

*Leave of Absence**Friday, June 15, 2007***HOUSE OF REPRESENTATIVES***Friday, June 15, 2007*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I have received communication from the hon. Eric Williams, Member of Parliament for Port of Spain South requesting leave of absence for the period June 13 to July 02; from the hon. Dr. Adesh Nanan, Member of Parliament for Tabaquite for today's sitting of the House. The leave which these Members seek is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Strategic Services Agency for the year ended September 30, 2000. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Strategic Services Agency for the year ended September 30, 2001. [*Hon. K. Valley*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayor's Fund of the Chaguanas Borough Corporation for the year ended September 30, 2004. [*Hon. K. Valley*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayor's Fund of the Chaguanas Borough Corporation for the year ended September 30, 2005. [*Hon. K. Valley*]
5. Central Bank of Trinidad and Tobago Report on Insurance and Pensions for the year ended December 31, 2005. [*Hon. K. Valley*]

Papers 1 to 5 to be referred to the Public Accounts Committee.

6. Annual Report of the Protective Services Compensation Committee, Ministry of National Security for the period October 31, 2005 to December 31, 2006. [*Hon. K. Valley*]

WRITTEN ANSWER TO QUESTION

Mr. Speaker: May I remind the Leader of Government Business that there are five questions requiring written answers, two of which are past due since February.

DEFINITE URGENT MATTER

(LEAVE)

**Chaguanas Government Primary School Closure
(Malfunctioning of sewer)**

Mrs. Kamla Persad-Bissessar (*Siparia*): Thank you, Mr. Speaker. In accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent public importance, namely, the closure of the Chaguanas Government Primary School as a result of the persistent malfunctioning of the sewer treatment facility located at the school compound, resulting in students now preparing for important exams being unable to attend class.

The matter is definite as it pertains specifically to the disruption of classes over the past three weeks because of the backup of human waste in the toilets and offices of the school.

The matter is urgent because it is a public health threat with approximately 136 students, some of whom have already begun showing signs of physical illness.

The matter is of public importance because it directly impacts on the health and safety of the students, teachers and other users of the school.

Mr. Speaker: Hon Members, this motion that is moved by the hon. Member for Siparia, the Leader of the Opposition does not qualify under Standing Order 12, but will do so under Standing Order 11.

MEMBERS OF PARLIAMENT (PAYMENT OF EMOLUMENTS) BILL

Bill to provide for the payment of emoluments to certain members of the House of Representatives who were unable to make and subscribe the Oath of Allegiance, subsequent to the General Elections of December 10, 2001 [*The Minister in the Ministry of Finance*]; read the first time.

BAIL (AMDT.) (NO. 2) BILL

Order for second reading read.

The Ministry in the Ministry of National Security and Minister in the Ministry of Trade and Industry (Hon. Fitzgerald Hinds): Mr. Speaker, it is

well-known to Members of this honourable House and those of the national community and persons in the national community, that this would not be the first time that the Government has approached this, our Parliament, to put measures in place, to address a very serious challenge posed by criminals against members of our society, particularly, members of the business community, not excluding of course, persons who may not be in business, but may be engaged in other activities.

Mr. Speaker, to my mind, the facts and the history are very clear. To my mind, this Parliament and all Members seated herein are deserving of the highest praise and congratulations, for on those occasions passed, demonstrating a willingness to put all extraneous matters a side and to coalesce in national interest. And as we approach the Parliament again, the Government is hoping that this spirit will persist in the national interest.

Mr. Speaker, the prevalence of kidnapping and other serious criminal offences in this country, has subjected the citizens of Trinidad and Tobago to a more than usual state of fear. Once that state of affairs is left to continue, then it would be reasonable for persons to think that this Parliament, and all of us who are responsible for making laws here and the other arms of the State that are responsible for dealing with these challenges, are being unresponsive.

Mr. Speaker, and hon. Members, you would recall that during the last two years, the Government introduced numerous measures, amending certain pieces of legislation, both substantive and procedural to deal with some of these problems. On the last occasion, we presented these measures to this House, we rehearsed some of the bits of legislation that we amended in order to address the challenges posed by these reckless criminals.

Just to remind Members, we amended the Summary Courts Act, Chap. 4:20 and that was stated on the last occasion; we amended the Criminal Procedure Act, Chap. 12:02; we amended the Indictable Offences, (Preliminary Enquiry) Act, Chap. 12.01; we amended the Corporal Punishment (Offenders over 18) Act, Chap. 13:04; we amended the Evidence Act; the Larceny Act; and of course, the Bail Act, in that case to provide a right of appeal to the Court of Appeal by the police or a convicted or an accused person when bail is granted or not granted, as the case might be. We amended as well the Forgery Act and the last four amendments were effected by the administration of Justice (Miscellaneous Provisions) Act, 2005, that is, Act No. 19 of 2005.

The central focus of these amendments was to expedite trials in the Magistrates' Court and in the High Court and to implement radical change to key

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areas of the justice system. Often, criminals have been able to use delays inherent in the administration of criminal justice to frustrate justice in Trinidad and Tobago. The Government, just to repeat, is fully aware of its duty, of its responsibility to ensure the welfare and the safety of the citizens of Trinidad and Tobago and our visitors where applicable. Also, to ensure that the rule of law is applied to all equally, even those who sometimes seek to undermine and destabilize the criminal justice system, that is a central tenet of our Constitution and our jurisprudence.

Mr. Speaker, our legal system seeks to strike a balance between, on the one hand, a principle that no one should be deprived of his liberty unless and until his guilt is proved, and on the other hand, the public or the community interest, that persons accused of criminal offences should not easily avoid trial. Furthermore, no one should be released, who cannot be released on bail with comparative safety. The rights of each person must be balanced with the rights and interest of the society. These general positions of principle, we stated on the several occasions that we came to this Parliament with measures similar to the measures we approach the Parliament on today.

Mr. Speaker, and this is certainly not for the attention of Members because by now Members are all familiar, but it must be stated for the benefit of the national community, who might be viewing these proceedings, that our Constitution guarantees the right of an accused person to be granted bail. The right is also well established in international law, especially in the domain of human rights conventions and charters. Specifically, section 5(2)(f)(iii) of our Constitution states, among other things, that Parliament may not deprive a person charged with a criminal offence of the right to reasonable bail without just cause. But as we all know, constitutional rights, every one of them as written and on the basis of case law, which interpreted those constitutional provisions over time, constitutional rights are not absolute rights. The very provision creating the rights, that the right may be denied with just cause, that is, the Court may deny a person charged for an offence of the right of bail if the Court considers that in all the circumstances of the case, it is reasonable to do so. For example, the offender may be a repeat offender, or may be likely to leave the jurisdiction.

Secondly, Mr. Speaker—[*Interruption*]

Mr. Ramnath: I beg to move.

Hon. F. Hinds: Mr. Speaker, I enjoy hearing the interventions from my friend, the Member for Couva South, but the Member must be aware as a senior

parliamentarian that these proceedings are now carried across the nation and we owe it to the national community to cause them to understand the facts and to remove the ignorance that my friend on the other side seeks to create, so Mr. Speaker, I crave your protection. The Constitution itself makes provision for our entrenched rights, which includes the right to bail, to be infringed or abridged, if the amending legislation is enacted with a specified majority vote.

Prior to the enactment of the Bail Act, 1994, the law relating to bail in criminal proceedings was found partly in the common law and partly in various pieces of legislation. There was no single piece of legislation dealing comprehensively with the issue of bail. It was the Bail Act, 1994, which first did that.

Mr. Speaker, murder, treason and piracy or hijacking and any offence for which the death penalty is fixed by law, justifies the need to deny the accused the entitlement to apply for bail for these offences. The consequences of a remand in custody are substantial, as it means obviously, the loss of the liberty of the accused with the resultant negative consequences for him or her and his or her family. Nevertheless, the infringement is balanced against the benefit that society derives from the removal of these persons from the general public. It also has a deterrent effect on those who may consider committing similar crimes.

Before I turn to address the clauses of the Bill, I wish to indicate that this Bill will seek to amend, as I indicated earlier again, and just to repeat, the Bail Act, 1994, directly, rather than the Bail (Amdt.) Act, 2005, that is to say, Act No. 32 of 2005, as was done on the previous occasion by the Bail (Amdt.) Act, 2006, when this matter was then before this House. So that is just a difference we are offering today.

Hon. Members would recall that the Bail (Amdt.) Act, 2006, merely extended the life of the Bail (Amdt.) Act, 2005 from one year to 15 months. As a result of the comments and recommendations made by hon. Members on both occasions, in both Houses, the Government made certain changes to the Bill and those were incorporated in the Bail (Amdt.) Act, 2007, Act No. 10 of 2007, but, the Bail (Amdt.) Act, 2007, merely provided that amending the Act would continue in force for a period of three months, from March 21, 2007.

The Bail (Amdt.) (No. 2) Bill, 2007, as laid before this honourable House does not contain a sunset clause, but I believe that our friends on the other side are prepared to consider allowing the Bill to have a life of at least three months minimum and possibly one year.

Mr. Panday: No, no.

Hon. F. Hinds: Mr. Speaker, in our view, given the seriousness of the offence of kidnapping for ransom; given the persistent pain and trauma that has been brought upon members of the business community, and very importantly as well, given the persistent bombardment of accusations and challenges from our friends on the other side, we feel that legislation of this nature is crucial. So long as kidnapers and kidnappers for ransom exist in Trinidad and Tobago and continue to demonstrate their willingness to perpetrate these nasty crimes against our citizens and visitors, we believe that this should be as permanent, as they are willing to continue. That is our belief, but we are not at liberty to get all that we want, because the Constitution requires a specified majority, and we would need the support of those on the other side in order to protect the public of Trinidad and Tobago in that permanent sort of way.

So we are proposing these measures which on the basis of their support to a greater or lesser extent in the past, we know that in principle, they accept! We know from their challenges and their accusations, an expression of their concerns, that they too would want to protect the citizens of Trinidad and Tobago and would be keen to throw their minds and their hands, in to ensure that persons including some of who they represent, would receive and enjoy this protection.

So, we are proposing, Mr. Speaker, subject to the willingness of those on the other side that this matter, this amendment takes effect for at least one year to give the citizens that protection for at least a year. If they feel for any reason that the public should not enjoy protection as described for one year, we would have no choice but to hear what they would say and because we need their support, we would be obliged to follow.

Mr. Panday: That is the function of Parliament.

Hon. F. Hinds: Mr. Speaker, we recognize that what this means is that this new amending Act, at the expiration of whatever time is agreed upon in these deliberations today, would have been re-enacted with or without a sunset clause. I now turn to deal specifically with the provisions as proposed in the Bill before this honourable House.

In summary, Mr. Speaker, this Bill seeks to amend the Bail Act, 1994, hereinafter referred to as "the Act" to make the offences of kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act, 2003, non-bailable offences for a period of 60 days, but thereafter, bail may be granted at the discretion of the High Court.

The Bill will also make certain violent offences, including possession of a firearm or ammunition without licence, certificate or permit under the Firearms Act, Chap. 16:01, or trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking under the Dangerous Drugs Act, 1991, or kidnapping at common law or assault occasioning grievous bodily harm, all non-bailable offences. But in such cases, a person must be convicted on two prior occasions for any of these offences or a combination of them arising from a single incident, during the last 15 years.

The Bill, of course, is inconsistent with sections 4 and 5 of the Constitution, and is therefore required to be passed by a special majority of three-fifths of the Members of this honourable House.

Clauses 1, 2 and 3 are self-explanatory. But before I proceed any further, it would be remiss of me if I were to ignore the constitutional issue to which clause 2 addresses or speaks. I propose to deal with that issue later in my contribution because I believe that those of us who may not be entirely familiar with these constitutional provisions will better appreciate it later, as I develop certain other issues.

Clause 4 of the Bill proposes to amend section 5 of the Bail Act by inserting two new subsections after subsection (3). These are subsections (4) and (5). These two new subsections would provide that a court would not grant bail where a person is charged with a violent offence listed in Part III of the First Schedule and has been convicted on two prior occasions for any of those listed violent offences. A person who has been twice convicted for a listed violent offence on separate occasions or a combination of any such offences arising from a single incident would not be granted bail. However, these prior convictions must have occurred within the last fifteen years, anything beyond the last 15 years will not serve to deny the applicant his bail.

This is not a new provision; it has been part of our law since 1994. What the Government proposes to do here is to increase the number of named or listed violent offences as was established from the parent Act. We feel that the present climate of crime and the conduct of some of our citizens justify that change. Hence, I wish to draw attention to the proposed inclusion of six new offences under Part III of the First Schedule. These offences are:

- Assault occasioning grievous bodily harm;
- The possession of a firearm or ammunition without licence, certificate or permit;

- Trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking;
- Kidnapping;
- Kidnapping for ransom; and
- Knowingly negotiating to obtain a ransom.

The effect of including these offences under this Part is to ensure that persons who seek to repeatedly commit any of these offences would also be denied bail.

The criminal justice system and all are agreed, must take a firm stance in dealing with repeated offenders. In this regard, and in passing, I remind hon. Members, that while we deal with this legislative proposal, from an administrative or say operational standpoint within the Trinidad and Tobago Police Service, we have recently established a Repeat Offenders Unit and their task is to focus specifically on known repeat offenders and to close-mark them as it were, and to address their criminality as the needs arises or as the circumstances warrant.

So, Mr. Speaker, I went there merely to say that the Government is not only producing legislative measures to address the issue, but in a real sense and in a practical way because as our friends on the other side want to say correctly, on a rare occasion that laws on their own cannot bring the changes we want, they have to be implemented; they have to be observed; they have to be—[*Interruption*]

Mrs. Job-Davis: Policed.

Hon. F. Hinds: I thank my friend for saying policed in a real sense.

Clause 5 of the Bill seeks to amend the Bail Act by inserting after section 5, a new section. Section 5A as it would be called, “to make the offences of kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act, 2003, non-bailable offences.”

Mr. Speaker, Members would recall that we had come to this Parliament before, asking this Parliament to agree that we should render paying a ransom, along with negotiating a ransom to be deemed criminal offences. We did not get that support. But we did so, because we know that ransom is what fuels the offence of kidnapping for ransom. If there were no ransom, the criminals will quickly realize that a strong conscious society is resolute in protecting itself and doing nothing to perpetuate or to encourage the crime. There will be dry financial taps, as it were, and notwithstanding what they do, no money would be forthcoming. According to the colloquialism, “who have more corn, feed more foul.”

But, Mr. Speaker, there are those who feel other things about that measure. We did not get the support, but in this clause 5 amendment with our new section 5A, we are saying that knowingly negotiating to obtain a ransom will itself become an offence.

2.00 p.m.

These two offences are found under sections 3 and 5 of the Kidnapping Act, 2003. However, where the preliminary enquiry in relation to the charge has not commenced within 60 days of the date of the charge being read to the person charged, the person charged is entitled to apply to a judge in chambers for bail. Remember that we had a lot of to-ing and fro-ing about this provision. We tidied it up on the last occasions and now all Members are very clear that the provision stands to say that where within 60 days of the date of the charge being read to the person, proceedings do not ensue, he is entitled to apply to a judge in chambers for bail.

Mr. Speaker, clause 6 seeks to amend the First Schedule of the Act. The existing Part II will be repealed and a new Part II will be substituted. The offences listed in this new Part II are the same offences which are set out in the amending Acts of 2006 and 2007. By this clause also, a new Part III will be inserted in the First Schedule to provide a list of violent offences.

Mr. Speaker, as I stated earlier, the Bills seek to introduce six new violent offences; essentially to address firearm, drug trafficking and kidnapping offences. This is one of the main changes that this Bill seeks to effect to our bail legislation. I am sure that all Members of this House would agree that repeat offenders of these grievous offences must be dealt with accordingly.

Let me address the constitutionality point that I promised I would address earlier. I had done so on the last occasion, but, again, at the risk of boring Members of this Chamber and bearing in mind that members of the national community are paying close attention to what we do in this honourable House and they deserve to be told and be explained to so they could well understand, so that when the times comes to make their decisions, they would be well informed, rather than be clouded by the ignorance that some people seek to perpetrate upon them. [*Crosstalk*]

Section 13 of our Constitution provides:

- “(1) An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any

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such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.

- (2) An Act to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House.”

Accordingly, clause 2 of the Bill declares that it is inconsistent with sections 4 and 5 of the Constitution and that it requires a special majority of both Houses of Parliament; that is the three-fifths majority.

I think it is very, very clear that the very Constitution which enshrined certain rights in sections 4 and 5, allowed this Parliament to abridge those rights, to abrogate those rights, once it is done along certain lines. It must say so and it must be passed in accordance with the procedures I have just outlined. Even the framers of the Constitution, recognizing that they could not foresee all the eventualities in the future of a nation, put a provision in place, to guarantee that the Constitution could grow along with the society, that the Constitution must not be stultified, it must not remain transfixed and the society grows ahead of it. The very Constitution provides for that organic growth as we develop as a society. [*Crosstalk*]

I see my friend, the Member for St. Augustine, carrying a wonderful smile, almost as if he had heard that for the first time; but I know he did not. He understands and admires the lucid and logical application that one has just addressed to the matter. Am I right my friend? [*Crosstalk*] [*Laughter*]

Clause 3 seeks to deny bail to persons charged with an offence under sections 3 and 5 of the Kidnapping Act, 2003, pending the final determination of the charge laid against him or her. To achieve this, clause 3 will amend the First Schedule of the Bail Act, 1994, to provide that those offences would be non-bailable for a period of 60 days. In other words, a person charged with the offence of kidnapping for ransom or knowingly negotiating to obtain a ransom, would not be granted bail for the specified period.

Clause 3 infringes section 5(2)(f)(ii) of the Constitution, which gives to a person charged with a criminal offence, the right not to be denied reasonable bail without just cause. Additionally, the right of the individual to liberty and the right not to be deprived thereof, except by due process of law, are enshrined in section 4(a) of the Constitution; hence, the Bill must be passed in terms. I think enough

has been said in this Parliament about these measures on several occasions passed. On one occasion, I was reminded by my friend, the Member for Pointe-a-Pierre, that I should have analyzed a certain case or explained in greater detail.

I can easily analyze the events as they unfolded, the fact pattern, the rationale and the ratio of the case of *Beharry v. Jack and the Attorney General*, which was heard in the High Court, listed as High Court Action No. 3129 of 1987. I do not consider it for the moment necessary. If it becomes necessary, I shall make reference to it later.

Mr. Speaker, if I took my seat now my friends on the other side would say that I should have come to this Parliament and outlined what the specific circumstances were in respect of the offences of kidnapping for ransom in Trinidad and Tobago, so, as such, I want to remind them before I retain my seat. I have before me statistics showing a simple comparison between the periods January to June 14, 2006 and January to June 14, 2007, as it relates to all the serious crimes in Trinidad and Tobago. I will content myself with elucidating upon the offence of kidnapping.

Kidnappings for ransom for the period January to June 14, 2006—there were six reported kidnappings for ransom and three detentions. For that period in 2007, there were six reported kidnappings so far. [*Interruption*]

Mr. Panday: That is reported?

Hon. F. Hinds: Yes, reported.

On the last occasion we were here, I had indicated that we had about 30 persons who were in custody without bail, largely as a consequence of the bail amendment along these lines. The circumstances in Trinidad and Tobago and the substantial improvement in controlling kidnappings for ransom, has partly to do with the fact that—[*Interruption*]

Mrs. Persad-Bissessar: Would you be able to tell us how many persons are at present in jail without bail under this law and, secondly, you said on the last occasion 30 persons, you have 60 days within which to bring them to trial, have they been brought to trial and have they applied for bail? How many persons to date now are in jail without bail under this law?

Hon. F. Hinds: I can make those exact details available to the Member for Siparia. [*Crosstalk*]

Mr. Speaker: Order!

Hon. F. Hinds: The Member also wanted to know whether they applied for bail and whether they were granted bail.

Mr. Panday: You should have come here with that today! [*Crosstalk*]

Hon. F. Hinds: I do not immediately have those details. I will seek to obtain them and make them available. I know that there is absolutely no doubt in our mind and the minds of right-thinking persons in Trinidad and Tobago, that the fact that some of the known kidnappers and persons who have been charged with kidnapping for ransom, are in custody, must have contributed to the improvement in circumstances in relation to this offence. [*Desk thumping*] They are out of circulation; simple!

Mr. Panday: Bring the statistics!

Mr. Speaker: Order!

Hon. F. Hinds: We made the point on the last occasion and we repeat it now. I will give those figures to the extent that I can and provide them to the Member, but the general principle is clear. [*Crosstalk*]

Mr. Panday: Support it with data!

Hon. F. Hinds: I know that Members on the other side, some of whom happened to be in Government for a period, understand that governance is challenging. They understand full well that the Government of Trinidad and Tobago, whether it was UNC, NAR or PNM, has to—[*Crosstalk*]

Mr. Panday: You are waffling!

Hon. F. Hinds: That is quite all right. We have a number of major issues to deal with in this country. I know that some persons prefer or enjoy petty squabbling on petty matters.

Mr. Panday: It is not petty! [*Crosstalk*]

Hon. F. Hinds: As I conclude, the issue of kidnapping for ransom is a serious one. The measures we are bringing in response to dealing with kidnappers are serious measures. We have been here on, at least, five occasions on these matters before. Members on both sides of this House are entirely familiar with these provisions; none are particularly new. We present them to this House for further consideration, recognizing that we need their support in order to effect them. We are proposing an extension of these provisions for anything between the minimum of three months, which we had on the last occasion, and one year.

As I said without apology, for my own part, and I am sure for all right thinking people, as long as we have in Trinidad and Tobago persons who are prepared to kidnap for ransom, should be as long as we should have those measures in place. We should never remove these measures until we are satisfied that all of them are gone. [*Desk thumping*] I see no need for squabbling on issues. The facts are clear. I know Members on the other side would take this opportunity, as Opposition politicians are wont to do, to raise issues that they would want to raise in any event, and we cannot stop that. In fact, we welcome it; it gives us an opportunity to respond to those issues.

Mr. Speaker, offering these sensible, simple, well-known measures to this House for due consideration for the protection of citizens and visitors to Trinidad and Tobago, bearing in mind the way this crime impacts upon a person's psychology in terms of fear, bearing in mind the way it affects the economy and how we are seen internationally. I beg to move.

Question proposed.

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, once again Government has come to extend certain provisions within the Bail Act and once again the Government has failed to provide the statistics that would give credence to their claim that this Bill is having effect. On every occasion that we have debated this Bill, we have asked for the statistics to be provided. Indeed, on the last occasion I called out the names of all the kidnapped victims and I kept asking: Is that kidnapper in jail without bail? Is the kidnapper for this offence in jail? We went through a list of hundreds of persons and we kept asking: Are the kidnappers for each of those offences in jail without bail?

I would have thought that today if the Government is seeking to convince us and the national public that this Bill, this law, is of great benefit and of use and of effect, they would come to say, "Right now in the jails of Trinidad and Tobago, we have X or Y number of kidnappers in jail, without bail with this provision." [*Desk thumping*] We have not been able to get the statistics. The Minister has said that he will provide it; I trust we will get it during the course of the debate. We asked for it the last time and they said that they would provide it. We had also asked for it the previous time and they said that they would provide it. We come back a year later, months later, half a year later, and we still have not received those statistics. I think that is a very vital piece of information.

Indeed, when we held the anticrime talks with the Prime Minister and his team, the reasons we put a sunset clause in were twofold. One was that we were

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very concerned that we would not be denying civil liberties or abusing person's civil liberties unduly. Therefore, we put a sunset clause in that would force the Government to come back to the Parliament to report on how the particular piece of legislation had worked. How do you do that? You come back by saying, "Listen, since we have put this into effect, we have been able to hold so many kidnappers; we have kept them in jail; they have not been able to get bail, and the thing is working, because we have these kidnappers inside." We repeatedly asked for these statistics; we have not been given what the Bill was designed to do in that specific clause and the transparency and accountability from the Government Benches as to how this particular piece of legislation is working.

Many things have happened since the first Bail Bill was introduced. Many decisions have been taken; many promises, of course, have been broken. If we are to understand the position that the UNC Opposition has taken in this legislation, we would need to look at its genesis. We need to look at where it came from; we need to see how it is operating and then we could determine if the existence of it gives a sufficient contribution to warrant it being encapsulated once again in statute form on our statute books.

I will take us back very quickly to November 2005. It was at that time the Opposition UNC had on numerous occasions offered to be part of bipartisan approaches to effectively combat and deal with crime in the country. Everybody was and is concerned, as we were then. You will recall that in November 2005, during a debate in the Parliament, the then Leader of the Opposition, Mr. Panday, offered to work with Government to develop legislation and policies to deal with crime. He stood in the Parliament and made the offer and the hon. Prime Minister took the offer and they agreed that we would meet.

We then offered our ideas, because we did not want to play politics with the security and safety of citizens. We gave the Government our suggestions, our strategies and our ideas, because we really believed that if properly implemented, they would be able to bring the criminals to heel. For some reason known to them, Government accepted the offer of the then Leader of the Opposition. In the interest of securing the protection of our citizens, a UNC delegation led by the then Leader of the Opposition, Mr. Panday, together with myself and the Member for St. Augustine, met with a team from the Government Benches headed by the Member for San Fernando East, including the Minister of National Security, the Attorney General and the Member for Arouca South. Those two delegations met at that point in time.

We held meetings on four consecutive days. During those meetings we held very long and detailed discussions on how best to tackle crime. We believed that Government had decided that we could put aside the politics and deal with the criminals in our midst. At this point, I am very saddened to report that we are right back where we started. That was since November 2005; unlike the view expressed by the Member for Laventille East/Morvant, we take absolutely no pleasure in the failure of the Government with respect to the fight against crime. Every citizen in the country is afraid, is living in fear with respect to crime and criminals. Safety for themselves, safety for their loved ones; any time day or night every citizen has uppermost in their minds the fear of criminals in our nation.

Mr. Speaker, with due respect to them, we really have to look at what we see as duplicity on the part of the Prime Minister and insincerity with respect to the agreements that were reached in these anticrime talks. The Government does not care, in our view, for the welfare of citizens of this country. They did not take those talks seriously then and they do not take them seriously now. We will look at the provisions. My colleague from Princes Town will deal with some specific provisions of the Bill.

