

Papers Laid

Friday, November 19, 2010

HOUSE OF REPRESENTATIVES

Friday, November 19, 2010

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

PAPERS LAID

1. Second report of the Auditor General of the Republic of Trinidad and Tobago on the financial statement of the Trinidad and Tobago Racing Authority for the year ended July 31, 2003. [*The Minister of Finance (Hon. Winston Dookeran)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statement of the Trinidad and Tobago Racing Authority for the year ended July 31, 2004. [*Hon. W. Dookeran*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Trinidad and Tobago Racing Authority for the year ended July 31, 2005. [*Hon. W. Dookeran*]

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

4. Audited financial statements of the Business Development Company Limited for the financial year ended September 30, 2009. [*Hon. W. Dookeran*]

To be referred to the Public Accounts (Enterprises) Committee.

5. Administrative report of the Trinidad and Tobago Film Company (TTFC) for the financial year 2008/2009. [*The Minister of Trade and Industry (Hon. Stephen Cadiz)*]

ORAL ANSWERS TO QUESTIONS

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, I just want to indicate to the House that yet, again, the Government is prepared to answer all the questions appearing on the Order Paper today. [*Desk thumping*]

Airports Authority

(Appointment of Human Resource Manager)

9. **Dr. Keith Rowley** (*Diego Martin West*) asked the hon. Minister of Works and Transport:
 - (a) Has any appointment, acting, permanent or temporary, been made at the Airports Authority for the post of Human Resource Manager;
 - (b) If the answer is in the affirmative could the Minister state where and when was the position advertised;

- (c) Could the Minister also state:
 - i How many persons applied;
 - ii Whether interviews took place; and
 - iii Who conducted the exercise;
- (d) Could the Minister further state:
 - i The name of the person hired;
 - ii The qualification of such person; and
 - iii The total monthly emolument, including perquisites, of the person in the post as of October 2010?

The Minister of Works and Transport (Hon. Jack Warner): Thank you, Mr. Speaker. The answer is yes, a temporary appointment had been made by the Airports Authority, subject to review and consideration by members of the board of the authority when appointed by the Minister, in accordance with the Airports Authority Act.

The position was not advertised. Mr. Speaker, as a consequence of (b), part (c) is not applicable.

Mr. Speaker, Natasha Navas has been appointed on an interim basis, pending the board conducting a transparent and open recruitment exercise. She has a Bachelor of Arts Degree in Marketing and experience in the public sector. Her salary is \$21,000 per month.

Mr. Speaker: Any supplementals?

Airports Authority

(Appointment of Deputy General Manager Operations)

- 10. Dr. Keith Rowley** (*Diego Martin West*) asked the hon. Minister of Works and Transport:
- (a) Has any appointment, acting, permanent or temporary, been made at the Airports Authority for the post of Deputy General Manager Operations;
 - (b) If the answer is in the affirmative could the Minister state where and when was the position advertised;
 - (c) Could the Minister also state:
 - i How many persons applied;
 - ii Whether interviews took place; and

- iii Who conducted the exercise;
- (d) Could the Minister further state:
 - i The name of the person hired;
 - ii The qualification of such person; and
 - iii The total monthly emolument, including perquisites, of the person in the post as of October 2010?

The Minister of Works and Transport (Hon. Jack Warner): Thank you, Mr. Speaker. Yes, a temporary appointment had been made by the Airports Authority subject to review and consideration by members of the board of the authority when appointed by the Minister, in accordance with the Airports Authority Act.

The position was not advertised. As a consequence part (c) is not applicable. The appointee is Dayanand Birju. He has been appointed on an interim basis, pending the board conducting a transparent and open recruitment exercise. He has a First Degree in Computer Science and extensive experience in air transport management. His salary is \$29,350 per month.

Dr. Rowley: Mr. Speaker, a supplemental. Could the Minister tell this House if those persons who were hired under interim arrangements applied for these positions?

Hon. J. Warner: Mr. Speaker, I am not aware if they have applied or not. I merely got this information from the Airports Authority, and this is what I was able to give.

Dr. Rowley: If the Minister is not able to say whether they have applied or not, could the Minister tell us which office holder hired these persons—under whose hand, under whose signature were these persons hired on an interim or any other basis?

Hon. J. Warner: I have not seen the hand under which these applications were signed or hired, but I would assume, the General Manager. I have not seen it.

Mr. Imbert: Further supplemental. With respect to part (d) of the answer, the question asked for the total monthly emolument, but the Minister spoke about salary. Is the figure quoted the salary or is it the salary/perquisites as asked by the question?

Hon. J. Warner: Mr. Speaker, on my enquiry from the Airports Authority, they gave me the figure here as the salary per month, and I would assume it includes emoluments.

**Water and Sewerage Authority
(Appointment of CEO)**

11. Dr. Keith Rowley (*Diego Martin West*) asked the hon. Minister of Public Utilities:

- (a) Did WASA take any steps to fill a vacancy for the post of CEO at any time during 2009/2010;
- (b) If the answer is in the affirmative, could the Minister outline the process engaged, including advertising, interviews and evaluations in the exercise;
- (c) Could the Minister further state:
 - i The number of applicants screened;
 - ii When the process ended; and
 - iii Whether the successful applicant was a foreigner or local?
- (d) With respect to the successful applicant, could the Minister further state:
 - i The qualification and suitability for the job;
 - ii The period of tenure actually served at WASA; and
 - iii The total amount of moneys paid to the CEO at the conclusion of his/her service?

