. Deputy Speaker, let me first talk a bit about our treaty. I want to make the point that in dealing with treaty arrangements, whether they entail trade, investment, security and so forth, the Parliament provides for a committee to be established to deal with foreign affairs. To this day, there is no committee dealing with foreign affairs in this Parliament so the Opposition and the Parliament as a whole, can never have the benefit of a special committee looking at a treaty where a committee—because there is an important point—looking at a treaty, be it security assistance or otherwise, would have the power to call in other persons to get the benefit of expert opinion, to liaise with persons related to that specialization, and those consultations or submissions would then benefit our debate and our final passage. This Parliament has no foreign relations committee and it is a crying shame that Members must come without this benefit, and debate and pass a treaty. I wanted to make the point in the simplest way.

When I look at some of the articles in this treaty it is not the substantial issues either. If one looks at page 22 under Article 4, dealing with "Functions of COPACS we would see clauses (c) and (f). Unless I am mistaken they are exactly the same thing. I do not know if this is a typographical error.

Clause (d) says:

“prepare a draft budget for its activities in relation to the incident or event for which it was convened;”

Clause (f) says:

“prepare a draft budget for its activities in relation to the incident or even for which it was convened;”

I ask: Has anybody read this document before it was laid in the House? Anybody at all care that you would go and read something and say, this is coming to the

nation's Parliament, let us read it and make sure—forget the technical issues, they could debate that, forget policy matters, at least, correct it if there is a repetition of the same thing before it comes to the House, and this is what I said. Had there been a committee this would have been dealt with.

Let me move on with this matter and notwithstanding the postman from Diego Martin East who read off all the letters of when people get their mails, Mr. Deputy-Speaker, 48 hours or less to consider a treaty on regional security are just not good enough. The treaty deals, of course, with the rule of law and positions the region in a position to address our national and regional security issues. What is instructive here, unless I am mistaken again, is that one of the big threats to global security today is terrorism. Terrorism has opened the door to a whole new field in terms of state preparation, in terms of the relevant agencies and organizations. I do not know if any body heard of the ICPW based in Europe that deals with chemicals and monitoring and preparing the protective services in countries to deal with a chemical attack and so forth. There is a new domain opening up with terrorism but I am not sure the treaty which should have been debated or discussed years before that it responds to the current threat of the day. Had we been in a foreign relations committee of Parliament, we would have raised these issues and sought to align the treaty with some of the more up-to-date relevant challenges that we face, particularly as it relates to terrorism.

Mr. Deputy Speaker, the treaty, of course, creates a coordinating secretariat; it deals with database technology and so forth. I do not know if Members are aware, but the treaty also has implications as it relates to finance, in that participating countries as is the norm I suggest, would have to bear some cost particularly the countries that are in need of help from a regional delegation of police force and protective forces would have to bear the cost. While that is an agreement in the treaty—the Member for Arima could correct me if I am wrong—but when a country faces a natural disaster, as a hurricane, as hurricane Ivan, or any other really national disaster, I am not sure some countries in the region would be in a position to honour financial commitments for regional security. Generally it is the countries that may have more that will give more. That is how it is across the globe. Trinidad and Tobago is in a fortunate position now in that it has resources. And again, I use the opportunity to call for the establishment of a division for development co-operation to deal with budgeting and the provision of financial resources to all countries in the region.

Trinidad and Tobago, a receiving state as it is called, would be committed to providing moneys if foreign forces come to operate. In fact, that raises another

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question. The Government admits that there are foreign forces in the country now for the World Cup. Who is paying? Is the Government of Trinidad and Tobago paying already for foreign forces that are on our soil at the moment?

Including in those delegations—I took note Mr. Deputy Speaker, it may not mean much but I want to raise it. I notice France is there. At first glance, when one looks at some of these pieces of legislation one will see that some of the countries scheduled designated states, common countries in the context of cricket, so you have the feeling that visiting police forces will involve participating states in cricket. One that stands out there as they used to say on Sesame Street long ago, one of these things does not belong there. A country that stands out is France. To what extent is the French government and the French protective forces involved in the Caribbean in this regional security arrangement and, indeed, in the Cricket World Cup? France is not a participating country in the Cricket World Cup at all. And with great respect, I do not know if France has a pleasing track record and participation in war, protection or helping with security anywhere.

I raise the matter of expenses and note that the Government of Trinidad and Tobago, by its treaty obligation, is committing the taxpayer of this country to pay money towards the regional security apparatus.

Mr. Deputy Speaker, on the matters and we have, of course, the signatories, or organizations, it will be left to the domestic hierarchy in the military to participate at several fora in establishing the machinery and the bureaucracy for the coordinating centre and the operational headquarters and so forth.

We ask at this moment, whether or not the Caricom has agreed to a headquarters for the regional security system for the regional security force, for the secretariat and for the coordination and planning committee. And whether or not Trinidad and Tobago is also positioning itself as the headquarters for this institution?

The Government will not easily accept that these matters must be taken within a particular context. When I hear Members on this side of the House speak, I understand clearly that when there is a Government that one cannot trust there is a point at which one cannot accept legislation that empowers the Government. Mr. Deputy-Speaker, do you know by order a Minister of National Security in this legislation can summon a civilian witness? We have to put this in the context of what is happening here.

The last thing in the world I want to do is to trample on your patience, and go astray by sailing close to the wind on matters you have already ruled upon and matters I know that you monitor with a hawk's eye. I would like to say that all is

not well. There are certain challenges in the administration of justice; there are certain challenges in the national security apparatus. And I just want to use one example, and it is by no means a judicial officer, so I stay far from that provision in the Standing Orders.

A few months ago a witness by the name of Brent Miller was due to testify in a critical matter and I am using my witness very carefully. On the day and at the appointed time when the testimony would be heard and cross-examination would take place, and the veracity of statement would be up for inspection, Brent Miller changed his story. This is a witness and we depend on witnesses like Brent Miller. I am referring to no one else, and when they change their stories or fail to provide evidence the justice system itself collapses. When a witness will not provide the evidence and will not allow himself, as in the case of Brent Miller, to be cross-examined and his statement to be tested, the justice system collapses, the accused goes free whether innocent or guilty, we do not know, and we will never know. That is the state of the administration of justice. It is a horrible condemnation that in this country we cannot depend on any witness like Brent Miller; we cannot depend on any witness to prove that what he or she has given in a statement is true because he or she will not subject himself or herself to the processes of the criminal courts.

**Dr. Rafeeq:** Does the hon. Member know of—I know you have some legal experience—any case in Trinidad and Tobago where a witness has refused to give evidence and has been charged by the court for refusing to give evidence?

**Dr. R. Moonilal:** The Member for Caroni Central is asking me if I know where a witness has refused to give evidence and has been charged. I am not aware of any case. I am sure if Members on this side of the House or on the other side would know of those cases where witnesses have not given evidence and have been charged and prosecuted, they may well wish to interrupt me and clarify for the House. But I suggest that people like Brent Miller and witnesses like Brent Miller who fail to go in the box and give evidence and be tested should be charged and prosecuted. I will stay with that case involving Brent Miller.

Mr. Deputy Speaker, witnesses like these undermine the justice system and this is the reality we face. But it is not only with witnesses and so forth but in other areas of national security. This Government has done precious little to reform, to rehabilitate and to develop the police service in Trinidad and Tobago. There is still a situation where police officers complain they do not have vehicles; they complain they do not have basic equipment and so forth, and now foreign forces have been brought in under law, and I am saying that foreign forces in the

country, like tourists, will receive better treatment, equipment and better facilities and better pay than the local police of Trinidad and Tobago.

Because we are in an election year, the UNC is committed to enhancing the work conditions, the remunerations, the packages, the status of police officers of Trinidad and Tobago because the time is coming soon when parties will have to exhibit their goods.

As all of us know, on Monday last, the hon. Prime Minister demonstrated the biggest non-event and non-announcement ever in recent history when the media was summoned to Balisier House and carried live on Trinidad and Tobago television. The entire country expected an announcement and we got the earth shattering news that the PNM has adopted red as their colour.

I am sure the people at Sissons, Berger and Kaleidoscope would have been thrilled to hear that red is the colour. That was almost like a prank that the media and the nation waited for the date of the election and we were told they are looking for candidates. That is what we have to deal with, with the Prime Minister of Trinidad and Tobago.

The visiting police forces make provision for the Minister to act by order. That is another issue that the Minister is getting delegated powers to act by order to designate States as well. I made a reference to France. Maybe the Minister by order can include—hear this—a foreign police force from any country which he can designate by order.

**6.00 p.m.**

So if we want a police force from Germany, Taiwan or Afghanistan to come here, the Minister, by Order, can designate the State and place it in the schedule. This is the power that this measure gives to the Minister of National Security. When we raise these issues, they say we are paranoid and that this and that cannot happen. This is a place where bombs exploded in Port of Spain. To this day, unless I am mistaken, not one person has been charged or arrested in connection with the bombs that went off in St. James and Port of Spain.

Recently, when I was in London, there were two or three incidents where someone was posting letter bombs to government agencies which were exploding in and around government installations. Within four days or less, they arrested persons in connection with that crime. We have waited a year or more and no one has been arrested and charged concerning the bombings in Port of Spain and St. James. That is what we expect from the Member for Laventille East/Morvant.

Mr. Deputy Speaker, those who did not read this Bill would be surprised to know that the Minister, by Order, can designate civilian personnel as a civilian component of a visiting police force. So, if France sends a police force and decides the week after that a big technocrat from Paris would be part of that delegation, the Minister, by Order, can designate him or her to be part of that team.

Will the Government tell us if they have the infrastructure in place to implement this Bill? The Member for Diego Martin West, in a fit of honesty that lasted all of 10 seconds, admitted to the House that lawlessness characterized Trinidad and Tobago; that it is the order of the day. They are now passing legislation, but we are not sure whether they have the infrastructure in place to implement this law.

Of course, the visiting police force would bring into the country provisions, supplies and goods for the exclusive use of the police force. They would have no tax or duties on oil lubricants, fuel for aircraft or vessels, although the law is very instructive that vessels are to be treated differently from sea craft because of the nature of those installations.

Mr. Deputy Speaker, there is a sense that this is not temporary; that there will be no sunset clause here. Under clause 11(4)(a) and (b), visiting members of these police forces can bring their personal effects and furniture and that of their dependants. Incidentally, members of these foreign police forces can also bring their dependants with them. So the family is coming and they can bring their furniture and household items. Have we considered the rights, responsibilities, duties and the provisions for these families? They will be operating in Trinidad and Tobago. They will depend on our social services, health institutions—presumably they will have children who will have to go into the school system—so we have to make provisions, not only for the members of the protective force of the foreign country, but also their families and dependants. Has the Government considered that or do we wait for that to jump up and create a problem?

As alluded to before, the members of the foreign delegation can drive in Trinidad and Tobago—

**Mr. Deputy 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. H. Partap*]

*Question put and agreed to.*

**Dr. R. Moonilal:** Thank you very much, Mr. Deputy Speaker. I turn my attention briefly to the Bill to provide for the presence, activities, privileges and immunities of members of visiting police forces. In this piece of legislation, there is a shift somewhat in that the President now issues orders as opposed to the Minister of National Security in the Visiting Police Forces Bill. The President now gets into the act and may order and designate States. It is very interesting that in the Visiting Police Forces Bill, the Minister, by Order, can designate a state, but in the Bill to provide for the presence, activities, privileges and immunities, the President, by Order, can designate a state. How does that work in practice and why the difference? They seem to be similar; that is why we are debating them as one. Why is it that in one Bill the President, by Order, designates a state, and in the next Bill the Minister, by Order, designates a state? Should it not have been the same functionary, the President?

Like the earlier piece of legislation, one gets the impression that this is not police coming to Trinidad and Tobago, but diplomats, because they are granted immunity and privileges. They also benefit by not being prosecuted. When we raise these questions, the Government says that Trinidad and Tobago forces aboard also enjoy these benefits. Apparently it is based on a mutual agreement.

In this piece of legislation, there is an interesting point at clause 11, under the subheading "Arrest". I raise these matters because sometimes they are legitimate and based on good grounds, but sometimes, because we are flipping from one piece of legislation in one country to another, something creeps in that is out of sync with our rules, laws and practices and you can flag them if they appear to be paradoxical. It states:

"...the Chief of Defence Staff...may from time to time by general or special orders to the Trinidad and Tobago forces or any part thereof, direct the officers and soldiers thereof to arrest members of the visiting force alleged to have committed offences against the law of the designated state and to hand over any person so arrested to the appropriate authorities of the visiting force."

We established that members of the visiting forces would be subject to their own tribunals in their home country. Will the Chief of Defence Staff in Trinidad and Tobago be in a position by this law to direct the police as part of the forces? Trinidad and Tobago forces include the police. Are we making a law here to state that the Chief of Defence Staff of Trinidad and Tobago may direct a member of the Trinidad and Tobago Police Force to arrest a member of a visiting force?