What has happened since those crime talks that were in November 2005? That was two and a half years. You would recall then that the Prime Minister, following upon the November 2005 talks, came to this Parliament and announced what he saw as the heads of agreements reached by the Government and the then Opposition. He reported that it was agreed by both sides to submit a new package of legislation to be considered by Parliament at the earliest opportunity.

Firstly, he indicated that agreement had been reached on legislative measures, but in addition he gave non-legislative measures that were also agreed to. If I may just recall that day, nine pieces of legislation were identified by the Prime Minister and we agreed that these were in our talks and agreements; they were: the police reform legislation, a package which comprised three pieces of legislation; amendment to the Bail Act; the introduction of a Bill to establish a gun and kidnapping court; revision of DNA legislation; amendment of the Criminal Injuries Compensation Act; strengthening of money laundering legislation; protective services compensation:

“With respect to road safety we agreed to amend the Motor Vehicles and Road Traffic Act and we also agreed to introduce new equal opportunity legislation.

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With respect to the then proposed Bail Bill, I quote the hon. Prime Minister in the House on November 18, 2005:

“In order to ensure that civil liberties are not infringed, we agreed to make the legislation sunset legislation, that is, after a specified period of time the legislation dies. However, during the life of the legislation, it would be continuously assessed and if at the end of its life it is assessed to have been effective, it would be re-enacted.”

The Government has brought back this piece of legislation without giving us any information with respect to assessment of it during its life and, secondly, they have brought it back without the sunset clause.

They have brought the Bail Bill back and are asking for support for this amendment to allow persons charged with several offences, including that of kidnapping for ransom, not to be granted bail for a 60-day period. It is not that they are never going to be granted bail, it is for 60 days and after that it kicks in that the person has the right to apply for bail. So you are really having a holding bay for persons who you hold under this legislation, to keep them there for the 60 days and then they would apply. I asked the hon. Minister and he said that he could provide the statistics, but my information is that after the lapse of those 60 days, there is nobody in jail without bail under this law. So if he has statistics, he must tell us.

The persons who murdered Vindra Naipaul-Coolman, everybody thinks that they are in jail without bail because they were charged for kidnapping. My information is that is not so; they were charged for murder. As you know, Mr. Speaker, there is no bail for a person charged with murder. I will be glad if the Minister could tell us, why have they not also been charged for kidnapping? Obviously there would have been persons who kidnapped her before they could murder her. They kidnapped and murdered her, so they should be charged for the both sets of offences. My information is that they have been charged for murder.

When you think about murder, the whole hypocrisy of the debate in this matter comes to the fore; because murder is one crime and the other is treason in our laws, which mandate that you will have no bail until your crime has been adjudicated upon by the courts. [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: Once you are charged with murder, there is no bail, and yet the murder rate in this country continues to climb. It is one of the highest in the world. So if bail was a deterrent, why do murders continue to increase? [*Crosstalk*]

Mr. Speaker: Order, please!

Mrs. K. Persad-Bissessar: Why is there no abatement? Your argument is that if persons do not get bail, they will stop committing the crime. Murder is already on the statute books, already in our common law; there is no bail if you are charged for murder. Since this Government came into office, I think about 1,540 persons have been murdered. Out of those, if you have one convicted you have many. Prof. Hood came here and did a study and showed us from the statistics that it was one in 1,000 offenders who actually did the time and pay for their crime, when it comes to murder in this land.

I digressed to look at the issue of murder and I come back now to say that the Prime Minister indicated what the agreement was. The agreement was that we would make it sunset legislation, and he said why:

“In order to ensure that civil liberties are not infringed, we agreed to make the legislation sunset legislation...that is, after a specified period of time, the legislation dies.”

Why then in this Bail (Amdt.) Bill before this House, the Government is attempting to get support for something that was never agreed to, that is to say that this Bill will be in perpetuity? There is no sunset clause in this Bill. I ask the Minister in his winding up, or the hon. Prime Minister, to tell us why they are deviating from one the points of agreements that it would be sunset legislation, so we can continuously assess it and, therefore, see if it is working or not working. *[Interruption]*

Mr. Valley: Mr. Speaker, I just interrupt the Member for Siparia to ask her what sunset period she is prepared to accept, one year, six months or three months. *[Crosstalk]*

Mrs. K. Persad-Bissessar: Mr. Speaker, I will answer him accordingly. Some of the things we are seeing—and my colleague from Princes Town will go into those specific provisions—is that there are other things that were never part of the Heads of Agreement. If you are renegeing on that Heads of Agreement, you have to give us good reasons, if you need our support. You have said that you do not want my support, because you have support elsewhere, but we are prepared to do what is right and best. *[Interruption]* *[Minister Valley rises]*

Please, I will answer you in a moment. *[Crosstalk]*

There are many clauses within this Bill which we find difficulty with. Therefore, if you want us to stand this House down and talk now—which is what

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you should have done, because we had heads of agreement, but you never met with us. You never asked us to come back and look at this and talk to you. There are other clauses in there; we are prepared to do what we see best for the citizens of this land. So if you want to stand this matter down, we can talk. We are prepared to do that on this side of the House and to point out to you our concerns with several provisions of the Bill. If you are prepared to do that, we will do so. [Interruption]

Mr. Valley: Mr. Speaker, I interrupt again simply to assure the Member for Siparia that we do need their support. [Crosstalk] I said that you did not indicate whether you would be supporting the measure.

As I understand it, there is a certain deadline with respect to this legislation, therefore, our flexibility in terms of standing the legislation down is rather limited, but within that limitation, of course, I am sure we are prepared to speak with the Front Bench Opposition, because we consider this legislation of extreme importance. [Desk thumping]

Mr. Panday: It will not be more than half an hour!

Mrs. K. Persad-Bissessar: I thank you Member for Diego Martin Central, and certainly we will talk.

We had a basic agreement, Mr. Speaker. The legislation would be brought with urgency, which was what the Prime Minister had said then; we would cooperate with Government to certain areas and have them implemented; that was in 2005. In addition to those legislative areas—[Crosstalk]—we cannot do this across the floor; I have something very important to say and then we can talk if you wish, but I really wish to clear something up. [Crosstalk]

Mr. Valley: [Inaudible]

Mrs. K. Persad-Bissessar: Certainly, and then we could talk.

In addition to the legislative areas, there were the non-legislative areas and these the Prime Minister reported:

“In order to ensure greater success with regard to prosecution and conviction in matters that are brought before the courts, the Government has agreed to hold discussions with the Judiciary on the matters of administration of the justice system, ensuring swifter justice and possible increases in the number of courts, magistrates and judges; improvements in the area of digital CAT recording of evidence within the system and the strengthening of the Office of the Director of Public Prosecution.”

That was a quotation again from the hon. Prime Minister on November 18, 2005.

Instead, we have witnessed a significant assault on the Judiciary; a real shattering of public confidence in the administration of justice and absolutely nothing done from November 2005 with respect to the matters agreed upon and raised; that is to say, increasing the number of judges, increasing the number of magistrates, increasing the number of courts, bringing in digital CAT recording and strengthening the Office of the Director of Public Prosecutions (DPP). None of those things have been done. We are only here dealing with the legislative aspects and we do not seem to be getting anywhere fast with the other areas that are so vital, if we are to effectively combat the criminals.

Thereafter November 2005, in December 2005, the first piece of legislation was brought, the Bail (Amdt.) Bill, for the first time. That was debated and went into law with a one-year sunset clause and, indeed, we supported it fully. We gave full support at that time. In fact, the one-year sunset clause was the suggestion of the Opposition side. I do believe that it was the first time historically in this country that we did sunset clauses. Thereafter I have seen other things; I understand they want to come back with another one, immigration identification; something we passed here, that when you are travelling by boat or plane you have to send your information beforehand to the receiving country before you travel. That one was a sunset piece of legislation passed during the time of the Cricket World Cup. I understand the Government is coming back to extend that one as well. They have taken pattern really from a suggestion made by the UNC for sunset legislation.

Then we came in March 2006 and the entire package of Police Bills was brought and passed in this House. We gave full support to that; the Government took on our suggestions for the changes in the Bills they proposed to us; we did it; we gave the special majority and we passed it. They took two years before they proclaimed that; I understand that it was only this year it was proclaimed. Up to now the Police Service Commission has not been appointed. I mentioned it many times that earlier this year the President sought consultation; we recommended persons to be named for a new Police Service Commission; the law is there on the books, and, again, the problem has always been with this Government, implementation.

I do not know what the status of the Police Complaints Authority is; I will be happy if the Minister would tell us. Have you appointed a new Police Complaints Authority? Sometime ago a statement was made by the senior Minister that they were in the process of appointing the Police Complaints Authority. Have you set

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up a new Police Complaints Authority in keeping with the new law that is on the statute books, which we passed last year as part of the police package of March 2006? Mr. Speaker, that is the history up until then.

When we come to this year, on May 09 and thereafter May 14, the government brought us to this House to deal with amendments to the Police Service Act and the Constitution (Amdt.) Bill. Those two were passed again by special majorities. We gave our votes and we gave our support to those Bills. I want to make something very clear. I read an article in the *Newsday* today implying, in effect, that the Opposition sold its votes when we voted for the Police Service Bill, in order to get the moneys that we should have gotten during the 18/18 impasse. [Interruption]

In the *Newsday* today:

“Government agrees to pay salaries
\$2.7 m backpay for 18/18 MPs”

I quote from a part of this article:

“Leader of Government Business...last night confirmed the legislation ‘to give UNC MPs...’ will be tabled today. And he explained why Government despite the ruling of the courts was taking this action.

Long before the matter went to the Privy Council, we agreed with them (saying), ‘Look if you support the Police Bills, we are prepared to bring legislation to deal with the payment of salaries,’

Asked whether the tabling the Bill, Members of Parliament (Payment of Emolument) Bill was also to sweeten the Opposition to get support for the Bail Bill which is to be debated today, but which also requires a special majority, Valley said, ‘No, no, the COP has already agreed to support us on the Bail Bill, so it has nothing to do with that Bill.’”

That is where I just pointed out that the Minister said he did not need our vote. He said that was not true, but it was reported in the *Newsday*. Perhaps he could tell us whether the reporter falsely reported him or whether there was just a misunderstanding in terms of what was reported.

More importantly, Mr. Speaker, the article continued:

“Asked what happens to the case before the Privy Council, Valley said the lawyers were informed that both sides had agreed to come to a settlement.

‘That is why the case was postponed,’ he said, adding that the Privy Council case is to be dropped ‘of course’.”

Perhaps the hon. Member for Diego Martin Central did not have the correct information. I would want to be kind to him, because on many occasions he has really operated in a manner that was generous in this House. But on this occasion I want to state categorically that on this Bench there was absolutely no quid pro quo for our support of the Police Service Bill in terms of payment of salaries. [*Crosstalk*] [*Interruption*] [*Mr. Valley rises*]

Mr. Speaker: Mr. Speaker, may I, please?

Mrs. K. Persad-Bissessar: No, no, please. No, I will not give way.

Mr. Valley: I just wanted to give a little understanding, Mr. Speaker.

Mrs. K. Persad-Bissessar: I will not give way! You will speak after. [*Crosstalk*]

For three years at every Finance Committee of this House with the hon. Prime Minister in the Chair, he has said that he would look into it, that he would pay us. Why should we believe him then, at any point in time? [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: The information is totally false.

“Asked what happens to the case before the Privy Council, Valley said the lawyers were informed that both sides had agreed to come to a settlement. ‘That is why the case was postponed,’ he said.”

Nothing is further from the truth; indeed, the very *Newsday*—[*Crosstalk*]

Hon. Members: Oh, good!

Mrs. K. Persad-Bissessar:—on May 23, following on the passing of the Police Service Bills on the 14th, reported:

“The Judicial Committee of the Privy Council has reserved judgment in the appeal brought by 18 Members of Parliament of the UNC for salaries not paid during the unprecedented 18/18. The UNC MPs want \$1.8 million which they claimed are owed to them by the State and the lawyers Dr. Fenton Ramsahoye, Allan Newman and Anand Ramlogan appeared for MPs, while Peter Knox, QC, and John Almeida represented the AG.”

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So there was no postponement of this case.

“After hearing both sides, Lord Bingham reserved...” [*Crosstalk*]

Hon. Members: Yuh story!

Mrs. K. Persad-Bissessar: How can I “story”? The case was reserved for judgment. You can check the Privy Council records. [*Crosstalk*] This is your story, that the case was postponed.

Hon. Members: Fib! Fib!

Mrs. K. Persad-Bissessar: This article was on May 23. We know for a fact, because our lawyers were at the Privy Council, as were their lawyers. The case was not postponed. There was a full hearing by the Privy Council and they had reserved judgment for July. That is what has happened. [*Crosstalk*]

Mr. Speaker: Speak to me.

Mrs. K. Persad-Bissessar: I will talk to you; I will not take them on.

To say that the case was postponed is not true. It is not accurate; it is not true.

Mr. Imbert: Untruthful!

Mrs. K. Persad-Bissessar: I want to make it very clear. At no point in time did I or any one of us on this side vote for the Police (Amdt.) Bills that came here on 9th and 14th because Government once again promised to pay the salaries. They have promised that for three years; they broke their promise; they never kept any. We voted for that Police Service (Amdt.) Bill, because we were able at that time to get the Government to take on board our proposal that it set up a national database for the fingerprinting. [*Interruption*] [*Mr. Valley rises*]

Mr. Valley: Will the Member give way?

Mrs. K. Persad-Bissessar: One moment; I must finish what I have to say, Sir, with due respect.

Mr. Speaker: You both cannot stand at the same time.

Mrs. K. Persad-Bissessar: During a break in the House, we had already agreed, whilst the draftsmen were there putting in the provision for the national data base. [*Crosstalk*]

Dr. Rowley: “Thou doth protest too much!”

Mrs. K. Persad-Bissessar: The Prime Minister was in the middle of the corridor here and the Member for Caroni East summoned him and asked, “What about the backpay?” The Prime Minister said, “I will look after it.” I think the Prime Minister did speak to the Member for Diego Martin Central.

Mr. Manning: What is the problem?

Mrs. K. Persad-Bissessar: The problem is that they are now saying that we only supported the Bills because you promised to give us the money; that is totally untrue. The Prime Minister was here. [*Crosstalk*]

Dr. Rowley: It was a deal!

Mrs. K. Persad-Bissessar: We gave you the support. It was after we gave you the support—[*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: The Member for Caroni East, myself and others were waiting for the draftsmen to put in the national data base. So the case was never postponed because of agreement. Indeed, if Government is now settling the matter, which is what you will do, it may well be—[*Crosstalk*]

Dr. Rowley: Part of the deal!

Mr. Panday: No! [*Crosstalk*]

Mrs. K. Persad-Bissessar: There was no deal! I repeat that. You will have to come and prove that there was a deal. There was none. The last time you made statements in this Parliament, we did not object at the time. I am not going to let that happen again. I remember when the Member for Diego Martin Central jumped up and said, “Prove it or withdraw it!” Your good self, the Speaker ruled, “Prove it or withdraw it” to the Member for Fyzabad. So if you tell me that I made a deal, you had better get up and prove it. If you could stand there and say that, there was no deal. The Prime Minister was here, he was standing in the middle here; the drafts people were already putting in the National Data Base. [*Crosstalk*]

Mr. Speaker, that was before the case took place in the Privy Council. [*Crosstalk*] Thereafter we did not rely on them; the case went forward and was fully argued in the Privy Council. The matter has been reserved for judgment in July. [*Crosstalk*]

Mr. Speaker: Order! [*Mr. Valley rises*]

Mr. Valley: Will the Member give way now, please?

Mrs. K. Persad-Bissessar: No, I will not give way. You will speak after me. Last week Wednesday you did not wait for me, so you will speak after me. [*Crosstalk*]

Mr. Speaker: Order, please!

Mr. Ramnath: Were you part of the deal?

Mr. Speaker: Order, please! If Members want to converse while the hon. Leader of the Opposition is addressing me, please go outside.

Mr. Panday: And come back after tea!

Mrs. K. Persad-Bissessar: Let us look at the Bail (Amdt.) Bill. [*Crosstalk*]

Mr. Ramnath: Maybe the Prime Minister should get up and clarify the matter. Clear the issue; you have Members of your Cabinet saying that.

Mrs. K. Persad-Bissessar: That is the understanding Mr. Valley had. As my colleague has said, perhaps the hon. Prime Minister may want to clarify that. I am prepared to sit and ask you to clarify, because it is being alleged that you bought my vote, which is totally false. So you do not wish to clarify?

Mr. Ramnath: You were the head of team there!

Mrs. K. Persad-Bissessar: You spoke with us; you were there. The hon. Prime Minister spoke with us on that day, right here in the Chamber. Dr. Rowley was not there; the Member for Diego Martin West was not there, so he cannot talk about a deal.

Dr. Rowley: Do not call my name. I was not part of “no” deal! [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: He was not there!

Mr. Ramnath: If you were not part of it, how do you know that there was a deal?

Mr. Speaker: Please, hon. Member for Couva South and hon. Member for Diego Martin West, if you need to carry on a conversation and disturb me from hearing the Member, please go outside.

Mr. Panday: In order not to disturb, come back after tea!

Mr. Speaker: Order!

Mr. Ramnath: Valley is known to make those statements.

Mrs. K. Persad-Bissessar: Mr. Speaker, I was going through the history of this piece of legislation and I reached to where we were in this House in May 2007 to make amendments to the police service law. You would recall that on Monday, December 18, 2006, the Bail Bill was passed. We gave our support. In November 2005 the Prime Minister advised this House as follows:

“An examination of statistics relating to violent crime indicates that many homicides and crimes of violence are perpetrated using firearms. In addition, there is need to address and arrest the apparent ease with which guns are accessed by criminals and those who may be considering committing an offence. Of particular concern are those guns that are falling into the innocent hands of our youths.

This indiscriminate use of guns by criminals has introduced a new level urgency to address the matter of confiscation of illegal firearms and ammunition.”

These are the words of the hon. Prime Minister following our crime talks.

He then said:

“The introduction of the Gun Court, therefore, assumes greater priority.

So too does the crime of kidnapping. Taken together, kidnapping and violent crimes perpetrated with the use of arms have forced us all to consider new dimensions in our battle against crime. In that regard, it was agreed that legislation would be brought to the Parliament to establish a Gun Court which will have Summary and High Court jurisdiction to deal...”
[*Crosstalk*]

Mr. Speaker: Please, you know there is one other thing that is left for me to do and I will be putting out Members of the House. You are talking while the Member is speaking. I cannot hear and the *Hansard* reporter is having difficulty

Mr. Panday: Put them out!

Mr. Speaker: Nobody is taking me on. I am going to put out Members. I could put them out too. [*Crosstalk*]

Mrs. K. Persad-Bissessar: We will be very happy to see that, Sir, if they are in breach of the Standing Orders. They are still not taking you on, Mr. Speaker. I am being disturbed. I do not think the *Hansard* reporter can hear clearly with the conversation taking place. Perhaps, I should ask for your protection.

Mr. Speaker: I think the Leader of the Opposition is asking for protection; you are disturbing her. [*Mr. Valley rises*]

Mr. Valley: I am sorry. I am glad she sat, Mr. Speaker, because—[*Laughter*] [*Crosstalk*]

Mrs. K. Persad-Bissessar: I have not given way. I am not giving way, and I will not sit down! The Speaker said that my Members were disturbing me, so I pointed out that they had stopped. Thank you, Mr. Speaker, for your ruling.

We were talking about another promise, which was the gun and kidnapping court, two and a half years ago, yet nothing to do with gun court, nothing to do with kidnapping court. Perhaps the Member in his winding up would be kind enough to tell us what the status is of the proposed legislation that was agreed upon to establish a court that would deal with gun crimes and kidnapping, having summary and High Court jurisdiction.

Subsequent to that, at that time, Government had not brought equal opportunity legislation to the Parliament, nor the DNA legislation; that was introduced at a subsequent time and we still wait to see implementation for those. Both the DNA and the equal opportunity legislation are before joint select committees. Today the gun and kidnapping court has not been established; the money laundering legislation has not been brought. Remember the purpose of the package and of the talks was to deal with the upsurge in crime. All these are still out there; they have not happened.

I think the one that is really close to my heart, that touches and concerns many citizens, is what has happened with respect to the agreement for the Criminal Injuries Compensation (Amdt.) Bill. On November 18, 2005, I quote the hon. Prime Minister:

“The intent of the development of the Criminal Injuries Compensation Act is to offer citizens who are victims of crime, compensation from the State or the parties who have wronged them. This legislation has not been implemented, consequently a mechanism for implementation

is to be determined. It has also been agreed that the maximum compensation that one can receive through this Act be increased from \$25,000 to \$250,000.”

That was the hon. Prime Minister on Friday, November 18, 2005. This was the agreement and that was the promise as recorded in the *Hansard* in this House.

You would know that there is a Bill to amend the Criminal Injuries Compensation Act. It is in breach of the promise made and recorded here in this House, because that maximum compensation was listed as \$50,000; I do not know if the hon. Prime Minister was aware of that. That is in breach of the promise you made, hon. Prime Minister, on the November 18, 2005 in this Parliament, recorded in *Hansard*, that the Criminal Injuries Compensation Act will be amended and that the maximum compensation would be increased from \$25,000 to \$250,000. Hon. Prime Minister, someone has gone on in breach of your promise, because they have brought the law and have it upstairs for \$50,000. [Interruption]

You have reviewed the position? I am very happy. You have reviewed it downwards. We would need to probably get some explanation about that.

The Government has not spoken with us. There are many other things that we can talk about. The hon. Leader for Government business indicated that you are willing to stand it down and we talk to you, that we look for ways we can both be comfortable with it. We did it with the Police Service (Amdt.) Bill; we did it with the Constitution (Amdt.) Bill and we did it with the breathalyzer. We can do it again.

I do not want this today; they have laid the Bill. I really need for that to be clarified. There was no quid pro quo; I need that to be clarified, because you have now laid the Bill dealing with the salaries, so then it will be that we are supporting this Bail (Amdt.) Bill because of this.

Mr. Valley: Can I speak now?

Mrs. K. Persad-Bissessar: Yes, you can speak now. [*Crosstalk*]

Mr. Valley: Mr. Speaker, I said quite clearly that the article reported my saying that there was no agreement with the Front Bench Opposition with respect to the Bail (Amdt.) Bill. I made that point extremely clear.

Mr. Speaker: Order!

Mr. Valley: The reporter said that there was no agreement with respect to the Bail (Amdt.) Bill with the Front Bench Opposition. Mr. Speaker, my understanding—let me leave it alone. [*Crosstalk*]

Mr. Ramnath: Keep the money, man!

Mr. Speaker: Order, please!

Mr. Valley: Mr. Speaker, I am not getting involved in that. The Front Bench Opposition has asked for some consultation on the Bill. They said that it would

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require about half an hour. [*Crosstalk*] Of course, we will be talking with the Front Benches as well the Back Benches. I expect that the Back Bench would also be represented. I think we would ask for 45 minutes. [*Crosstalk*]

Mr. Speaker: Hon. Members, the sitting of the House is suspended and will resume at 3.45 p.m.

2.53 p.m.: *Sitting suspended.*

3.45 p.m.: *Sitting resumed.*

3.47 p.m.: *Sitting suspended.*

4.10 p.m.: *Sitting resumed.*

Mrs. K. Persad-Bissessar: Mr. Speaker, we held discussions with the Government Bench and Members of the Back Bench and we went into separate caucuses. After our caucus my Members had further concerns which they wanted to have addressed. I do not know if the Leader of Government Business is prepared to give us that extra time to speak again or if he wishes for the debate to continue and we would talk later.

Mr. Valley: Mr. Speaker, we have had discussions and the Front Bench Opposition asked for certain amendments and we have agreed to amend in accordance with the Front Bench Opposition. As far as we are concerned, we have agreed with them. There is no need for further discussions.

Mrs. K. Persad-Bissessar: If the Member is of the view that there is no need for further discussion, I disagree with him. As far as we are concerned, we wanted to have further discussions with them but we would proceed accordingly with the debate. As I do so, I believe we have that about half an hour, normal time; we will break at 4.30 p.m. and resume accordingly.

As we are dealing with this I started my contribution in terms of setting out the history of the matter beginning with the talks in November, 2005. We talked about all the events that have transpired from November, 2005 until today. At the start of the debate when the hon. Minister was piloting the Bill, I had asked the question as to how many people are in jail without bail at this point in time. He said that he would get those statistics. I do not know if he has been able to get the statistics in the time that has elapsed. Hon. Minister, in terms of the statistics, have you been able to get them?

Mr. Hinds: Not just yet, but I anticipate their arrival.

Mrs. K. Persad-Bissessar: Thank you very much.

It is vital for us to know about the effectiveness of the provisions of the Bill. While the Minister is saying that the number of kidnappings may be down, he is not giving cognizance to the fact that there is the whole business of extortion. We have spoken about this before. Before, people were being told, "I do not want to kidnap you. We may kidnap one of your loved ones." You pay the money up front; extortion money to keep yourself protected.

An article was published on December 12, 2006 in the *Daily Express* by Christine Hosein, the mother of a kidnap victim. She lamented the fact that many abductions go unreported.

I know of several people who were victims of extortion and left the country. I know the state would not be able to comment on that because it is unreported. She added, a number of persons whom I have met have indicated to me that their families and neighbours have been abducted or been affected by crime. When I tell them I have never heard of it on the news, they said they never reported it or they kept it low-keyed.

There is one issue of reported offences and the second of many who have claimed that they paid extortion money up front to keep their loved ones protected. Simply to give us the statistics to say in terms of absolute numbers of persons who have reported kidnapping is not enough. In addition to the reported kidnapping, we need to know how many persons are in jail without bail. We need to take cognizance of the fact that there are up front payments of extortion which in some measure could help to explain any minor reduction there may have been.