The Minister of Public Utilities (Hon. Emmanuel George): Mr. Speaker, thank you. Mr. Speaker, yes, WASA did take steps to fill the vacancy for the post of CEO during the 2009/2010 period.

The process engaged in filling the post of CEO at WASA included:

- June 26, 2009—the WASA Board of Commissioners in a meeting agreed that local and international advertisements would be placed for a chief executive officer. Additionally, it was agreed that a profile for the position would be developed.
- On July 31, 2009—the Board of Commissioners in a meeting noted that the profiles for the CEO had been prepared and that advertisements would be issued.
- August 09, 12 and 14, 2009—advertisements were published in the Trinidad and Tobago daily newspapers and internationally in the *Financial Times* and *New York Times*.
- September 09, 2009—following the advertisement, the board interviewed Dr. James Lee Young for the position of Chief Executive Officer.

- October 16, 2009—the board agreed that the position of Chief Executive Officer would be filled by a foreign consultant acting in the capacity of Chief Executive Officer until a local CEO could be appointed.
- October 16, 2009—Korn/Ferry International was engaged as an international head-hunting firm to recruit a CEO.
- November 21, 2009—following a short listing by Korn/Ferry, interviews were conducted by the chairman with Andrew Smith, Patrick O’Leary and Kevin Starling.
- December 2009—Mr. Andrew Smith was interviewed by the Minister of Public Utilities and the board.
- January 25, 2010—Mr. Andrew Smith was offered the position of Chief Executive Officer with effect from April 12, 2010.

There were seven applicants screened for the position of CEO. They were:

- Ronen Wolfman of Israel
- Andrew Smith of the United Kingdom
- Patrick O’Leary of the United Kingdom
- Kevin Starling of the United Kingdom
- James Lee Young of Trinidad
- Robin Mooloo of Trinidad
- Shelley Mc Millan of Trinidad

The screening process ended January 25, 2010. The successful applicant was a foreigner, Mr. Andrew Smith of the United Kingdom.

Mr. Andrew Smith's qualifications and suitability for the position of CEO were as follows:

- He is a Chartered Accountant with a Bachelor of Science in Mathematics and Statistics (Honours)
- He was formerly responsible for the strategic direction and management of Veolia Water Central Limited, a water supply company of the United Kingdom.
- He managed business critical projects, including two regulatory price reviews and billing system implementation.

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- He held successive chief executive positions in the water supply industry and led the organization to significant improvements in operating performance, service levels and customer satisfaction.

The period of tenure of Mr. Andrew Smith at WASA covered the period April 12, 2010—July 31, 2010. The total amount of moneys paid to the CEO at the conclusion of his service was US \$40,000 representing two months salary and a one-way ticket for a flight to the United Kingdom, costing approximately \$7,000, as agreed between Mr. Smith and the Ministry of Public Utilities.

Mr. Speaker, I want to refer to an email that Mr. Smith sent me dated June 23, 2010. I noted some weeks ago that there was a statement in the press that I was less than forthright with the press in saying that Mr. Smith had resigned, and I quote:

“101 Pixmore Way.

Letchworth Garden City.

Herts.

England, SG6 3TR.

23 June 2010.

Mr. Emmanuel George Public Utilities,

Sacred Heart Building,

16-18 Sackville Street,

Port of Spain,

Trinidad,

Dear Minister,

I am writing in response to the recent change in Government and the pending appointment of a new Board. In the circumstances I am willing to offer my resignation as Chief Executive Officer of the Water and Sewerage Authority in return for an appropriate exit package. If you would like to pursue this matter then I would be happy to discuss the terms of an amicable departure from the Authority.

My family and I have made considerable personal and professional sacrifices to accept this opportunity to lead the Authority. In my time here I have found the challenge both exciting and stimulating. I believe that the Authority has the potential to achieve significant progress in addressing the needs of customers over the coming years. It is therefore with great regret and disappointment that I write this letter.

Yours sincerely,

Andrew Smith.”

That was on June 23, 2010. He wrote another email on June 28, 2010 with the same home address, addressed to:

“Mr. Emmanuel George.
Minister of Public Utilities...
Dear Minister.

I am writing further to my letter of 23 June 2010 and our meeting at your offices on 24 June 2010 at which Mr. Kamal Mankee accompanied you.

I confirm my resignation as Chief Executive Officer of the Water and Sewerage Authority. As we agreed in our meeting, I will remain in post until 31 July 2010 to provide stability to the Authority as the new Board is appointed and brought up to speed. In compensation for loss of office, we agreed that I would be paid to the end of September 2010.

Please be assured of my full attention and professionalism in the final month of my tenure.

Yours sincerely,
Andrew Smith”

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

1.45 p.m.

Dr. K. Rowley: Mr. Speaker, a supplemental. Since Mr. Smith's position as CEO of the Water and Sewerage Authority (WASA) was clearly not a political appointment and was sourced by a method the Minister just described, could the Minister indicate to this House why Mr. Smith saw it necessary to vacate his position in the face of a change of Government?