That is instructive because, unless I am mistaken, I do not think that the Chief of Defence staff can instruct police officers to arrest or to conduct any of their duties. We have that tension that exists. Clause 11 is worthy of some explanation. It may be correctly based, but I raise that as a matter of concern to me.

Mr. Deputy Speaker, there has always been a certain tension between police and military. A tension exists over their chain of command and so on and when military personnel receive powers under special orders to direct police officers, it may be a matter to clarify.

At clause 13, “Place of imprisonment or detention”, I raise a point. This is in our reading, as the postman said, this is our reading of 48 hours. Where a member of a visiting force or a dependant can be imprisoned, it may be served:

“partly in a civil prison or military establishment and the provisions of the Defence Act relating to the carrying out of punishments of imprisonment...shall apply *mutatis mutandis*.”

In this country, unless I am mistaken, we do not have a military prison of which I know. There is no military establishment in Trinidad and Tobago with a military prison. We are not contemplating—unless I am wrong and Members on the other side live up to the dreaded expectation of some—the establishment here of a military prison anything like Guantanamo Bay. There is no military prison; no military incarceration premises. *[Interruption]* I am hearing a murmuring. *[Interruption]*

Mr. Deputy Speaker, I am losing my train of thought with the constant petty barking coming from the other side.

**Mr. Hinds:** We want to build one for you.

**Mr. Deputy Speaker:** Let him speak to me please! Do not let us start!

**Dr. R. Moonilal:** Let me get back to the Bill. We are not contemplating here the establishment of any military prison, so this reference to place of imprisonment should be reviewed. They cannot put into the law “military establishment” and so on when it is not relevant to the situation in Trinidad and Tobago. However, I am sure if the Member for Laventille East/Morvant had his way he could create a military prison for those who are against his administration; the political opposition and other voices in the society.

I move on to temporary attachments to Trinidad and Tobago forces. It is very clear that the Bill contemplates that the local police would be working with

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foreign police. So we go back to some of the challenges of the health sector—local doctors/foreign doctors. This apparently is much more serious because you are dealing with security, criminal detection and terrorism in some cases and you are hoping that the Trinidad and Tobago Police Force would have no problem working with foreign forces.

There is another important point. This Government has a track record of authoritarian and dictatorial tendencies. I wonder if the Ministers in the Ministry of National Security had the good sense, apart from courtesy, to have discussions with the Trinidad and Tobago Police Service and with the First and Second Division Associations. These are matters that will affect and impact heavily on the domestic police force.

The Member for Laventille East/Morvant was himself a police officer who left the force under certain circumstances. I hope that he would have had the good sense to have consultation with associations in the police service so that they could share their concerns and ideas. My information is that they had no consultation, none whatsoever, on such a serious matter as this where police officers from France, Inspector Cuso and others, may come to Trinidad and Tobago to work with the Trinidad and Tobago Police Service.

It is not surprising because this is it. They have failed in crime, security, justice and poverty. I was shocked to see an article in the *Business Guardian* on Thursday, March 08, 2007 entitled “Poor La Brea”. There was a big article about the level of poverty in La Brea. In that section, they raised questions about the Government’s performance in the area of poverty and social policy.

Let me go back to how I arrived there since you may not have been listening to the line I was following. I was unraveling the series of failures of the current Government, not only in security but in social policy as well.

We hope that visiting police officers from Paris and Marseille, France would work in a harmonious way with visiting police officers from other countries and the local police. We have very little faith in the Government.

The Leader of the Opposition, in her brilliant, eloquent and technically competent contribution raised the matter of claims against visiting forces and how they would be dealt with. It is a burning issue because it appears, clearly, that the visiting officers would be immune from prosecution along certain lines, but the State will pay the Bill. There is, under “Settlement of Claims against visiting forces”, on page 10, that expenses are to be paid by moneys provided by Parliament. Incidentally, the Minister, when incurring expenditure on satisfying

claims will pay out of moneys allocated by Parliament. That is an important matter. It involves spending.

There is also a provision here:

“(3) The Minister shall take such steps as may be required to ensure that persons concerned with any arrangements made by him under this section are informed of the nature and operation of the arrangement.”

This calls for a high level of competence on the part of the Government and the Ministers of National Security to have communication, to inform all and sundry about the nature of this law, the operation, the arrangements and so on. We are not convinced that anything here will be properly implemented.

I want to raise another matter dealing with Part V. I raise these matters because the Government will argue that this is take-it-or-leave time. We have to pass law and we have to pass it. So we raise our questions for the benefit of the listening population and for the record to indicate to the country some of the serious measures involved in this law.

Part V, which deals with coroner's inquest, has some provisions which are interesting, and I will paraphrase the interpretation rather than read, at length, the provision. The effect of this provision is that in the event of a death concerning a member of a foreign force, that inquest will not take place in Trinidad and Tobago. There is a provision here that notwithstanding the registers of birth, death, marriage, the Registrar General shall not be required to give a certificate of information concerning death under this Bill to persons giving information.

It reads as if the causes of death, in the event of a fatality, will be left to be unraveled and confirmed by a foreign agency. With the best of intention by persons who draft this, let me make the point very clear. The UNC in dealing with some of these matters would have no problem with the technical people. They copy law and they write as best as they can. They use different legislation, but we are concerned with the implementation of this law in the hands of this Government that has a track record of undermining the justice system and the rule of law. You make law that says that in the event of a death the local Registrar General would not be required to give a certificate of information concerning death. In the event of a homicide, they will not be required to certify death, to state causes.

I raise this alarm because in the real world, under provisions like this, countries move bodies—they have recorded this—from one nation to another so that in another country, a receiving state, they can do an inquest and come up with their own findings that cannot be challenged in the country where the death took place.

In Britain there is a concern that under some provisions of their terrorist legislation, at the point of death, if a soldier is killed or an alleged member of a terrorist organization, you can take the body up, take it to Cuba and let the authorities at Guantanamo Bay conduct an inquest and they will certify the cause of death; not where it came from in a European city.

That is an interesting point. It is something that is very scary as well because you can have wide-scale cover-up when you implement these types of laws that do not require a host country to give a certificate concerning a death in the event of a member of the foreign forces being killed in Trinidad and Tobago whether it was by accident, homicide or whatever. It is a serious enough matter to raise.

This measure also provides for foreign officers to enjoy tax-free facilities for vehicles. On that matter, the Prime Minister of Trinidad and Tobago drives in a Mercedes-Benz with the Coat-of-Arms where his registration plate should be. We have argued on numerous occasions that the Prime Minister could be breaking the law, but he will do it because I do not think anybody in the Traffic Branch would stop him and ask him what his licence is.

I make the point in the context of foreign forces driving in Trinidad and Tobago and the law that will govern that. Under this law, a foreign member of the visiting force would be able to drive in Trinidad and Tobago using his or her driver's permit from his or her host country. I presume they will be driving vehicles registered in Trinidad and Tobago, but they will not be required to hold a driver's permit. It begs the question, if they are coming for such a long time—there is no sunset clause here—why should they not be asked to conduct themselves according to the laws of the country? However, if you ask that, they will tell you that it happens in other countries as well. Of course, they can bring their TV, video and DVD and all those things to enjoy in Trinidad and Tobago without incurring any obstacle or barrier.

Under miscellaneous, Part VII, regulations and rules governing the Bill, I am very concerned with a provision.

“(1) the Minister—”

and this means Minister of National Security

“—may make regulations for the carrying out of the purposes and provisions of this Act...for

- (a) ...summoning of civilian witnesses before a service court;
- (b) determining where a sentence of imprisonment shall be spent;”

I am sure this type of legislation works elsewhere, but it is whether or not the citizens of this country—and the majority of citizens of this country are in opposition to the PNM Government—will have confidence in the Minister of National Security, who has presided over a 400 per cent increase in the murder rate, determining where a sentence of imprisonment will be spent, devising rules over summoning of civilian witnesses before courts and so on.

This Bill assumes that there is decent government; that there is the rule of law; that there are people with integrity who would live up to the spirit and letter of the law. This legislation does not foresee a government that regularly and with monotonous frequency breaks the laws of Trinidad and Tobago. No part in this legislation caters for a government that has gone wild with violating laws, with undermining justice; that has gone wild with persecuting high officers of the State. No part of this legislation prepares for a government led by the Member for San Fernando East. This is why we are telling him that the sooner he calls the election and relieves the country of this burden calling itself the PNM, the quicker the country gets an opportunity to exhale and to remove and replace this Government and the better it will be for the country as a whole.

I am not at all going to drift and talk about matters related to corruption, waste and mismanagement involving this Government. I want to stick with the provision of the Bill and to ask the Government whether or not they have in place the administrative machinery to deal with this. I have been in contact with foreign technical experts from Europe who came to Trinidad and Tobago to look at the state of the Government's preparation to deal with security matters—involving the readiness of the protective services—and to deal with chemical warfare, I was shocked to learn that the Trinidad and Tobago Fire Service is without basic equipment to prepare them; without even the right protective clothing in the event of some type of chemical exposure by persons who may wish to target a particular group during the Cricket World Cup.

If you cannot provide the basic equipment for the fire service, what will you do? Provide basic equipment for the police force? When the visiting police force comes here, where will they stay? At the Hilton? At the barracks? Where will their children go to school? The Government, I assume, is housing these persons. Are they getting HDC houses? Would they be in Oropouche? *[Interruption]*

The postman is answering and saying yes, but he has a good career to look forward to after the next general election. The Parliament should put him as a delivery attendant with the van. He seems to like that kind of activity.

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Let me, in closing, place on record some policy matters to state clearly that the UNC party and administration is strongly in support of Cricket World Cup, of the Trinidad and Tobago National Cricket team, senior and junior. We are strongly in support of intensifying our efforts to provide greater security in Trinidad and Tobago and the region. We are committed to that policy. We are committed to protecting citizens, not only from terrorist threat, but also domestic criminal elements. It goes without saying that this Government has been a colossal failure as it deals with security.

**6.30 p.m.**

You would not be surprised to learn that many people in the national community today laugh when they hear that the Government is coming with another security plan. They have moved from Anaconda, to zero tolerance. That was PAA and they would come back with AA—some of them may be in need of AA—and another series of anti-crime measures. There is only one anti-crime measure that we support now, and that is the removal of the People's National Movement. That is the ultimate crime plan that we are advocating.

In terms of these Bills, the Government has admitted—the Member for Arima, the postman for Diego Martin East—that there is no imperative to pass this legislation because of the Cricket World Cup. They said that the World Cup is not the single most important factor in passing this legislation. Therefore, they have no problem taking these Bills and delaying them a bit so that Parliament can study them, make the necessary amendments and suggestions and come up with much more relevant laws that will provide for the checks and balances that we are speaking about.

Had this been a democratic government, had they been observing the rule of law, respecting the justice system and not been persecuting the highest officers in the justice system and the Opposition, we would have had no problem supporting. Who can support them when they have identified certain persons and they have gone with all their might and fury and all the taxpayers' money to ensure that they undermine, destroy, "hound down", harass and persecute high office holders in Trinidad and Tobago? You cannot trust them.

This is really a year to talk about trust. If you cannot trust them to deal with the administration of justice matters, could you trust them to make regulations to summon civilian witnesses? Can you trust them to designate states? If they get help from any foreign country to send police here, to beat people on election day, do you think that they will not take it?

Their Prime Minister is on record in the last election, when they told him that the Jamaat was supporting the PNM, he said: "We take all the support we can get." The murder rate has increased by 400 per cent. That is his policy position. Do you think if a foreign government is providing forces, they would designate Timbuktu to be state to take some banana republic police force to come down here and participate in their political activities?

Why do they not enhance the police service in Trinidad and Tobago, have regular promotions and efficient examinations? I have had cause in this Parliament, to raise over two years, the problem with promotion to corporal and sergeant. They lost the scripts. They could not promote corporals and sergeants. They could not promote anyone. They are trying now to provide the best facilities for visiting police forces.

I hope on Election Day, the visitors and the tourists who they protected at Carnival will stay in their foreign countries and support them. In Trinidad and Tobago, their time has run out. Nobody wants to hear about them and crime and security anymore.

While we share all the concerns on security, we are afraid we cannot support these measures in their current form.

I thank you.

**Mr. Manohar Ramsaran** (*Chaguanas*): Thank you very much. When you look around, this Cricket World Cup 2007 has demonstrated that this Manning administration is truly incapable of governing Trinidad and Tobago. We are now on world stage and, according to one commentator today, on the 91.1 Government station, reporting from Jamaica, everything seems to be going wrong in Trinidad and Tobago regarding Cricket World Cup 2007. That was a West Indian on a Jamaican station. I will go into that a bit to show what has been taking place in this country.