Mr. Hinds: I thank the Member for giving way. Obviously, the best we can do is to give statistics about those that are reported. There is no possibility of giving you those that are not reported. This is why we have taken the principled position and I now take the opportunity to say that members of the national community would do well, not to be a part of dealing with people on those bases. They should report the matters to the police and have them investigated in turn. There is no way the Government could respond to that if it is not reported.

Mrs. K. Persad-Bissessar: I did indicate that I do not expect the Minister to give me those statistics. I do not know if he misunderstood what I was saying. I said that we must take cognizance of the fact that the number of reported cases is not a true picture of the extent of crime in the country. That is what it means. The statistics to give you the absolute number is not sufficient for us to get the true picture of what is happening. We must take cognizance of the fact that firstly, some of these are not reported and secondly, the extortion racket that is taking

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place. It has to do with the whole scenario of crime in this country. We hide our heads in the sand and say only three were reported this year; do you know what? It has gone down. We know that that is not the true picture. The true picture is that there are persons who are paying money; they have been victims and are not reporting it. That is not your fault. It is the fault of the system. It is not your fault that you cannot tell me how many there are. It is the fault of the system of the Government and its failure to deal with crime and criminals in this country. It is part of a larger picture and pattern that crime has taken over this country. That is the point that I am making when I speak of unreported crimes, especially these crimes and the extortion racket that is taking place.

Citizens must believe that the Government intends to implement legislation when it is passed. We have many examples when the Government has failed to implement legislation. There are critical pieces of legislation that the Government has been dragging its feet on and they would have addressed some of the very serious social ills in the country. I repeat the package of children's legislation. What is happening to that? It was passed in 2000. The Government keeps saying they it needs more time to bring a new Bill, but nothing is happening. For six years, the entire package of children's legislation remains unproclaimed while our children are abused, battered and murdered in this country. We talk about the will and we say that the Government lacks the will to deal with crime. They come with the Bail (Amdt.) (No. 2) Bill and say this would cure the problem but it would not. You have had this legislation in place for one year and six months, but it has not solved the problem. It has not dealt with the problem and therefore I repeat. Members are saying again and again—

Mr. Speaker: 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. [*Mr. S. Panday*]

Question put and agreed to.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker and Members.

Let us not fool ourselves that this Bail (Amdt.) Bill would stop kidnapping, crime and repeat offenders from committing crimes. I made the point that for murders you have no bail whether within 60 days or any number of days and yet, murder is on the rise. We must be real. The Bail (Amdt.) (No. 2) Bill would not stop crime or assist in the solution to crime. We have to look at the other measures that the Government promised us it would put in place in order to deal with crime.

Added to this, there is a very disturbing trend that has developed. We talk now of confessions of the Prime Minister that he has first-hand knowledge of criminal activity and nothing has been done about it. You would recall the bombings that rocked Port of Spain. There was a time in this very House when the hon. Prime Minister came and told us that he knew whom Mr. Big was. To use the Prime Minister's language, he knoweth the man; he knoweth Mr. Big. He came in this House and said, "I know Mr. Big. We know who Mr. Big is."

Hon. Member: I knoweth the man.

Mrs. K. Persad-Bissessar: I knoweth the man. It is equivalent to I knoweth the man.

If he knew the criminal, this Mr. Big, why has no one been arrested to date?

Mr. Manning: Mr. Speaker, she knoweth not that of which she speaks. There is a difference between information and evidence of a justiceable nature and that is a difficulty.

Mrs. K. Persad-Bissessar: Mr. Speaker, when I entered the Chamber the hon. Prime Minister said to me—I think I was speaking to my legal advisor on the Bill and we were conferring—that I should take legal advice from him rather than the Member for Princes Town.

Mr. Manning: You are better off.

Mrs. K. Persad-Bissessar: I see now that he has got the legalese in hand. Hon. Prime Minister, thou shall not bear false witness, I say from Exodus 20:16. The semantics of the language to say I know Mr. Big but I do not have justiceable evidence; we know who Mr. Big is, the point is he should stay quiet. You set up expectations in this country. People say that the Prime Minister knows who Mr. Big is; he is the Chairman of the National Security Council and what has happened? Up to now Mr. Big is out there planning his next big step. He is out there planning his next dustbin bombing or it may well be a Whitehall bombing or a parliamentary bomb. We have not found who this person is.

Mr. Manning: It has stopped.

Mrs. K. Persad-Bissessar: It has stopped. That is why we have people being arrested for terrorism to blow up airport and it has stopped. Hiding our heads in the sand.

I am talking about the attitude of Government to crime. Recently, I saw a TV programme where at a crime lecture or symposium the Prime Minister made a

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very bold pronouncement. He said that from inside the criminal camps they were petrified of Manning and they were leaving for other countries. The criminals were petrified of Mr. Manning and they were leaving the country. It gives testimony to the belief that the Government is not serious about dealing with crime. How will the Prime Minister be privy to what is going on inside the camp of the criminals; to know that inside the criminal camps they are saying that “dey fraid him”? We are not talking about one criminal. We are talking about criminals in the plural. How would the Prime Minister know what is going on behind closed doors in the criminals’ camps? Perhaps, the multimillion dollar spy equipment. Maybe that is how he found out. I do not know. Was he directly involved in discussions? I want to know if the Prime Minister has this evidence why he does not have these criminals arrested as well. Why did he not advise the Commissioner of Police? Why were these people allowed to migrate? You are saying that the criminals are frightened of the Prime Minister so they are leaving. Why has there not been a single arrest in any part of the world, since he said that they have fled in fear of any Trinidadian on drug or other charges? Why has no one been arrested? This is a very serious question. The Prime Minister is the head of the National Security Council, as I said before.

It is our view that this Government has made no effort to deal with the criminal elements. The Commissioner of Police was anxious when a UNC Senator spoke about a former member of the police service involved in criminal activity, but he is silent surprisingly, about these public comments of the Prime Minister in the presence of senior police officers. How does the Bail (Amdt.) (No. 2) Bill deal with these disclosures? It seems as though officials of the Government are in bed; in league with; in tandem with criminal elements. That point has been made repeatedly. We have seen a pattern of behaviour.

There is the affidavit of the Imam, Bakr while in the court to which we have never had a response, whether it was a lie or true. On technicalities the matter is going to the Privy Council. In terms of the very serious allegations of the muscle power of the Jamaat being used by the PNM in the last general election and in exchange being rewarded, we have never heard any denial from anyone in the Government.

When we look at these particular Bills and what is happening at each point the Government needs to talk to us about the crisis in the Judiciary and the administration of justice. Here we are telling people that they cannot get bail and they would lock them up indefinitely. The Prime Minister promised to give us more judges, magistrates and court rooms. I spoke off that earlier when I began.

Instead of the number of cases going down it has now increased and the latest report is over 400,000 cases are pending in the Magistrates' Courts with 40 magistrates. Why can we not get more magistrates? The whole administration of justice is in shambles. The courtrooms are in a state of chaos and disrepair. Why can we not deal with these things? To bring a bail Bill and say that we would deal with crime and the police service, what about the whole administration of justice? Nothing is being done with respect to the administration of justice. Instead, we see an assault on the Judiciary. That is what we are witnessing in this country. My colleague, the Member for Couva South, will deal with those issues when he speaks later on in the debate. They are matters of very serious concern to us. If you have to deal with crime it has to be a holistic approach. You have the prevention aspects; then detection, prosecution and conviction.

Prof. Hood from Oxford has told us very clearly that our detection rate is abysmally low and the conviction rate is even lower than abysmally low. You could imagine how low that is. The holistic approach is not there. We come in Parliament piecemeal, a Bill with police service and a Bill which does not give some people bail. It is so hypocritical in a sense to say that this Bail (Amdt.) (No. 2) Bill is preventing these people from committing crimes, when in effect, it is not that. When they fail in the machinery of justice you end up with the 60-days passing; they are not brought to court and therefore, the person is entitled to apply for bail. It is a holding bay where you keep these people for 60 days and then they are entitled to apply to go before a judge in chambers to make people feel that you are doing something. You need to deal more with prevention and detection.

We come back to the forensics. What has happened? That was one of the promises that you will be doing so much to improve the Forensic Science Centre. What have you done with respect to the Forensic Science Centre? We are supposed to have a new centre by this year. Listening to the statements you have made over time, we were supposed to have a new building; totally modern forensic lab up and running at this time. As far as I am aware there is nothing close to that. Tell us about detection; forensics and what you are doing about the administration of justice. To take a man and lock him up for 60 days, how would that deal with the issue of crime? This is where this Bill emanated. It came out of those talks with all those promises. I would like some account with respect to the other items of discussion, heads of agreement, I would be very grateful if the Government Bench could provide a status update. I would like some update of the legislative and the non-legislative matters that we had agreed to.

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea. On this occasion make sure that you are back at 5.00 p.m. sharp.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Speaker: I am very impressed. [*Laughter*]. Please, take your seats.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker.

When we took the break, I was speaking about the holistic approach to dealing with crime. I mentioned then as I mentioned before, the work done by Prof. Hood. The UWI Centre for Criminology and Criminal Justice estimates that there are about 15,000 serious crimes committed annually in this country and there is no conviction for around 90 per cent of such reported crimes and aggravated further by 60 per cent recidivism. That is where the repeat offenders come in and this Bill is attempting to deal with it. That same study pointed out that out of 1,000 murder cases, only in one case does the criminal pay for the crime. We see what is happening when we look at prevention, detection and conviction. Our detection rates are very low and the conviction rate is even lower.

When we look at this Bail (Amdt.) (No. 2) Bill it by-passes two of the pillars of the holistic approach; that is to say, the Bill jumps past the prevention stage and the detection stage and goes straight into the prosecution aspect, because it deals only with this crime *expose facto* after it has been committed. After you have committed a crime you are denied bail. It does not help us to deal with prevention in terms of how to deal with reducing the number of crimes. It deals with after the crime has been committed. In that regard, whilst you may say that you need something to deal with that end, it is our respectful view that nothing is being done to deal with the holistic approach. These three aspects must be interrelated. That is why when we met, the heads of agreement had put in issues to deal with all three areas in the fight against crime.

I mentioned this many times in Parliament. Counselling services were promised. They were to be introduced for victims of kidnapping. Up to today, that has not been put in place. Through you, I ask the hon. Prime Minister—it was said in one of your budget statements that you will provide counselling for victims. We would like to see it taking place.

Mr. Manning: That is being done.

Mrs. K. Persad-Bissessar: I would be very happy to get the information. How can we source that?

Mr. Manning: The Ministry of Social Development.

Mrs. K. Persad-Bissessar: That reminds me of the Victims of Crime Compensation Act which was put in place when an Injuries Compensation Board was established after Justice Myers' order through the court, that the Government establish the board. That was one year ago; around May or June the board was established. That meant that a board was in place to receive applications. Two weeks ago, we attempted to give applications to the board. This Act was passed in 2000. There was no board so people could not apply. The court ordered that the board be established and the Government complied with the court order and sometime late in May or June, it established the board.

Under that law there is a one-year window of opportunity. When the crime is committed, for you to get compensation, you must make application within one year of the offence. The board was established, but to our great horror there was no one to receive the applications. I spoke to the chairman of the board. He said to bring it to the Office of the Attorney General. We could not find where the Criminal Injuries Unit was located. From various phone calls we discovered that the chairman was sitting in the Office of the Attorney General. I called that office and he answered. I told him that I had some applications on behalf of victims of crime and they wanted to put them in before the time. He agreed for us to bring them in the next day and he gave us the name of a person in the ministry who would receive them.

When we sent those applications the following day the lady said that she had no authority; the chairman of the board was not there and she could not receive the applications. We sent the applications on three to four separate days and on every occasion they refused to receive them. This would impact seriously on the statutory time within which to apply. The officials of the Government were refusing to take the applications and the chairman of the board washed his hands. He indicated that he had no staff and he was not in a position to receive the applications. When we come to that we would have to amend it so that those persons who were deprived by negligence on the part of those officials, would be given an extended time in which to put in their applications.

The hon. Prime Minister has pointed out that we can go to the Ministry of Social Development for counselling services. Here it is this ministry was set up to deal with these matters and no official was there. After repeated calls I was told that I could give them to the Permanent Secretary. According to the law, the application is not to go to the Permanent Secretary. It could be, that they would deny that these were properly received. They are to go to the chairman or the

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secretariat of that board. I trust that the counselling services will not bounce their head in the same manner as the persons who are applying. We would follow through now that we are told that it is there.

We are saying as it is here that they are spending billions of dollars but not enough is being put when it comes to the administration of justice which I keep repeating and I feel very strongly about. Justice delayed is justice denied. I do not think that out of those 400,000 persons waiting on their cases in the Magistrates' Court year after year, it is sufficient to say that we do not have enough magistrates; courtrooms and digital recording so these matters would go on forever.

That is one of the problems with the Bail (Amdt.) (No. 2) Bill. In the Bill you have provision for not allowing a person to apply for bail. There are two conditions to be filled; 60 days must elapse and no evidence must be taken in a court. We know how the system works. You are going into a courtroom; take one day of evidence and the matter could be adjourned repeatedly. You comply with the condition but perhaps, a man is innocently there because in our law you are innocent until proven guilty. I do not believe that that has been changed. There may be some who think otherwise, but the person remains innocent until proven guilty. For years that person could be tied up because of the sheer caseload of 400,000 in the Magistrates' Courts.

My friend, the Member for Pointe-a-Pierre, pointed out that preliminary enquiries (PIs) for murders are given priority because of the strict time frame now set by the Pratt and Morgan judgment, that you must adjudicate and have the matter dealt with within that time frame or else you cannot execute. For these other matters you can run the risk of an innocent person being in there for this length of time without being able to apply for bail. I think that was one suggestion we made to put a time line there to avoid a person starting the evidence, but keeping the person in jail for five years thereafter, because you keep adjourning the matter.

As I close, I want to make it very clear that we do not believe that this Bill would solve the issue of crime in the country. We gave our support for it. You promised us many other things with respect to it and many of those promises have remained broken. We caucused. Negotiating is not a one shot. We spoke with you in the committee room and put forward certain suggestions. I indicated very clearly then, that we needed to caucus with our Members because we want you to get the votes of all. We have done that.

5.10 p.m.

Mr. Winston Dookeran (*St. Augustine*): Mr. Speaker, I rise to try to make a short contribution to this debate in the context of this weekend's activities, when we shall be celebrating Labour Day. That will take place next Tuesday in our country. I take the opportunity in so doing, to acknowledge the pivotal role that the labour movement and the working population has historically made in defending the national interest in Trinidad and Tobago. And it is appropriate on this occasion to acknowledge that, the role of the historic movement to the total development of Trinidad and Tobago. We shall all celebrate Labour Day next week with a clear conscience of the noble efforts.

I was told sometime earlier on in my life that if you are not very clear about what your purpose is, you will have to always dance to the music of trying to arrive at a decision. What I saw today in terms of what the Leader of the Opposition has said, it is very clear to me that she is caught between what really is her deep desire to defend the public interest and her compromise with narrow political purposes. But, so much on that.

I listened very attentively to the Member for Laventille East/Morvant in his presentation of the Bill before us. He said a number of things that are very relevant to the debate and, indeed, to the country. He indicated that one of the objectives of his Government was to prevent those who are frustrating the workings of the judicial system. He said that as legislators we must ensure that we protect our civil rights and civil liberties, and that we must not leave any stone unturned in our quest to deal with a vexing problem if it were to compromise civil liberty. He also said that constitutional rights are not always absolute rights. A very interesting comment and I listened carefully to, the implications of those comments in terms of this debate which is dealing with the issue of this specific piece of legislation, the Bail (Amdt.) legislation, but in the context of the workings of the judicial system and more particularly the effectiveness of the criminal justice system in our country. So, it could not escape my mind that when one decides whether or not this Bill is indeed in the public interest, one cannot deal with that in its narrow context, one must, of course, look at the environment in which it is taking place.

Let me deal firstly, with the environment on crime and notwithstanding all that has been said about the crime situation has reached astronomical levels and the Government's very feeble attempt to hoodwink the people into believing that all is well and spending large sums of public expenditure in what they referred to as public consultations after the fact. There is no doubt when one looks at the

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statistics and I do not wish to rely only on statistics, but the general consensus remains that the crime situation is still intolerable.

I have always argued that the Minister of National Security has used this Parliament to claim victory for the Government by saying that the number of murders have decreased from year to the next year. And, we have indicated that the only success measure that we can use in our country in the 21st Century in an oil rich country, with so much resources and capacity and knowledge that we shall not be satisfied unless there is a situation in which we can claim that even one murder and one kidnapping is too many in Trinidad and Tobago. It is in that context from a recent report, Trinidad and Tobago, 2007, Crime and Safety had this to say:

“The U.S. Department of State has rated crime in Trinidad and Tobago as HIGH. Violent crime has increased steadily in recent years and is a growing concern for the local security services and the general population. There were 368 murders in 2006 compared to 384 in 2005 out of a population of 1.4 million people. The lower number of murders in 2006 may be due to underreporting. Crimes related to economic gain, sexual assault and domestic violence also continue to rise.”

Mr. Speaker, it went on, on this state of affairs.

So before we become complacent, or indeed before the Government tries to fool us into a new sense of complacency, let us put the record straight. The Government has failed in this country to deal with the crime situation for the last six years. I do not have to say it here. Those who have suffered at the hands of the criminal elements in the country can say it in their tears. They can say it in their sorrows.

Recently, in discussion with a group that is trying to look at the protection of the victims of crime, I was told that constituency alone in Trinidad and Tobago could well be in the vicinity of 40,000 people within our living memory.

Mr. Speaker, if 40,000 people are affected directly some by loss of lives by which we know and some by subsequent events and family trauma, it is an issue that must be addressed by the national Parliament and indeed by those today who have the responsibility to deal with crime. It is very clear why the agreement to raise the issue of the victims has not been dealt with. I call on the hon. Prime

Minister to meet the obligation to increase the crime compensation from \$25,000 to \$250,000.

I remember very well the Prime Minister in the Police Bill discussions that I participated in a year and a half ago made a firm commitment to us that he will, increase the compensation to victims of crime from \$25,000 to \$250,000 subject, of course, to the case. And to date he has not done that and the question arises, could we believe really what the Prime Minister says when he makes commitment between us and them, or when he says things in this Parliament?

On the last occasion when we debated this Bill I raised this point very clearly when the Government sought the necessary support to have the legislation passed. I said then and I repeat it again, that in light of the fact that we have had an undertaking that the level of victims' compensation should be increased, we will keep account on that. I thought then that families in trauma, psychological and health must be a matter of national concern.

I call, then on, the Prime Minister to look into the laws that are in fact, appropriate and have not been put in place and propose the figure be raised to a figure of \$250,000. I am totally disappointed that no steps have been taken and that nothing has been done on a fundamental issue as this to protect and at least give the most elementary support that we can give to the victims of crime in this country who have been victims because of an incompetent public policy and public performance on the part of the Government.

It is therefore unfortunate to use this Parliament to once again to not defend the national interest. Access, for instance, to personal support and information in what we propose as a witness care unit where there shall be some kind of protocol support at the various courts so that the victims of crimes would not have to go to the courtroom as if they are, the perpetrators of crimes. We talked about victims being taken into account throughout the entire criminal justice process, we talked about surcharges, fines and penalty notices, may go into victims funds to be channelled back into services for victims, and many other issues of that nature.

Today, I make the call again that as we deal with the Bail (Amdt.) Bill which is to defend the public interest that we on this side of the House is prepared to defend victims rights in this country and to deal with that in a humane and

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civilized way when the time comes for us to do so. The issue therefore is not only defending the rights of victims' or indeed, as the Member for Laventille East/Morvant said, defending the liberty of our people, when we began the debate on this matter we made it very clear that we shall not negotiate with the safety of the people of Trinidad and Tobago. That shall be our highest priority here or there and we shall do it. Nor shall we play small politics on that issue.

The Prime Minister recently attempted to do that on the terrorist attack and on the alleged indictments against individuals, some of who are from Trinidad and Tobago, and one of whom is a Member of our party. Instead of dealing with the relevant issue of defending the sovereignty of the country and defending the rule of law and justice in the country, he chose to use his energy and efforts to attack our party, myself and others for what obviously everybody knows could happen in any democracy anywhere. We do not cast aspersions on anyone until the courts in a proper way do so. And we have made that position very clear and to suggest that he has done and also the leader of the party that is in the Front Bench to jump upon the situation and say that this now suggests that this party is infested by criminal elements is, not only in my view an abdication of the responsibility to protect this nation, the integrity of the intelligence service, local and abroad, and at all times to defend the sovereignty of this nation.

Mr. Speaker, there have been incidents where those who at one time in a position of different capacities to defend that democracy, did not do so. They thought it was a family affair; they thought it was a matter that they can deal with when they wake up after they slept. We shall not do that on this platform at all times, as we will defend the national interest, we shall defend the sovereignty of the people of Trinidad and Tobago. That was the fundamental issue but that was not what the Prime Minister thought was important.

Mr. Speaker, another big issue that has now emerged is the defence of civil liberties in the country because that is an important issue. We must never deviate from the issue of ensuring that there are civil liberties. We have been concerned about that for some time now because there were events upon events over the last few years where that particular issue appeared to be issues that were not complied with in the administration.

We are very concerned about how the Prime Minister in particular was handling the particular issues facing the administration of justice and his

allegations against the Chief Justice. That concern has been raised many times, and the matter has gone on for the last year and a half. It is the defence of the integrity of the judicial process of which this particular matter is a part. But that matter came to a head in a most unfortunate development, a development that we believe is only exposing not only the value that informs the Prime Minister in his public decision making, but also in so doing has brought great concern to the country at large.

I anticipated this, because I saw that this was going to probably come to an end and I recognized then that the President would have to play an important role and today I want for the sake of the public record, to indicate what steps I took in my conception of defending the public interest and more particularly the issue pertaining to the integrity of the judicial system, so I wrote to the President.

I wrote to the President in anticipation, and I made a very substantial proposal as to how we shall restore the confidence of the judicial system. I will like to put on the record what I said to the President in this particular matter of the defence of the sovereignty and integrity of a judicial system of which this Bill is a part. This letter was on Friday, March 30, 2007. [*Interruption*]

Mr. Speaker: I am on top of it. If the Member gets out of tract I will bring him to book. But be extremely careful in what you say.

Mr. W. Dookeran: I am just reading a letter.

“On May 5th, 2006 the Honourable Chief Magistrate Sherman Mc Nicholls lodged a complaint against the Chief Justice with the Honourable Prime Minister, Mr. Patrick Manning.

The events which followed the lodging of this complaint are now very well known and have been the cause of much public comment and anguish. The events that have transpired over the period March, 2006—March, 2007 are unprecedented and have led to a serious undermining of the three branches of the State not only in the administration of justice but also as to the manner in which officials occupying the highest offices have conducted themselves. Notwithstanding, the recent decision to reinstate the Chief Justice there are a substantial number of persons within the society who have very legitimate concerns that to date there have not been an appropriate public enquiry into the serious allegations by the Honorable Chief Magistrate.

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Equally, there is also a significant number of persons within the society who are concerned that the conduct of the Honourable Prime Minister, the Attorney General as well as the Chief Magistrate throughout this entire process may have been such so as to undermine the legitimate court processes as well as act in a manner which may or may not amount to misbehaviour in public office.”

Mr. Speaker: You were going well until you begin talking about the conduct of judicial officers. You cannot really refer to their conduct. That is section 36(10). So, stay away from basic issues of the conduct of a judicial officer or, indeed, a conduct of a Member of this House with respect to that.

Mr. W. Dookeran: I would continue to read because this is a letter I have sent in my public duty to the President. I hope what I wrote here would not offend you, Mr. Speaker.

“The spectacle of having the Chief Justice charged, with police armed with submachine guns visiting his home on a Friday evening to arrest him..”

Mr. Speaker: Section 36(10). This is a matter that will be coming up for adjudication later on, I do not know when but be careful in terms of addressing the conduct of judicial officers and even Members of Parliament.

Mr. W. Dookeran: Mr. Speaker, may I continue and tell me when I am out of order. I do not understand these broad principles resulting from a particular situation in the country.

Mr. Speaker: You can speak of the principle, but do not involve personalities in it.

Mr. W. Dookeran: “After much reflection upon these events over the last twelve months, it is my considered view that these events must not be allowed to be swept under the carpet, nor is the answer to be had by setting up a tribunal whose terms of reference are narrowly construed by Section 137 of the Constitution and which seeks only to investigate the conduct of the Chief Justice. The public is entitled to know the truth in relation to the conduct of all these officials.

The restoration of public confidence in institutions of Governance is now of critical importance. It is crucial that we purge ourselves of the perceived

corrupt elements within the Executive and the Judiciary. The only way that this can be properly facilitated is by holding of a public enquiry headed by respected independent Commonwealth Jurists who would be well placed to determine whether any of the officials involved in this process have acted improperly.

It is only after we have conducted a proper enquiry that we will be in a position to fully understand what steps we need to take to purge ourselves of all things corrupt, it seems to me that we can only begin the process of restoring the public's confidence in the administration of justice by having an independent investigation that seeks to discern fact from fiction.

It is clear to me that any decision whether to set up a Commission of Enquiry is a matter solely in your discretion. This is certainly clear from the contents of the Commission of Enquiry Act Chap. 19:01. In particular section 2 which provides:-”

And I indicated what it says.

“It is against this background that I seek to have your position as to whether, in light of the matters raised above, Your Excellency would be, in principle (and subject to the provision of adequate funding being provided) prepared to issue a Commission appointing, and authorizing Commissioners, on any quorum of them to enquire into the conduct of the....”

Officers involved. In that case, I am suggesting in principle, that your Excellency:

“issue such a Commission and I would be grateful for an indication so that I can take the necessary steps to comply with Section 14 of the Commission of Enquiry Act so that Parliament would take the required vote to ensure the Commission may be properly funded.

We have no doubt reached a very critical stage in our development as a young democracy and we must be careful not to allow the events of the last twelve months to become a permanent scar on our historical landscape. The opportunity arises for us to try our best to learn from our mistakes in the past and I fear it would be a sad indictment on us all as a people, particularly those of us who hold the responsibility of the public interest in our hands, to sit back and do nothing.”