Sen. The Hon. E. George: I think that only Mr. Smith could answer that question. [*Desk thumping*]

Dr. K. Rowley: Mr. Speaker, since Mr. Smith has seen it fit to write about loss of office, could the Minister tell this House whether he, as Minister, or any person acting for or on his behalf, requested of Mr. Smith that he vacate his position?

Sen. The Hon. E. George: The answer is an emphatic "no".

STATEMENTS BY MINISTERS**United Nations General Assembly****(Prime Minister's Motion Accepted by)**

The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan): I am authorized by Cabinet to make the following statement with respect to the adoption without vote on Agenda Item 97 by the First Committee of the 65th Session of the United Nations General Assembly, the Motion entitled, "Women, disarmament, non-proliferation and arms control" which was adopted on October 28, 2010 and will be considered by plenary later this month at the United Nations.

Many of us would recall that on Monday, September 27, 2010, in her address at the General Debate of the 65th Session of the United Nations General Assembly, among other things, the hon. Prime Minister of Trinidad and Tobago called upon the world community to address four items which were critical to our national interest and our long-term growth and development.

These were, firstly, that in the context of a broader definition of global governance in which leaders must be held accountable and there should be greater dialogue among nation states, there ought to be regular and predictable channels of communication between the G20 nations and members of the United Nations which constitute the G192. Increased dialogue would facilitate a more global perspective on decisions which affect the financial well-being of mankind.

Secondly, the hon. Prime Minister also emphasized that member states of the United Nations, which are parties to the Rome Statute of the International Criminal Court, include international drug trafficking as a crime within the jurisdiction of the International Criminal Court. This was said in the context of the significant challenges faced in confronting the international drug trade, given our unfortunate location between the producers and consumers of illicit drugs.

Thirdly, that the proliferation of illegal small arms and consequential gang warfare forced many Caricom governments to divert scarce financial resources, which would otherwise have been used for economic and social development, to deal with this challenge.

In this context, the hon. Prime Minister indicated that Trinidad and Tobago was encouraged by attempts to conclude a legally binding treaty to regulate the trade in conventional weapons and stressed that this Treaty should also seek to regulate small arms and light weapons.

Fourthly, that Trinidad and Tobago proposed to introduce in the First Committee of the General Assembly devoted to disarmament, international peace and security, a resolution on "Women, disarmament, non-proliferation and arms control".

We took this position because we felt that there could be no sustainable peace and security without the involvement and contribution of women. I am very pleased and now wish to inform this honourable House that on October 28, 2010, exactly and only after one month and a day, the hon. Prime Minister, after her address to the General Assembly, the First Committee adopted, without vote, a draft resolution entitled, "Women, disarmament, non-proliferation and arms control". I repeat, just only after one month and one day of her speaking at the General Assembly.

What is even more exciting and interesting is the fact that this Resolution was co-sponsored by 52 nations and delegations from the western European and other groups, the African group and the group of Latin American and Caribbean States. They provided the greatest levels of support. Support for the Resolution also came from many Commonwealth nations. As you know, the hon. Prime Minister, at this point in time, is the Chair in the office of the Commonwealth. This Resolution, which was, therefore, supported and co-sponsored by 52 nations, will now be referred to the plenary of the General Assembly and is expected to be considered by the plenary between mid to late November this year.

The adoption of this Resolution, even at this stage, represents a triumph of national diplomacy and demonstrates very clearly that Trinidad and Tobago can, if it so chooses, effectively punch way above its weight in international fora and seek to influence global decision-making in ways that serve our national interest, that serve the interest of the Caribbean region and redound to the betterment of mankind overall.

May I say that this People's Partnership Government does not have to spend billions of dollars on summits to achieve our goals in the area of international relations. [*Desk thumping*] We are leveraging our intellect, leveraging our talent for seeking compromise, leveraging our Commonwealth relationship, leveraging our geographic and cultural realities and circumstances to seek consensus and to build bridges.

In the lead-up to the plenary session which would have considered our Resolution, the hon. Prime Minister addressed the Permanent Council of the Organization of American States (OAS) to underscore this country's ice commitment to multilateralism to indicate our priorities for development based on the seven pillars of governance that are in our manifesto and, at the same time, to solicit OAS support for our Resolution. When the hon. Prime Minister addressed the Permanent Council of the OAS, 34 States and over 60 observers were present to listen to her.

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Trinidad and Tobago, in addition to other initiatives, proposes to use its position as Chair in Office of the Commonwealth to identify and solicit support from other nations. Our commitment to multilateralism comes at a time when some of our brothers and sisters in the Caribbean have recently suffered a devastating consequence of events: Haiti, an earthquake followed by cholera and a hurricane, where hundreds of thousands remain living in tents; St. Lucia, St. Vincent and the Grenadines, where schools, homes and other places have been destroyed; government offices have been destroyed, agricultural sectors completely wiped out following the passage of Hurricane Tomas and Barbados, of course, where our beloved leader has also gone to the beyond.

As we confront these challenges, we are mindful that while we in Trinidad and Tobago may have been spared many of these misfortunes, we still have to seek partnerships; we still have to build relationships, if even to assist our regional colleagues.

Trinidad and Tobago will, therefore, continue to build partnerships with others based on brotherhood, mutual respect and the advancement of the interest of mankind. We will seek to do so as cost effectively, strategically and in the interest of the well-being of Trinidad and Tobago and of the region as a whole.