I want to ask a question and make a statement at the same time. I am told that approximately \$100 million was given to the Local Organizing Committee to stage Cricket World Cup 2007. As a person who has been involved in cricket for my entire life, I am very disappointed with the way Cricket World Cup 2007, in Trinidad and Tobago, has performed so far. It is as if they do not understand cricket at all or what it means to Trinidad and Tobago and the rest of the Caribbean. When I hear the reports coming to us, via the Internet, radio and television, it is as if Trinidad and Tobago is the laughing stock of the world.

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In Trinidad and Tobago, the teams went to practise and there was a litany of woes. I want to put them on record to show how this Government has lost its way. They have given the Local Organizing Committee \$100 million, nobody has taken charge and things are happening. As they come to mind, maybe not in order—I understand that teams went to practise at the St. Mary's ground, in preparation for the World Cup, the premier cricket event in the world, and when they got there the pitch was not prepared for practise. I could not believe this—people who know and understand cricket. I cannot understand it. They went there and the pitch was substandard. It was unfit for a schoolboy to practise, but they sent international teams to embarrass the people of Trinidad and Tobago. When I heard that I said: “What a start!” It did not end—[*Interruption*]

**Mr. Imbert:** That was a news item, but I enquired about that matter from the LOC and I was told that the certification of pitches, including practise pitches and warm-up pitches, is done by an official who is an employee of the ICC, who certified the CIC ground, before the foreign team went there. It was not a local Trinidadian or Tobagonian who determined that the pitch was fit, it was an ICC official who certified that pitch.

**Mr. M. Ramsaran:** Thank you for your information, but I want you to know that I can certify the Queen's Park Oval to be a venue for a cricket match, but the preparation of the pitch—the pitch would have been authorized months before. That ICC official should have resigned. If it is so, I call for his resignation. The responsibility lies with the ground authorities. They are the ones to go there and water it properly, roll it properly and have it prepared. If they cannot do that, well we are in trouble.

I heard the side screen fell. You have been preparing for Cricket World Cup 2007, for the past seven years. The sum of \$100 million has been given to the Local Organizing Committee and a side screen collapsed. I do not care who it is. I am talking about the failure of the Government to lead from the front. The reason I am making this point is that in 2000, Trinidad and Tobago hosted 16 World Cup teams in football, which is the second most popular game in the world, and there were no incidents, as far as grounds were concerned.

As a matter of fact, when I was the Minister of Sport I worked with FIFA, CONCACAF and the government of the day to ensure that we left a legacy of five completed stadia across Trinidad and Tobago. What legacy is this Government leaving for the future cricketers of Trinidad and Tobago? Nothing! The Queen's Park Oval is and will be there. You attempted to build the Brian Lara Stadium and that was a total disaster.

I want to veer to my left. In June 2006, I asked a question in this Parliament because I was concerned about what was taking place with respect to the Brian Lara Stadium. I asked the Minister of Sport—people would know that question by heart because it was there since June 2006.

“To the Minister of Sport and Youth Affairs:

With regard to the Brian Lara Stadium, could the Minister advise the status of work being conducted, the expected completion date and the cost overruns to date?”

Maybe that is the question that frightened them. [*Interruption*]

**Mr. Deputy Speaker:** We are here discussing three Bills which deal with security, could you please—I know that cricket is near to your heart and that it is intended for the World Cup—get to the security matter, please?

**Mr. M. Ramsaran:** The question continues:

“Could the Minister state what would the stadium be used for, in relation to Cricket World Cup 2007?”

Until this time, the question was not answered. Maybe Cricket World Cup 2007, which is the cause for these three Bills to be laid—in case you were not listening earlier—will not be finished and there will no accounting to the people of Trinidad and Tobago. What has the Government to hide? If the Government was serious, this question would have propelled them to have the Brian Lara Stadium ready and things put in place. Is it because of the part of the question that talks about cost overruns?

Here we are embarrassing the world. This would bring other questions as I go on. I was told that these Bills are being hurried because of the Cricket World Cup 2007. I am talking about that in the context of these Bills. Do you want me to read all the Bills for you and you would see what is being discussed? I could read them. I went to the Caricom website and I have all the build-up related to this and everything that has to do with cricket. I would read some for you, so that you can understand what is happening. Nothing has happened with the Brian Lara Stadium.

Something has been bothering me recently with respect to CIC grounds. My colleagues, other people and children played there. We have 16 National Cricket League Clubs in Trinidad and Tobago.

**Mr. Deputy Speaker:** I am asking you—I know you want to go through all of those things. [*Interruption*] Please, Member for Diego Martin. If you want me to read them for you I will read the Bills which we are supposed to be discussing and maybe—I have no problem with you going off a bit, but at least the Bills are—I will read them, since you are threatening to read them for me. I will read them for you. They are the Visiting Forces Bill, 2007; the Visiting Police Forces Bill, 2007 and the Security Assistance (Caricom) Bill, 2007. Since you have begun your contribution you have not mentioned any of them. I am asking you to come back to it because you are experienced enough to know what to do.

**Mr. M. Ramsaran:** I find this very exciting and interesting as a person who has been debating in this Parliament for a long time. I have a preamble and I am talking about cricket. This is what would introduce us to the Bills. I can give you my notes. That is exactly what I am doing; coming back to the Bills to support my arguments. Really and truly, we have been called here today because of the Cricket World Cup, 2007. I am making the background to that. I could go into all these. I went into the Caricom—[*Interruption*]

**Mr. Deputy Speaker:** You have dealt with it for 15 minutes.

**Mr. M. Ramsaran:** I will, at the end.

**Mr. Deputy Speaker:** You have not called the name of one of the Bills as yet. Get back to the Bill.

**Mr. M. Ramsaran:** The reason I went directly into the meat of my debate is that I thought I would have spoken for 30 minutes, but apparently—

The ICC Cricket World Cup, West Indies 2007—I would not be caught veering off. I will come back to everything I plan to say in this debate, because it is all connected to CWC 2007. I would read the Bill if you want me to. I considered that everybody spoke about it; some mentioned it and some did not.

“An Act to provide for the presence, activities, privileges and immunities of members of visiting forces and for matters connected therewith.”

Why are we with these Bills this evening? It is because visiting forces are coming to Trinidad and Tobago for Cricket World Cup 2007. Is that so difficult to understand? We are talking about Cricket World Cup 2007. We are here for that. I do not want to be careless this evening, but maybe I would. This is proactive legislation, because we know in Trinidad and Tobago, these forces are already here. We are late as usual. The hon. Prime Minister said that he knows it is already in the statute of Jamaica. We are late as usual. Cricket World Cup has started and there is confusion at the Hilton Hotel.

I understand that the visiting forces are here illegally? Is that so? The Indian bomb experts are at the Trinidad Hilton, dealing with the matter. I never challenged a Speaker's ruling, but I feel extremely upset this evening in building a case in this Parliament to talk about what is happening. We are debating these Bills at this hour. Cricket has started.

Last Friday, the Member for Diego Martin East announced that Parliament would have a two-week recess for cricket. I was called to this Parliament to debate these Bills, so as to assist Cricket World Cup 2007. That is why I am on my feet.

Mr. Deputy Speaker, I know this thing about Brian Lara Stadium bothers people.

**Mr. Deputy Speaker:** Connect them.

**Mr. M. Ramsaran:** It is on the website and it is a disaster. I was making the point that we are organizing Cricket World Cup 2007. I went to Germany, Mr. Deputy Speaker, you were there, and it was spread across Germany. It was not only in the capital city. It was all across Germany. The point I was about to make is that we have 16 grounds in this country, Guaracara Park, which host, since I can remember, MCC, India, Pakistan and other big matches of international level. The security there, as far as I am concerned, has never been threatened at these grounds. I want to ask aloud: why were these matches put in the East-West Corridor and nothing went to the people of Trinidad and Tobago where the cricket is played? I have a problem with that.

When I was the Minister of Sport, I ensured, with the help of the government of the day and FIFA, that the matches would be spread across five venues in Trinidad and Tobago. Tobago, Dwight Yorke Stadium; Couva, Ato Boldon Stadium; Marabella, Mannie Ramjohn Stadium; Hasely Crawford Stadium and Larry Gomes Stadium, to ensure that the people would come out there and have a glimpse of their stars. What are we seeing in World Cup in Trinidad and Tobago, with the help of the Government's \$100 million? Everything is in a particular area and the country, as if it were, is left out.

Again, I want to recall my adventures in Germany. The streets were closed. The Government of Germany opened Germany for the people to showcase their culture. The people went out there and enjoyed themselves. In Trinidad and Tobago, it is as if we are in jail with this Cricket World Cup 2007. You cannot organize anything. What is happening? I want answers.

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People are talking about the cost of entering the oval. Why are the people of Trinidad and Tobago treated in this way in a sporting event? The Member said that he plays sports from time to time, but what is happening? Where is the showcase? Nothing is happening to make me feel happy as a Trinidadian at this time, with respect to what is happening in Cricket World Cup 2007. Is it a security problem or is it that you do not want us to get involved? What is the real problem?

You have gone to UWI. UWI has never hosted games in Trinidad and Tobago, as far as I remember, until late last year. They are now hosting all the big games. What is wrong with Guaracara Park, Gilbert Park and Wilson Road? Not even a practise session is held on these grounds. The people of Trinidad and Tobago cannot see anybody in action. Here, everything is put in place with a hush-hush. Maybe the Government does not know what is taking place. The Minister of Sport and Youth Affairs did not lead from in front. He did not organize. I thought this would have been an event such as the football where we left a legacy. Speaking about legacy, that is how sports evolve. We must put things in place to deal with it.

I remembered a few things when Hasely Crawford won his gold medal. The Prime Minister of the day said that money was no problem and that he would build the first stadium in Trinidad and Tobago. It was not completed until the UNC came into office when I was the Minister of Sport. That is recorded in history. Football came in 2000 and four stadia were built to accommodate that. They are standing there. The legacy is there. When Ato Boldon won his gold medal, I went to the Cabinet of the day to ensure that VAT on all sporting goods was removed. People would remember it was because of Ato Boldon that they did not pay taxes on sporting goods. What has cricket left for us? It has left nothing but headache and heartache. The Prime Minister has us running here with sunset legislation.

Today the Member for Laventille East/Morvant is back here with three Bills to deal with the visiting forces and how we will accommodate them in this country. What is the budget? How much money has been spent on accommodating these people? What will happen? How will that affect us in the future? I came here to talk about cricket because this is what we are about.

I have in my hands the Treaty on Security Assistance Among Caricom Member States. This came from the website of Caricom. I would read for you:

“Reaffirming the decision of the Conference of Heads of Government of the Caribbean Community reached at its 24<sup>th</sup> meeting held at Montego Bay...from

2—5 July, 2003, where the Conference was challenged to promote a system of regional security to ensure the economic and social integrity of Member States,”

This was since 2003. If you want me to read the whole resolution, I could. The fact is that it has been there since 2003. Why at this late stage? I do not want to question all of that. I am happy that it has come. I understand that there are problems in the region and that we must deal with them. I want answers. I know you cannot answer my question, but I want answers. Why was Trinidad and Tobago treated so badly for this Cricket World Cup 2007, despite the fact that the Government has given \$100 million to LOC? It has my mind boggled. I cannot understand it. What is the money used for? I am a taxpayer and I have not seen cricket gaining anything from this.

**Mr. Hinds:** Do you want me to remind you what the Bills are about?

**Mr. M. Ramsaran:** When you are winding up, you can tell me. I want answers. It is really something that I am very worried about.

You might not be aware, but in today's game, I have never heard it before in my entire cricket history, except once in Jamaica when a rage appeared overnight and India had to declare. Do you know that in today's match at UWI ground, when the score was 57 for 03, with South Africa batting, the batsmen were Bossman and Callis, they had to call to the umpire's attention that the pitch was not prepared for first-class cricket and the game was called off for 10—15 minutes and ICC and the umpires went there? Apparently they told the bowlers to slow down their pace. In World Cup Cricket 2007? Where is the \$100 million that was given to the Local Organizing Committee? What is happening? Where is that money being spent?

The Queen's Park Oval is a private entity and I am sure that they would have liked to have some of that money to assist them. Nothing has happened. Where is that money going? They are building car parks. How would this legislation help us to understand what is taking place? That is taxpayers' money. Imagine the shame when that appears on the worldwide net this evening: Game stopped in Trinidad and Tobago because pitch was not prepared. I would expect to hear that from a new cricketing country like the Netherlands, where they have now started to play cricket and someone did not prepare the pitch, but in Trinidad and Tobago, with 200 years of cricketing history that is happening today. We have pitches in this country that can compare with any in the world. That big question has me confused. Why were these other grounds not used for practise sessions? I would

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ask that question 10 times in this debate because I am very unhappy about this state of affairs. *[Interruption]* You have now come, Mr. Prime Minister.

Cricket is played in south Trinidad. You do not know, Hon. Prime Minister, but I have been in cricket for a long, long time, since the 1960s. *[Interruption]* Why did they not use those grounds? Do not try to mislead me. There are 16 grounds in Trinidad. There is the Guaracara Park, where I once met you. There was never a security problem. Why was that ground not used? There is Gilbert Park and other places. I do not mean to be political. I am trying to understand why it did not happen. Why did you use substandard venues? Before you came, I mentioned the St. Mary's ground.