Mr. Speaker, that was my proposal to the President.

Mr. Valley: What did he say?

Mr. W. Dookeran: Would you allow me to reply? The President, replied two weeks later and he went into more specifics.

Mr. Speaker: You would not want to bring the President into that.

Mr. W. Dookeran: The Member asked for it.

Mr. Speaker: He can ask for it, but I can tell you ought not to give him.

Mr. W. Dookeran: He said he felt constitutionally, he will not be able to seek to this request, and went on to argue why he thought so. And I can indicate if you wish a précis—

Mr. Speaker: Do not bring the President into this. I would ask you not to refer to anything the President may have written to you about.

Mr. W. Dookeran: Mr. Speaker, that letter was made public and has been and, therefore, I thought I should put it on the record of the Parliament, because I wanted to know what position we have taken as responsible parliamentarians to deal with a critical issue facing the integrity of the justice system country. I sought the person with the authority to handle it. I thought Mr. Speaker that I need to get support for this proposal so I wrote to a number of bodies in the country seeking support for what I thought is a most reasonable position to take.

5.40 p.m.

Mr. Ramnath: You do not worry about that.

Mr. Speaker: I will worry about it. You are, in fact, being slightly irrelevant. Whatever you are saying with respect to that, you must relate it to the Bail (Amdt.) Bill and how the justice system would affect the provisions of the Bill.

Mr. W. Dookeran: Excellent! Thank you very much, Mr. Speaker, the very issue that I am talking about, as I said earlier, was in defence of the national interest, which means to defend the safety and civil liberties of the people. The Bail (Amdt.) Bill is one such instrument to which we will all be subject in different ways. It is a matter that is very relevant to the Bill before us in accordance with the principles.

I will not go far on this; I just want to put on record what the Law Association of Trinidad and Tobago said in response to my request, which they wrote formally and openly to me.

“I am to advise that the counsel was mandated following a special general meeting of the Association, to call upon the Prime Minister to immediately advise His Excellency The President to appoint a public Commission of Enquiry.

The resolutions are enclosed for your reference.”

And the resolutions, in particular, stated—

Mr. Speaker: Please take your seat! You are getting into dangerous waters in terms of being irrelevant. As I said before, you have to bring it back to the Bail (Amdt.) (No. 2) Bill and how the provisions of the Bill will be affected by the justice system. Talking about the Law Association is really irrelevant.

Mr. W. Dookeran: Mr. Speaker, I was taking my cue from the Member for Laventille East/Morvant when he said that we must ensure that we protect civil liberties and that the measures he has put in place were adequate for that. I said that we could not deal with the issues of protecting civil liberties in the context of one piece of legislation, if the entire system does not protect the civil liberties of which he speaks.

Hon. Member: Whose fault?

Mr. Hinds: I withdraw it. [*Laughter*]

Mr. W. Dookeran: All I want to do is put this on record because this is not secret information. [*Crosstalk*] Mr. Speaker, may I?

Mr. Valley: But it is not relevant information.

Mr. W. Dookeran: I explained. It is the Speaker who decides if it is relevant. If the Speaker decides it is not relevant, I will not pursue it. [*Crosstalk*]

Mr. Speaker: Order, please! Let me be the Speaker. Please! [*Laughter*] [*Desk thumping*] If you are going to refer to the resolutions by the Law Association—I can imagine it is not relevant, but if you want to start, I will just have to rule you out of order. I am almost certain it will be irrelevant, so move on, please.

Mr. W. Dookeran: Mr. Speaker, I am somewhat disappointed that you can anticipate the relevance and irrelevance before it is read.

Mr. Speaker: If you wish to go ahead, you can go ahead. I just imagine it will be irrelevant, but if you want to go ahead, I will have to rule you accordingly.

Mr. W. Dookeran: I quote:

“Whereas the Law Association has discussed the legal implications of the actions taken by the Chief Magistrate—” [*Crosstalk*]

Mr. Speaker shakes head.

Mr. W. Dookeran: Mr. Speaker, I would say give you what they have suggested. I will summarize. They have said in their letter to me that a Commission of Enquiry to deal with the issues pertaining to the Chief Magistrate should be established in the context of what I said.

Dr. Rowley: I rise [*Inaudible*]

Mr. Speaker: The more relevant Standing Order is 43(1). You are being irrelevant there, but move on, please.

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

Mr. Speaker: Order!

Mr. W. Dookeran: Mr. Speaker, it is in that context that I also read, today, an editorial on the *Newsday*, which I think is very relevant to the issues before us—

Mr. Ramnath: Parliament is irrelevant.

Mr. Speaker: Order!

Mr. W. Dookeran:—and I will quote parts of it. It deals with the very issue of why it was necessary, at that stage, to take the action that the President has taken, in response to the Prime Minister's request. Can I read an editorial, Mr. Speaker?

Mr. Imbert: No, you cannot read it.

Mr. Speaker: No, he can read it, but if it is irrelevant, I would deem it irrelevant. Again, I am almost certain it will be irrelevant. If you want to start to read it, start and I will rule. [*Crosstalk*]

Hon. Members, get one thing clear, please! We are talking about the Bail (Amdt.) (No. 2) Bill. We are not talking about the President, the Prime Minister and the Chief Justice. You can talk about the administration of justice in relation to the Bail (Amdt.) (No. 2) Bill. Please, continue!

Mr. W. Dookeran: It is my considered view that the suspension of the Chief Justice affects the operations and the integrity of the judicial system. I was using what I consider my duty to the people of Trinidad and Tobago to bring to the fore

of this Parliament a very important issue that will affect the very administration of the Bill before us, if there is no confidence in the entire way in which the matter is operated.

I do not want to go into any quarrel of any sort with you, Mr. Speaker. I just intend to put on the record the very responsible position that we have taken based on the fundamental concept of fair play, enunciated by the Member who moved this Bill, saying that if there are many people who are involved in the conduct, they should all be looked into, not just one.

This information is already in the public domain. I think I have done my duty, which is to bring it to the attention of the Parliament. If the Parliament does not wish to have it on record, I have no doubt that we are free to bring it to the attention of the population in any other form. We shall not stop at this matter because we do not intend to be perturbed, to surrender or to be frightened by the antics that the Prime Minister has been displaying on this issue and be quiet about it anymore.

We provided alternative solutions to what is a critical problem and, in my submission, I said that, as a developing country, we have to move with a certain sense of decorum always to preserve the integrity of the judicial system. It is in this context that I also felt that when the suspension took place, it appeared—*[Interruption]* I am not talking about an individual; this is a public duty—to have suggested that there is a perception of guilt before the fact-finding tribunal has had its say. It appears to me that the very liberty about which we speak so glibly is being denied if there is no proper access to counsel and funds to handle this matter by an office holder. It appears to me that the very principles upon which this Bill is being predicated are being denied by this particular conduct at the highest level and the conduct at the level of the Prime Minister.

This is my submission to this Parliament. It is not a simple Bill. It is an important Bill because it deals with the denial under certain specific conditions of bail and has provided leverage by which such liberty can be ensured. When the Member for Pointe-a-Pierre speaks, she will deal with the details of this Bill and will suggest amendments that had been proposed to make this Bill one we can support. The civil liberties issue has been incorporated. There were suggestions that there were some other amendments and we indicated our support of those amendments.

We do not wish to support a Bill that requires a constitutional majority if it does not provide full protection of civil liberties in Trinidad and Tobago. *[Desk*

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thumping] Our position is very clear on that. Our position is very clear also on the position of not negotiating with the safety and security of our people. This is not the time for it.

Many months ago, I initiated discussions when the police reform legislation was being put on hold because they wanted to link it with the issue of constitution reform. I said that it was wrong and irresponsible to link the issue of police reform with constitution reform because I felt that we needed a strong police service, a strong enforcement capability and the right laws in place so that we could tackle the problem of crime frontally. That, to me, was important regardless of how we deal with the other issues.

Mr. Speaker, that led to the fact that today and I say that the Government has brought because of the use of political leverage that we can bear here, the legislation on this issue, some of which was mentioned; some of them have gone into joint select committee. We insisted on one thing and that is, that the Equal Opportunity Bill should be laid, deliberated, and passed as a requirement.

Also the Breathalyzer Bill; we know that these things have gone to committee and, therefore, there has been some progress on the legislative front, but the progress is not complete. It is unfinished, therefore it is our view that we must finish it and use the leverage because we would not be doing a duty to provide the apparatus, legal and otherwise, to provide safety and security for our people.

It is in that context that we have absolutely no problem in lending our support to the Bail (Amdt.) Bill, 2007, but we will insist, as we have done in the past, that a sunset clause be included and that, in the particular case, the clause should be for another three months because the agenda is unfinished. We cannot rely on the Government to do it on its own; we have to employ the leverage in Parliament to force them to do what is required for the people of this country. [*Desk thumping*]

It is in that context that I thought that this particular matter must also be addressed, not only in the context of the legislative agenda, but also in the context of the actions that have to be taken in order to restore that confidence. That is why we have done some more work in that regard and we have made it open. We have announced a number of proposals. We are not hiding. We have no secret agenda in this country; we have only one agenda and that is to serve all the people of Trinidad and Tobago all the time.

It is in that context, Mr. Speaker, that we have made public a number of proposals which I know that the Government would have at its disposal. We are watching closely to see how they implement it, until such time that the country

decides they no longer have the moral authority to do so and provide the moral authority to another group of citizens of Trinidad and Tobago.

It is in that context I say that we will be monitoring closely the implementation of measures in this particular area to make sure it actually happens. We cannot tolerate in this society the escalating problems of crime remaining undealt with. We know there are many specific situations that have arisen, in which there has been the lack of response, but I will not go there today. All I want to say is that this is a matter in which the value system and how we approach the issue of crime deals first and foremost in the trust of people in the Government. If the people begin to trust the Government to protect the public interest, then we have a problem regardless of what laws we put in place. If the people begin to mistrust the Government for protecting the civil liberties, then we have a problem in this society. If we have a situation in which the people begin to distrust the hon. Prime Minister in his utterances, then we have a serious problem in this country.

That, therefore, Mr. Speaker, is my warning to the hon. Prime Minister and his Government. Let us put this country back on track and, for their time remaining in office, let them start the road we shall continue.

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, for a minute there, I thought the Member for St. Augustine was going to call the election date—to actually pull it out of his back pocket and call it. He was in such full flight there.

There are some facts which must be put on the record. On the last occasion, when we debated the Bail (Amdt.) Bill, 2006, we, on this side, had undertaken to do certain things and, as a consequence, the Opposition Back Bench supported the extension of the legislation for a period of three months. I think it is necessary to put on record what the facts are.

We had agreed to make the necessary improvements and amendments to the Constitution amendment legislation, the police service legislation; to bring and pass the Police Service Regulations; to enact the Motor Vehicles and Road Traffic (Amdt.) Bill, better known as the Breathalyzer Bill; to enact the DNA legislation and the equal opportunity legislation, among a few other things.

Mr. Speaker, we have brought to this Parliament the amended Constitution Bill, the amended Police Service Bill and the Police Service Regulations. These pieces of legislation have been passed in both Houses of Parliament. [*Desk thumping*] We have also completed our work on the Breathalyzer Bill. The

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committee has reported to this House, the Bill passed in the House of Representatives and will shortly be sent to the Senate for passage.

The joint select committee working on the DNA legislation has more or less completed its work. At most, there is a requirement for one more meeting and we should be able to come to this Parliament in the very near future with a report of the joint select committee to enact a new DNA Bill. With respect to the Equal Opportunity Bill, it has been debated in this House. It has been sent to a joint select committee and that committee held its first meeting last week and established a procedural framework for the completion of the deliberation of the committee on the Bill. The Criminal Injuries (Compensation) Bill has been laid in the Senate and will be addressed in the very near future.

So, Mr. Speaker, it is correct to say that we on this side have done essentially what we have pledged to do. When we set the 90-day time limit, everyone in this Parliament was aware that to do all these things—amend the Constitution Act, to amend the Police Service Act, to pass the Police Service Regulations, to pass the Breathalyzer Bill, the DNA Bill, the Equal Opportunity Bill, especially since those latter three pieces of legislation were destined for joint select committees; we all knew it was a tall order. We are satisfied that we have done essentially what we had pledged and are committed to completing the schedule of activities that we agreed to with the opposition Back Bench. I am also advised that the legislation on the gun and kidnapping court is now being prepared by the Law Reform Commission.

Mr. Speaker, that is why we feel confident in coming to this Parliament today and we are happy to hear that the persons on the Back Bench have agreed to support the extension of the legislation for a period of 90 days. We would have preferred that the extension was at least one year but we are still grateful to the Opposition Back Bench for the three months. I cannot say the same thing for the Members of the Front Bench, who continue to look for excuses and reasons why they should not support legislation aimed at the defence of the people of Trinidad and Tobago. They are always looking for excuses; playing games with people's lives, hoping that if this legislation is not successful, that persons perpetrating crime would be out on the streets and crime statistics would escalate and cause chaos. For some reason, the Members of the UNC believe that will be good for their election chances. How politically immature! The country is long past that stage of political immaturity where a political party withdraws support for a critical piece of legislation in the national interest and hopes or thinks or believes that somehow that will redound to their benefit. It is pitiful!

Let me read into the record the official statistics, although my colleague, the Member for Laventille East/Morvant, referred to it. I would like to zero in on the number of murders. In the first six months of the year, January 01 to June 14, 2006, the number of murders stood at 180. For January 01 to June 14, 2007, there have been 124 murders, a reduction of some 31 per cent. We have seen this consistent trend over the last 12 months. Every month, when the police reports on the crime statistics, we see a consistent reduction in serious crime, particularly homicides. We have a 31 per cent reduction when you compare the first six years of this year with the first six years of last year in terms of murders.

When I look at kidnappings, in the year 2005, there were 51 kidnappings for ransom. In 2006, kidnappings dropped to 17, and this was after the passage of the Bail (Amdt.) Bill, in December 2005. We need to put these things in perspective, Mr. Speaker, because the Leader of the Opposition is wont to talk foolishness and ask for statistics. I am giving them.

In December 2005, the two-faced UNC supported the Bail (Amdt.) Bill and after the passage of that Bill in December 2005, kidnappings for ransom dropped to 17 in 2006, from an annual total of 51. I am pleased to report that for the first six months of 2007, kidnappings for ransom have dropped to six. If we take the same period in the first half of 2005—let us extrapolate the figures—there were 25-odd kidnappings for ransom in the first six months of 2005 and in the first six months of 2007, we have six. For persons such as the Member for Nariva, who are mathematically challenged, that is a reduction of 19, from a total of 25, which is essentially is a 79 per cent reduction. If you consider the figures for the six months of 2005 and you take the figures for the first six months of 2007, after the passage of the Bail (Amdt.) Bill, there is virtually an 80 per cent reduction in kidnappings for ransom. [*Desk thumping*] [*Interruption*]

Let me repeat since the hon. Member for Couva South likes punishment. In 2005, there were 51 kidnappings for ransom. In December 2005, in a rare show of responsibility, with the support of the Members Opposite, the Bail (Amdt.) Bill was passed and in the next year it dropped from 51 to 17. They then realized that it was working. They then realized that the Bail (Amdt.) Bill was achieving the intended effect and that the perpetrators of kidnapping were now either behind bars or had decided to do something else—the deterrent effect of this legislation is most significant.

So, when the Members of the Opposition Front Bench realized that the Bail (Amdt.) Bill was working and there were significant decreases—as I said, we are now down to an 80 per cent reduction in the incidents of kidnapping for ransom

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over the period December 2005 to June 2007, an 18-month period—they decided they could no longer be part of this so they came with all their obfuscation, their filibustering, their procrastination and their prevarication and they have now decided that, for various spurious and trivial reasons, they cannot support this Bill. They have reverted to their rhetoric, their intransigence, their recalcitrant stance, their irresponsible, unconscionable, reckless and inhumane position, Mr. Speaker.

6.10 p.m.

They do not care if persons who reside in their constituency are the targets of kidnappers, all in the quest to score cheap political points. That is why I am truly grateful to the Members of the Opposition Back Bench. At least they have not displayed this lack of ethics and immorality that is rampant on the Opposition Front Bench. [*Interruption*] How long am I going for?

Miss Lucky: I thought you are wrapping up.

Hon. C. Imbert: I am. We have debated this Bill so many times. It is nothing new. The issues are well known. We get the support of the responsible persons on the Opposition Back Bench and the irresponsible persons on the Front Bench decide, for cheap, political reasons, that they would not support it.

There are some issues, before I take my seat, that I would like to deal with. I did give an undertaking to the Member for Pointe-a-Pierre, that I would be brief. I do intend to honour that undertaking, but brief is a matter of opinion. For me, anything less than 75 minutes is brief and I will have very brief.

Mr. Speaker, there seems to be a consistent misunderstanding of the Standing Orders in this House by the Members opposite. You could not possibly think that I meant that you, certainly not.

Mr. Speaker: I know that you are not referring to me, but neither should you refer to Members opposite. It has nothing to do with the debate for us, please.

Hon. C. Imbert: I am guided, Mr. Speaker. I realize that you are very quick on your feet today and that you will act accordingly, as the custodian of the Standing Orders.

The fact is that this legislation is very serious. The Members—[*Interruption*] So, why are you not supporting it? Go and tell the people in your constituency that you are the targets of kidnapping. Go and explain to them why, through you, Mr. Speaker, you are not supporting this legislation. Go and tell them why, in the

hope of re-election. Tell them why. Go and explain why you are supporting criminals and criminal activities.

Dr. Rowley: And demanding bail for kidnappers.

Hon. C. Imbert: And demanding bail for kidnappers. Go and tell the people in your constituencies that. Explain why you want to get criminals back on the streets in Central Trinidad.

This is very serious legislation. When one looks at the offences: possession of firearms, larceny of a motor vehicle, perverting the course of public justice, arson, manslaughter, shooting or wounding with intent, robbery, assault, trafficking of a dangerous drug, rape and grievous sexual assault. Imagine one of them even wanted to take out one of the offences that deal with sexual misconduct. Shame on you.

Mr. Panday: I will deal with him.

Hon. C. Imbert: You are free. I said nothing. I hope that on the next occasion we deal with this legislation, that we have got to the point where we have met the requirements of the Members opposite and we can get no sunset clause in this legislation, or that we have the necessary constitutional majority so that good sense will prevail in this House.

With those few words, Mr. Speaker, I support the legislation before the Parliament.

Mr. Kelvin Ramnath (Couva South): Thank you, Mr. Speaker. Having listened to the self-righteous, indignant, pompous, arrogant Member for Diego Martin East, who had nothing to say, I think I will then focus on the Bill instead of the very marginal contribution he had to make on such a very important piece of legislation. But, it will be remiss of me to allow his comments to go by; those comments having accused the Member for Fyzabad for not supporting legislation against kidnapping and crime.

Let me say to the Member for Diego Martin East that it is his Government that was consorting with the criminals at the Crowne Plaza, in the name trying to reach some kind of agreement with criminal elements and gang leaders in the society.

Let me say to him as well, that it was his leader who was walking the hills with gun-toting Mark Guerra, while campaigning for the PNM. And it was his leader and his party who consorted with elements that have been found guilty, in the public domain, who used force and who used the coercive machinery to frustrate voters in the election.

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I would be ashamed when people who the very Government has been prosecuting in the courts, could have been associated with them publicly in an election campaign and now have disowned them.

Let me indicate to them that the reason for this Bill in the first place is that they have failed to protect the citizens. They have caused our police service to become corrupt and tainted. They have been responsible for the high level of crime in the country, and they have been associated with criminal elements, in order to stay in office.

What we are doing here today is trying to find a solution to the incompetence of the PNM. We are telling citizens of the country, that whether you are guilty or not, we are going to deprive you of your civil liberties, put you away and, if and when the justice system works, you will then be adjudged guilty or innocent, but in the meantime, you are incarcerated. They expect the public to support this kind of draconian legislation, because they intend to convince the public that such a piece of legislation is good for them.

Fascism is spread in that way. Hitler convinced many of the German people that the destruction of the Jews in Germany was in the best interest of the German people.

It is well known that when governments are incapable of protecting the citizens, they send the army out to befriend citizens who feel insecure. These citizens rally around the troops because they believe that it is in the best interest, not realizing that it is the very troops that will turn their guns on the people. This is what the PNM has done to the citizens of Trinidad and Tobago. They have turned their guns on the people, as a result of their failure to deal with the security of the nation.

I intend to show how they have failed as a government, and why it is necessary to give very serious consideration to the proposals before us, before you decide to vote one way or another.

If they are accustomed to getting a constitutional majority without people in the Front Bench, by all means, make your deals. We have no problem with that. By all means, make your arrangements, but we are not here to rubber-stamp what a failed government is trying to do to redeem itself from such failures. I do not need any lecture from, not even an acting Minister, a junior Minister, with respect to how I will defend my constituency.

In the first instance, this House is insulted once again by the absence of the Minister of National Security, who fails to come to this Parliament to present such an important piece of legislation and to defend the Government's stewardship. Instead, he chooses someone who does not even get the opportunity to act as a Minister, to come here and present some half-hearted effort and attempt at supporting this piece of legislation.

Therefore, it is evident that the Government is not serious, because it believes that it can start a propaganda campaign to give the citizens the impression that the Opposition is supporting kidnapping, by not supporting this piece of legislation. This legislation has done nothing in the last 180 days. It has made no impact. *[Interruption]*

You had your chance to speak. Have some manners. You are not the kind of person who has manners because you believe that you are superior because of your history of rape and plunder.

Mr. Speaker: Let me warn Members opposite, do not challenge the Member for Couva South. You would—No. He will deal with you. Do not do it. Just listen to him. Please, continue.

Mr. K. Ramnath: Mr. Speaker, I want to assure you, Mr. Speaker, that they know I am quite capable, in my long years in this Chamber. Thanks, anyway for your protection and your admonition.

I want to tell my friend from St. Augustine, when you have no philosophical or ideological position on certain issues and you believe that you are here to please everybody, you end up being treated in the way that he was treated here today by Members on the Government Benches.

When you look at the arguments of the Member for St. Augustine, who, on one hand, sought to criticize the Government's handling of everything, including the persecution of people in high judicial position, and you are frowned upon by Members of the Government, then you deserve the treatment that you get. There is an old saying: When you play with the dogs, you get bitten by the fleas. It is time that those who speak of the politics of principle, follow the very principle of standing up for what is right, regardless of the consequences.

Let me make something clear to both the Members for St. Augustine and Diego Martin East that the Criminal Injuries Compensation Bill and the developments we have had in this matter, to date, was as a result of the distinguished Leader of the Opposition, in her capacity as a lawyer, to take the

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matter before the courts of the country, in order to get a declaration that the Government had failed to appoint the board. As a result of a private initiative of the Member for Siparia, as a lawyer—

Mr. Valley: He “doh” even know.

Mrs. Persad-Bissessar: He is confirming.

Mr. K. Ramnath: I have to conform. I am not emotional like you. You resigned one day and get up the next morning and withdraw your resignation. When I resign, I stay out for a long time.

Mr. Valley: “Yuh does beg back”.

Mr. K. Ramnath: The Member for Siparia, in her private capacity, got the court to rule that the Government had failed to appoint the board and that resulted in the appointment of a board, but you have done nothing since. The victims of crime—I am very happy that the Member for St. Augustine, for the time being, has expressed a deep concern for the victims of crime, but there is a difference between talk and action. The Member for St. Augustine talks, but the Member for Siparia acts. It is as a result of that initiative that today the Government is forced into a position to deal with this issue. That is in response.

Let me come to the statistics that the Member for Diego Martin East sought to use to justify the Bill. He said that there has been marked reduction in kidnapping from 2005—2007. That has to do with reports of kidnapping or those kidnappings which have been reported. It is a well known fact that hush money is being paid on a regular and ongoing basis, to prevent families from being kidnapped.

If you have no evidence that the Bail Bill has resulted in the reduction in kidnapping, then it is purely speculative, and it is nothing to comfort the country and to give the impression that the Act that we have passed from time to time is responsible for the reduction. He should find out.

If there is to be any commission of enquiry, there should be a commission of enquiry, or some kind of commission established for people to come forward, in private, and give information with respect to the challenges they have faced from criminal elements in the society and the need to pay hush money, in order to protect their families. I do not believe that those statistics bear any relevance to the kidnapping statistics that he has put forward here today.

It is one thing to say that the Bill is designed to defend the public interest and that we are not prepared to negotiate with the safety of the public. That is a lot of

talk. That sounds good, coming from the Member for St. Augustine. But, at the same time, he raises the very important issues which present serious challenges to democratic institutions in the country.

The holder of the highest judicial office in this country, the Chief Justice, was issued with a warrant for his arrest. That warrant came as a result of a complaint laid by the Commissioner of Police, based on a complaint by another judicial officer who said that there was an attempt to prejudice his judgment in the particular matter.

The institution of the Judiciary, headed by the Chief Justice, was dragged into the mud by a most irresponsible act on the part of the Commissioner of Police. Very interestingly, the commissioner claimed that he laid the charge, based on the information that came to him.

Imagine the holder of the highest judicial office is sitting in his house, and outside of his gates are men with machine guns: riot-squad type policemen waiting to arrest this man in full view of the cameras in Trinidad and Tobago and from abroad. This country was placed in shame, as a result of such behaviour. You know what is worse? The gentleman was freed, because the complainant failed to appear. This has made, not only a total mockery of the system, but it has demonstrated the abuse of power by the Commissioner of Police and by a judicial officer who failed to provide testimony. Could you imagine what this gentleman would have gone through, having to go and sit in a dirty and filthy Magistrates' Court, hot and sweaty in the dock, in front of his juniors? We have a Government that laughs. There is no civilized Westminster-type democracy, where such treatment will be meted out to people in such high office.

He was put on bail. [*Interruption*] You want to talk? You would have your chance. He was regarded as a common criminal, only to find out that he was the victim of false arrest, based on the lack of evidence.

We have to be careful, I want to emphasize the point I am making, that decent citizens do not become subject to legislation of the type we are debating today, as a result of the callous behaviour of people in office.