Mr. Speaker, I thank you.

Children's Rights and Welfare (Government's Policies in Support of)

The Prime Minister (Hon. Kamla Persad-Bissessar): Mr. Speaker, I rise to make this statement today on the eve of a very important international observance, that of Universal Children's Day, to be commemorated tomorrow, Saturday, November 20, 2010.

It is said that there is no trust more sacred than the one the world holds with children; there is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and wants and that they could grow up in peace.

This year has become a very important one in our global calendar simply because it signifies the world's commitment to the United Nations Declaration of the Rights of the Child and the need for global leaders to ensure that children in all countries are given these basic rights and freedoms. It is also a day when all citizens of our country and others can and ought to set aside to observe and celebrate the great blessing of children, the joy, hope and inspiration they bring to our lives, families, communities, societies, countries and the world.

I must confess that children's rights and welfare and betterment are special topics to me as a mother, grandmother, activist and politician. Therefore, their welfare is of paramount importance to my Government. The Constitution of Trinidad and Tobago as well as the United Nations Convention on the Rights of the Child, which this country ratified over a decade ago, mandates us as a Government and people to treat children as equal citizens who are guaranteed inherent human rights of freedom, safety, respect, love and care.

The sad reality here in Trinidad and Tobago, as in other countries, is that children are victims of abuse, neglect and crime. Over the past decade, it has always appalled us to see the refusal of the former regime to deal with these very serious issues confronting our nation's children and the outright refusal, in some instances, to protect children of this country and ensure that their basic right to protection, safety, education, emotional and healthy well-being and proper care were preserved.

It was on this basis that my People's Partnership Government promised that if we were elected by the good people of this nation, we would right these wrongs of the former administration. I believe that it is quite fitting that today, on the eve of Universal Children's Day, that I make public some of my Government's plans and policies to secure the welfare of our nation's children.

In the six short months we have been in office, we have set into train legislation to promote the welfare of children, which we brought to Parliament in due course. These include, of course, those which have already been debated in this House, the legislation for the Children's Life Fund to ensure that all children in need of lifesaving surgery would have access to funds to access the same healthcare. [*Desk thumping*] This Bill will go to the other place, the Senate.

May I also say, Mr. Speaker, something that has already been disclosed. All Members of the Government took pay cuts; 10 per cent by myself and 5 per cent by the others to contribute to this fund. I have seen that some of the State boards that we have appointed, have taken decisions to also take a pay cut in order to contribute to the Children's Life Fund. We await words from those on the other side as to whether they would do likewise.

Our Government has also implemented a revolutionary free laptop for every secondary school child entering school this year, which could be the great equalizer of all children and the promotion of their educational welfare in a world of technology and information. I am of the respectful view that this policy allows children of our beloved country and their parents to know that they are getting an education of the highest possible global standard, that is not only their right, but a passport to a

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better future for the children and for our country. This policy, in my respectful view, is a shining example of just what can be achieved in the developing world by sheer political will demonstrated by this Government.

Government has also undertaken in various ministries which deal with children's welfare, major education policies and general information campaigns to educate children about their rights. We have put in place systems to ensure that NGO's and orphanages that seek out the welfare of children and receive proper funding by Government while the State rehabilitation project of young offenders is implemented and strengthened.

I would like to sum up some of our key measures and policies to ensure that our children benefit from their legal and constitutional rights. We note that the People's Partnership Government intends, in the earliest time frame available to us, to do the following:

Firstly, to ensure that the United Nations Convention on the Rights of the Child, to which we are a signatory, is fully implemented and that national laws and regulations are fully consistent with the principles and provisions of the Convention.

Secondly, demand that coordination among the bodies, including State and others, promoting and protecting the rights of the child, is adequate and a comprehensive approach to the implementation of the Convention be done by ensuring that these committees and bodies have proper institutional capacity, skills and financial resources to carry out their mandates.

2.00 p.m.

Ensure that enough attention is paid, at both local and national levels, to the need for an efficient monitoring mechanisms, such as could provide a systematic and comprehensive compilation of data of all groups of children, especially those who are victims of child abuse, ill treatment or economic exploitation, girl children, children of single-parent families, children born out of wedlock, abandoned children, institutionalized and disabled children, challenged children—I will withdraw the word "disabled", but challenged children, children living and/or working on the streets, children involved in the juvenile justice system.

The social and economic benefits of investing in our children have been extensively documented.

Investing fully in children as to ensure the well-being and productivity of future generations and the evolution of a more equitable, happy and prosperous nation of which we can all be proud.

By contrast, Mr. Speaker, the physical, emotional and intellectual impairment that poverty inflicts on children can mean a lifetime of suffering and want and a legacy of poverty for the next generation. It is this legacy that our Government intends to change. [*Desk thumping*] However, the fact remains that in order to ensure these policies are properly implemented, we need the cooperation of all citizens and stakeholders in our country. I wish to state that the best service to the child is the service closest to the child, and children who are victims of neglect, abuse or abandonment must not also be victims of bureaucracy and societal indifference. Children deserve our devoted attention not our divided attention.