**Mr. Manning:** Is that a substandard venue?

**Mr. M. Ramsaran:** Yes. The players left the ground when they started to practise. The ground was dry. The ball was flying at people's faces. They had to abort their practise sessions. Today, in case you are not hearing, let me repeat, South Africa was at 57 for 03 Callis and Bossman were at the wicket and they complained to the umpires that the pitch was substandard. They had to stop play for approximately 10—15 minutes. That would be on the World Wide Web tonight and in the newspapers tomorrow. This is the first time. I cannot remember before, a game being aborted because the pitch was not prepared for play.

We know you tried to build the Brian Lara Stadium, but something happened. UDeCott held you to ransom and they did not finish, but nothing else. The funny thing is that the Brian Lara Stadium is in south Trinidad, close to Guaracara Park. Guaracara Park hosted the five-day match with Trinidad and Tobago versus Barbados, yet it is not fit for these matches to be played. You have to create a venue at UWI, which is causing traffic jam every day for those who pass on the highway. It is not a venue for cricket, but we inconvenience the people and the venue where cricket has been played over a period of time is not being used. What is happening? Are we in control? The sum of \$100 million has been given to the LOC, what have they done?

**Mr. Manning:** The LOC is a private organization.

**Mr. M. Ramsaran:** But you gave them money. There is no accounting.

**Mr. Manning:** Did they say that?

**Mr. M. Ramsaran:** No accounting?

**Mr. Manning:** Mr. Deputy Speaker, I thank the Member for Chaguanas for giving way. The grounds have been certified by the ICC. They have certified the grounds as meeting the standards that are necessary for the conduct of the competition. Where does the Government of Trinidad and Tobago come into that?

Queen's Park Oval is a private facility owned by a private group of people; it has nothing to do with the Government of Trinidad and Tobago. I do not understand the Member for Chaguanas.

**Mr. M. Ramsaran:** Mr. Deputy Speaker, I am making a simple point; we are in Trinidad and Tobago showcasing to the world. Yes, ICC would come and make a visit, but they will not be there to prepare the pitch.

**Mr. Manning:** Who must prepare it?

**Mr. M. Ramsaran:** The people there. Not for once did I blame the Government. Do not get so hot. We have been embarrassed on the world stage. Where does the buck stop? The people have been financed by the Government of Trinidad and Tobago.

**Mr. Manning:** Therefore, it is we?

**Mr. M. Ramsaran:** I am not saying that, but you must call them and talk with them. They are embarrassing us and it will continue. Thank God, today was the last day for the practise sessions. I believe that Queen's Park Oval will do a good job in hosting the matches that would be played there. Thank God, we have one private entity that would deal with Cricket World Cup 2007.

Every Caribbean country—maybe the Prime Minister in his wisdom chose the “Brown Paper Package”. I really shiver if we had to play bigger games. What would have happened?

**Mr. Manning:** The Prime Minister chose no package. The Government of Trinidad and Tobago made its position clear. We were not competing with any country in the Caribbean in Cricket World Cup 2007. We wish no part of it, but we involved ourselves in it only to ensure that the Caribbean is kept whole because those decisions were taken before we came into office. That was our position on the matter. For the Member for Chaguanas now to suggest that we may have selected a package—In fact, I was vilified by him and others to say that we have no interest in the matter. We are not competing with anybody in the Caribbean. It is just not correct at this stage for the Member for Chaguanas to be arguing in the way he is arguing against the Government of Trinidad and Tobago. We have no liability whatsoever in the matter.

**Mr. M. Ramsaran:** Let me remind you, Hon. Prime Minister. I will quote:

“The ICC Cricket World Cup 2007 Inc. was incorporated by the West Indies Cricket Board and is responsible for executing and managing Cricket World Cup 2007, on behalf of the West Indies Cricket Board.

Consequently, an Olympic-style process was developed regarding the hosting of matches and events for Cricket World Cup 2007.

To this end, there was developed the ICC Cricket World Cup 2007 Bid Book, which is a master venue development blueprint that detailed the minimum requirements and standards for countries participating in CWC 2007.

In keeping with Trinidad and Tobago's commitment to support Cricket World Cup 2007 in the region, a Technical Bid Committee was established which also included the President of the Trinidad and Tobago Cricket Board. Queen's Park Oval was represented on the Technical Bid Committee.

The Technical Bid Committee undertook all major activities towards finalizing the preparation of Trinidad and Tobago's submission.

On May 07, 2004, Trinidad and Tobago submitted proposals outlining Trinidad and Tobago's qualification for hosting events and matches pursuant to this country being a possible venue for ICC Cricket World Cup 2007.”

I quoted from Roger Boynes, the Minister of Sport and Youth Affairs in 2004. To come here and say that the country did not bid, either the Prime Minister and the Minister of Sport and Youth Affairs did not discuss this or they did not tell each other what was going on. To come and tell us that you are not responsible is abdicating your responsibility. I want to repeat that I am happy—the way things are going in this country—that we did not bid for something better, or else all the Bills and security forces would have been nothing to us.

I want to quote from Keith Smith:

“Beyond the ICC boundary

‘Six dollars for a doubles, 12 dollars for a bottle of water, we not accustomed to that.’

This is what is happening. I would quote him further. This is something I want to share with you.

“None of this, however, is to suggest that I do have my share of irritation an aggravation. I cannot imagine these World Cup matches being held in a less

West Indian atmosphere. I am not blaming anybody for this, this being a nervous new world where every handbag hides a gun, but what has always invested Caribbean cricket with a pleasure all its own is a certain spontaneity only now Jumbo, were he still there, would have been banned from pelting nuts from below the stands to the top, every soaring packet conceivably concealing a projectile and then the next thing you know BLAM!

Still for all of this, I am not allowing myself to be bound by the ICC's interventions. Ah mean, I don't plan to be at any of the venues but who is going to stop me from watching TV6 in some far-flung watering hole (back of Belmont), it not being possible for the ICC's inspectors to monitor every such hole in Trinidad and Tobago (or Belmont even) and turning off the TV because proprietor 'Teelokie' hasn't bothered to secure non-exclusive rights. Man, even now I can see myself in...fingers on lips, raising chant after chant as new boy Pollard crashes the latest of cuts past a pouting, panting Ponting."

**Mr. Deputy Speaker:** I have tried to give you as much latitude as you want. However, we are here discussing three Bills on security. As much as I sometimes am not comfortable with the statements of the Member for Oropouche, his dissertation and discussion today were on the point at all times. Take something from him.

**Mr. M. Ramsaran:** I deliberately took this measure of approach in this debate. It is not that I wanted to be different. I wanted to point out that we are here today discussing the Bills that will allow foreign forces to come into Trinidad and Tobago. I talked about the budget and where they would be and who would monitor them and follow what they are doing. The reason we are bringing these Bills—I quoted for you that they started in 2003—is because of the Cricket World Cup 2007. I must speak on behalf of the cricket-loving people of this country who have complained to me about what is taking place. I am very disturbed that we are showcasing the world in Trinidad and Tobago and the Local Organizing Committee was given money to deal with it and the cricket lovers of this country are being left out of the loop. I cannot help but emphasize that is why I am on my legs this evening. Had it not been for that, I would not have been here.

**Mr. Imbert:** Mr. Deputy Speaker, on a point of order. Standing Order 36(1) states that a Member shall confine his observations to the subject under discussion and I ask for a ruling.

**Mr. Deputy Speaker:** Please, tie it to the Bill in the way you know, please.

**Mr. M. Ramsaran:** You have not stomped me, Member for Diego Martin East.

**Mr. Deputy Speaker:** Talk to me.

**Mr. M. Ramsaran:** Maybe you were reading your Standing Orders when I made the last statement. I approached these Bills because they are here to allow for visiting forces to come into Trinidad and Tobago for various reasons. I spoke about the budget that has been outlined when Caricom heads met, what is happening with the three Bills and how they started.

I want to stick to the part where it states that it is for Cricket World Cup 2007. I am not only criticizing the Government or blaming anybody, I am sharing my disappointment with the way the cricket is organized; nothing else. This is why the Bills are here. Had it not been for CWC 2007, the Bills would not have been here.

Two weeks ago, you announced that we had a two-week break and you brought us for two days to discuss these Bills only because of cricket. If I repeat everything that was said I would be accused of repetition. I mentioned to my colleague from Caroni East that when you look at these Bills fundamentally, there is nothing wrong except the monitoring of the people, who will be in charge of the operations, under which Minister would things fall and how they would be dealt with. The Member for Diego Martin East cleared up some of the queries in my mind, as to what will happen. Rather than ask the questions again, I thought I would talk on why we are here. It is because of CWC 2007. If I am irrelevant, so be it. The people of Trinidad and Tobago are not at all happy with the way in which CWC 2007 has gone in Trinidad and Tobago, to date.

Hon. Prime Minister, I said that I was listening to the commentary from Jamaica and the cricket commentator said that everything seems to go wrong in Trinidad and Tobago, as far as Cricket World Cup 2007 is concerned. As the Prime Minister and Minister of Finance—I am not saying that you should go and take charge of the World Cup—you have to find out where the money is being spent and what is happening. Is that so difficult to understand? I feel that maybe today is a day that I should not be speaking because when the West Indies could capitalize with 85 runs after preparing—

If I go back to my thing and talk about what is happening in the region, it would be much more than that. I purposely decided to take the Bills in this particular way. I could have repeated everything that was said, with respect to what was happening with the Bills, but I got up to talk about Cricket World Cup 2007.

I want to say again that I am very disappointed that there will be no legacy in Cricket World Cup 2007 except these three Bills, where we would have created an avenue for visiting police and other forces to come to Trinidad and Tobago. We have opened the world for everything else but cricket. We would have police from the Caribbean and all over the world with access to this country, because of Cricket World Cup 2007. That is the only legacy; nothing else; not a new ground. I am very disappointed to say the least.

I want you to know. This legislation, to me, could be supported but there are reasons which I do not want to repeat this evening. I do not want to get into the loopholes. All I want is that it is properly monitored and that we understand who is responsible for what.

The Member for Diego Martin East cleared up certain queries I had in my mind, which were discussed. I would not ask these questions again. The only legacy of Cricket World Cup 2007 would be to allow police officers to visit our shores whenever they want. Will a registry be kept?

Should a policeman not return to his home at the end of the period and stay in Trinidad and Tobago, do we have a registry where these people would be registered and their movements? Who will be responsible for them, is it the Commissioner of Police? I could have gone there. I am very disappointed as a former Minister of Sport and a cricket administrator in this country, to see that this country has not and will never benefit from Cricket World Cup 2007 with \$100 million being given.

I do not want to go into the Bills. I am not satisfied with the way our cricket is organized. At the end of the day, with all the contributions I have made in this Parliament with respect to the sunset legislation—I can quote myself where I warned the Government about planning and training the police officers. I spoke about that a few months ago. This is now coming and it is late. We are here to ensure that we pass these Bills.

As I said before, the speakers before me spoke about the weaknesses of the Bills. I could repeat them but I do not want to do that. I want to put on record that this country, the young people of Trinidad and Tobago, will never forgive this Government and the Local Organizing Committee for the manner in which we in Trinidad and Tobago were treated in our dealing with Cricket World Cup 2007.

Thank you.

**Mr. Chandresh Sharma** (*Fyzabad*): Thank you very much. As you are aware, the constituency of La Brea is on the left-hand side of the constituency of

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Fyzabad, so whenever the Member of Parliament for La Brea acts as the Speaker in this House, we all feel very proud. It is only right because it is the desire of all Members of Parliament to be elevated sometime; whether rightfully or differently. In your case it is right. I do not know why the Government caused you to be embarrassed by choosing to have printed the period when you were acting in this noble House, when thousands of people the world over were looking at our Parliament, and they spoke about poor La Brea. This is no reflection of the Member of Parliament. This is not as a result of his inability to perform or otherwise. This is really Government's policy. It is very unfortunate—[*Interruption*]

**Mr. Deputy Speaker:** Hon. Member, it would appear that in your desire to assist the people of La Brea, you have forgotten that we are here discussing the Security Assistance (Caricom) Bill 2007, the Visiting Forces Bill 2007 and the Visiting Police Forces Bill, 2007. Could you please deal with that?

**Mr. C. Sharma:** I thought it was a tradition of this House to allow some foreplay, but since that is not permitted under you, I would—

Let me first correct the mischief done by the Member for Diego Martin East. It is most unfortunate that the acting Leader of Government Business chose to embarrass this Parliament and its staff. It is only human; from time to time, that Order Papers and supporting documents will arrive late. No Member of Parliament is expected to sit in his house or his office and await these documents. He or she has a responsibility to be in the service of the people.