The Member for Point Fortin—if he does not mind me referring to his own predicament who is a Member of the ruling party—is alleged to have committed some misdemeanour by not even saying, but miming. I did not know that miming was a criminal charge. They waited until, almost the expiration of the period that he could be charged. It is my understanding that the Attorney General gave instructions that he be charged, just in time before the screening of candidates for

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the Point Fortin constituency. You will not know about that because you were not involved in that, I am sure. What I am trying to say is that the ruling party has a rule that if you are before the courts, you are not going to be considered as a candidate. I am not getting involved in the domestic affairs of the ruling party. I am talking about the abuse of power.

The Member for—[*Interruption*] They are coming for you just now. The Member for Point Fortin is on bail; probably his own bail. But the point I am making is that you can have people frame you because of their own ambitions and you can become the victim of persecution because they do not like the way in which you conduct yourself, whether it is in a political party or whether it is in the high office in the Judiciary.

The people who wrote the Constitution never intended, they never thought, that there would be a Prime Minister who will abuse his power as this Prime Minister has. Eric Williams was very dissatisfied with the way in which the Appeal Court handled the matter of the trial Raffique Shah, La Salle and others. He waited until the time to appoint a new Chief Justice and the one who was expected to be appointed Chief Justice was overlooked. Mr. Justice Isaac Hyatali, whom I worked with for quite a while, was appointed the Chief Justice.

He will not send the police to lock up the Chief Justice, or those who are aspiring on some frivolous ground, embarrassing him in front of his peers and in the international community. Since Trinidad and Tobago belongs to a major international block, with respect to its jurisprudence, what you have done is to sully the reputation of this country.

When a Prime Minister has the power, under the Constitution, to inform the President to set up a commission or a tribunal, to listen to charges against a senior judicial officer, that power must be exercised in such a manner that it does not constitute an abuse.

It is possible that you could be driving, as Speaker of this House, on the Priority Bus Route or somewhere—the present Chief Justice, or any judicial officer—and you could be charged for driving under the influence, if even you are not under the influence. The next thing you know is that a tribunal is appointed to investigate your high office. Such constitutional provisions are not meant for small-minded people.

That is the abuse we are talking about in this Bail (Amdt.) Bill. The Constitution, when it was written, was not intended to be abused by people in office. You dragged the Chief Justice from his office. You sent police to lock him

up. Nobody said a word about the Commissioner of Police, who laid the charges against a person holding such high office.

Do you know why section 137 was introduced in the Constitution? It was not introduced because of some driving under the influence, speeding or some commonlaw charge against holders of high office. It was instituted where there were serious questions about the conduct of people in high office. Today, what is interesting is that the person who refused to give testimony—after a matter reached the Privy Council, after a man was arrested or had to turn himself into the police and sat in the dock of the Magistrates' Court—based on his information, the Chief Justice is suspended and is before a tribunal. We cannot trust you with any more power. Giving you more power under this Bail Bill, is really to compromise our position as lawmakers and say it is okay for you to fail. It is okay for you, with all the resources available to you, the \$41 billion a year that is given to you by the grace of God.

Be certain, it is not by prudent management of the oil industry, it is a gift from above; a gift which has lasted for an inordinate length of time. It is now not only a gift, but a blessing. As a government, you have abused and wasted it. Then you come now to the Parliament and say: “We have failed to contain criminals. We have failed to contain kidnappers. We have failed to motivate the country to stand up and fight against these criminal elements, what we need to do is to pass law.” When you pass this law, any one of us could be a victim.

Let me give you an example. The Members for Port of Spain South and Ortoire/Mayaro are facing real possibility—they are on bail—of never again returning to this Parliament. Do you know what is interesting? The wheels of justice are grinding very slowly.

In a matter of someone accused of obtaining \$75,000, by some means other than the legitimate, a Queen's Counsel from the United Kingdom is here to prosecute. This is a country with all kind of brilliant lawyers, and the Queen's Counsel is in Trinidad to prosecute and every time the case is called, it is postponed. It is not when the Leader of the UNC is taken to court, the magistrate says: No, we are going to finish this matter and we are going until it is finished. He is not being screened to fight the next election on the PNM ticket. He is assured of nomination and election in Couva North, when the next general election is called. We have all confidence in his integrity.

Mr. Manning: Ganga too?

Mr. K. Ramnath: Yes. He is a man of great integrity. I know him from a very young man. You must ask him that. If you ask me about what I know of him, he is a man with integrity.

Mr. Manning: Impeccable character.

Mr. K. Ramnath: You can say whatever you want. Do not embellish what I have to say. I speak the truth. I am telling you how the system works. I am telling the House, through you, Mr. Speaker, that the failure of the system to work, can cause serious pain and suffering to people who are charged and are on bail.

The Member for Ortoire/Mayaro, is on a charge and on bail for a rather meagre sum of money, or whatever it is. The Member for Port of Spain South is alleged to have passed and stuck his hands out and picked up a paper bag on Tragarete Road

Mr. Hart: That is not true.

Mr. K. Ramnath: Member for Tunapuna, who is alleged to have done that—

Mr. Manning: You are the “allegator”.

Mr. K. Ramnath: That is what I read; the charge against these people. They are Members of Parliament. What is interesting is every time they go to court, the matter is postponed. If you want to get rid of people—

For example, my friend from Laventille/East Morvant, assuming the police, based on information that has—

Mr. Hinds: Is this relevant? I object, Mr. Speaker.

Mr. K. Ramnath: Mr. Speaker warned you. The Member for Laventille East/Morvant, who is a rather outspoken politician within PNM ranks and one who has incurred the wrath of the Prime Minister because he is outspoken—the Prime Minister does not like people who are outspoken—all that has to be done is to get the police to arrest him on the basis of a letter that he was allegedly involved in the dark recesses of his chambers doing certain things which constitute an offence. The distinguished gentleman could have been taken down to police headquarters with a charge laid against him and the Prime Minister would have been celebrating because he would have had his way.

Mr. Manning: Are you saying that I wrote the letter?

Mr. K. Ramnath: Letters come from all sources. On a serious note, many citizens are affected by the actions of police and the advice of people in high office and they have had their lives ruined.

I have such faith in the leader of the UNC who, at 74, will never allow himself to be intimidated by a police that is politically influenced. When I hear that we needed a Bail bill extension because it is in the national interest because we need to deal with the failure of the Government to protect the citizens, I begin to reflect on the absence of police on the highway, the absence of police in the stations and the absence of police with vehicles. Everywhere you expect police, they are not there.

I recall when they were sent to search the home of the Pandays, they went with a vanload of police dressed with vests and machine guns, in order to search the home of a 74-year-old man. They found nothing so they went back; the same police that cannot guarantee the safety of citizens, the same police about which so much is said by the Member for Laventille East/Morvant. You have to be careful, Member, they may come for you and you will have to get bail and then you can be a victim of this Bill, which could deny you your civil liberties.

It is the same police who were sent on international visits, to look for bank records while the Ambassador to London basked in the glory and sunshine of her residence, for which we have spent millions of dollars to refurbish and she swims in the pool that we have refurbished, collecting information.

Mr. Manning: Scantly clad?

Mr. K. Ramnath: The Prime Minister said scantly clad. I am just repeating what he said for the audience.

Mr. Manning: It is clear, he did not hear the question mark. It was a question I was asking.

Mr. K. Ramnath: Is the question whether Her Excellency was scantly clad? I will have to send a communiqué to His Excellency, Mr. Piggott, to find out that. The truth is that you have spent all this money to persecute the leader of the UNC. Do you know what the Lords in the Court of Appeal said, the magistrate was biased. That was what they said.

Hon. Member: No.

Mr. K. Ramnath: Well I am a layman, apparent bias and bias to me is the same thing. We are not going to argue that. After the expenditure of vast sums of money, the harassment, jailing and spending time in the prisons of the country, the courts of the country said that the decision of the judicial officer was biased.

Mr. Manning: He said apparent bias.

Mr. K. Ramnath: We would allow the lawyers, the Members for Diego Martin East and San Fernando East, to debate the difference between apparent bias and bias. I am telling you how I interpret it.

Emile Elias, who has accused the Member Martin Diego East of failing to pay \$23 million, won a lawsuit against the Member for Diego Martin East, for dishonesty. In speaking to Mr. Elias he said he intends to recover his money. The Prime Minister will be obliged not to run him as a candidate because he would be bankrupt and an undischarged bankrupt.

He likes to attack and when he got it, he did not heed your warning. I spoke to Mr. Elias myself and he indicated he is not going to spare him because the court has ordered him to pay \$23 million. Failing to pay, he could end up in jail, without bail.

I want to return to my notes. I want to get back to the point. It might very well be that the only person I will see in this Parliament, when I get back here, would be the Member for San Fernando East. He has a plan to get rid of all of you. You know I am very fond of my colleagues in the back, but I would not see any one of; in spite of all the loquacious presentations.

The economist, on one hand is so and so and on the other hand, they take no position. They glibly speak about everything and then they have nothing to say in the end. But my friend from Caroni East can redeem himself as time—

Let me make the point that this legislation can impact on all of us. Just as I have told you, you would be spending some time in the slammer. When we reach the situation in this country, where the holder of very high office can become victims of police conspiracy or conspiracy between the police and politicians, you have to be careful that you do not give additional power to either the police or the Government. While it will be argued and articulated by many that if we give the police additional powers, or if we prevent the court from having jurisdiction over the granting of bail, that such powers will redound to the benefit of the citizens, we might be fooling ourselves.

I see myself as a democrat. I believe and have faith in people. I am very concerned about the tendency of politicians to the accumulation of personal power. And evidence before me is San Fernando East himself. I believe that if you give too much power—we have supported the Police Service Bill to provide the commissioner with wide-ranging powers, so that we could protect our citizens, but we did not provide those powers to be abused.

I want again to remind you that what was reported in the newspaper, is that the Prime Minister told the Chief Justice: If you do not resign, I am going to have you locked up. That was a statement published in the newspaper quoted from the hon. Chief Justice.

Mr. Manning: I wonder if the Member for Couva South could give us the exact reference, and failing that, whether he could be kind enough to withdraw the statement?

Mr. K. Ramnath: Let me repeat what I said. It was reported in the newspaper. If you think you going to catch me on some privilege nonsense, as you have done the Member for Fyzabad, it was reported in the newspaper, which quoted the Chief Justice. The *Express* newspaper, on the front page: Resign or be locked up. It is up to you to deny or to accept, not for me to prove.

Mr. Manning: Mr. Speaker, could the Member for Couva South give us the date of the publication, the name of the newspaper, the byline of the article, or failing that, could he withdraw that incorrect statement, Mr. Speaker?

Mr. Speaker: Before you go on. Hon. Members, the speaking time of the Member has expired.

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

Question put and agreed to.

Mr. K. Ramnath: Does the Member for San Fernando East wish to perpetuate this waste of time? I do not have to withdraw. I did not make any accusations. I said it was reported in the newspaper and that is so. I did not make any accusation that is what he said. If he feels guilty of committing a crime, that is a matter for him, but I am not accusing him of committing any crime. Why do you not go in the library and look for it? You have research facilities available to you.

Mr. Speaker: No, it is not against the rules. The Prime Minister has asked the Member for Couva South to provide it. He is free to provide it. I do not think he could provide it right away. I would imagine, in the course of time, the Member for Couva South will substantiate what he is saying by providing it. Continue, Member.

Mr. K. Ramnath: I am prepared to give way to the Prime Minister to say whether he said it or not.

Mr. Speaker: Just as an aside, you did say that the Prime Minister would be the only one who would be left, but you look like you do not want anybody on this side to be left. Please, move on.

Mr. K. Ramnath: We spared him in 1986, when we refused to have a recount in San Fernando East, because of the magnanimity of the then Prime Minister, when he was soundly defeated in San Fernando East and we decided not to have a recount. This is not the first time that he will face that kind of treatment by the electorate. All of this running around the country believing that you can convince the electorate that you would get this constitutional majority. Let me tell you, you are fooling yourself.

I am making an academic point. I am not accusing anybody. When a police commissioner, on the advice of somebody in high political office, decides to act because of a complaint—the Prime Minister can become a victim of that. The Prime Minister is not immune from being arrested by the police.

Mr. Manning: I was investigated four times by the Integrity Commission and cleared.

Mr. K. Ramnath: Did you do like the Member for Diego Martin West and call for their resignation? If you were investigated four times and cleared and he was investigated and the court ruled that they had no powers to do that. Clearly, what they have done against the leader of the UNC, it means that they have no creditability and that they should in fact resign. I do not know whether we as a Parliament have the power to do anything about that. That is an institution appointed by His Excellency, the President. It is very important, some other time that we have a full debate on the politization of the institution of the Presidency.

Mr. Speaker: No, I think you have to be careful with that one. You must leave the President out of this thing.

Mr. K. Ramnath: You notice I chose my words. I was talking about the institution, which consists of a lot more than the President. It will be interesting, as to how we can debate the powers of the President in this Parliament. It will be very interesting. I shall visit you to find out how we can do it. It might very well be that it is time for us, as a Parliament, as people who have been elected by the sovereign people, to begin to question how that institution operates. I do not know, I am just saying.

To me, Trinidad and Tobago, in its 44th year—I just came from Malaysia and they are 51 years—of independence still has an archaic system. Do you know

what is even more archaic? The elected people cannot even comment. We have archaic Standing Orders, which we must deal with. We must have some constitutional changes, so that the elected people can run this country properly. We cannot do anything about the Integrity Commission. We cannot do anything about the Judiciary. We cannot do anything about commissions of enquiry.

Why is it that this Parliament cannot establish the laws required for us to set up an enquiry, in order to investigate many things that are happening in the country? The Prime Minister has to convince the President to set up a commission of enquiry. When that commission report goes to him, he may choose to give the Prime Minister the report or decide he is not going to give it. All of what is taking place in the country that can be described as an abuse of process and power is because we have a lot of archaic institutions.

We are not averse to supporting legislation that is going to modernize the system. The solution to the crime in the country is not to deprive citizens of their civil liberties, but rather we should be working on establishing institutions that will deal with these problems and one of those is the court, but one is not using the Parliament to say you are denied bail because the police is incapable of protecting citizens. We have to make sure that we protect the rights of citizens of the country.

We gave you, on two occasions, the extension of 90 days on each occasion. Do you know that in 90 days they will be back to deny citizens of their freedom. One of these days—[*Interruption*] I was not elected here to support you. Who do you think you are? I was elected to make sure you get out of power. I have never seen such boldfacedness in my life.

The Prime Minister could tell you that with the poor reception he received when he tried to walk through Couva South, that his influence there is almost nothing in Dow Village.

7.10 p.m.

The worse thing you can do is to bring people dressed with t-shirts, then you see no other persons, except the ones that you walk with. I just want to remind him that I represent people who do not share the vision of the PNM, and I represent all the people in Couva South. The majority of people do not share the vision of the PNM. This is how the system works. We are not here because you feel that you have made out a case. What you should be doing to this country is apologizing. [*Desk thumping*]

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[MR. RAMNATH]

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You should be saying to the country that the police have failed to provide security for citizens. What you should be saying to the country is that your policies have failed and by the policies you have enacted, citizens of this country have chosen a way of life that is not acceptable to decent citizens. What are you doing? Why are people choosing the way of crime? Is it that people are attracted to crime? Are they just inherently bad and they wanted to be kidnappers and criminals?

The fact of the matter is, you have alienated too many people; the money you are collecting as a government is not trickling down to the average citizen. You believe that you can bribe him by giving him keys to a house and then tell him he has to pay \$500,000 for it. After the election he loses his house, because he cannot pay for it. If you listen to the Minister from Diego Martin West and you listen to people from the National Housing Authority, many of these people who are the recipient of keys to these houses are not going to be there for very long. They are incapable of meeting the payments for these houses.

So what is going to happen, Mr. Speaker, in this country there are very many wealthy people and there are very many wealthy poor people. Those who have chosen the wrong path of crime have to be brought back into the mainstream; you have no programmes to deal with that. You have failed to create opportunities for people so that they can go on the right path. It is a disgrace that this country has to import labour from abroad, particularly Chinese labour. I am not against contractors who bid for work in Trinidad coming and working in Trinidad, but I feel it is a disgrace that you will bring labourers to work in Trinidad.

So you have to attend to the social problems that give rise to criminality in this society. And what you have done, crime is flourishing and you are trying to take away civil liberties from citizens, so that you can claim you are doing something about dealing with the criminal elements. I think the Government should be ashamed to come at this stage and say, we want a further 90-day extension, because that will impact on the level of kidnapping and crime in the country. They have no evidence to suggest that that will impact; absolutely no evidence.

Most of the crime that is taking place in the country, takes place on the highways of the country. Criminals are allowed to do anything they want on the highways. You have no system of apprehending these persons who are causing death and mayhem on the highways of the country. Many of them are stealing cars and they are moving freely on the roads of the country. Where are your police? For those of us who go down to San Fernando on a regular basis, when

the Prime Minister was domiciled in his earlier days in San Fernando the only police cars were the ones that accompanied him to San Fernando; you could not get any.

Let us not try to hoodwink the population to make them believe that this Bill is going to solve the problem. I am sure when you come back here in another 90 days and another 90 days you will be saying once again, is about time we make this permanent. Judges in this country are quite capable of determining whether a person should be given bail or not given bail. You are really encroaching on the right of a judge in the execution of his judicial function when you pass legislation, which denies the judge from deciding whether the person should have bail or not. The magistrate can refuse bail and in the event that the magistrate decides to not grant bail you can go to the judge. Have you lost confidence in the ability of the judge to assess a situation? I am sure you cannot say yes, because you have no evidence of that. Why are you legislating? I think our judicial officers are quite capable of —

Mr. Valley: Could you give way, please? Mr. Speaker, the Member claims that he provided support for this legislation on two occasions; the same legislation. The issue of the judges giving bail at that time did not arise. I am asking him now, why is it arising? Why is it an issue now? Why was it not an issue when you provided support for this legislation on the two previous occasions?

Mrs. Persad-Bissessar: Only once. [*Crosstalk*]

Mr. K. Ramnath: Whatever, how many times; I will tell you what is the issue. The issue is something called bad habit, because you admit that the legislation requires a special majority; that the legislation goes against the provision of the Constitution. It contravenes certain sections of the rights of individuals, which is, to have bail. If we gave you on a previous occasion the extension that you sought to remedy a particular problem, you are back again. I am asking whether you are going to come back in 90 days with the same argument, which means that we will be involved in ad hocism. And perhaps one day you might convince my colleagues in the back, who have no difficulty in supporting you every time you ask for support and it might become permanent.

I am trying here to speak to my colleagues in the back as well—

Mr. Ramsaran: Well face the back.

Mr. K. Ramnath:—to warn them that your plan; you had a long term plan that if you convince them sufficiently enough that you should extend this provision to deny people bail, they might just one day decide that it is important to have it permanently established.

Mr. Valley: Please, could I ask another question? Mr. Speaker, the issue of course, has been the level of crime on humanity and the kidnapping and so on; the Member is claiming that, look, it is still there and therefore, if it was important at that time to deal with that issue, I wonder whether the Member could tell us why it is not important now. Because our argument is that it persists and therefore we continue to need the legislation and that is why we are here for the extension. I would like to hear from the Member.

Mr. K. Ramnath: I just want to be charitable at this time, because it is usually the time I head off to my constituency. It is up to you, not me, to prove that when you legally violate certain entrenched provisions of the Constitution you must be in a position to justify that.

You have failed to justify it; I have suggested to you and I am saying that you have not provided sufficient information; you have not provided sufficient rationale for saying that this legislation in another 90 days will provide the citizens with the assurance that they will be secured; you have failed to do that. You should have been on bended knees here today and repenting. You should be saying, “I have failed you, please give me a chance and in 90 days I will come up with a solution to the problem”. You come here and with the arrogance and pomposity of the Member for Diego Martin East, believe and behave as though we have an obligation to support. When you listen to the manner in which he has delivered his diatribe today, that alone tells me that I should not support it.

However, I am very open, as we all are, based on arguments coming from your side that could convince me that there is still hope to support the legislation. If I may repeat myself, your behaviour has demonstrated that you are not really interested in solving the crime problem but you are interested in using the cohesive machinery of the State in an attempt to get rid of the criminal elements, you also interfere with law-abiding citizens. And I have demonstrated to you; you are going to fail in all the attempts at persecuting people who have been opposed to you, even those from within your own party. You will fail and then the country will see that you have no solutions to the problems of the country and in fact, you should resign. Any government that has allowed crime to reach and achieve the proportion that it has reached today should really be apologizing to the nation and should be resigning.

That is my contribution.

Miss Gillian Lucky (*Pointe-a-Pierre*): Thank you very much, Mr. Speaker. I always listen very carefully to the advice that you give us or the orders that you make and the warnings that you state. Earlier when the Member for Couva South was speaking you made the point on the other side that they ought to be very careful when dealing with the Member for Couva South. But let me begin by saying, after hearing that contribution, I intend to deal fairly and squarely and in a frontal manner with the Member for Couva South because let me state from the outset, "I ain't fraid him". [*Desk thumping*] Because to have to sit and hear the kinds of accusations; to hear points being put across without merit, but I say, in convincing style, that if you did not know the facts you could easily be hoodwinked and get carried away. When I see other Members—and I mean no disrespect to them—laughing at some of the jokes and themselves getting carried away by the asides, I make no apology for keeping my face very serious, because this is about serious legislation. [*Desk thumping*]

All this “kicksing” in the Parliament; maybe that is the style, that is the way and that is how you get through the long hours, but I make no apology for saying I am one of the younger Members of Parliament and if it is we are dealing with serious legislation like this Bail legislation, that calls for a special majority, then let us give the legislation the just consideration that it deserves. [*Desk thumping*]

To hear ridiculous arguments where the Member for Couva South talks about cases that he knows nothing about; that I have personal knowledge. Mr. Speaker, do not be afraid, I know the rules; I read my Standing Orders and I do not want to descend to some of the low levels that some other Members feel they could descend to; not necessarily here. Because, Mr. Speaker, I know that you ensure that Members, if they do decide to go below white lines in here, are dealt with by you. But for a Member to stand and without having information, suggest that one case in the criminal courts is going a particular way and another case is going another way in terms of speed, without knowing the facts and making a kind of suggestion that goes into the public domain, I think that is unacceptable, because the Member does not know the facts.

He does not know that an accused person has the right to say, "I want my matter heard speedily." And that may be the reason why a matter is going in a particular direction. He does not know if there are legal arguments in another matter in San Fernando. He does not know if certain witnesses are being challenged. He does not understand any of the legal matters that are in the courtrooms but comes here again, to make a political divide. [*Desk thumping*]

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That is always the problem when we are dealing with this legislation, but it does not end there, Mr. Speaker. Facing the Government, he makes all the accusations that are meant for the Back Bench Opposition. [*Desk thumping*] I thank the day I sat on the Back Bench. [*Desk thumping*] Because it allowed me to see things the way they are supposed to be seen. I do not have to beg for any seat and the same way the Member for Couva South accuses persons on that side for making, in their contributions, slight suggestions to the Member for San Fernando East, whom he believes will be choosing and disposing at his whim and fancy, the Member for Couva South did nothing different here this evening, as he too played for a man sitting in a red beret watching Channel 11. [*Desk thumping*] And let people in this Parliament understand, Gillian Lucky, Member for Pointe-a-Pierre is not going to make apologies. I have no political points to gain; in fact I may be losing political points.

But I know having worked as a prosecutor for many years and I know now in my capacity as defending persons in some instances, I always try to make sure that when we are dealing with legislation there is that balance. When the Member for Couva South refuses to understand that the reason we have to support the legislation and I say "have to support" is that, in 2005 when the Members of the Front Bench with Members in the Back Bench working in collaboration with the Government agreed to pass that legislation in 2005 for a one-year period, it impacted on the parent Act; that is the 1994 Bail Act.

If we do not support the legislation, each and every time it comes here, it is going to lead to the destruction of provisions in the 1994 Act. So with the greatest respect to the Member for Diego Martin Central, your best defence, even in the questions you are asking, it was clear that you were trying to get from the Member for Couva South, well listen, you supported the Bill then, but you are not supporting it now and trying to use the inconsistency, which I agree, cannot be justified, as showing that the Front Bench is really being, I would say, delinquent in its duty. But let me tell you and it comes from us in the Back Bench, your strongest point is to let the nation know that if we do not support the legislation, all the schedules that were affected; all the schedules that were repealed in 2005 will not be able to be revived and therefore you would have a Bail Act, the parent Act of 1994, which literally will be a skeleton without any flesh. [*Desk thumping*] That is the reality.

Instead of talking the politics; you see the Member for Couva South every Monday night feels he can go and say what he wants and I am fed up of it. Say what you want when you are outside the Parliament, but when you come here, do

the Parliament's business; do not try and get two bites of the cherry. [*Desk thumping*] Use the political platforms to make your political points, and when you come here, let us remember we are legislators first. We are legislators first. And if you take time with the brilliance of your Leader of the Opposition, Member for Siparia, who sits next to you, whose accolades you were just so free in giving, check the Interpretation Act; look under the rubric repeal and amendment, section 27(1) and read where it says:

“Where a written law repeals or revokes a written law, the repeal or revocation does not, except as in this section otherwise provided, and unless the contrary intention appears—

- (a) revive any written law... not in force or existing at the time at which the repeal or revocation takes effect;”

In other words, when in 2005 the legislation created a new schedule, which was called Part III and repealed and revamped a Part II that was in the 1994 legislation, understand that if we do not support the legislation each time the legislation is going to expire though schedules in the first instance, the one created and in the second instance, the one repealed, Part II, would never be able to be revived. That is the reason we have to support it.

So what do we do in the Back Bench? You see, Mr. Speaker, going into personal attacks is just not my style; even wearing berets is really not my style. My style really, is to see how, with meaningful debate, we could come to some element of healthy compromise. I always say, people who are quick to talk about done deals, they know about deal making. We do not make deals; what we do is we try to ensure that we do not compromise the national interest. [*Desk thumping*]

I agree with the Member for Diego Martin Central, when earlier I heard him say that—I think what he was suggesting is that it would be inappropriate to discuss the content and the specificity of those discussions that we had a little earlier this afternoon. But what I can say is that the Member for Princes Town, who I would have much preferred to hear speak before the Member for Couva South, because I think the Member for Princes Town did raise some valid points. Therefore that 90-day period, that is constantly given to the Government serves, amongst other things, as an opportunity for the Government and those of us in Opposition to see whether we need to fine tune the Act more.