On that note I wish to remind all that abuse of any kind changes the person's life, oftentimes for the worst, but that need not be if, we, as citizens are vigilant to prevent abuse. So, I respectfully call on all who may be or was the victim of child abuse or knows someone who is the victim of child abuse. So, I respectfully call on all who may be or were victims of child abuse or know someone who is the victim of child abuse to fight back and change the life of the abusers by breaking your silence on abuse.

It is time for us as a nation to stop living in denial about this reality, and I urge you all to always remember that consequences of such denial will be with us for a lifetime and will be passed down to the future generations. Remember the nation's future truly lies in the hands of our children, and it is to prevent the breakdown of our society and our country that children in Trinidad and Tobago must be treated better. The fact remains that while child abuse does not go away, 90 per cent of child abuse is preventable—Mr. Speaker, 90 per cent is preventable—and, so child abuse and neglect offend the basic values of our State. We have a responsibility to provide safe settings for at-risk children and facilitate permanent remedies and rehabilitation for children who have already suffered the tragedy and misfortune of neglect or abuse, and the fact remains that the only reason child abuse is alive today, is because we, as adults, fail our children when we fail to listen to them.

Listen to a child today I ask, hear his or her pleas, suggestions and realize that he or she has rights just like you and me. Always remember that when the lives and rights of children are at stake there must be no silent witnesses, and so with respect, I urge all to further remember that creating a country that is truly fit for children does not imply simply the implementation of laws. It means changing the country with children, ensuring their right to participate and that their views are heard and considered. We must be our brother's keeper, we must be our sister's keeper, we must be our neighbour's keeper and above all we must be the keeper of our children. [*Desk thumping*]

This means building a country fit for children where every child can grow to adulthood in health, peace and dignity. What is needed now, together with the

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Government's new policies of inclusion and protection of children in our country, are increased efforts from stakeholders and citizens in this country to promote youth participation and commitment, more services aimed at youth, more parental involvement, more educational information, and indeed, for partnerships with civil society.

I trust that we will do our part to preserve our country's future and implore us to always remember that in serving the best interest of our children we serve the best interest of all humanity. Our country—we seek, where every child can grow to adulthood in health, peace and dignity; in short a country fit for children has remained a dream for more years that we can count. But all of us here in the People's Partnership Government are convinced that working together with committed partners and citizens of our country, and with an appropriate plan of action and a commitment to resources, we can make that dream a reality for each and every child in our beautiful land.

As I close, Mr. Speaker, I urge us all to let us build together a new alliance to realize that goal, secure in the knowledge that every time a child is born he or she brings with him or her, the hope that God is not yet disappointed in humankind.

Mr. Speaker, I thank you and I just say, I congratulate the Minister of the People who has been doing a lot of work with respect to challenged persons, indeed with respect to our children, and may I also—so he is yet another hard-working Minister just like all MPs and Ministers who could be my successor.

I thank you. [*Desk thumping*]

INTERCEPTION OF COMMUNICATIONS BILL

Order for second reading read.

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Thank you, Mr. Speaker. I beg to move,

That a Bill to provide for and about the interception of communications, the acquisition and disclosure of data relating to communications, the acquisition of the means by which electronic data protected by encryption or passwords may be decrypted or accessed and other related matters, be now read a second time.

Mr. Speaker, I wish to express sincerest thanks to you for so graciously allowing me to pilot the Interception of Communications Bill, 2010 in this honourable House today. Before I do so, please permit me the liberty to remind this august body, quite briefly, of what led to the urgency of this action. Mr. Speaker, outrage, abuse, fractured and violated, under siege, sordid invasion, raped privacy, troublesome and vexing, were some of the sentiments expressed by members of a stunned national community, as the hon. Prime Minister revealed in this august Chamber one week

ago that law-abiding citizens in this country of the highest strata were subjected to violation of their privacy through the medium of electronic interception of their telephone calls and emails via the Security Intelligence Agency, the SIA.

Mr. Speaker, hon. Members, our responsible Government is here to underscore once again, that it shall always ensure that the rule of law is adhered to in Trinidad and Tobago, and even more so, that public safety and security are achieved by means of a legitimate, comprehensive and well-coordinated security framework. [*Desk thumping*] The hon. Prime Minister disclosed to this nation that interception of communication was being conducted without the required legislative framework. She indicated to this august House that the issue of wiretapping and interception of communication is a troubling and vexing one, because it is surreptitious invasion of citizens' right to privacy. The hon. Prime Minister also pointed out that the unregulated and unauthorized interception of communication of citizens is open to misuse and abuse.

Hon. Members, I wish to endorse the view expressed by the hon. Prime Minister and Chair of the National Security Council, that any use of interception of communication without the people's consent through the Parliament is contrary to democracy and is illegal.

We therefore believe that it is imperative and crucial to enact and implement legislation to regulate such a sensitive issue as it would give the required authorization as well as ensure, firstly, that proper checks and balances are in place to guarantee accountability, and secondly, that basic human rights are not being violated. Following the hon. Prime Minister's statement, it is easy to understand why a number of people are justified in feeling a great measure of discomfort, knowing that their conversations were being intercepted, and regardless of whatever means are being advanced for such action the fact remains, it was wrong to spy on lawful, law-biding citizens who are not involved in any criminal activity. [*Desk thumping*]

Mr. Speaker, when one's privacy is invaded there are a myriad of emotions that come to the fore and you would imagine that this is the work of a desperate mind, a manic mind, a manic man. [*Desk thumping*] So where do we go from here? Hon. Members, we cannot be naïve. As indicated by the hon. Prime Minister in her statement to the House: "In determining the rules to govern any society, priority must be given, inter alia, . . . to the maintenance of public order, the security of the State and the prevention, investigation, detection and prosecution of the crime."