On Monday night, for instance, the Members of Parliament on this side, most of us, were serving the people of Trinidad and Tobago in particular on this occasion we were in the city of Port of Spain, treating with the citizens of Trinidad and Tobago who are not represented by Members on the other side, for one reason or another. That is a constitutional discharge of duty. The Member for Diego Martin East indicated that Chandresh Sharma received documents. He indicated “RECEIVED”. The document he read, which he hid, is really a misrepresentation. You know I cannot say that he lied to the House, but that is what I really mean. This means that somebody collected it, and rightfully so. He chose only to look at Opposition Members, but if he looks at the list of PNM Members, he would also see that 95 per cent were not received by the Members of Parliament. Here it is, in the case of Dr. Roodal Moonilal, for instance—[*Continuous crosstalk*]

**Mr. Deputy Speaker:** Hon, Members, the debate is deteriorating. This constant crosstalk cannot go on. Please, allow—Member for Fyzabad, speak to me.

**Mr. C. Sharma:** I always do so, Sir. In the instance of Dr. Roodal Moonilal, the Member for Oropouche, he received his documents at 9.20 p.m. on Monday. He was working at that point. Certainly, he would have gotten the documents on Tuesday morning.

The Member for Diego Martin East, a senior Member of this House, must be more careful. At the same time, Members on this side, who are individuals, also belong to a party or two, as the case may be and there is a collective responsibility as well. In addition to doing the research, there must also be a policy of some kind. The PNM has to do the same. To come and mislead the House and involve the staff of the Parliament, I find it most unkind. I suggest that does not happen.

He made it very clear. In the case of the Member for Siparia, he identified the person who received the document. Why is he exposing members of the family of Members of Parliament? There is no need for that. But to score cheap political points, he is prepared to expose everyone.

In the instance of the Member for Port of Spain North/St. Ann's West, he is a very private Member. His life is threatened oftentimes. You know why. He has to be careful who receives his documents. There is no need to come and broadcast it here. The Member for Laventille/East Morvant cannot offer protection to anyone.

In the case of the Chief Magistrate, according to today's newspaper, some claimed that he was threatened in October and security was beefed up this week. For the Member for Diego Martin East to come and do this is very unkind.

The fourth name as having received was Mr. Hedwige Bereaux. I suspect he means the Member for La Brea. When you look at the person who received the document on behalf of that Member of Parliament it will not be fair to identify the person to the Parliament.

**Mr. Imbert:** Why not?

**Mr. C. Sharma:** I purposely said the Member for La Brea. In the case of the Member for Laventille/East Morvant, it would not be a member of his family and he would be exposed. One has to be very careful.

I do not want to spend too much time on that. I want to make it very clear that when we sit here, we represent Trinidad and Tobago. We do not need to go there. This is very important legislation that requires concerted efforts by all of us. It requires us to come together, because we are serving Trinidad and Tobago.

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Many of us have said that the particular event in the country, the reason for which we are here, is commanding global attention. The newspaper is what is expected to showcase Trinidad and Tobago's culture, food and everything else. What is capturing the pages of the newspapers for the past few days—in the case of the Chief Justice—including the print and electronic media? We are talking about security, but what is understood? What is the average citizen to understand by security of the person?

Today members of our constituencies on both sides are seeing their Members in Parliament debating what? One of the Bills is the Visiting Forces Bill 2007 and the other two I will refer to them in a minute. They are asking themselves, security for whom.

The first responsibility of the Government is to make sure it offers security of its citizens. At this point in time, no citizen can say that they feel secure in this country; absolutely none. What is the reason for it? You cannot debate this Bill in a vacuum. You have to look at it in a holistic way to see what the other contributing factors are. We have been saying week after week, month after month and year after year that the Government is doing too many wrong things. What is the result?

Citizens are raped and killed and properties are lost. We have been pointing to this. Look at where it has brought us today. No one is safer at the end of the passage of this Bill; absolutely no one. We are embarrassing ourselves. In this instance, we have paid \$100 million to embarrass ourselves. We have said to the Government that we are your partners in government. We are prepared to treat with anything that would add value to the lives of the citizens of Trinidad and Tobago.

**Mr. Imbert:** But we are not friends.

**Mr. C. Sharma:** It is most unfortunate that you cannot deliver on anything in this country. We have visitors coming from all over the world. If you go to the average health centre you cannot get a Panadol. Millions of dollars are being spent. You will expose our police stations to these international police officers. The toilets are bad.

La Brea is a very good example. It was in the newspapers three weeks ago where the police station is almost collapsing. There is no dormitory and they are still cooking on a *choolhaa*. Great is the PNM. In 2007, they are still cooking on a fireside outside the station.

**Mr. Hart:** “Whey yuh cooking?”

**Mr. C. Sharma:** The Member for Tunapuna asks me where am I cooking—Home.

**Mr. Deputy Speaker:** Please, continue Member for Fyzabad.

**Mr. C. Sharma:** Unlike the Member for Diego Martin East, I have one house, Sir and I stay home.

**Mr. Imbert:** Why were you not there to collect the Bills?

**Mr. C. Sharma:** I was serving the people of Port of Spain at the City Hall, where hundreds came out totally disappointed in the PNM.

They are exposing our police stations. They are bringing police officers, but they have not said for what period of time. There must be a statement about that. What are we passing here? What are the duties of these police officers? They have not identified the period.

Let us look at some of the things. I will start from the back, hoping that we would reach. Clause 11 states:

“A visiting police force...”

We are passing something for police officers, but you talk about a visiting police force.

“may import into Trinidad and Tobago free of customs duty and any tax, equipment for the visiting police force and such quantities of provisions, supplies and other goods for the exclusive use of the visiting police force.”

**Mr. Manning:** What is wrong with that?

**Mr. C. Sharma:** You have to identify what would be imported in the first instance, because you may give a licence to import illegal things.

In this country, every Monday morning somebody is shot. The bank which you and I go to in Siparia, First Citizens Bank, was held up yesterday. I understand two persons walked in with guns and held it up. Where can these guns be coming from? What is very clear is that when the PNM is in government, guns flow; every Dick, Tom, Harry and Bridgelal has a gun. Great is the PNM.

**Mrs. Job-Davis:** Mungalsingh?

**Mr. C. Sharma:** It continues:

“(2) No tax or fee is payable in respect of the licensing or registration of service vehicles of a visiting police force or in respect of the use of those vehicles on any road in Trinidad and Tobago.”

Many of these areas have left-hand drive vehicles. Are you going to bring left-hand drive vehicles? It was the Member for Diego Martin East, in his capacity as Minister of Works and Transport, who said that left-hand drive vehicles pose the risk of accidents. He is agreeing with me, but he is allowing any vehicle to come here. Why is there is a need to bring in a vehicle? There is no special vehicle for—[*Interruption*]

**Mr. Imbert:** Who say so?

**Mr. C. Sharma:** What kind?

“(3) No customs duty or tax is payable on any fuel, oil or lubricants intended for use...”

This is an oil-producing country. Do you want them to bring pitch oil? This is the PNM. Is this what you have brought us in the Parliament for; to pass something to bring pitch oil and oil? Do we not have NP? You are the laughing stock of the world today.

**Mr. Imbert:** How is it driving off the boat?

**Mr. C. Sharma:** Within six months—Look at the foolish response.

**Mr. Deputy Speaker:** Hon. Member!

**Mr. C. Sharma:** The Minister is saying when they put the vehicles on the boats, in whichever country, they will empty the tanks and when they come to the port in Port of Spain they will be empty. Imagine that!

“(4) Within six months of his first arrival to take up duty in Trinidad and Tobago and within six months of the first arrival of any dependant to join him, a member of a visiting police force shall import free of customs duty and any other tax.”

If you are bringing police officers here for a few months, why do we not provide and contribute to the economy, the furniture or bedding for his house and whatever he might need? Why are we encouraging him to import furniture? Is he going to import a dining set, two beds and two mattresses? Is this what Government legislation is all about in 2007? When that officer is coming for one month, some shipment takes 42 days. So, for seven weeks he has to wait to receive his furniture. In the meantime what does he do, sit on a *peerhaa*?

“(5) The salaries and emoluments paid to members of visiting police forces by their designated States are exempt from taxation.”

Immediately we are seeing a police officer here at a disadvantage. He is being paid, minus taxation and others are treated differently. Before I go to clause 10, let me go to clause 8.

“Subject to section 9, for the purposes of the State Liability and Proceedings Act—

- (a) a tort committed by a member of a visiting police force while acting in the course of his official duties shall be deemed to have been committed by a servant of the Republic of Trinidad and Tobago while acting in the course of his official duties,”

It cannot be any other duties, unless they are official duties. I do not know why they keep saying “official duties”. It is either you are discharging your duties or not.

More than that, are these officers being advised as to what is allowed and what is not? How will that officer who is coming to serve know what is within the laws and what is outside of it? Would you wait for him to commit it?

- “(b) property owned, occupied, possessed or controlled by a visiting police force shall be deemed to be owned, occupied, possessed or controlled by the Republic of Trinidad and Tobago;”

How foolish does it get? First, he is allowed to import his personal effects and then the State takes responsibility for the ownership of it.

**7.30 p.m**

- “(c) A service motor vehicle of a visiting police force shall be deemed to be owned by the Republic of Trinidad and Tobago.”

Notice the exemption, not the aircraft and the ships, but only service motor vehicle. So, on one hand, you are giving exemptions on all the equipment that they are bringing, and now you identify and say only service motor vehicle.

Hear what clause 9 says:

“Section 8 does not apply to a claim arising out of or in connection with the navigation, operation or salvage of a ship or the loading, carriage or discharge of a cargo, unless the claim is a claim arising out of death or injury to the person.”

**Mr. Hart:** What is wrong with that?

**Mr. C. Sharma:** Unfortunately, the Member for Tunapuna does not read. He comes here to make up numbers, so he does not understand. My duty is not to explain it.

Clause 10 says:

“No proceedings lie against the State by virtue of section 8, or against any member of a visiting police force who is deemed a servant of the State under section 8, in respect of a claim by a member of a visiting police force, his personal representative or a dependant, arising out of the death or injury to the member, if compensation has been paid or is payable by a designated State...”

So, on one hand, you are saying that they are deemed to be members of the Trinidad and Tobago Police Service, or servants of Trinidad and Tobago, meaning that they would come under the Public Service Regulations, and then you make an exemption on the very same thing. Are these officers being told these things? Are we passing legislation which is unfair and unkind to them? Have these officers been so advised?

It continues:

“if compensation has been paid or is payable by a designated State, or out of any funds administered by an agency of a designated State for the death or injury.”

Mr. Deputy Speaker, many Members, including Members on the other side, have indicated clearly that this legislation is flawed in many ways. It is for this reason that we on this side—I speak for the Back Bench as well—have indicated the need for the sunset legislation. We want to advance, and we can do this very early if there is an undertaking by the Government, to make this for a period of time.

**Mr. Hinds:** Why?

**Mr. C. Sharma:** The Member for Laventille East/Morvant asked why, because he was not paying attention. It is flawed. You have been caught with your pants down, so to speak, and you need it. So, let us agree that you are going to have it for 90 days, as the case may be, and by that time the cricket would be finished, and then come back and clean it up. Are you satisfied that this is good legislation? If you are satisfied, then something is definitely wrong. There are too many flaws in the legislation.

**Mr. Hinds:** What are the flaws?

**Mr. C. Sharma:** It is interesting that the Member for Laventille East/Morvant is asking me to tell him the flaws. This information was available to the Government

for two or three years now, and they have hired all kinds of minds and paid large sums of money, and now they have come here with flawed legislation. It was given to us on Monday night and on Tuesday, and they expect us to correct all the flaws. That is so very unkind. We are going to do as much as we are required to do.

Mr. Deputy Speaker, I want to take you to clause 5 which deals with rights, powers and privileges and it says:

“Subject to section 6, a member of a visiting police force who is sent to Trinidad and Tobago for the performance of police duties shall, while on duty in Trinidad and Tobago be deemed to be a police officer for the purposes of this Act and shall have the same rights, powers and privileges as are conferred on members of the Trinidad and Tobago Police Service by the Police Service Act or any other law.”

Again, this is flawed. A police officer from Trinidad and Tobago, whether on duty or off duty, could discharge his or her duty as a police officer. How a citizen of Trinidad and Tobago would know that a visiting police officer is on duty? Is he going to have a sign on his shirt saying that he is on active duty or official duty?

I was part of an administration, and I remember the then Attorney General, Mr. Maharaj, would sit with members of the advisory committee from the different ministries, and he would go through Bills clause by clause, so that he would be very conversant with them. It seems as if Members opposite know nothing about this. They just trump and follow suit.

Clause 6 says:

“All members of visiting police forces shall enjoy immunity from the criminal and civil jurisdiction of Trinidad and Tobago in the performance of their official duties.”