I must admit that the Member for Princes Town, with his vast experience as a defence attorney in many jurisdictions, including the magisterial jurisdiction, has certainly given all of us food for thought. [*Desk thumping*] And that is the

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purpose of the 90 days. Therefore, to suggest that there is any kind of unhealthy compromise and to send these warnings about who would be there and who would not be there, as far as I am concerned, keep that out of the Parliament and instead spend some time researching, getting facts, not distorting information and let us see how we can better tweak legislation so that we would really get it right. That is what new politics is about.

Mr. Speaker, more and more with each passing day I recognize that there are people in this country who say they want maturity in the politics; who say they want truth; who say they want new style, but I really believe that in some instances these people are just saying it. Sometimes I really wonder if this country is ready for the politicians who are prepared to put country first. [*Desk thumping*] That is why we on the Back Bench make no apology for saying that we are putting country first; we are prepared to put the politics aside, but we are very mindful of our duty and we do not just easily or willy-nilly say to the Government, yes, we are giving you 90 days. We do our checks and we say, listen, this is what you were supposed to do, let us see how much you have done.

I know the Member for Diego Martin East did—and in the most part was very accurate—indicate what were the undertakings the last time the legislation—that was earlier in 2007—was in fact agreed by the Opposition Back Bench for the Opposition Back Bench to give it support. There were four things and the first thing was to debate within the first 30 days of the 90-day extension period, the Equal Opportunity Bill. The debate to commence by April 22, 2007 and completed in both Houses within the three months.

I will always remember in the Parliament when the Member for Siparia, who was speaking earlier—because of the way the pecking order moves—on a particular point and seemed to have gotten the attention of the Member for Diego Martin Central and despite this April 22 day to commence debate, the Member for Diego Martin Central got up, and in his enthusiastic way said, “Okay, okay, we will debate it, we will debate it sooner”, and we had put the debate for Monday, March 19, 2007; I have my notes.

I remembered saying to others who were away why we had pushed it down to April 22, 2007—and I mean no disrespect to you, Member for Diego Martin Central; I suppose with all that barraging and nagging you just literally got up and responded in quick fashion and I did not want you to be unwell. I really would like you to be able to use your legs and jump up as you would like. When that happened, I remember turning to my colleagues, the Member for Chaguanas and the Member for Barataria/San Juan and saying, it would mean that we would get

the Equal Opportunity legislation without the necessary amendments being made, bearing in mind the Court of Appeal decision. And so said, so done, because to get the debate now, because of course, the Member for Diego Martin Central would not want to lose face, promised and did bring the legislation, but guess what; 2000, Equal Opportunity Act; 2007, Equal Opportunity Bill, basically the same and the 2007 Bill unfortunately in patent violation of the points that were raised by the Court of Appeal.

So the very ambitious undertaking that the Equal Opportunity Bill would have been passed in the 90 days, literally dropped. I mean that chance was lost before the Bill really got, in my view, the opportunity to be debated properly. Because what had to be done and the rest is history, that Bill had to be sent, and is now before the Joint Select Committee. That is another reason I point out, Mr. Speaker, why it is important we give a 90-day extension. The Government—the Member for Couva South did not seem to appreciate this—when you looked at the Bill brought here this afternoon, did not have a duration clause. So clearly the Government was going to be of the view, well listen, they want certainly something more than 90 days.

Again, what we have done as a responsible Back Bench Opposition is, we have said no, no, no, 90 days; you have to come back and whether there is campaigning or no campaigning, wherever we are at, you will have the deadline and you must come back and call to account. The best opposition is not an opposition that merely opposes, but an opposition that forces a government to be accountable and transparent. [*Desk thumping*] And that is what we are doing. I would say for the political platforms when I say, look at what we are doing with limited power in Back Bench Opposition, imagine when we get into government, but I would save that for the political platform. [*Desk thumping*] That is the situation we have with the Equal Opportunity Bill. [*Crosstalk*]

Mr. Speaker: Order!

Miss G. Lucky: The second undertaking by the Government was the passage in both Houses. Mr. Speaker let me say this, despite distraction, I have been so inspired to take my almost 75 minutes, by the Member for Couva South, because in my view, I have said it over and over again, the Standing Orders must really change. I keep suggesting that we have 30 minutes in the first instance and an extension of 10 minutes, because clearly, some people believe that 75 minutes is the full allocation and even if it is a matter of abusing it, so be it. I do not intend to abuse it, I try to lead the way, Member for Tobago East, by coming to the point as quickly as I can.

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The passage in both Houses of the DNA legislation and the Breathalyzer legislation, the Member for Diego Martin East was right. The Breathalyzer legislation has been passed in the Lower House; it will go to the Upper House, but the DNA legislation and again, no fault of any particular body; the Committee has been meeting, but there were some hiccups that were encountered; that were not catered for and as a result, I think we have one meeting again and that legislation is coming.

So, again, we need those 90 days to make sure, because, Mr. Speaker, let me say, we hold no brief with the Government. We are convinced that if we do not keep putting the 90 days, this Government is going to let everything just fall and do nothing. I am sorry that I have to use the analogy that sometimes I feel we are having to whip a horse—I do not like the concept of hitting an animal—to get it to do what it is supposed to do. Unless we use the time lines the Government is not going to do anything; we are clear in our mind.

The third thing, and this was completed, was the laying in Parliament of three pieces of legislation amending the Constitution, Police Service Act and the Police Service Regulations. The fourth thing was the proclamation of the Justice Protection Act, 2000 and the laying of the regulations for that Act by April 06, 2007. Member for Diego Martin Central, I am subject to correction, but I do not think this was complied with as yet. I am just saying I do not think so.

So, Mr. Speaker, understand that even though these may have been ambitious undertakings, I want to say that if the Government wanted to achieve it, it could have, but it would have meant more sittings of Parliament, and certainly more sittings of the Joint Select Committees. I think really a greater input from the draftsmen to read the Court of Appeal or Privy Council decisions that are binding us and not just laying things in the Parliament for the sake of laying it, but really making sure that when the legislation is brought many of the important matters have already been addressed. So we needed that 90-day period.

Mr. Speaker, that is what we have to understand; from the time support was given to the 2005 Bail (Amdt.) Act there was a need to continue monitoring the Government yes, but giving the level of support.

7.40 p.m.

Mr. Speaker, the Member for Laventille East/Morvant did, in his presentation, and many times we were reminded by other Members that the Bail (Amdt.) Bills, from time to time have come to the Parliament, up or were, and today's Bill is primarily geared at dealing with bail as it applies to the offence of kidnapping for

ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act of 2003. We have heard from Members in the Front Bench how draconian the legislation is and you want to make sure that you are not violating people's civil liberties, and that is why when the legislation came the last time, we said look, remove the words "at trial" and make sure you say "within 60 days". It must not just be that the trial has begun but evidence must already have begun to be taken, because there was the recognition that you wanted to ensure that matters were expedited and that persons who were denied bail were given that opportunity to have their matters heard and you leave it to the good judgment, conscience and operations of the courts to ensure that when matters are part-heard, as we called them, that there are not long adjournments so these matters can be dealt with.

And when you look at the definition for the offence of kidnapping for ransom or knowingly negotiating to obtain a ransom, one will appreciate that these are very serious offences, and very serious offences which are not as prevalent as before, but certainly had been prevalent at the time when the legislation was brought in 2005, have to be particularly and specifically provided for. And again, that 90 days helps us, because in the time frame of 90 days if there is a need to be more draconian, less draconian, get statistics, let us see how these matters are before the courts, how it is actually operating; it helps us to make informed decisions.

Where I find and I made the comment on the last occasion, Member for Laventille East/Morvant, with the greatest respect and through you, Mr. Speaker, it is not for me really to be judgmental and assess the contribution, but what I find is lacking, and I am asking for the next 90 days, if at least the information could be brought, that we really need to know, not merely that there is a decrease, because I take it that your figures are accurate and there is a decrease.

But you see where we do not get your figures assisting us is in the detection rates, and I have had the detection rates, and in fact I have had the formal records for total serious crimes reported/detected for each month starting January 01 to January 31, and going through to February, March, April and May. I do not have the resources of the State and cannot call an office and say give it to me immediately, but what I find particularly frightening, is that based on the statistics as I have it, the detection rate for January was 27 per cent, for February, 24 per cent; for March, 22 per cent; for April, 19 per cent and May 20 per cent. I do not have for June and therefore the average is 22 per cent, and like it or not, 22 per cent is really wholly unacceptable. I am not talking now about kidnapping for ransom or kidnapping, I am talking generally 22 per cent overall, and I am saying

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that is very frightening [*Interruption*] in all. In other words, total serious crimes, I am saying the detection rates, because remember although the Bail Bill is providing primarily for kidnapping for ransom, you cannot divorce yourself from the fact that there are other serious offences which form part of the schedules.

So when I heard the Member for Laventille East/Morvant saying, and he was right when he gave the factual account that Members on this side did not support an aspect of the legislation, Act 21 of 2003; this has nothing to do with bail, but the Act to provide for the punishment of kidnapping for ransom and other related offences. I was one of those who made it clear that I did not think that any family member or person who paid a ransom, either in whole or in part when a person was kidnapped ought to have been made a criminal offence for that action, and there was a reason for it and the reason still stands true because I have done some research and I want to use Italy, for example. In Italy it is a criminal offence if somebody has been kidnapped, for any person, but especially family members to negotiate with kidnappers. In fact, what is done, family accounts are frozen, so the families sort of assisted, if you want to say from even being tempted to negotiate.

There is a reason for it, in Italy, because I was reading in the background, there were many drug related offences, there were turf wars, there were mobs and there was the whole mafia, and what was happening is the police were making inroads and because the way their legislation was framed, when they could have gone in their sting operations and arrested persons, family members that paid and they could not get the evidence that was needed. And what was interesting is that the detection rates for those offences—kidnapping for ransom and so—in Italy was as high as 85 and 90 per cent. So what the police was saying is listen, when your family member is kidnapped you do not go now and pay and destroy our ability to go and capture the persons, and family members could take comfort in the fact that, listen, the chances are—for those of us who love maths, risks and probabilities and so—85 per cent to 90 per cent the police would be able to get the family member without any kind of negotiation. Here in Trinidad and Tobago, we are talking 22 per cent.

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, in accordance with Standing Order 10(11), I beg to move that this House continues to sit until the completion of the Bail (Amdt.) (No. 2) Bill, 2007.

Question put and agreed to.

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Miss G. Lucky: Thank you, Mr. Speaker, and then the matter that immediately comes to mind, and again I remind myself, it is a matter before the courts, so I say no more, but just that we have had instances where persons kidnapped have eventually been found dead or not found at all. So, sometimes a kidnapping offence or kidnapping for ransom converts now into a homicide, and that is the worrying state. You see, when you tell family members—and I am just asking, Mr. Speaker, I would not bring you into it but I ask other members of the House to just put yourself in the position, very short period of time, think that somebody you are very close to or somebody you love dearly is kidnapped, your almost reflex action if you get a call asking for a ransom is to pay. Especially when you may be hearing the screams, the threats, well you will be seeing a body part coming into your letter box, and if you have the confidence in the police; I am talking about the police in terms of, not just their competence but having the reserves and having the equipment and knowing that, listen, the chances for recovery are high, one could see that you would be distraught but you would have some level of comfort and hope.

But at 22 per cent, Mr. Speaker, I really do not think, and that is the overall, even a 50/50 chance I would think, that is just too low, because if something happens to that person you love dearly you would also think what more could have been done. And I want to be fair, because Member for Arouca South, you did tell me that the percentage I gave was overall, 22 per cent. Now, I do not have kidnapping as distinguished from kidnapping for ransom, so for example: January, detection, 9 out of 18 kidnappings; for February, detection, 4 out of 7 kidnappings; for March, detection, 9 out of 18 kidnappings; for April, detection, 10 out of 20 kidnappings; and for May, detection, 4 out of 11 kidnappings. So, you are literally operating at about 50 per cent and I am still saying when you consider that kidnapping, the way it goes in this country, where gang—some people they lose control and so and people are shot and killed, you have to be careful. And therefore, I think the best way to get persons to understand that they should not negotiate with the kidnappers, do not try and change the psyche of the human being who is trained to always protect people they love, take those detection rates higher, and when you get them higher then you will be able to instill confidence.

And better than that, Mr. Speaker, it does not end with detection, conviction rates, and that is where, Member for Laventille East/Morvant, I am asking you the next time, because I do not want to be unfair to you and say, could you provide us

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with the figures now, because this question maybe *improvviso*, although I do not think it is because I had asked for it on the last occasion. But clearly we would want to know what are the conviction rates? Because many families who have been the victims of this kind of crime; who have given evidence, if they know that the kidnappers are going to walk or the persons accused of kidnapping for ransom, or they have been threatened, may not want to give the evidence. So, again, this is something else that has to be considered.

Mr. Speaker, I think what we have to also come to terms with is in 2005 we were dealing with amendments to the Bail Act with the primary focus of reducing the particular offence, or the commission of the particular offence, kidnapping for ransom. But there are many aspects of the bail legislation, that is the 1994 parent Act, it has to be dealt with. Again, that cannot be dealt with in fairness to the Government today. But I really wish that the Government would take on board many of the suggestions that we have been making every time since 2005 we have been debating the Bail legislation and the Bail (Amdt.) legislation. For example, you would remember when the Attorney General was in the House and we were debating a previous piece of legislation, not the Bail (Amdt.) Bills, I had been asking, for sometime, why is it in Trinidad and Tobago we have not pursued categorization of murder, and the Attorney General pointed out that there was a case before the Privy Council and in any event, it is because we do not have categorization of murder that for Trinidad and Tobago it makes our case stronger for the retention of the death penalty.

If that be the case, then I am just pointing out, we know that murder is a non-bailable offence and I do not want any Member on the other side, including the Member for Laventille East/Morvant to jump up and state, even in his closing that I am saying if people commit murder then they ought to get bail. That is not my point. The point I want to state, is, there are many instances in which police officers have charged persons for murder when the circumstances would have been better met with a charge for manslaughter, which is a bailable offence. So, for example, we have had instances in this country where a family, I think with two or three sons, doing work in a garden and two persons went into the home where the mother was and were about to attack her and rape her. When she screamed, the sons, of course wanting to protect their mother, and the father, dropped all tools and ran into the house, when they ran into the house the two men who were about to rape their mother, seeing these events before them, the two men ran away and the sons and the father ran behind them to capture them. One of them was able to pick up a shovel and when he picked up the shovel—this is one of the sons—he hit the two men and one of them died.

The sad thing is, the sons and the father were all charged for murder, when the issue could have been self defence which is total exoneration or excessive force which will bring in the issue of manslaughter, sad news, Mr. Speaker, this is before Pratt and Morgan, for 10 years without bail the father and two sons stayed in jail. In the interim, I think the father died while in jail, and of course when the matter came before the courts, eventually, I am sure whether there was a *nolle prosequi* or whether they were found not guilty. The reality is a whole family was destroyed and when the mother was interviewed, she said my life—I mean it brought tears to my eyes, I was not involved in the prosecution, but the mother said, I always remember reading it, I was working in the office of the DPP—was destroyed the day my family was charged, and imagine they had come to protect me. She felt as though she, not being able to protect herself had made them or put them in the dangerous position, and I am just saying when you hear those stories, if it does not, in any way impact upon you, then it means as a politician you have lost the most important characteristic and I think that is compassion. That is not the story of all murders—

Mr. Hinds: They were not prosecuted.

Miss G. Lucky: I do not remember whether they were a *nolle prosequi* at the high court or whether the jury returned a verdict of not guilty, having been directed. I think there was a no case submission. I really cannot remember that aspect of it and I do not want to mislead the House, but I am just saying, Mr. Speaker, now that we have gotten the formal position on the fact that we will not be having, or it is unlikely we will go the way of categorization of murder. I am not suggesting that murders get bail, but I am saying during the 90 days, could we come up with some kind of formula, maybe before there is a charge for murder proffer by the police, such matters be sent to the office of the DPP for his advice, because the DPP cannot mandate what a charge should be, but certainly could be resorted to for advice and guidance. And I am just saying these are the things that I—

Mr. Manning: But surely that could be done even after the charge has been laid because the DPP has the authority to adjust a charge.

Miss G. Lucky: Member for San Fernando East and hon. Prime Minister, that is not usually the way it would be done, because once there is the charge and the person is before the Magistrates' Court, even though a State prosecutor may be assigned; it is very unlikely—I mean the magistrate has the power to commit for the lesser offence of manslaughter. But in many instances, because there are legal issues, one might find that the buck is passed, no disrespect to the judicial

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officers, and the person, they wait until they go to the High Court, and again, the DPP has the power when the papers are sent, when the indictment is being drafted to be filed, at that point you could find, well, the evidence does not suggest murder. But, because it is a non-bailable offence and these things take time in terms of getting the evidence and so, I mean, one day in jail when you do not deserve it is really one day too much. And with the state of the prisons and what happens in jail, I do not need to go into the details, events could lead to destruction of human beings and they are really destroyed for the rest of their lives.

So, I am not saying that I have the solution, I am making a suggestion, and I am saying, maybe this is something that could be considered, because if we are not going the way of categorization as in the United States for example, and we are staying with what we have, then maybe we have to get it right at the earlier stage. That is all I am suggesting.

Mr. Manning: Why did you not point that out?

Miss G. Lucky: With the greatest respect, San Fernando East, the Attorney General was in the House and he explained why there would be that difficulty in going for categorization. But I do know and I did point out to the hon. Attorney General that the legislation dealing with categorization of murder has already been debated. It is one of the pieces of legislation already debated, but it was never proclaimed. I think that was the status, so, maybe, there could be a revisiting of it because that is something that really concerns me.

You see, very often and I think the Member for Chaguanas was making that point in our discussions, that it is only until it affects your family member that you really begin to realize how convoluted our entire bail system is. I mean, it is very easy to understand if you are charged you need to get bail in the sum of \$100,000 to be approved by a Clerk of the Peace with a surety, but do many people understand, even though you may have a lot of property you cannot use your own property for bail. So that even though you may be very propertied, that does not assist you, so then you depend on, sometimes other members, and family members are sometimes not around because they do not want to deal with, or put forward their properties.

Mr. Speaker, even though the parent Act of 1994 does make provision for mortgaged properties to be used provided that the sum does not exceed the sum that is owed, does not exceed the bail, there are many persons, their equity, and Member for Princes Town you know that the general rule is do not bring any

mortgaged property. In many jurisdictions they would not even take money, not because there is no law, but there is no infrastructure. So those are the things that I would like to see because there are many people charged who have the cash, who tell you, listen, I have the cash. Foreigners for example, who may be charged for being in possession of something and they do not have property here, they do not have relatives here, they have no way of raising the bail, they do not know when their matters would be heard but they have access to money; their family members can send money. We have to find ways of not making bail easy but making it accessible, and those are the things over the 90 days I think would be important.

And this is where Justices of the Peace and Clerks of the Peace could help us, and that reminds me, Mr. Speaker, when I speak of Justices of the Peace, because quite recently they have had a problem where they are concerned, now, about their safety and the taking of statements and so. I am saying that we really need to have conversations and consultations with these interest groups and bodies that would have the level of experience and knowledge for us to take on board to make sure that we do not just have the laws, but we have the infrastructure that can take it through. For example, it is time we start thinking about the establishment of bail houses, formal places that you can go to that provide you with the bail bonds; they are approved houses; banks give them a certain amount of money; they have their insurances; they cannot go above a certain amount for which they are ensured, so everybody has access. This is where we ought to be thinking.

That is why, Mr. Speaker, as I conclude, because the Member for Laventille East/Morvant and even the Member for Diego Martin East was making the point, that we have debated this legislation on numerous occasions and I do not want to be guilty of tedious repetition, nor do I want to just be repeating what we have been saying over and over. But the fact is that we have made many suggestions to the Government about what can be done to deal with crime. We give 90 days to the Government, see how many of these measures are going to be implemented. We ask the Government to share with us some of the statistics that the Government has. I have made the suggestion quite openly that it is not simply about having crime talks and bringing legislation, but really having a committee that can ensure implementing—

Mr. Manning: I just want to assure the hon. Member for Pointe-a-Pierre, Mr. Speaker, that arising out of the consultations on crime that have recently taken place a statement will be made in the Parliament very shortly, in which time a

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number of elements of a plan taking into account what we heard in the consultations and also some of the prescriptions we heard in the very Parliament from your good self and others.

Miss G. Lucky: And if the Member for San Fernando East had said that then I just say no more. But I am making the point, and I just want to end on this note that I think it is very unfair, and I would even say, it is riddled with deceit if anybody suggests that we in the Back Bench can just be taken for granted that we will make, automatically, deals with the Government. That is not how we operate in the Back Bench; what we do in the Back Bench is that we remain focused on the fact that in fighting crime we cannot play political football or play any political games. [*Desk thumping*]

It is not easy sometimes having to deal with Members who sometimes do not understand the points, I am not saying all, but do not understand the points that we make. But we gave a commitment in 2005 and that commitment that we gave in 2005 where we agreed, like the Front Bench Opposition, and we were aware that we were interfering with a parent Act. We had a choice, we could not have interfered with the parent Act and then just come here and we would have been dealing with a limited scope, dealing with bail. [*Interruption*]

And the Member for Caroni East was right, if we do not support the legislation as it is brought from time to time the entire administration of criminal justice is going to collapse. Let that collapse, never be on the shoulders of the Back Bench Opposition. [*Desk thumping*] We are here to construct, repair, promote and develop; we are not destroyers; we do not want to be guilty of destruction nor do we want to use political gimmickry to try and convolute issues. [*Interruption*] So that people who are listening, who are diehards would just take it for granted that what we say is true; that is old style politics. That is not about renaissance, and that is a word that all of a sudden has resurrected, the renaissance and the French revolution.

Mr. Hinds: “Lente manger”.

Miss G. Lucky: Mr. Speaker, as I end for those who love revolution and those who love to be radical, I really believe that if we want to have a revolution, let us have the intellectual revolution and let it begin in the Parliament, where we show that despite the fact that we belong to different political parties and have different political ideals, that we know when an election bell is rung, after a date is taken out of a back pocket or whichever pocket it is; that is when we take our sides, and that is when we begin to fight the war. But before then and until then

let us remember our primary duty; let us remember the oaths of office that we have taken, whether we are coming back here or not, and let us remember to be true to those oaths and put country first.

I thank you, Mr. Speaker.

Mr. Subhas Panday (*Princes Town*): Thank you very much, Mr. Speaker. I had not intended to speak on this Bill but the Member for Pointe-a-Pierre has pricked me into action. [*Interruption*]

Mr. Speaker, the Member for Diego Martin Central had asked the Member for Couva South why there were certain things which we had agreed to prior to this occasion, if we had supported it before, why are we questioning it now? And that is what I had raised when we had gone into session, on which the report, like the new civil rules and proceeding mediation did not work. What had happened there, Mr. Speaker, was that I was arguing, that this is draconian legislation and you have got to be very cautious when you are dealing with draconian legislation. New section 5(2) has indicated:

“Notwithstanding subsection (1), where a person is charged with an offence mentioned in subsection (1) and brought before the Court but no evidence has been taken within sixty days of the reading of the charge, that person is entitled to make an application to a...(High Court)...Judge...for bail.”

And that is the point the Member for Diego Martin Central was asking us that is there. You all had supported it before, why are you now querying it? That is the point that I asked the Member for Couva South. And, I had queried it, Mr. Speaker, saying that when no evidence has been taken within 60 days of the reading of the charge or completed within 120 days, that person is entitled to make an application for bail. So that what I was trying to do, was to create into the legislation a system which cannot be abused.

And this whole Parliament here today seems to be riding on a wave of public sentiment, but when we legislate, we must legislate as mature people, and we must not legislate according to knee-jerk reaction, but to ensure that all the rights of all the citizens in Trinidad and Tobago are balanced. [*Interruption*] Mr. Speaker, for example, in the present legislation, if they decide in 60 days, if we do not start the preliminary enquiry (PI) then you could go for bail. Suppose they start the preliminary enquiry and it takes one witness one day to take evidence, and they start to drag this along, they may be able to keep you there in custody for five years. Murder, which is a non-bailable offence, that offence takes precedence, so we have a case now where you are bringing this system into play

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and we are saying that not only you must start it, because if you have a vindictive Government and you have a vindictive police service, and they grab you, and they merely fulfil their basic requirement of the law then they could keep you there for five years.

Mr. Speaker, I have been in preliminary enquiries and they have lasted five years, three years to five years, normal time, so what will you do? You will make the man serve a term before the preliminary enquiry is complete. We must also look at a case, so therefore, we must have a time line to start and we must have a time line to finish so there could be no discrimination. There could be no one taking advantage of anyone. [*Interruption*] He said he is entitled to make an application to a judge in chambers. They say look, you all agreed to that, but, sometimes, going to a judge in chambers is like going to the Hilton Hotel with an empty pocket. [*Laughter*]

Many people cannot afford it. Going to a judge in chambers is a procedure where you file notice, you file a summons, and if your matter is completed today, or 60 days passed then you have to apply to a judge in chambers. We are saying why do you have to go to a judge in chambers? Why do they not say that you are entitled, not to bail, but you are entitled to apply for bail? That is the point we were making. This is the intellectual argument that seems to have eluded all of them in this House. This is the academic approach, the practical approach to law.

So, Mr. Speaker, that is why we were asking them why they practise law? You see all these things creeping up and you are fine-tuning the law. Why do they not say he is entitled to apply for bail? Assuming, one looks at section 5(2) of the Parent Act—the Bail Act—it says that if you go before a magistrate and the magistrate refuses you bail then you could apply to a High Court.

This is one peculiar situation where the High Court operates like an immediate appeal to the magistrate's decision. And if you read the law you will see that the magistrate, if he refuses bail, must give reasons why he refuses bail, so, therefore, when the magistrate refuses bail and you go to a judge you will have the whole picture before the judge. So let us say you are entitled to bail; if you are entitled to bail and the magistrate refuses you, you go to a judge and you argue your case there.