This is an era of modern and advanced technologies and criminals are sophisticated. Do not hesitate for one minute to think otherwise. Criminals—and I am not just speaking about the international arena—are using cellphones, electronic mails and other means to plan and conduct illegal activity. Their goals are to create obstacles as we actively seek to

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implement measures to weed out corruption and illicit activity and their relation to crime. This Government is adamant that it will not allow criminal activity to run rampant and unharnessed.

Mr. Speaker, we are aware that criminals are using technology to perpetrate crime, as such, our national security agencies must be equally responsive, well trained and equipped to prevent this level of lawlessness. We on this side, as well as the Opposition, are well aware of the sensitive privacy issues that are involved in this matter. For every justification that consider the introduction of what is dubbed wiretapping, public security versus right to privacy was debated, so we are not sailing in unchartered waters. I hasten to acknowledge the security posture of intelligence agencies and their worth in the fight against crime nationally as well as internationally.

I have been fortunate to have had the privilege of serving, not only in Trinidad and Tobago, but internationally, with security agencies. [*Desk thumping*] I, probably more than anyone in this Chamber, understand the meaning and the basis of classified information. But when your privacy is invaded, when that privacy is invaded you are hurt. I have had, fortunately for me, service in the military that I can refer to and boast of being impeccable. My integrity is unquestionable. When I am faced with information that I am the subject of investigation, it hurts. It hurts! Again, Mr. Speaker, one would get the impression that that is the work of a sick mind, a manic mind, a manic man. [*Desk thumping*]

2.15 p.m.

So to suggest, as has been implied by those intent on being mischievous, that the Government was dismantling or undermining national security agencies, systems and strategies, is furthest from the truth. What we are attempting to do is to dismantle dictatorial power of a sick mind, a manic mind, a manic man. [*Desk thumping*] Never again in this country must citizens be exposed to that manifestation of tyranny. Never again! [*Desk thumping*] Rest assured, hon. Members, privacy issues cannot and will never be ignored, especially as this Government has advocated the protection of human rights and transparency of operations.

This Government remains insistent, however, that the security of our nation will not be compromised in order for us to protect the privacy of criminals. Protection of the citizens of Trinidad and Tobago must, therefore, be the paramount consideration. [*Desk thumping*]

We, on this side, and we would hope as well that our colleagues on the other side are in concurrence that this legislation will assist in accomplishing security goals. We support interception because if used as envisaged and authorized it will

prove an effective investigative technique for law enforcement and intelligence agencies. This tool is necessary for the common good of our society, but we cannot and must not subject our innocent law-abiding citizens, especially of the stature revealed in this honourable House, to the invasion of their privacy.

His Excellency the President of the Republic of Trinidad and Tobago, loved by all citizens of Trinidad and Tobago, I can imagine how he felt on learning what has happened with his invasion of privacy. Families are targets; law-abiding citizens; children. You may very well imagine a mother and child relationship, speaking to her daughter on the phone; they are speaking intimate matters; she is confiding in her mother; the mother confiding in her daughter, and these conversations are being eavesdropped upon by personnel whom we can only refer to as a sick mind, manic mind; manic man. [*Desk thumping*]

Mr. Speaker, legislation that allows for the interception of communication is neither unique nor novel. It is globally recognized that the interception of communication is a remarkable law enforcement mechanism that contributes to a safer nation, region and world. Successes via this form of intelligence acquisition are typically evident in the realm of drug trafficking, gang activity and prevention of organized crime and corruption. Further, successes impact on not just the nation that is conducting the interception, but, in some cases, on other countries when the information is pertinent to combating international criminal activity.

The United Kingdom, Canada, the United States, Australia, Jamaica and St. Lucia are just a few countries that already have this legislation that facilitates interception. St. Kitts and Nevis are currently in the process of debating its own Interception of Communications Bill. Some jurisdictions require interception for intelligence gathering purposes and others have opted to use interception as evidence. There are those territories which provide for a hybrid model, allowing interception for both intelligence and evidence.

This Bill before us caters for both intelligence and evidence which will augur well for an increase in crime detection as well as conviction. It follows that anyone who would enjoy electronic eavesdropping and the invasion of privacy for personal gain is a sick mind, a manic mind, a manic man.

In a report dated January 30, 2008 titled the Privy Council Review of Intercept as Evidence, reference is made to discussions with the Serious Organized Crime Agency of the United Kingdom, during which the Privy Council was told, and I quote:

“...Interception, together with communications data, is the single most powerful tool for responding to serious and organized crime...”

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This is because:

- it carries very low risk of putting police officers in danger or warning the suspect of police interest in him;
- it is flexible and uniquely easy to put in place quickly;
- it is less costly and less intrusive than for example covert entry, surveillance or eavesdropping; and
- it can help ensure the safety of law enforcement personnel; and prevent serious crimes from occurring, as well as to collect evidence of crimes being committed.