When a constituent from Fyzabad, La Brea, Princes Town or any other constituency asks me; as a citizen of this country, how will I know that the visiting police officer is discharging his official duty? What should my answer be? May I be guided? [*Interruption*] [*Crosstalk*]

Clause 7 says:

“Where a member of a visiting police force is alleged to have committed an offence in respect of—

(a) the property or security of his designated State;”

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Again, who is going to supervise this? Where are the provisions? You are asking us to pass this legislation, and you are making all these fancy claims, but you are not telling us how you are going to achieve them.

“(b) another member of the visiting police or his property; or”

Well, how is the visiting police officer going to recognize another police force visiting and exercising his duty? This is a big comic show. This Government is totally unprepared for governance.

“(c) the performance of his official duty,”

Again, how will any citizen of this country or even a police officer know that this officer is on official duty?

Clause 7(2) says:

“Where a dependant of a visiting police force is alleged to have committed an offence in respect of paragraphs (a) and (b) of subsection (1), the courts of the designated State to which that dependant of the visiting police force belongs shall exercise jurisdiction in respect of the offence.”

Mr. Deputy Speaker, a few days ago, we saw in a matter that has frightened Trinidad and Tobago and also the international community—I refer to the matter of the Chief Justice—the failure or the refusal of the Chief Magistrate to give evidence. Is that setting a precedent?

**Mr. Deputy Speaker:** Hon. Member for Fyzabad, I have gotten up on several occasions and asked Members not to do what you appear to be going to do. I am asking you now to stay away from that issue. [*Interruption*] Well, I may ask you again, if you repeat it, but after that I will take the steps that I have to take.

**Mr. C. Sharma:** Mr. Deputy Speaker, thank you very much, and I am so guided. I was making the point that in a newspaper today, the question was being asked—in lieu of what has happened where a senior judicial officer has refused to give evidence in a matter that he started—what is going to be the case of persons coming into this country? These police officers that are coming in are going to trump and follow suit. They are going to say, here is an officer who has refused to give evidence. Let us look at the fallout from it. That is the point that I really want to come to.

If a police officer who is coming into this country now under this Bill that we are being asked to lend support to, charges any Member of Parliament, for whatever offence, whether rightfully or wrongfully, and acting on the advice of the Government and in concert with the Government—

**Mr. Hinds:** If he lies on a Member.

**Mr. C. Sharma:** Okay, thank you very much, Member for Laventille East/Morvant. The Member is saying that if a police officer who is coming to serve lies on a Member of Parliament and causes that offence to be recorded, and the officer refuses to give evidence when he goes to the court—he refuses to take the witness stand—that Member of Parliament may be suspended. If the officer says that he is not giving evidence, the Magistrate will then say, why are you not giving evidence? And the officer would say that your Chief Magistrate did not give evidence too. Do you see the connection?

**Mrs. Job-Davis:** Mr. Deputy Speaker, on a point of order, Standing Order 43(2).

**Mr. Deputy Speaker:** Standing Order 43(2) says:

“Any member may, after the Speaker or Chairman, as the case may be, has under paragraph (1) of the Standing Order once called the attention of the House or Committee to the conduct of a member who persists in irrelevance or tedious repetition of his own arguments or of the arguments used by other members in debate, move that the Member be no longer heard and such Motion shall be put forthwith without amendment or debate.”

**Mr. Panday:** Move the Motion.

**Mr. Deputy Speaker:** In any event, it appears that the Member for Tobago East does not want to move the Motion, but hon. Member for Fyzabad, you are advised.

**Mr. Panday:** You do not know how to do it.

**Mr. C. Sharma:** Of what?

**Mr. Deputy Speaker:** You are advised that if you continue with tedious repetition, or if you continue along that path, a Motion can be moved that you be no longer heard. [*Crosstalk*] Please, I am not concerned with that. You had an opportunity to move it and you did not move it. Come on.

**Mr. C. Sharma:** Mr. Deputy Speaker, from my own understanding for me to continue in this debate, is it that you are accepting Standing Order 43(2) as identified by the Member for Tobago East? Is that it?

**Mr. Deputy Speaker:** The hon. Member has drawn to my attention that you are in breach of Standing Order 43(2), but the fact that you are in breach of it does not mean that I can or will do anything about it unless the necessary procedure is

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followed, and it has not been followed. I am also advising you of the contents of it so that you will know how to act.

**Mr. C. Sharma:** So, this means that 43(2), as moved by the Member, is irrelevant? [*Laughter*]

**Mr. Deputy Speaker:** The contents of 43(2) have been pointed out to me, and I have in turn pointed it out to you. Standing Order 43(2) has not been activated, but I am just pointing it out to you.

**Mr. C. Sharma:** Mr. Deputy Speaker, I must congratulate you for not enacting it for the simple reason that when you look at this Bill—

**Mr. Deputy Speaker:** I have ruled already. Just go ahead and talk.

**Mr. C. Sharma:** Yes, but since the Member for Tobago East took much of my time—almost all the clauses in the Visiting Police Forces Bill of 2007 are interrelated, so the clauses will be repeated. This is what the Bill is about, and you cannot avoid it. So, the Member for Tobago East is really embarrassing herself and her party. There are three Bills, and I am only on one.

**Mrs. Job-Davis:** Do not threaten me. [*Crosstalk*]

**Mr. C. Sharma:** Mr. Deputy Speaker, do you see how this Government intends to run the Parliament? When you draw the failures of the Government—

**Mr. Panday:** They are vexed.

**Mr. C. Sharma**—it is quick to use its majority and to threaten us and say that we better stop. You better conduct yourself intelligently, because you are on TV. What is very clear on this particular Bill is that there is no clear indication as to what this Bill is intended to do. For instance, when there is a disagreement with our Commissioner of Police in Trinidad and Tobago with respect to the conduct of a visiting police officer, how is that going to be dealt with in the exercise of his duty? Who is supervising these police officers?

Since the visiting police officers come under the Trinidad and Tobago Police Service—my understanding is that he comes under the Commissioner of Police—where there is a disagreement in the discharging of duties—assuming the Commissioner of Police says to a visiting police officer: “You see the Member for Diego Martin East, I want you to stop his motor car.” Or, “I want you to go and control traffic on a particular street,” and the officer refuses to go for whatever reason, what are the provisions for that? Again, there is no thinking into this Bill. It just seems to be flowing with what is requested, and there is absolutely no intention to treat with it.

Mr. Deputy Speaker, a service motor vehicle of a visiting police officer shall be deemed to be owned by the Republic of Trinidad and Tobago. Are these vehicles going to be insured?

**Mr. Hinds:** No.

**Mr. C. Sharma:** The Member for Laventille East/Morvant says, no.

**Mr. Deputy Speaker:** I did not hear him.

**Mr. C. Sharma:** If the Member answers, should I ignore the answer?

**Mr. Deputy Speaker:** Please, he is sitting. I am the only one—

**Mr. C. Sharma:** Can I get the answer now?

**Mr. Deputy Speaker:** Well, if he will.

**Mr. C. Sharma:** Member, are you prepared to say? Are the vehicles going to be insured?

**Mrs. Job-Davis:** Nobody is interested in what you are saying.

**Mr. Deputy Speaker:** Hon. Member for Fyzabad, would you continue?

**Mr. C. Sharma:** Mr. Deputy Speaker, proper debate requires that if a Member has to develop a point and he asks for an answer—I am asking, through you, could the Member indicate if these vehicles are going to be insured, so that I will know how to continue my argument?

**Mr. Deputy Speaker:** Will you please continue?

**Mr. C. Sharma:** I am asking a question based on clause 8, where “a visiting police force shall be deemed to be owned...by the Republic of Trinidad and Tobago”. I am asking if these vehicles are going to be on the roads in Trinidad and Tobago, the law of this country requires that these vehicles be insured. The Bill does not say if these vehicles are going to be insured. I am asking the question if these vehicles are going to be insured. I am also asking if the Member for Laventille East/Morvant would be kind enough to answer, so that I will know how to continue my contribution.

**Mr. Deputy Speaker:** Under the normal system, the hon. Minister will reply in due course, if he does not choose to do so now.

**Mr. C. Sharma:** Mr. Deputy Speaker, clause 9 says:

“Section 8 does not apply to a claim arising out of or in connection with the navigation...”

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I am raising this point because over the last few years we have seen many murders in this country, and oftentimes the weapon is a gun. Members of Parliament on both sides and citizens of Trinidad and Tobago have been asking where these guns are coming from. We have good policing at our ports. Are these guns coming in concert with some people who would allow it to come into the country? Again, we are seeing a heavy focus on motor vehicles. What is the check and balance at the port of entry?

We are told here that these police officers can bring in whatever they want in the exercise of their duties. Are they going to be allowed to bring in guns and ammunition? If, yes, why? The guns and ammunition should be in relation to the Trinidad and Tobago Police Service. It should not be that anybody is allowed to bring in guns. Where are these guns going to be kept? Are they going to be kept on the visiting police officer at all times when he is on official duty and when he is off duty as well? Is the officer going to have a gun and ammunition with him? What would be the security of these guns and ammunition? Again, it does not say what is going to happen in that instance. It seems as if the Government is in concert with the persons who are bringing in these guns.

I want to go now to the Security Assistance (Caricom) Bill, 2007. The first point is that we on this side want the Government to give an undertaking that there is going to be a sunset clause. In the first instance, we can look at 90 days, unless the Government indicates more or less, as the case may be.

Mr. Deputy Speaker, with respect to the Contracting Parties, reference is made to the Conference of Heads of Governments which was held in Jamaica in Montego Bay in July 2003, "where the Conference was challenged to promote a system of regional security to ensure the economic and social integrity of Member States;".

#### PROCEDURAL MOTION

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Deputy Speaker, in accordance with Standing Order 10(11), I wish to move that the House continue to sit until the conclusion of the three Bills on the Order Paper that we are debating.

*Question put and agreed to.*

#### SECURITY ASSISTANCE (CARICOM) BILL

**Mr. C. Sharma:** Mr. Deputy Speaker, could you indicate what time dinner would be served? [*Laughter*] I was making the point that what we are not seeing

here is security for our own citizens. The first meeting of the Ministerial Sub Committee on Developing a Regional Resource Mobilization Strategy for Crime Prevention and Security Issues convened in Jamaica, Kingston, in January 2004. *[Interruption]* I intend to be brief.

**Mr. Deputy Speaker:** Continue, please.

**Mr. C. Sharma:** I mean brief on the three Bills. Now, hear what they are striving for. They are striving to preserve the common heritage of the people founded on the principles of democracy, liberty of the individual and the rule of law. Let us apply that to Trinidad and Tobago; the common heritage of the people. What does the heritage of Trinidad and Tobago reflect?

We are people of two major groups—persons who came as slaves and who are descendants of them now; people who came as indentured labourers from India and, of course, you have the Chinese, European and others. So, there is a rich heritage in this country. In 2004, in preparing for all the events, including Cricket World Cup, we said that there will be a promotion to preserve that common heritage.

Mr. Deputy Speaker, for instance, you would have seen for Carnival where all the PNM party groups in this country got money in excess of \$100 million to promote that culture and heritage. Last week Sunday was Phagwa, and you did not see that distribution.

On March 30, Baptists will be celebrating their observation, and the Baptist groups are finding it difficult to obtain funding, and the list goes on and on.

At a meeting of Caricom Heads, you agreed on an approach to showcase Trinidad and Tobago—

**Mrs. Job-Davis:** “Steups”.

**Mr. C. Sharma:** The Member for Tobago West has “steupsed” in this Parliament, and she has a right to do so. You see, this is leading to all this lawlessness. Anytime we discriminate against citizens, anytime you make citizens feel less than they are—only recently, the Member for San Fernando East and the Member for Tunapuna returned from India, and they could tell you the rich culture that they were able to observe there. *[Crosstalk]* The point is that you have to make sure that you do not bring police to arrest people when lawlessness gets out of hand. You first have to do everything as the Government. The Opposition has a responsibility to contribute and to cause the preventative measures. I am saying that when you look at the distribution of resources of the State—for

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instance, the Member for Chaguanas made reference to the \$100 million which was spent on grounds, and there were no grounds south of the Caroni River, and the question is, why?

The Government showed no interest when there was cricket being played at Guaracara Park, and that was talked about, because the cricket community, for some reason, seems not to identify with the Government. Again, you are seeing all kinds of discrimination taking place which are being funded by the State and being encouraged by the Government. When they give petty moneys to these smaller groups, it looks as if they have done them a big favour.

Mr. Deputy Speaker:

“‘Contracting States’ means Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago”.

Already Jamaica is upset with Trinidad and Tobago, because of its failure to supply gas to Jamaica. Now, will it not be a breach to bring in police officers from Jamaica at this point in time? These are questions that must be asked.

In fact, at this time, other Caribbean countries are not happy with the conduct of the Government of Trinidad and Tobago. It is for this reason that you are seeing Venezuela entering into gas markets that we held.

Mr. Deputy Speaker:

“‘full command’ means the military authority and responsibility of a commander to issue orders to his subordinates in every aspect of military administration and operations;”

Now, they have identified the commanding officers to mean, for instance, the Commissioner of Police from all the islands—Commander of the Antigua and Barbuda Defence Force, Commissioner of the Royal Bahamas Police Force; and Commissioner of the Belize Defence Force. Who are they going to take orders from when they are in a particular place? In the case of the police, we saw it is the Commissioner of Police.