But, Mr. Speaker, if we go with the Act as it stands here, that you say, "Is entitled to make an application to a judge in chambers for bail". The question we ask here, Mr. Speaker, the presiding magistrate who heard the matter, who could determine—as one of the factors you determine when you are granting bail

according to the Bail Act, I think it is section 6(2)—I do not remember right now—the strength of the case, is one of the matters which the magistrate will take into account. So if the magistrate is the person who heard the evidence, he is the fittest person to go to first, and if he says no, he might say, you see you, your antecedents bad or some reason, but then you will have some meat to go before the High Court where the High Court could adjudicate, so this is the complexity that we are dealing with.

Also, we had asked, since this is the kind of legislation, you are saying, look, once you are charged and your evidence is commenced to be taken within 60 days, you are entitled to bail.

8.10 p.m.

Mr. Speaker, the Bill is silent where after the enquiry is completed, it does not say to get bail. So these are the lacuna in the law. I do not want into proper politics and attack this one and attack that one, this is a serious issue where the Member for Couva South attacks and a next one attacks when we have this kind of work to do; this kind of analysis of the evidence before you. This is where the people who are looking at this to see how we are thinking; to see the intellectual and the academic contribution which we are giving to this legislation. So, we say, put in after section 5A(2), a section 5A(3)—and this is no place to come and say I “ain’t fraid” nobody; this is not no “ole mas”; this is no Carnival; this is serious business; this is where the integrity of the legislation is concerned. I “ain’t fraid” nobody, that is bravado go on the political platform for that.

We must maintain the dignity of this House and you say, “Oh, I ain’t fraid nobody”. Mr. Speaker, I fear everyone, but I serve my oath. I said after section 5A(2), put in a section 5A(3) and in section 5A(3) say, “that on the completion of the preliminary enquiry” insert “on the completion of the preliminary enquiry that the accused shall be entitled to make an application for bail”. So you make the legislation clear.

This is draconian legislation, you got to make it clear that he is entitled to apply for bail, we are not saying to give him bail; we are not saying that at all. We are saying he is entitled to bail, he may be refused bail. He maybe refused bail there; he maybe refused bail in the High Court; he could even appeal the High Court decision. So when you talk about public interest, do not speak about public interest glibly, read the legislation; analyze the legislation and see what interest you are dealing with.

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Mr. Speaker, that I say is fundamental; that is fundamental for any sober minded person, any person; any person who wants to make sure that this vindictive PNM Government, instead of coming here and praising these Ministers who make a fool of themselves—praising them, how they so great and how they so good and they do not want to be embarrassed here, I want to embarrass them here tonight. I want to embarrass you and to tell you, you have not done your homework. I have not come here to pamper you; I come here to put you on guard, not to go and look at this, I do not want to hurt you, we are here to hurt you; to spore you and to prick you according to the activity. Mr. Speaker, we say—
[*Crosstalk*]

Mr. Speaker: Order!

Mr. S. Panday:—you must protect. We are saying yes, protect the rights of the majority, but you must protect the rights of the minority too and we ask the question: what about an innocent man facing the situation? Think about an innocent man who is facing this situation. Where you are working, it is easy to make an allegation; the kidnapper asked for money. Now, we ask you, what about an innocent person? Automatically, the man has to work; the man has his children, think about that innocent person and you lock him up for 60 days. He might lose his work in 60 days, and that is when you are talking about public interest, national interest, you must look at the situation of everybody, especially—[*Interruption*]

Mr. Hinds: [*Inaudible*]

Mr. S. Panday: Wait a minute for when you reply—especially the innocent. Mr. Speaker, I am saying, assuming at the end of the preliminary enquiry when you lock up the man for 60 days and deny him his liberty, suppose at the end of 60 days a prima facie case is not made. If a prima facie case is not made out after 60 days, look what you would have done to an innocent man.

Mrs. Persad-Bissessar: [*Inaudible*] committed to trial and he is found innocent.

Mr. S. Panday: I am not going there yet.

Mr. Hinds: He should not be charged in the first place.

Mr. S. Panday: We are not saying so. That is the way the PNM thinks and that is why the Back Bench is supporting you, that kind of draconian legislation and we will stand you between the tyranny of the PNM and the back bench for the people. [*Desk thumping*]

Mr. Speaker: Please, you would have your opportunity to wind up, so let the Member make his presentation.

Mr. S. Panday: Mr. Speaker, again, I would show you how this Government could be wicked where they have not used only draconian legislation, but simple legislation to take advantage of the political opponents, both inside the PNM and outside the PNM. The Member for Diego Martin Central has indicated—why did you support it then and why are you hurrying it now? Well, Sir, we are not blind followers; we are not apologists for your incompetence. We probe the law. Whenever a Bill comes, we read it; we try to understand it, and furthermore, what has occurred in the last 60 days has brought us to our senses.

Mr. Speaker, the matter of the Chief Justice opened our eyes, how vindictive a Government can be, but I will come to the Chief Justice in a few minutes. We have observed since last time to now, the Supreme Court of Judicature Act which has been on the Order Paper for over a year and a half, increasing the number of judges from 23 to 27, they have removed it from the Order Paper. These are the things and we have been looking at them and we want the Back Bench to say, you must do your homework properly, do not just come here and support.

Mr. Speaker, within the last 60 days, where you saw they used the law to go against their political opponents, even when the political opponents appears to be in the PNM, so when we talk today, we are not only speaking about opponents like Panday that they are trying to destroy or perceive opponents like the Chief Justice who stands up for the Judiciary, but people in the PNM that they use law, not any draconian law like this, but simple law to take advantage of people. That is why we were asking for these amendments.

Mr. Speaker, Chap. 4:20—the astute lawyer you are—the Summary Courts Act, section 49 which says, if I slap you on your face or I commit a minor offence, there is six months in which to bring this charge. If after six months this charge is not brought, the matter is deemed to be statute barred that you cannot bring the action against him again. If I used obscene language, you must come against me within six months. What is surprising, there is a certain Member in this House, when there was a strike in Point Fortin and he stood up with the people against the tyranny of the PNM, that PNM Government sent down truckloads of armed soldiers to brutalize the people. That Member for Point Fortin stood up and from then, they decide public enemy No. 1.

Mr. Speaker, that Member for Point Fortin—I want to show you how draconian that Government is; how vindictive this Government; is that even their

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own, they will humiliate them. I read in the papers about four months ago that the Office of the DPP was reviewing the files of that Member. Everyday I look on the papers, I want to know when they will charge him, but I observed a political machination taking place. I observed that the Prime Minister began to screen candidates for seats which were occupied by Members of the Opposition, still no charge. Still no charge for that Member for Point Fortin. As a matter of fact, I know people who were saying that they “cook up” and there were people who had decided to go and bring a private complaint 48 hours before the six months up to embarrass him. Private people.

So, Mr. Speaker, things going on. So after they screen outside for the seats occupied by the Opposition, I heard them begin to screen for Ortoire/Mayaro and Campbell come in. So they start now to screen for the seats which are occupied by my dear brothers and sisters who I may never see again. They went to Toco/Manzanilla, he said his back is sick, he is not going back. He is like John Agitation, my back sick, I am not going back. Then, lo and behold, when they started to screen for sitting Members in Parliament; when they started to screen for their constituencies, lo and behold within 48 hours you hear the DPP give instructions to charge the Member for Point Fortin.

Mr. Speaker, we ask the question, somebody must answer. I have asked questions and on the Order Paper you will see the date the file went to the Office of the DPP. We asked the question, why the time delay of charging against the Member for Point Fortin when screening had taken place. I know he is a “cuss bud”; he probably “cuss”, but why he was denied the opportunity? Why he was not charged four months ago? You tell me the people who are supposed to be charging people cannot formulate a charge for a “cuss” case in six months. Six months to formulate to find out if a man “cuss” or he did not “cuss”. [*Interruption*]

Mr. Ramnath: Rahael does “cuss” everyday.

Mr. S. Panday: Then you would ask yourself. That is why I went for that amendment in the Act to ensure that this kind of discrimination and vindictiveness do not take place because I saw—[*Interruption*]

Mr. Ramnath: We are not supporting [*Inaudible*]

Mr. S. Panday: No, no. So, Mr. Speaker, and 48 hours. If they were screening four months ago, probably they would have gone before the Court and he would have known his destiny because a “cuss” could be determined on one occasion and he would have been free to face his screening committee. We see in papers it is public knowledge, once a charge is pending against you, you cannot

face the screening committee. So you see how the machination of the politicians abusing the law.

They take his wicket, just when it is time for his screening, so he cannot get an opportunity to defend himself and they block him from going—I see the Prime Minister is turning his back to this one—to face the screening committee and “all ah yuh” over there, they planning, the putting for “all yuh”. But as I said, I hold no brief, but the reason why I went for those amendments now, and I never went for it before was when I see the machinations of the leader. When I see how the leadership of the party is operating, I said if they could do their own PNM so, like the Member for Tobago East, what they would do to the poor people? It seems to me that there is collusion somewhere—but I will show you, Mr. Speaker—because he stood up for the people and you send police to brutalize the Atlantic LNG workers; he stood up for them and he became public enemy No. 1.

He walked out the Cabinet and you say, I want to talk to him, but I cannot find him. You are the Prime Minister, you want to talk to him and cannot find him; he gone Caracas. So, Mr. Speaker, the point I am making is that you could see we must not permit politicians to abuse the law and we feel that this Bail Act is an Act which can be abused. And to further humiliate him, the leadership of the PNM, and when I say leadership, I am not talking from Diego Martin West “an ting” come down—I am not talking about “all yuh”, “all yuh” are victims too. To humiliate him, you know what they did? First time I hear, I know when you go to court that you lay the information; when you lay the information in court—you never practice—the offices in the court lay the information and they write the summons and they pass it to a process officer—they call that man who serves the summons, long time in Tobago, it was the man who used to ride the bicycle—and the process officer will take the summons from the court and he will serve the summons.

Mr. Speaker, in this case, I find it very strange where a senior police officer on laying the charge, he wrote the summons and where was this summons served? Where was the summons served on this poor man? This summons was served on him and I am a politician. They went and served him in his constituency office on a Thursday while he is serving the people.

Mr. Singh: Is that true?

Mr. S. Panday: This is where you must watch the law; you must watch the Bail Act; you must make sure the nobody, whether it is the Member for Point Fortin, the Member for Diego Martin East, the Member for Toco/Manzanilla; the

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Member for Arima [*Interruption*]*—well, you have money, so I would not bother with the Super Pharm. I would not bother with you, you have money. We must protect every citizen and when we speak about protecting citizens, we cannot interfere in your personal problems, but we are saying that we will protect even the Members opposite as much as we can if we think we can do it, if we have the power to do it within the Parliament, within the law. And we are exposing and we ask the question, was there collusion between—*

Mr. Speaker: No, I think you need to move on now and leave the Member for Point Fortin. Come back to the Bail Bill, please.

Mr. S. Panday: I am telling you, Mr. Speaker, the Bill as it stands, there could be collusion between the political directorate and the persons, the bill, there could be—[*Interruption*]

Mrs. Robinson-Regis: How?

Mr. S. Panday: Okay. We ask the question, you tell me how they wait 48 hours before the statute of limitation to charge a man?

Mrs. Robinson-Regis: No, you tell me how the [*Inaudible*] could take place of the Bail Bill.

Mr. S. Panday: I do not want to say that it is the Attorney General or somebody teaming up; I do not want to say that because the Speaker will stop me. So I would not say that. [*Crosstalk*]

Mr. Valley: [*Inaudible*]

Mr. S. Panday: It does not matter, when I finish they might vote against you. So, Mr. Speaker, this matter—yes. Well, if that is not the case, I asked you Member for Arouca South, to tell me how and in what circumstances will the person who in charge and has the capacity to bring criminal proceedings wait until 48 hours during the PNM screening to bring the charge against somebody?

Mrs. Robinson-Regis: Tell me in relation to the Bail Bill [*Inaudible*] that is what you said.

Mr. S. Panday: You do not want to hear it. I am saying and her lawyer is saying that is draconian law and I am saying—still talking, I will deal with you just now—with simple law like section 49 of the Summary Courts, Chap. 4:20, look what you could do. You got to be careful with draconian legislation.

So, Mr. Speaker—

Hon. Member: [*Inaudible*]

Mr. S. Panday: I am trying to save to save them, “they so spineless they fraid the leader.”

Mr. Manning: Go home.

Mr. S. Panday: Go home, is blows. [*Laughter*] Mr. Prime Minister, it is blows. Go home? Take some blows. Mr. Speaker—hold on, hold on and I want to warn them and I want to warn everybody here, you have laid into this Parliament a Draft Constitution, and if you hear you get back into power and you get that special majority, things will be ten times worst. You know why? In that Constitution it says, “the Director of Public Prosecutions shall be under the supervision of the Attorney General.” Clause 72.

Mr. Manning: Mr. Speaker, I thank the Member for Princes Town for giving way. Two documents were laid in this Parliament, one is a document drafted by Sir Ellis Clarke, the other is a document drafted by the Principles of Fairness Committee, both were put into the Parliament as discussion documents and neither of them represents Government policy.

In fact, we did advise the Parliament how we—[*Interruption*]

Mrs. Persad-Bissessar: How much you paid for it?

Mr. Manning: We did not pay anything for it—proposed to proceed. And in fact, Mr. Speaker, a round table discussion is taking place in Whitehall at this time and arising out of that, another document will come before the Parliament for consideration in the public domain. The process has already been well outlined and it is mischievous in the extreme for the Member for Princes Town to suggest that was Government policy. In fact, I could tell you that is not Government policy.

Mr. Imbert: Wicked.

Mr. S. Panday: That is what I am saying, now it cannot be Government policy, but if you hear you come back here and if you get that special majority, you know what they will tell us? It has been laid in the Parliament for discussion and there has been sufficient discussion. This coming down the road. Well, if you lay it in the House, Mr. Prime Minister, why have you not debated it? You just lay it; you just lay it, that is what you said, Mr. Prime Minister.

Mr. Manning: Both documents have been put up for public comments, Mr. Speaker, and what we are trying to do, is to stimulate a debate in the national

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community on constitutional reform. We know that those documents are just the initial documents and they represent the views of individuals and had absolutely nothing to do with the Government; some of the things the Government will agree with it; some of it will not agree, but a discussion is taking place at Whitehall, inviting—and just for the record, let me say who is involved in it. It involves Prof. La Guerre, Prof. Ryan—

Mr. Speaker: Order please!

Mr. Manning: Sir Ellis Clarke, Mr. Tajmool Hosein and Prof. Spence together with five Ministers from the Government who are sitting as part of those round table discussions and we are discussing and so on with a view to having another document come out. In other words, those were initial views when the other document comes, that too goes for public comments before the Government and the Government will use that second document to canvas the views of interest groups and so on and for discussions within the political party. The PNM has taken no position on the matter as of now, and therefore, the Member for Princes Town is mischievous in the extreme.

Mr. S. Panday: I thank you for your kind comment, but I want to ask you something. Did you read the document you placed on the table of the Parliament? And furthermore, do you agree with this point that the right under the section shall not prevent the State from requiring licensing or other forms of regulating broadcasting, publishing, information and—[*Inaudible*—]you agree with that? Answer that. You wished away.

The next question is, under the freedom of assembly, this is here in this Bill, you are talking about draconian legislation, and we ask you in the new Constitution, if you agree with this.

“Everyone has the right to freedom of peaceful assembly and to freedom of association with others,”

But they went on to say:

“The exercise of the rights under this section may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are reasonably justifiable...”

It goes on to say:

“The rights subsection (1) shall not prevent the imposition of lawful restriction of its exercise by members of the armed or military forces, police force or the administration of the State.”

These are things that I want to ask you.

Mr. Speaker: Unfortunately, that proposed Constitution is not here for debate at this moment, perhaps sometime in the future. What is before us is the Bail (Amdt.) Bill. Please!

Mr. S. Panday: Except to say, Mr. Speaker, if you permit me to draw the nexus between them both as draconian legislation and proposed draconian legislation and we have a funny feeling that the Prime Minister will adopt that if he comes back here. That is why it is the duty of all of us to make sure that he does not come back here.

So, Mr. Speaker, as you stopped me, I am an obedient person. We asked the question here, you are asking us here to support this Bill and the impression they give here is that by passing the Bill without they having to do anything extra, kidnapping will go down. We ask them here tonight: What have you done? What steps have you taken to implement the Bills which have already been passed? Tell us. For example, you said that you will set up a legal department in the police service, has that legal department been set up as yet?

Mr. Manning: Mr. Speaker, yes, I must take him on because he cannot be allowed to say those things and get away with it. [*Crosstalk*] The Member for Princes Town is clearly unaware of how far the Government has reached in terms of implementing the police legislation. We now have the regulations in place, but even before that happened, a system was set up whereby structures are being put in place to begin to give effect to the legislation and an effective date has been set. But we will make a statement in Parliament shortly on it.

Dr. Moonilal: Good, good, good, let us do that.

Mr. S. Panday: It seems as though I am pricking you, Mr. Prime Minister.

Mr. Manning: You are not getting with [*Inaudible*] what you said.

Mr. S. Panday: Okay, fair enough. Because I know, I do not know if they know this one, that there are about 24 to 30 police officers who have been qualified as lawyers and I want to tell you something, about six or seven of them will be leaving next month. Leaving because they say, is only “ol’ talk” coming from you all. It is only “ole talk” and nothing is happening. So, we are asking you, you are saying here support this legislation because the mere fact of the passing of this piece of legislation has done something.

All I am asking you, those pieces of legislation we have passed, what have you done, what positive action have you taken to ensure this it is implemented? I

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am saying as a person on the street, nothing is being seen and I am further saying that the administration of justice is so important that you must try to hold on to the personnel that you have. Keep them in the service and the rate at which you are going, by the time you are ready to set up that, all the persons who are qualified will be out.

Mr. Rahael: All right, point taken, move on.

Mr. S. Panday: I will not lie down—the Member for Port of Spain North, you are the most incompetent Minister they have; you have people sleeping on the ground in the hospital and you tell me move on.

Mr. Speaker, I want to—

Mr. Imbert: You are tired.

Mr. S. Panday: Tired, tiring—ask you something. Suppose the Member for Siparia asked you a question; let me ask you another question. What steps has the Government taken to—would you agree that because of this legislation, more people will fall into the net to be incarcerated or remanded pending the comment of the proceeding? Of course. We asked you, what have you put in place to ensure that there is accommodation for people in the prison, because at this point in time, there were nine to 12 people in a cell, 9 by 15. [*Crosstalk*] So you are saying therefore—okay, hold on—is the Member for Laventille East/Morvant saying there is sufficient space in the prison for this expected, expanded population? Answer. Member for Laventille East/Morvant, answer, you like to jump up and talk. Answer, if the Government has made provisions to accommodate these extra people. [*Crosstalk*] No, no, no, if your answer is yes, I will say that Minister is the worst Minister. I was waiting for him.

8.40 p.m.

Mr. Speaker, this is the Bill we are speaking about. You are passing laws which would cause more persons to be incarcerated. [*Crosstalk*]

Mr. Manning: Without bail!

Mr. S. Panday: Yes, and because of that, your prison population would expand or explode. Have you put mechanisms in place to accommodate those extra prisoners? The answer might be, as the Member for Pointe-a-Pierre said, that we need to overhaul the bail system with bail houses. Mr. Prime Minister, you will have persons charged with minor offences who have been sent to the prison and those are the persons who surely will not get bail, because if they do not have surety they cannot get bail.

When you go to a professional bailor on the streets, he would sometimes want 10 or 15 per cent of the bail which the court has imposed. So if, let us say, you wound somebody and they say, “Bail with surety, \$50,000”, no professional private bailor would take your bail. The bailor would say, “I am not going to dirty my deed for \$5,000 or \$6,000.” So to the man charged with a more serious offence, whose bail is \$300,000 to \$500,000, he would say, “You come, that is the kind of bail I want”, and would make \$30,000, \$40,000 or \$50,000 on that kind of bail. When we expand the situation like this, to increase the prison population, we must make sure that we put mechanisms in place to make sure that there is no overcrowding in the jails.

Maybe, as the Member for Pointe-a-Pierre indicated, you could set up a system where persons charged with minor offences could be—*[Interruption]* No, you have to listen. Remember, we could have a remand yard court also, so we could take persons out of prison, and the persons who are real criminals we would keep them there; this is common sense and thinking.

It seems to me that they expect us to come here every time and merely support them. What have you done to ensure that the administration of justice is speeded up? I was in the First Assizes on Wednesday; there was a re-trial in a murder case and the judge told the lawyer, “Do you want the notes in order to defend the man; you cannot get it in three years time.” There is a backlog of note taking for three years time. What are we doing? Come before the Parliament and tell us what you have done to ensure that the administration of justice works. *[Crosstalk]* *[Interruption]*

Mr. Imbert: None for you! *[Crosstalk]*

Mr. S. Panday: You see that Member for Diego Martin East—

Mr. Speaker: You are making a good contribution; talk to me and forget him.

Mr. S. Panday: I agree with you to forget him; he is a non-entity and I know that, but when he says “None for you”, and you see how they are paving the roads and the bad job they are doing, people are crying. *[Crosstalk]*

Hon. Members: No bail!

Mr. S. Panday: This is the last point I am going to make and I am sure the Prime Minister would extend my time for this one. *[Crosstalk]*

Mr. Speaker: Order!

Mr. S. Panday: I think you should put a time limit in clause 5 in this amended Bail Bill, when the matter commences, and also put a limit when it is

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completed. The reason I advocate that point is because of what the Member for Pointe-a-Pierre had been saying all the time—the Witness Protection Programme. For example, if there are witnesses in the Witness Protection Programme and you hasten the matters where persons do not have bail, then you will get the most from the witnesses who have witness protection. Do you know that in the Witness Protection Programme are persons who have been there for five years?

Mr. Singh: “I wonder if Bickram dead now!”

Mr. S. Panday: What Bickram said was true, Member for Caroni East.

I want to inform the Prime Minister of what takes place in the Witness Protection Programme; it is the biggest scam we have. It is the most corrupted system you will ever find. You have policemen beating witnesses in the Witness Protection Programme. Persons are confined. If you are a carpenter and you have to work to mind your family, you are confined; so if you are sitting there for five years, that would be five years you are not making an income to propel your life forward. That is why Bickram came out and said that he was so frustrated, because his life was going nowhere and the case was not starting. That was the reason I said we should put in that clause. Promise them money and whatnot.

Mr. Prime Minister, there was a case in which the Member for Pointe-a-Pierre was prosecuting for kidnapping. Some people said about the witness, “Oh, he went outside to make a deal.” It was not so. They put him in a house with some hooligans and they beat him; the police knew about it. When he asked the police for protection, he got none, so he said, “I walking out.” Lo and behold, when the Member for Pointe-a-Pierre came back at the next adjournment, he was found dead, wrapped up in a piece of carpet in a pond somewhere in Longdenville. That is the way it happens. That is why we need to deal with the system.

You have got to make the Witness Protection Programme work. If we have legislation, we must make sure that we get maximum out of the administration of criminal justice. Mr. Prime Minister, you need to have a personal intervention in the Witness Protection Programme. For example, the policemen would take two or three of them to a place, no bed. They would take some ply board and make up a bed in the drawing room. Long time we had something called a settee; they would take a few pieces of wood, make a makeshift bed and leave them there. If you want persons to give evidence, you must encourage them to stay.

Mr. Minister, you do not know about it. [*Crosstalk*] They have them sleeping there; no water sometimes on the premises. I do not want to put national security

at stake, but there was a time when there was no water and the only time water came to the house was when Caroni delivered water for them—the Caroni you closed down. No flushing toilets; they give you a pot and a pan. [*Introduction*]

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Princes Town has expired.

Mr. Manning: In moving to extend the Member's time, I hope that the milk of human compassion has not left him. [*Laughter*]

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

Question put and agreed to.

Mr. Imbert: The Prime Minister saved you.

Mr. S. Panday: Thank you very much, Mr. Prime Minister, and you have a right to deal with them the way you are dealing with them; they have no sense. Get rid of all of them! [*Laughter*] You have sense; all of them have no sense. [*Crosstalk*] [*Laughter*]

Dr. Rowley: Do not get carried away, he only gave you five minutes. [*Crosstalk*]

Mr. Speaker: Order!

Mr. S. Panday: The point I am making, Mr. Prime Minister, is that they have these witnesses there and they are very unhappy in the circumstances; they tend to walk out. When they walk out, the whole programme falls.

There is an instance where the people who you believe in, who you have trust in—I do not know how the moneys are disbursed. I do not know if they sign for the money or what, but we hear people say that the big man would come and his **scab pocket** would be full of blues. He would pull out one and say, “Here you are; two, here you are; three, here you are”, close back his **scab pocket** and say, “Children, see you another time.” These things happen. These are things we want you to investigate. I am making no accusations. This is what I hear. It may not be true, but if we intend to use the Witness Protection Programme, we should make sure that it is working properly.

Hon. Member: We hear you.

Mr. S. Panday: There are no kitchen utensils. They had them in a place with five other persons; they did not provide them with cooking gas; each man had a pot and a plate, no cooking gas. They had to live on bread.

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When the Government came before the Parliament, they spoke about the Witness Protection Programme and another programme called the Justice Protection Programme. What is the difference between them? [*Crosstalk*] We must ensure that these persons are taken care of. There was a man in the programme for five years and not even a shoe or a suit of clothes was bought for him in the five years. He got vex and walked out.

Mr. Prime Minister, it is not only a case of witnesses walking out, like Clint Huggins, to make a deal with the defence and get killed; there are genuine problems in the Witness Protection Programme that need to be looked at. You need to monitor it. You need to make sure that there is accountability. Mr. Prime Minister, the persons you are using to hound other persons for accountability, they themselves are not accountable. The Witness Protection Programme stinks.