As we speak, in London, England, there is a situation where the Prime Minister, David Cameron's Communications Director, Andy Coulson, is being investigated and interviewed by the police over alleged knowledge of the *News of the World* phone hacking scandal. Further to that, Glenn Mulcaire, a private investigator on the *News of the World* payroll as well, and the paper's former royal editor, Clive Goodman, a former policeman, were jailed for listening to phone messages belonging to members of the royal household in January 2007. So there is the situation of jail looming. Jail is looming. [*Desk thumping*]

I call on my colleagues on the other side, some of whom have been victims of this manic mind, to join us in ridding our national community of the possibility of a recurrence of this horrendous infringement of our constitutional rights, by supporting the passage and legislating of this Bill. We invite you to review with the Government, proposals, so as to strike the necessary balance between interception for criminal investigation and protection of a person's right to privacy as enshrined in the Constitution of Trinidad and Tobago.

The Member for Diego Martin West and Leader of the Opposition expressed sadness and shame when interviewed by the press after the revelations, indicating—and I quote:

“We will support any such measure and it is a pity that such measures had not been in place before as it may have protected us from the shame that we face today.”

Shame; brought about all because of a sick mind, a manic mind, a manic man. [*Desk thumping*]

Mr. Speaker, I wish to let my colleague, the Member for Diego Martin West know that we on this side empathize with him and his colleagues on the other side, most of whom appeared equally sad, including the dear Member for Laventille East/Morvant. A picture paints a thousand words: Sadness.

[*Displays newspaper photograph*]

Sunday Newsday photograph, November 14. We, too, felt saddened, among other emotions. I cannot imagine why they would want to spy on the Member for Laventille East/Morvant. She was quoted as saying that she had nothing to hide, and certainly so; a charming lady; I have always known her to be a charming lady. She was not aware that her calls were being monitored. Even as Minister of State in the Ministry of National Security, she was not aware.

The former Prime Minister and Member for San Fernando East in a press conference last Friday is quoted as saying that nobody is above the law, when asked about the wiretapping of His Excellency the President of the Republic. I refer now to the *Guardian* of Saturday November 13, where he said:

“Nobody is above the law. Nobody is above the scrutiny of the State, whether you be Prime Minister, Minister, judge, journalist or anybody else. Nobody is above scrutiny of the State.”

Mr. Speaker, the Member for San Fernando East is also reported to have stated that the SIA reported to him and to the Minister of National Security. Former Minister, Mr. Martin Joseph, categorically denied—*Express*, Monday, November 15 stated:

“Former National Security Minister Martin Joseph has categorically denied that the director of the Security Intelligence Agency reported to him. He also denied authorizing the wiretapping of any citizen in Trinidad and Tobago. He said he too was shocked by the revelation of the Prime Minister in the Parliament on Friday.”

It means, therefore, it is certainly evident that someone is not being truthful.

At that press conference the Member for San Fernando East admitted that he had asked to have the Member for Siparia, and now hon. Prime Minister, monitored. He said during that interview:

“For the first time he also revealed...”

And this is referring to the former Prime Minister—

“that he once asked the Chairman of the Integrity Commission to monitor internally an alleged link between an Integrity Commission official and the Siparia MP, Kamla Persad-Bissessar.”

Noted by Andre Bhagoo.

Mr. Speaker: Could you indicate what newspaper and what date?

Sen. The Hon. Brig. J. Sandy: My apologies, Mr. Speaker. This is *Newsday*, Saturday November 13, page 5.

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Mr. Speaker, I wish, at this time, to denounce statements made by the Member for San Fernando East when he suggested that my hon. Prime Minister is involved in criminal activity by means of encouraging finances and accepting finances from drug lords. However, it is my understanding that the hon. Prime Minister has caused a pre-action protocol letter to be served on the Member for San Fernando East for his defamatory statement. [*Desk thumping*]

2.30 p.m.

Mr. Speaker, I wish to publicly applaud the efforts of the Commissioner of Police, Dwayne Gibbs and his investigating officers [*Desk thumping*] for the professional job done in unearthing the apparent inconsistencies that were occurring at the SIA, not only in terms of illegal interception, but also with respect to financial accounting concerns. In regard to the latter, findings have prompted the initiation of a forensic audit to be conducted for the period 2001 to the present. It was found that no audits of accounts were done at the agency for a decade. Quite an alarming discovery, Mr. Speaker. Quite alarming. All engineered and overseen by a sick mind, a manic mind, a manic man with whom we on this side truly empathize.

Mr. Speaker, quite respectfully, and with your leave, I now embrace the opportunity to take hon. Members through this Bill.

We have asked our colleagues in this honourable House to assist us in the passage of this Bill. We looked from clause 6, and in particular clause 6(3) empowers the court to make an order that any device used to intercept the communication in the commission of offences, shall be forfeited and disposed of as the court may think fit.

Clause 6(4) explains what is meant by "in the course of transmission".

Clause 6(5) reflects that information lawfully intercepted under this Act is exempt information for the purposes of the Freedom of Information Act. This is self-explanatory and understandable as the sensitive information collected cannot be available for public use.

Clause 7(1) treats with the possession of interception devices. It will be an offence for a person to possess a device or any component thereof, the design of which renders it primarily useful for unauthorized interception of private communications.

By clause 7(3), the offence is deemed a strict liability offence, which means that possession without knowing the intent is sufficient to ground a charge.