I have asked the question with respect to where there is a conflict with an order given by the Commissioner of Police, how is it going to be treated with, and we are not told about these things. The legislation does not say that. The legislation should be crystal clear, because when our constituents across Trinidad and Tobago see us in Parliament, they must know that we understand fully what

the provisions of the Bill are and how they are going to be treated with. If this is for security, then it is security from something or from somebody as the case may be.

Mr. Deputy Speaker, I want to talk a little about the role of the heads of the security forces in this country. The country has not been told if the security forces have conducted any training sessions for those persons who are coming. That is important.

In fact, when the hon. Prime Minister went to Fyzabad, I think it was on October 24, where he was very well received—I made sure and arranged that—*[Laughter]*—Manning hits out at trigger happy cops. Here is the hon. Prime Minister saying:

Prime Minister Patrick Manning has expressed distaste over recent police killings saying that it is unacceptable that citizens of Trinidad and Tobago are gunned down in cold blood.

That is the Prime Minister expressing concerns.

**Mr. Deputy 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. *[Dr. H. Rafeeq]*

*Question put.*

*The House divided:* Ayes 5                      Noes 12

NOES

Imbert, Hon. C.

Rowley, Hon. Dr. K.

Narine, Hon. J.

Rahael, Hon. J.

Roberts, Hon. A.

Hart, Hon. E.

Callender, Hon. S.

Seukeran, Hon. D.

Job-Davis, Hon. E.

Hinds, Hon. F.

Achong, L.

Williams, E.

AYES

Rafeeq, Dr. H.

Sharma, C.

Partap, H.

Panday, S.

Ramsaran, M.

*Question negatived.*

**The Minister of State in the Ministry of National Security and Minister of State in the Ministry of Trade and Industry (Hon. Fitzgerald Hinds):** Mr. Deputy Speaker, thank you very much for recognizing me. The last minute of this House has been one of the most satisfying moments that I have had since I sat here to represent the people of Laventille East/Morvant. I congratulate all Members for their application of good sense and for voting wisely. It was done in the public interest to protect the public from the worst excesses of that which transpires in some Houses like this.

The issues that we have proposed in these three Bills, to my mind, have been very adequately amplified and ventilated. It is only malice, wickedness and an obscurantist posturing that would stand in the way of full support for these measures. [*Crosstalk*]

Mr. Deputy Speaker, usually, in winding up, and having presented the measures before the House on Wednesday, one would address, as a matter of courtesy and good sense, the points raised by the various speakers. As for the Member for Chaguanas, I sat here and observed, very keenly, the difficulty you had in reminding the Member about the concept of relevance, and I, too, had some difficulties, and there is nothing useful that I can add in relation to his contribution. [*Laughter*]

Mr. Deputy Speaker, as for the Member for Fyzabad, he was boringly irrelevant. I saw your trouble and I saw the Members of this House actually had to, with some reluctance, vote to protect the public, particularly at a time when these broadcasts are carried live on Channel 11 to protect the children, the elderly

and the people of this country who would be looking to us for more useful contributions. I support Members for what they did. [*Desk thumping*] Again, there is nothing one could usefully add in relation to the contribution that was supposed to have been made by the Member for Fyzabad.

As for the Member for Oropouche, there are really two outstanding features of his contribution, and I understand why he looks—this is no offence to other people—a little larger than life. He complained about the price of doubles, sandwiches and soft drinks at UWI.

I got a report from someone who attended the game there this morning, and I was told—this person is not a supporter of the Government. This is a professional with an independent posture and an independent mind, who reported to me earlier today that having gone to the UWI ground to witness the events, he came away feeling entirely proud of the Local Organizing Committee.

He felt that the security circumstances that were put in place were impeccable. The ushers were very friendly, professional and polite. He felt as though he had gone to a game in a foreign First World city, and this is what we are all about. He had to trouble himself to remember that we were right here in Trinidad and Tobago. He complained that the thing that was absent was the usual typical Caribbean flavour that we would bring to these games, and I humbly reminded him that these are not Caribbean games, but international games hosted, fortunately, in our territory, and we have to abide by international standards. [*Desk thumping*]

**Mrs. Job-Davis:** Very good.

**Hon. F. Hinds:** All the Member for Oropouche found adverse about the UWI experience was that he could not get a sandwich and something to eat. A little greedy, Mr. Deputy Speaker. [*Desk thumping*] [*Laughter*] He sounded a bit like a “cry-cry baby” crying for a chubby and crying for a sandwich. He is too greedy. I do not think that we have too much trouble with that.

The other thing about the contribution of the Member for Oropouche is that he suggested rather buoyantly and interestingly for all of us on this side to stop, and not proceed with these measures, notwithstanding all that he heard from my presentation and, certainly, from the Member for Diego Martin East and, of course, the Member for Arima on this side.

Mr. Deputy Speaker, I remember the Member for Oropouche saying that we should stop—and notwithstanding all that he heard—and we should not proceed with these measures. This is why I made use of the concept of obscurantist

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posturing. It has become quite usual for Members on that side to try and obstruct the business of this House, an important arm of the State and, therefore, to obstruct the development and the smooth pathway of this country. That is all that they are about.

Mr. Deputy Speaker, in another place, if I had the permission to say it here, I would describe them as “political haters”. It did not surprise me to hear the Member for Oropouche, because he now follows the Member for Siparia.

The Member for Siparia, in her turn, urged us to renege on our commitment to the rest of the region. Remember we had indicated that these measures were settled and agreed to by other members of Caricom, and some other designated states that are internationally involved in cricket. Generally, we proposed model legislation which was drafted in Caricom, and it was offered to all the member States and associated States, and all that was required was a little fine-tuning for it to be consistent with the local law and the local Constitution and which is what we did.

We reminded the Member for Oropouche and the Member for Siparia that it was only last week, ten days ago, Barbados passed its legislation, and we have come with ours now, but they want us to stop. They do not want us to proceed.

The Member for Siparia found herself offering bad advice, as usual, telling us that we should put in a sunset clause, something that has not been done by the other countries and, certainly, something that we did not promise. We said earlier that part of the legacy of the Cricket World Cup should be a security network for the entire region that should work well beyond Cricket World Cup 2007. [*Desk thumping*] The Member for Siparia was encouraging us to renege on internationally agreed commitments.

Mr. Deputy Speaker, I remember immediately the Caribbean Court of Justice (CCJ). It was her government, led by a former Member of this House, the Member for Couva North, who agreed at the level of Caricom for the establishment of the CCJ—negotiated and agreed that it be housed here in Port of Spain and when the government changed he reneged on it. The Member for Siparia, in typical offering of bad advice, is now advising us to renege for us to look like they did, and to be treated with the ridicule and scorn by the population as they were. Mr. Deputy Speaker, we would never do that. [*Desk thumping*]

**Mrs. Job-Davis:** Integrity.

**Hon. F. Hinds:** Oh yes, I am glad that you used the word “integrity”. We must remember that the UNC’s back was broken on an anvil of dishonesty and

lack of integrity. [*Desk thumping*] That caused the Member for Pointe-a-Pierre, the former Attorney General, Mr. Maharaj and others to walk away from them. So, when it comes to integrity and honesty, the UNC is deadly afraid of that because integrity and honesty has cost them government, a lot of repetition and a lot of freedom, because many of them are in a long line on their way to court.

**Hon. Member:** And—

**Hon. F. Hinds:** “And...”, as I am reminded by my colleague quite properly. Mr. Deputy Speaker, as we moved to Cricket World Cup, I would just say briefly, in fact, in the way of Henry VIII to his many wives, I do not propose to be very long.

Mr. Deputy Speaker, Cricket World Cup 2007 is really, if you like, the climax, at least for the time being as it relates to the West Indian cricketing experience. Some Members here today pointed out the greatness of West Indian cricket personalities, and the way we dominated the game for many years. I see a parallel between hosting the Cricket World Cup and the CCJ—setting up the legislative framework in the three Bills that we have brought here today; and doing all the administrative and other things that we have done through the region in order to host this World Cup is really the culmination of the greatness and the beauty of West Indian cricket on the field and beyond the boundary.

Mr. Deputy Speaker, I see a relationship between that and our experience with the CCJ; our aspirations to that. In the same way we have produced great West Indian cricketers, we have produced great West Indian jurists; we have produced great West Indian lawyers and judges. We have had West Indian judges sit on the Privy Council to determine matters and, naturally, in keeping with the aspirations of Caribbean people, we want to have our own court, just as we want to host Cricket World Cup 2007.

Mr. Deputy Speaker, as I have indicated, I really to not propose to be long, but I am satisfied that the measures that we have offered have been duly ventilated and amplified, and I really do not see the need to get into any of them.

As a consequence, we took a few of the suggestions made, for example, the Member for Siparia, to her credit, made a very minute recommendation that the definition of “forces” in the Visiting Forces Bill should be attended to. We took that and we have now proposed a new definition for the word “forces”, in accordance with the amendment to the Visiting Forces Bill 2007 which we have circulated to Members. I need not detain us with the exact terms of same.

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In relation to the Visiting Police Forces Bill, we propose as well an amendment to clause 8, in which effectively we are going to put in the need for an arbitrator and arbitration in a particular case, and that amendment has to do with the Visiting Police Forces Bill and not the Visiting Forces Bill, because that visiting forces regime has its own service court or what we would hitherto call the “military courts”. That will deal with that regime adequately, but in respect of the Visiting Police Forces Bill, we propose an amendment, and like Barbados, we are proposing the introduction of an arbitration clause in a particular circumstance. As I have indicated, that amendment has been also duly circulated for the benefit and attention of all Members and for our consideration.

Mr. Deputy Speaker, with respect to the question of insurance, the Member for Fyzabad stumbled along mentioning the word “insurance”. The vehicles and other equipment coming with other visiting forces or visiting police forces would be considered the property of the Government of Trinidad and Tobago and, therefore, any liability as we have explained, would be taken as a liability to the Government of Trinidad and Tobago where this applies—short of the exemption and short of the immunities that we have proposed.

If, however, in respect of our administrative arrangements, we consider—because they would have been insured from whence they came—that insurance would be necessary, I give an assurance to the Member for Fyzabad that no vehicle would be driven on the roads of Trinidad and Tobago without, at least, third party insurance in accordance with our laws.

Mr. Deputy Speaker, since 1992, the *Hansard* can be used as a tool of interpreting statutes by the courts of Trinidad and Tobago, and the courts in the Commonwealth countries—coming out of the common law tradition—this statement is being made deliberately and lucidly clear that it is our intention to ensure that that is not an issue.

Mr. Deputy Speaker, with these few words, I am confident that all the speakers on this side elucidated upon the matters adequately for members of the public who would listen and, certainly, Members of this House who are serious-minded and who really take the debate seriously.

I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 4 ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

#### **VISITING FORCES BILL**

*Order for second reading read.*

**The Minister of State in the Ministry of National Security and Minister of State in the Ministry of Trade and Industry (Hon. Fitzgerald Hinds):** Mr. Deputy Speaker, I beg to move,

That a Bill to provide for the presence, activities, privileges and immunities of members of visiting forces and for matters connected therewith, be now read a second time.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the Bill.*

**Mr. Hinds:** Mr. Deputy Speaker, I beg to move that clause 2 be amended as circulated.

A. Insert the following definition in the correct alphabetical order:

“forces”, in relation to a designated state, means the naval, military or air forces of that designated state.

**Mr. Sharma:** Mr. Chairman, would it not be more useful to add after “air forces” the words “or any other designations” for future development.

**Mr. Imbert:** Member for Fyzabad, that is a standard definition that was taken out from other international laws and they all have this form of words like “navy”, which will be sea, “military”, which will be land and ‘air forces”, which will be air. We felt it best to conform to the international designations.

*Question put and agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clauses 3 to 7 ordered to stand part of the Bill.*

*Clause 8.*

*Question proposed, That clause 8 stand part of the Bill.*

**Mr. Sharma:** May I suggest in the fourth line in clause 8(1) that an arbitrator “may”, should read “shall”?

**Mr. Chairman:** I think you are on another Bill.

**Mr. Imbert:** You are on the wrong Bill. That amendment is for the next Bill. There is no arbitration in—

**Mr. Panday:** And there is no fourth line either.

**Mr. Imbert:** You are on the wrong Bill.

**Mr. Sharma:** Okay.

*Question put and agreed to.*

*Clause 8 ordered to stand part of the Bill.*

*Clauses 9 to 17 ordered to stand part of the Bill.*

*Clause 18.*

*Question proposed, That clause 18 stand part of the Bill.*

**Mr. Imbert:** Mr. Deputy Speaker, the legal drafts persons have suggested an amendment to clause 18(4) to just tighten up the language. At the present time, clause 18(4) speaks to:

“When the Trinidad and Tobago forces and a visiting force to which this section applies are serving together, whether alone or not...”