When persons complain down there, they put them out and say, “You are not in the Witness Protection Programme anymore; you are in the Justice Protection Programme.” When you put them in that programme, it is either they give you a voucher to buy \$500 in food per month, you cannot work, or sometimes they come with cash. They make the witnesses in the Witness Protection Programme sign blank receipts and they give them money. We do not know where the rest of money is going.

Mr. Hinds: What rest of money?

Mr. S. Panday: I do not know. Is \$500 a month good enough to buy goods for any person in the Witness Protection Programme?

Mr. Hinds: You said the rest of money.

Mr. S. Panday: If there is any other money being given. What conclusion would you draw if you come to me to give me money, but before I get the money I have to sign a blank receipt? Is there not a logical conclusion that there is something else? This is what we are asking you about; you need to go into it. I bring this to the notice of the Government and the Prime Minister. I cast no aspersions on anyone. I will say nothing further to compromise the national security of this country. If the Prime Minister or the Minister of National Security so desires, I am available. [*Desk thumping*]

Mr. Speaker, sometimes the person you put there to protect these persons chases them out of the programme. They say sometimes, “Look, you give evidence in the preliminary enquiry already.” [*Crosstalk*]

Mr. Speaker: Address me.

Mr. S. Panday: You are saving him from destruction. [*Laughter*] [*Crosstalk*]

Mr. Speaker: You are going good. [*Interruption*]

Mr. S. Panday: Sometimes you wonder if the persons you put to protect these persons are not pushing them out, because those persons made a deal with the defence and not necessarily the witnesses in the programme. There is abuse of the preliminary enquiry system. They say, “Look, hear what happen, you gave evidence already in the Magistrates’ Court, go nuh; if yuh dead we could use the evidence.” When witnesses in the programme hear that, they feel that they are no longer needed so they walk out. Something must be done. We must make an effort, without compromising national security. Some of those “fellas” are vagabonds too; some of them might be accomplices; some might be genuine witnesses. You have got to put a professional system in place. [*Crosstalk*]

I do not want to compromise national security, but I have given the Member for Laventille East/Morvant certain information today. I am not an informer. [*Crosstalk*] We must make sure that all steps are taken to ensure that when a person gives evidence and we get rid of serious criminals, that person is not left to fend for himself. For example, there is a matter which may come up. The person asked, “What will happen after I give evidence; the person’s family will know me; what are you giving me?” They said, “No, no, we will treat you good.” What is good? He has hired me as his lawyer to negotiate with you. What is good?

The police told him that if they gave him something in writing and the defence attorneys cross-examine him, they might say, “You had an incentive and you were bribed to give evidence.” These witnesses know that after the State has used them and has no use for them, they let them go on to the road to be murdered. We are asking: What legislation, what mechanisms, are being put in place to protect the persons who assist in successful convictions in serious criminal cases? [*Crosstalk*]

Mr. Speaker, I am disappointed here today, having regarding to the fact that having explained our position, we hear them say that they cannot agree to the amendments and would look at them in 90 days. By that time, too much water will flow under the bridge.

Mr. Speaker, I thank you and hon. Members for giving me this opportunity to make a short contribution.

The Minister in the Ministry of National Security and Minister in the Ministry of Trade and Industry (Hon. Fitzgerald Hinds): Mr. Speaker, I begin by responding to some of the comments made by the Member for Princes Town,

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in particular with reference to his comments about the Witness Protection Programme. He made reference to his conversation with "they", meaning some of them. I do not know who he spoke to or how many persons he spoke to. What I know is that today we have had one side of the story. He has related a version and some issues, I give him the assurance that we have taken note of what he has said and we will cause an investigation into those general matters to be undertaken.

It is not too much to say, truthfully, that there are many institutions in Trinidad and Tobago that are not functioning at optimum capacity, and that is so for various reasons. So we take comments like these as an indication that these institutions need to be looked at to see whether there is, indeed, any scope for their improvement.

He mentioned quite correctly the movement from the traditional Witness Protection Programme to the justice protection arrangements; that too came after the recent proclamation of the legislation which had been on the books for some time and was one of the matters that they raised as a bargaining chip in some discussions. That has been proclaimed and is now up and running. So the transition from the Witness Protection Programme to the Justice Protection Programme—he alluded to that.

He did also say that some of participants in the programme, voluntary as it was, were not easy and he was quite right, on that basis alone, given his experience as a criminal lawyer; and that does not define him but rather his practice. [*Laughter*] He should understand the nature of the people he has been dealing with. I have occasion to visit the prisons of Trinidad and Tobago on a very regular basis, in keeping with my functions within the Ministry of National Security. It is a very, very rare occasion, indeed, when I meet any prisoner who is willing to admit and take responsibility for the wrong for which he has been charged, convicted and sentenced to a term of imprisonment.

Common sense would tell me, therefore, and also on the basis of my long years as a practitioner in the criminal arena—[*Interruption*—I would not say distinguished, I will leave that for others. My understanding of human beings and my understanding of the nature of the people who sometimes you find in the Witness Protection Programme and, indeed, in the prison, tell me that it is dangerous to listen to one side. We need to listen to all sides. I would listen before I could make any comments on some of the matters raised on the Witness Protection Programme by my friend, the Member for Princes Town. But I give him the undertaking that they would be taken rather seriously and looked into at an early stage.

The Member for St. Augustine began his contribution, and I cannot remember the exact words, but he made reference to the Member for Siparia. I think I can say that he described the Member like a cat on a hot tin roof. He was really saying she demonstrated discomfort in trying to pretend that she had the national interest at heart, while at the same time pursuing a very slim, narrow and hideous UNC agenda. *[Crosstalk]*

Mr. Imbert: She has distemper, is that what you are saying? *[Laughter]*

Hon. F. Hinds: I saw the difficulty myself. Experienced as he was, the Member for St. Augustine, though sitting behind, saw it as well; her discomfort in trying to pretend that she was looking after the national interest, when she was really pursuing a very narrow UNC agenda to disrupt the smooth affairs of this country and see what they could do to encourage crime and problems, so as to make the Government look bad. That was what he said. He did not say she was confused, but I would venture to say so. She appeared rather confused and her submissions reflected that.

The Member for Siparia spoke about detection rates, a theme that was echoed by the Member for Pointe-a-Pierre, though the Member for Pointe-a-Pierre demonstrated a measure of sincerity around it. On this question of detection I think we can generally say that the police service is the major crime detection platform in Trinidad and Tobago, along, of course, with the more recently established Special Anti-Crime Unit of Trinidad and Tobago, which has demonstrated that it is worth its salt in gold. It has been making a major contribution in our attempts to deal with serious crimes in Trinidad and Tobago. *[Interruption]*

That is not a vague platitude; that is real. *[Crosstalk]* I say worth its salt and weight in gold. *[Laughter]*

I remember appearing before the Court of Appeal on my first occasion. The then Chief Justice, as President of this three-man court, was Mr. Michael de la Bastide, Justice of Appeal de La Bastide as he then was; sitting on his right was Justice of Appeal Sharma and on his left, Madam Justice of Appeal Jean Permanand. I made some serious submissions in respect of a murder appeal. I spent about one hour and a half doing that, at the end of which the court found that the appeal was not sustainable, dismissed it and would provide a written judgment later.

As they were about to leave the court, the Bench rose and Mr. Justice Sharma spoke quietly to the Chief Justice. He agreed with him and they sat again. The

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Chief Justice addressed me to indicate that he was rather impressed with the submissions I had made and the way I did them. This is not a boast; I am just making a point. Mr. Sharma joined him as well and Justice Permanand. As a young attorney I was rather elated and was encouraged by that. [*Crosstalk*] The words of the Chief Justice stayed with me. He said as he was closing his remarks that the quality of advocacy deserved a better case. He was really making the point that, at the end of the day, the lawyer is as good as the facts, because by the time you get in, the fact pattern is already largely set. [*Crosstalk*]

Mr. Speaker: Order!

Hon. F. Hinds: On the question of detection, I want to highlight a few points for the benefit of Members who broached the subject. Let us look at different categories of criminal offences. Take, for example, the offence of murder. Between January and May 2007, we had 124 murders; a substantial improvement from the comparative period for 2006. We had 30 of them detected, a 24.2 per cent detection rate; that is to date, because some of those murders, though committed then, could be detected later. So this is not the final position; that is point one.

Secondly, we know in Trinidad and Tobago that we have a problem with criminals reaching witnesses to murders by way of bribes. We know because we passed legislation to deal with it, that they attempt to harm and instill fear and, oftentimes, kill witnesses. These are real challenges that have brought fear in the minds of the population, and many persons who actually see murders are now unwilling to say so. They say it to the police, but never give a written statement, and there are all kinds of reasons and implications for and of that. Recently someone shot and killed a justice of the peace who handled many matters. So far I am told that they are not sure which particular one it may have been related to.

The point is this: These are challenges that jurisdictions across the world are encountering. Detection in those circumstances would be a challenge and, therefore, in Trinidad and Tobago at this time it is 24 per cent. In recognition of our dependence on "eye see" witnesses, we in Trinidad and Tobago, small as we are, developing as we are, recognize the need to move to a more scientific method of dealing with crime. We have gone and relied on the most modern and best known technology to man today, that is the DNA operation. So it is not that we are not responding to these challenges; we are. The DNA legislation was debated here and is before a Joint Select Committee. In fact, we have completed our work on the DNA legislation to come back to this House, hoping that we would not find unnecessary obstruction from anyone sitting opposite. We will pass the

legislation, giving Trinidad and Tobago and our criminal justice process, so to speak, a better chance to improve the detection rate that has been identified.

Mr. Speaker, let us look at the offence of fraud. We have a detection rate, for the same period, of 85 per cent; nobody recognizes that, but the nature of that offence is very different from murder. In most cases somebody would have given you a bad cheque or produced a false manager's cheque or some direct contact with the person over time, and it is easier for the victim to identify, having reported the matter. It does not surprise me that the detection rate in those circumstances is 85 per cent. So different types of crimes yield different kinds of situations. Different types of crime require different levels of policing also.

To develop that point, we used to have a number of bank and store robberies around Port of Spain. That is almost forgotten now. When we introduced the Inter-Agency Task Force (IATF), having soldiers and police at almost every corner, the bandits understood that they were likely to run into an IATF patrol, and they put an end to that stupidity. We have done that in the major city centres around Trinidad and Tobago. That type of policing would not deal with pick pocketing or a wounding over a gamble on Nelson Street, Prizgar Lands, Westmoorings, Carenage, Arima, Chaguanas or Fyzabad. *[Laughter]* As the Chief Justice wisely pointed out, by the time the police get involved, the fact pattern is almost already set and detection is affected. *[Interruption]*

Miss Lucky: Thank you for giving way. You are right, because with respect to the statistics for narcotics offences, for example, the detection rate is I believe almost 100 per cent. What is very worrying is that right now with respect to general larceny and larceny of motor vehicles, it is in single digits in terms of the detection rate. So I do take your point that different crimes call for different kinds of policing. That is a trend in terms of the larceny of motor vehicles, which is actually increasing. You can check your statistics, I would not mislead you, but the detection rate is exceedingly low. Bearing in mind that you recognize the different types of policing required, I suppose with fingerprinting and the legislation that may be passed in other regards, is special regard being paid to that particular kind of offence?

Hon. F. Hinds: Of course, the Member for Pointe-a-Pierre elucidated on the matter now, she did not do it when she spoke about detection during her contribution; she probably overlooked it; but I appreciate your comments notwithstanding. *[Crosstalk]* *[Laughter]*

In terms of narcotics, to the best of my knowledge, if the police find narcotics in an abandoned estate or in a galvanize fence next to the block and they cannot

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immediately and lawfully associate anyone with it to charge them, they seize the narcotics, but there is no one to charge, so for that reason narcotics offences, as my very, very good friend, the Member for Pointe-a-Pierre, reminded us, is 100 per cent in all cases.

I do not want to belabour the point; I think the point is well made. You have serious indecency, where you make direct contact with the victim oftentimes in a family or office situation. Of course, in the office situation some of them could be mere allegations and not true; I would have some knowledge of that. These are in the realm of 69 per cent. I do not want to belabour the detection point, I merely wanted to say now and for the future, that Members of this honourable House who talk glibly and wantonly about detection, must take these subtleties into account as they speak on those matters.

Conviction rates—well everybody knows that is largely a matter for the judicial process, which is outside of the hands of the Government, to a large extent; although one accepts that police performance and improvement in police techniques impact on that as well.

Forensics—I think I have dealt with that. The Member for Siparia spoke at length about the question of police complaints and she asked me specifically to address this matter in my winding up. [*Crosstalk*] [*Interruption*] He does not want me to reply. They want to come here and say all kinds of things; grab the headlines saying it and when the Government is responding point by point to educate the listenership and the viewership so that when election comes they will make sensible, balanced decisions and come to the conclusion that they should vote for the PNM, they do not want us to talk. [*Crosstalk*]

Mr. Speaker, I think someone raised the question of the gun and kidnapping courts. I want to place on record, for the benefit of Members, that these have been considered by the Law Commission, a draft bill has been prepared and I rather suspect that as we speak it is on its way to the Attorney General who, after perusal, would take it to Cabinet for further processing. It should not be too long before we are here in the Parliament discussing these. That is the information I have.

The Member for Couva South and the Member for Siparia tried to explain away the very impressive improvements that we have seen and are seeing in terms of the reduction in kidnapping for ransom figures. The Member for Diego Martin East reminded us that in 2005 we had 51 of them, by 2006, we had 17 of them; for the year to date we have had six.

Rather than compliment the police for the improvement in their technique and the Special Anti-Crime Unit, recognize that for those six kidnappings last year, for example, we had four detections and in quick order, they tried to take the credit away from the police. They explained it by saying that persons are no longer reporting kidnappings and it was a case of hush money. So the kidnappers are going to persons now and saying, "I will kidnap you; pay me some money," and people are so stupid they are paying them money to avoid being kidnapped. That was how they sought to explain the improvement, so you see you could never go anywhere with them.

Such is the way of the world. I want them to know that there have been improvements in police techniques and policing, a better and more efficient police service and improved performance from the Special Anti-Crime Unit and, of course, the legislation we are repeating.

Mr. Speaker, based on the discussions that ensued in this debate and the contributions made from Members on the other side, it appears as though the rationale for the extension that the Government seeks in these measures, is very simple and very clear to all. I understand Opposition politics; they had a lot to say; they took the opportunity to say it, but deep down inside of them, the Front Bench Opposition understands the need for this and we expect they would give this legislation full support.

We understand by now that they will not be of the misguided view that by voting for legislation as important as this, they are supporting the Government in any way. This is not for the Government; this is for the protection of the people of Trinidad and Tobago. [*Desk thumping*] Insofar as the Back Bench is concerned, I feel confident enough to say that we got some more focused and serious contributions. We are thankful to all Members for their contribution. We are thankful in advance for their support.

With those few words, on behalf of the people of Trinidad and Tobago that this legislation will protect, I thank all Members as well, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed a committee of the whole House.

House in committee.

Clauses 1 to 6 ordered to stand part of the Bill.

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New clause 7.

Question proposed, That new clause 7 stand part of the Bill.

Mr. Hinds: Mr. Chairman, I propose a new clause 7 which reads as follows:

“Insert the following new clause 7:

“Duration 7. This Act shall continue in force for a period of three months from the date of its commencement.”

New clause 7 read the first time.

Question proposed, That the new clause be read a second time.

Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 7 added to the Bill.

Preamble ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Question put, That the Bill be read the third time.

The House divided: Ayes 23 Noes 6

AYES

Valley, Hon. K.

Manning, Hon. P.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Robinson-Regis, Hon. C.

Narine, Hon. J.

Boynes, Hon. R.

Beckles, Hon. P.

Rahael, Hon. J.

Roberts, Hon. A.
Bereaux, Mr. H.
James, Hon. E.
Hart, Hon. E.
Callender, Hon. S.
Seukeran, Hon. D.
Job-Davis, Hon. E.
Hinds, Hon. F.
Achong, Mr. L.
Singh, Mr. G.
Dookeran, Mr. W.
Yetming, Mr. G.
Ramsaran, Mr. M.
Lucky, Miss G.

NOES

Moonilal, Dr. R.
Persad-Bissessar, Mrs. K.
Ramnath, K.
Sharma, C.
Partap, H.
Panday, S.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Trade and Industry and the Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, in moving the adjournment of the House the Government wishes to note, with appreciation, the support of the Back Bench Opposition. We thank the Members of the Back Benches for their support for this legislation. [*Desk thumping*]

Adjournment

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I beg to move that the House be now adjourned to Wednesday, June 20, at 1.00 p.m. We will follow the Order Paper on that day. We would want to do the Accreditation Council (Amdt.) Bill, followed by the Homes for Older Persons Bill listed as Bill No. 5 on today's Order Paper. Friday is Private Members' Day. *[Interruption]*

Mr. Speaker: We have one matter that we will take on the adjournment, the Member for Oropouche.

**Cucharan Trace
(Repairs to)**

Dr. Roodal Moonilal (*Oropouche*): Mr. Speaker, ordinarily I assure you that I would have been prepared to accommodate all the Members of the House and to allow this matter to be heard next week. We have been here for long hours. *[Crosstalk]*

Mr. Speaker: Order!

Dr. R. Moonilal: But at this moment, there are villagers and residents in Oropouche looking at television—*[Laughter]*—looking at the Parliament proceedings, and I made a commitment. For three weeks I have been trying to raise a particular matter and, finally, I have it here. So my constituents who are suffering in Oropouche, cannot wait until next week. I must do this now. I am very sorry.

Let me begin by saying that the Prime Minister in his now regular walkabouts, Tuesday or Saturday, whenever was the new day, the Speaker goes walking all over the place—*[Interruption]*

Mr. Speaker: Be careful. *[Laughter]*

Dr. R. Moonilal: Mr. Speaker, the Prime Minister is walking all over and, of course, he has been to Oropouche. He was quoted as making a statement; he told the people of Oropouche and, by extension, I imagine, elsewhere, that the problems they face was really not discrimination, but it could be that they did not have proper representation. That is why I wanted to keep all Members here at this hour, so you could really get proper representation. *[Crosstalk]* That was what the Prime Minister said; he said that it was not discrimination, it was proper representation. Would you like to withdraw that statement? *[Crosstalk]*

Let me proceed with haste. The Prime Minister has delinquents in his Cabinet. There are Members of that Cabinet who are completely and utterly incompetent, utterly undependable and irresponsible.

There is a particular matter affecting my constituents in the area of Cucharan Trace. Earlier this year, residents in Cucharan Trace West took protest action on two occasions, involving blocking the roads, involving vociferous protests and placard demonstrations to highlight a problem with bad roads and a retaining wall collapsing and, now, not just threatening, but on the verge of causing the collapse of the residents' homes; poor people who work hard, who have borrowed money to build houses. Now the roadway has been eroded and a retaining wall is collapsing; we have written to everyone. We raised the matter elsewhere; we brought good representation to these people.

Having undertaken protest action, I raised this matter on March 16 in this House, calling upon the Ministry of Works and Transport and the Minister to respond. On that evening, I remind Members that I made it my business to be courteous and kind. I know the Member for Diego Martin East is one to be discourteous, unkind, nasty and brutish. I allowed him to be like that, because fixing the road and the wall are not about Roodal Moonilal. In fact, Roodal Moonilal "doh even live in Oropouche". I live in San Fernando East. Had it been in San Fernando East, I am sure the representation from the Member opposite would have come to the rescue of the village immediately.

The Member for Diego Martin East stood in this House and asked in the *Hansard* of March 16, 2007, for the residents to write to him directly. He did not accept a letter from the MP for Oropouche. [*Crosstalk*] They wrote to him. He said:

"Now that they have written me, the engineers of the Ministry have already done the assessment. The Civil Engineer II in Victoria West visited Cucharran Trace on March 14 and has already presented the Ministry with an estimate. We shall schedule this work to be done within the next couple weeks; within a month, work will be done on Cucharan Trace, as a result of the caring PNM. Nothing to do with you!

Mr. Speaker, I thank you."

Liar, liar, pants on fire. That is what I have to say. [*Crosstalk*] It is a phrase, an expression.

Mr. Speaker: No, no, please take your seat. It is, in fact, very unparliamentary. You are referring to the Member. You would have to withdraw the comment and you need to apologize to the House. [*Crosstalk*]

Dr. R. Moonilal: Mr. Speaker, in this limited time, I am not fighting anybody. I withdraw my comment and I apologize to the House. [*Crosstalk*]

Hon. Member: It is a true description!

Mr. Speaker: Order!

Dr. R. Moonilal: When I read this statement, all that comes to my mind is “pants on fire”.

The Member made the commitment. He made a promise. When I visited Cucharran Trace the next day, March 17, the residents came out; they were happy and smiling. The men, women and children were so happy. They said, “Yes, you raised the ting last night.” Of course, they were upset that the Minister chose to embarrass me, but notwithstanding that, they said that he was positive; he gave his word that he would undertake the repairs. They were so cheerful on Saturday, March 17 when I visited. They said that they heard the Minister and for the first time they felt that the Government had listened to their pleas and would do something.

As of today, June 15, three months later, nothing has happened to that road; not one wheelbarrow of sand or gravel has reached; the retaining wall has collapsed. The rainy season has commenced, it is a real possibility that apart from damage already, their houses will now come tumbling down. I want to ask the Member for Diego Martin East: Do you have a heart? Do you have a soul? Do you have a conscience?

Hon. Members: No, no, no conscience!

Dr. R. Moonilal: A man's word is his bond. In life all we have is dignity and our word. You gave your word to do something. Poor people depended on you, and this is what you do? That is unconscionable. In that ribcage there cannot be a heart resting there. [*Laughter*] [*Crosstalk*] Another broken promise. I say this with passion, because I have to go and see these people. Week after week I tell them I would raise the matter. I do not know what else to do.

Mr. Speaker, what is that line made famous by someone here? “I am shocked; I cannot find words to express my disgust at this situation.” The rainy season is upon us; it is clear that if nothing is done as an emergency—not within the next month or two months—persons will lose hundreds of thousands of dollars in property damage and trauma. I am appealing now to the Government.

The Minister will get up and speak, but clearly he has reached a stage where he is not credible; in fact, he is incredible: I am appealing to the Government as a whole. I am appealing to the Prime Minister to keep this in your mind when you go walking, lifting up and kissing those children in Oropouche and elsewhere;

surely you do not mean to these children that their homes would collapse; surely that is not your intention. I ask the Prime Minister at a later moment to please have a quiet word with this delinquent and undependable Minister of Works and Transport who parades in the office.

I ask the Prime Minister to please have a word with him so that the people would get some comfort that your Government means something; that if your Government says something, it means something. A minister of government is representative of your Government, of your Cabinet. If you cannot make a promise, your word means nothing; it says volumes of your Government, of the character of your Cabinet.

Mr. Speaker, I have nothing else to say; everything is said already; they know the problem. Thank you. [*Crosstalk*]

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, now that the Member for Oropouche has finished his fanciful and theatrical version of reality. [*Crosstalk*]

Mr. Speaker: Order!

Mr. Imbert: Let me establish the true facts. Mr. Speaker, I think it bears repeating that the road in question is under the jurisdiction of the Penal/Debe Regional Corporation. [*Crosstalk*] Let me repeat, the road in question is under the jurisdiction of the Penal/Debe Regional Corporation—[*Crosstalk*]

Hon. Members: Moneys are not given to them!

Hon. C. Imbert:—which at this time is controlled by the UNC and has been controlled by the UNC for several years. [*Crosstalk*]

The retaining wall that the Member for Oropouche referred to, that has collapsed, was also constructed by the UNC-controlled Penal/Debe Regional Corporation. This is simply a classic case of the Members opposite—[*Crosstalk*]

Mr. Speaker: Order!

Hon. C. Imbert:—when they were in government for six years, neglected their constituencies; they took their constituents for granted; they spent not one red cent on Cucharan Trace and they did nothing to remedy the incompetence of their own regional corporation. I think it is necessary for persons to understand that the Ministry of Works and Transport has no responsibility for this road and that the UNC is responsible for all the problems on this road.

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Notwithstanding that fact, I wish to report to this House that since this matter was raised on the last occasion, the Ministry of Works and Transport has spent \$450,000 doing considerable road upgrade work on Cucharan Trace; a fact that the Member for Oropouche conveniently omitted to mention. I repeat: The ministry of Works and Transport has spent some \$450,000 doing road rehabilitation work to Cucharan Trace, which is the responsibility of the UNC-controlled Penal/Debe Corporation. I hope that puts paid to the untruth that this PNM administration is not interested in assisting persons from the Oropouche area.

9.40 p.m.

Mr. Speaker, in addition, there is still some work to be done on the road in question. I have with me the photographs of the road. I do not see any houses in danger of collapse. In fact, what I see are cars using the road. My information is that the roadway is still passable to vehicles not exceeding three tonnes in weight. That theatrical display from the Member for Oropouche was simply playing to the gallery and just putting inaccuracies into the record.

Having already spent the sum of \$450,000 on Cucharan Trace over the last three months—the Ministry of Works and Transport on behalf of the PNM Government—to repair the bad work done by the UNC controlled Penal/Debe Corporation, we have also engaged a specialist geotechnical engineering firm to examine the bad work done by the UNC controlled Penal/Debe Corporation and the bad wall that they built which collapsed because of their incompetence.

Hon. Member: You know about collapse.

Hon. C. Imbert: The geotechnical analysis and topographic survey are in progress. We should have a design solution for the bad work done by the UNC controlled Penal/Debe Corporation within the next couple weeks. We do not want to repeat their incompetence in Cucharan Trace, so we would have a properly engineered design solution within the next couple weeks and then, we would be in a position to award a contract to complete the work on Cucharan Trace. I wish to repeat for the record that contrary to the untruth put into the record by the Member for Oropouche and his theatrical playing to the gallery, this PNM administration spent \$450,000 doing road rehabilitation work on Cucharan Trace. We will be spending at least another \$450,000. In fact, our budget for work on Cucharan Trace will exceed \$1 million.

This shows the generosity of the caring PNM administration. We would have a properly engineered solution within a very short period of time to complete the

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work on this road and remedy the defective rubbish, that was done by the UNC controlled Penal/Debe Corporation.

Thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 9.43 p.m.