The drafters have suggested that we use this form of words: “whether jointly or in combination” to replace the words “whether alone or not”.

**Mr. Panday:** You cannot be together and alone at the same time.

**Mr. Imbert:** It does not make sense.

**Mr. Panday:** That makes sense.

**Mr. Imbert:** So, “whether jointly or in combination” would replace the words “whether alone or not”. We would delete the words “whether alone or not” and replace them with the words “whether jointly or in combination”.

*Question put and agreed to.*

*Clause 18, as amended, ordered to stand part of the Bill.*

*Clauses 19 to 21 ordered to stand part of the Bill.*

**8.30 p.m.**

*Clause 22.*

*Question proposed, That clause 22 stand part of the Bill.*

**Mr. Imbert:** Mr. Deputy Speaker, once again, the draft persons have suggested in order to tidy up the language, in clause 22(2) the words “in connection with the arrangements” at the end of the second line and at the beginning of the third line should be deleted, so that clause 22(2) should read as follows:

“Any expenses of the Minister incurred in satisfying claims in pursuance of any arrangements under this section or otherwise shall be defrayed out of moneys provided by Parliament.”

The second set of words there “in connection with the arrangements” are redundant, so we just want to delete “in connection with the arrangements.”

**Mr. Sharma:** Mr. Chairman, why the Minister, because the Minister is not the accounting officer? Why are you giving the Minister that burden? Should it not be the “accounting officer” rather than “the Minister”. Why “the Minister”?

**Mr. Imbert:** “The Minister” will be defined.

**Mr. Sharma:** What I am saying, why put that burden on the Minister? You are asking him to do something that he is not normally required to do; that is unusual.

**Mr. Panday:** What do you suggest, “Permanent Secretary”?

**Mr. Imbert:** It is under the Minister’s portfolio. The Minister is representing the State.

**Hon. Member:** That is right.

**Mr. Imbert:** It is a government to government arrangement, so it is the Minister who would be incurring the expense on behalf of the Government; it is a special arrangement. Your [*Inaudible*] will be valid in another scenario.

*Question put and agreed to.*

*Clause 22, as amended, ordered to stand part of the Bill.*

*Clauses 23 and 24 ordered to stand part of the Bill.*

*Clauses 25 to 27.*

*Question proposed, That clauses 25 to 27 stand part of the Bill.*

**Mr. Panday:** Mr. Chairman, before you complete; is the Government not considering the sunset clause after clause 27. What is the position for the sunset clause after clause 27?

**Mr. Imbert:** As you would have heard the point made by the Member for St. Augustine and even the Member for Oropouche, in his contribution, kind of touched it, that we are going to have many more sporting competitions and other activities in Trinidad and Tobago, where visiting forces will be involved; this is really legacy legislation and not sunset. It is to set the stage in Trinidad and Tobago for that kind of activity for visiting forces to come here in perpetuity. So we did not see the need for sunset legislation.

**Mr. Manning:** Not only that, but we have a mutual assistance agreement in the Caribbean now and we expect that at short notice, if a problem arises in any country that forces must be able to go in and come within the pale of law in so doing. We had a call some years ago to send troops to St. Kitts. We did not send, but had we sent, there would not have been any visiting forces legislation in place and therefore the legal arrangements would have been very dubious. What this does, it puts a framework in place to give effect to that treaty and it is one of the enduring legacies of Cricket World Cup 2007.

**Mr. Panday:** Mr. Prime Minister, does this also relate to uprising in any country?

**Mr. Manning:** Well whatever situation that will give rise to foreign troops coming in; troops from another country going to that country; yes, it involves all of that.

**Hon. Member:** And natural disasters.

**Dr. Rafeeq:** Mr. Chairman, the issue of sunset legislation that was brought

up by this side, it was not that we should not have this legislation in perpetuity; that was not the point. The point was that we shall have this legislation for the World Cup, but since there were so many, as was perceived on this side, that there were difficulties with the legislation, that it would be enacted for the World Cup and then brought back at a later stage to be enacted. That was the idea of a sunset legislation.

**Mr. Manning:** The issues raised, especially by the distinguished Leader of the Opposition, in that regard, it was she who made that proposal, were in my respectful view, adequately answered by the Member for Diego Martin East. Therefore, if there are any other minor infringements of the legislation, we can easily pass it and if necessary come back and make minor amendments, rather than just take it off the books.

**Mr. Imbert:** Let me make one more point before the Opposition Chief Whip continues. The amendment that we are proposing to the other legislation, the question of arbitration, was raised by the Member for Siparia; the question of definition of the forces was raised by the Member for Siparia. So we listened to what the hon. Member had to say and after a lot of research—while the debate was going on we were having a lot of discussions with the legal officers, as you may have observed—it was felt this was the extent of amendments that were required to adequately address the points raised by the Member for Siparia.

**Dr. Rafeeq:** I do not know if that is entirely true, but we will go along with it. But the major issue dealt with was really the issue of the immunities.

**Mr. Manning:** That was answered adequately by the Member for Diego Martin East. On the face of it, the point was a very strong point but when the Member for Diego Martin East answered it, we realized that that is standard and there was a principle of international law that gave rise to that approach.

**Mr. Imbert:** That is the other point. That was the first point I made when I spoke; that it is a general principle of international law that when you invite visiting military forces into your country, you concede to them the jurisdiction over their own forces in order to allow them to manage the forces efficiently, because these are men under arms, so it is a standard principle of international law. On surface it may appear frightening, that you know these visiting forces are coming in and you are giving them immunity, but that is a standard principle of international law; that is what you do. You are inviting these people to come into your country.

**Dr. Rafeeq:** Except she quoted the legislation from Antigua, which went a bit differently.

**Mr. Imbert:** No, but the legislation from Antigua is the one that brought in the question of arbitration; that is the only—

**Dr. Rafeeq:** No, Canada. Canada brought it in.

**Mr. Imbert:** The only salient point in the legislation from Antigua was the question of arbitration, which we are inserting into the Visiting Police Forces Bill. The United Kingdom legislation gives absolute immunity to visiting forces; so does the Australian and so on.

**Mr. Manning:** And if the Antiguan legislation does not do that it is deficient.

**Mr. Imbert:** You see they are not going to come, you know. A military force is a peculiar organization. It has its own court martial system; there are military judges within a military force; they have their own rules and that sort of thing—

**Dr. Rafeeq:** Yes, I understand that—

**Mr. Imbert:** That is why we put the arbitrator into the visiting police; we did not see that as necessary in the visiting military force. Okay?

*Question put and agreed to.*

*Clauses 25 to 27 ordered to stand part of Bill.*

*Question put and agreed to, That the Bill, as amended, be reported to the House.*

*House resumed.*

*Bill reported, with amendment, read the third time and passed.*

#### VISITING POLICE FORCES BILL

*Order for second reading read.*

**The Minister of State in the Ministry of National Security and Minister of State in the Ministry of Trade and Industry (Hon. Fitzgerald Hinds):** Mr. Deputy Speaker, I beg to move,

That a Bill to provide for the presence, activities, privileges and immunities of members of visiting police forces and civilian personnel and for related matters, be now read a second time.

*Question proposed.*

*Question put and agreed to.*

*Visiting Police Forces Bill*

*Friday, March 09, 2007*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 7 ordered to stand part of the Bill.*

*Clause 8.*

*Question proposed, That clause 8 stand part of the Bill.*

**Mr. Hinds:** Mr. Chairman, we propose an amendment to this clause 8 as circulated and it should read—[*Crosstalk*]

**Mr. Chairman:** Not as yet, there is a consequential amendment.

**Mr. Imbert:** No, that is in the next one. That is in the old clause 8. Mr. Chairman, in clause 8 after the third word instead of “Subject to section 9” it will now be “Subject to section 10”; “9” will change to “10”. Because when you are doing the insertion of the new clause 8 you are renumbering clauses. Okay?

*Question put.*

**Mr. Panday:** Mr. Chairman, I am slightly confused, because if one looks at the amendment you will see, “insert the following as a new clause 8”, does that mean the old clause 8 has gone?

**Mr. Imbert:** We will renumber the clauses accordingly. The old clause 8 will become clause 9. So we are doing the amendment to the sections that are listed in here first; it is kind of confusing.

**Mr. Sharma:** Mr. Chairman, may I disrupt?

**Mr. Imbert:** No, because we are going to go through then we will come back again.

*Clause 8, as amended, ordered to stand part of the Bill.*

*Clause 9.*

*Question proposed, That clause 9 stand part of the Bill.*

**Mr. Imbert:** Mr. Chairman, again where it refers to “section 8”, that now has to be clause 9; so “8” has to be changed to “9”.

*Question put and agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clauses 10.*

*Question proposed,* That clause 10 stand part of the Bill.

**Dr. Rafeeq:** Mr. Chairman, what clause are we doing?

**Mr. Chairman:** Clauses 10 to 13.

**Mr. Imbert:** I have not done the new clause.

**Dr. Rafeeq:** I know, but in clause 10, there are two references there to clause 8. Should it not be “section 9”?

**Mr. Imbert:** You are so right.

**Dr. Rafeeq:** Thank you very much, I know I could be helpful.

**Mr. Imbert:** Thanks for looking. The Member for Caroni Central, Dr. Rafeeq, is entirely correct; “8” should be changed to “9” in first line and in the third line.

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clauses 11 to 13 ordered to stand part of the Bill.*

*New clause 8.*

**Mr. Imbert:** Mr. Chairman, I propose a new clause 8 which reads as follows:

First Column	Second Column
Clause	Extent of Amendments
8	A. Insert the following as the new clause 8:
Arbitration	<p>8.(1) Where there is disagreement between the Commissioner of Police and the visiting police force as to whether a member was acting in the performance of his official duties, an arbitrator may be appointed by agreement between the designated state concerned and Trinidad and Tobago from among the nationals of Trinidad and Tobago who hold or have held high judicial office.</p> <p>8.(2) If the designated state and Trinidad and Tobago are unable, within two months, to agree</p>

	upon an arbitrator either the designated state or Trinidad and Tobago may request any person referred to in an agreement with the designated state or acceptable to the designated state and Trinidad and Tobago to appoint the arbitrator from among the nationals of Trinidad and Tobago who have held high judicial office.
	B. Renumber the clauses accordingly.

*New clause 8 read the first time.*

*Question proposed,* That the new clause be read a second time.

**Mr. Sharma:** I wanted to ask if there is a difference with “may” or “shall” after “arbitrator may be appointed”.

**Mr. Imbert:** We are accepting your amendment; we are going to replace “may” with “shall”.

**Mr. Sharma:** Okay and after that the sixth line, where it says, “from among nationals of Trinidad and Tobago”; I want to suggest “qualified nationals” and a full stop after “Trinidad and Tobago”, to rule out “high judicial office”, because I am thinking persons who have served as commissioners in the Police Service Commission for instance, can fit in here, or senior army officials, rather than go for only judicial officers.

**Mr. Imbert:** This is a very technical issue; you really want somebody who has served as a judge. You really want somebody who is qualified in law and somebody who has held high judicial office, because what you are doing with this is that you are determining whether the member of the visiting forces has acted within or without their official duties. It is really a highly complex legal issue and you want a judicial officer there.

There is also no police officer that is higher than the Commissioner of Police. So the Commissioner of Police makes the first determination and then it goes to arbitration. You really need somebody higher than that, which is why it says persons “who have held high judicial office”. Okay?

**Mr. Panday:** Mr. Chairman, “who have held high judicial office”; they are probably speaking of the judge, so we make sure the Chief Magistrate, that level does not get this function. Thank you. [*Crosstalk*]

*Question put and agreed to.*

*Visiting Police Forces Bill*

*Friday, March 09, 2007*

*Question proposed, That the new clause, as amended, be added to the Bill.*

*Question put and agreed to.*

*New clause 8, added to the the Bill.*

*Clauses 8 to 13, renumbered 9 to 14, ordered to stand part of the Bill.*

*Schedule ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill, as amended, be reported to the House.*

*House resumed.*

*Bill reported, with amendment, read the third time and passed.*

#### ADJOURNMENT

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday, March 16, 2007 at 1.30 p.m. to do the Bills on the Order Paper in the order that they appear: Bill No. 1: The Bail (Amdt.) Bill, 2007. [*Interruption*] We will be doing the Bail (Amdt.) Bill, 2007 on that day.

*Question put and agreed to.*

[*Crosstalk*]

**Mr. Deputy Speaker:** You have a matter on the adjournment?

**Mr. Ramsaran:** Yes.

**Mr. Deputy Speaker:** If you would permit me, I would want to suspend the sitting for 10 minutes and then take your matter on the adjournment.

**Mr. Ramsaran:** Are you serious?

**Mr. Deputy Speaker:** I am serious. [*Crosstalk*]

*House adjourned accordingly.*

*Adjourned at 8.58 p.m.*