We recognize, however, that persons engaged in lawful intercept would require devices, and clause 7(2) identifies two occasions whereby authorized persons will not

be charged for possession of any interception device. Accordingly, persons who are assisting an authorized officer in the course of his duties and persons in possession of such devices for the purpose of national security are exempted.

While discussing clause 6, I referenced that intercept can take place in obedience of a warrant issued by the court.

Clause 8 delineates the procedure for obtaining that warrant. For obvious reasons, the application will be made *ex parte* to a judge for the warrant. Mr. Speaker, where there are reasonable grounds for suspecting that criminal activity is taking place, we cannot seek consent from suspects for interception. A security official will then be authorized by the Minister of National Security to make the appropriate application to conduct the respective interception.

I now continue with the review of clause 8. A warrant could be issued to:

- (a) intercept communications described in the warrant; and
- (b) disclose the intercepted communication to such persons and in such a manner as maybe specified in the warrant.

In some countries, there is no separation of powers and the Judiciary sometimes operates in accordance with the directives of the Executive. This is not the case in a democratic society such as ours. We are not the Gestapo. We do not crave unwieldy and sweeping powers. This is why this Government has decided that there must be a measure of judicial oversight when circumstances dictate.

The Judiciary is an independent entity and will continue to operate as such, especially when considering applications for the issuance of a warrant. The judge must therefore be satisfied that:

- “(a) the warrant is necessary in the interests of national security or for the prevention or detection of any offence where there are reasonable grounds for believing that such an offence has been, is being, or is about to be committed;
- (b) Information obtained from the interception is likely to assist in investigations;
- (c) other investigative procedures have not been or unlikely to be successful in attaining the information sought to be acquired by means of the warrant. They are too dangerous to adopt in the circumstances or having regard to the urgency of the case and impracticability of it;
- (d) it will be in the best interest of the administration of justice to issue the warrant.”

How then, Mr. Speaker, is the judge to be satisfied that a warrant should be issued?

As you would note, clause 8(3) mandates that the application must be in writing and accompanied by an affidavit, and the written authorization signed by the Minister of National Security where the warrant is applied for on the grounds of national security.

The components of the affidavit are outlined and it is clear that the persons authorized to make the application must have a solid foundation for seeking the warrant. Mr. Speaker, this procedure is embodied in legislation of other jurisdictions such as Jamaica, and once the requirements are fulfilled, interception is justified.

This honourable House is cognizant that most documents filed in the courts and registries are accessible to the public upon the payment of the prescribed fee. As private and sensitive information must be brought to the attention of the court, the Judiciary, and by extension, the Government, would be derelict in its duties if the information pertaining to the warrant is not safeguarded.

Clause 8(4) therefore mandates that all records relating to every application for a warrant or the renewal or modification of a warrant shall be sealed, unless otherwise ordered by the court. To underscore this issue, clause 8(5) makes it an offence for anyone to disclose the existence of a warrant or an application for a warrant, other than is authorized by the purpose of the legislation. The penalty is a fine of \$50,000 and imprisonment for three years.

Clause 9 is self-explanatory, as it identifies the scope of the warrant. The specifics of the warrant are delineated, and again, it is recognized that the application must be very thorough to justify that the extent of the interception is necessary and is proportional for the seriousness of the offence.

Clause 9(4) authorizes the judge to direct, when necessary, appropriate persons or entities to furnish information, facilities or technical assistance necessary to accomplish the interception. This level of collaboration is essential and the issue of assistance from telecommunication providers will be discussed later in this presentation.

Clause 10 speaks to the duration of the warrant, and in summary, the initial period is not to exceed 90 days. There can be two renewals, each not exceeding 90 days from the date of expiration of the previous period. Each renewal must be sought by written application, supported by an affidavit, and the judge must be satisfied that exceptional circumstances exist to justify renewal of the warrant in every case. No interception can therefore last for more than 270 days. However, if at any time before the end of any of the three periods, a judge is satisfied after hearing representations made by the authorized officer that a warrant is no longer necessary, he will revoke the warrant. This operates as a measure of oversight to ensure once again that lawful interception must only place as necessary.

Undoubtedly, an intercept is to be used as a tool for intelligence formulation in the first instance. There would be times when applications for a warrant have to be made as a matter of urgency.

Clause 11 caters for such situations. By this clause, the judge can hear an oral application for a warrant in the absence of the written application and an affidavit. If the judge is satisfied that a warrant is necessary, he can issue that warrant. The condition, however, is that the applicant must submit within 72 hours of the time of issue of the warrant, the written application and affidavit. The judge shall then review his decision and will either affirm or revoke the warrant. If the applicant fails to make the necessary submission, the warrant initially ceases to have effect upon expiration of the 72 hours.

It may be necessary at times to modify the terms of a warrant, and clause 12 authorizes the judge to modify a warrant if an application for a modification is made. Again, the judge must be satisfied that there is a change in the circumstances which constituted grounds for the issue of renewal of the said warrant. Interception cannot operate at an optimum if there is no cooperation from individuals and entities within and external to the State.

Mr. Speaker, I respectfully draw your attention to section 22(1)(e) of the Telecommunications Act of Trinidad and Tobago, Chap. 47:31 of the laws of Trinidad and Tobago, which directs that:

“Every concession for a public telecommunications network, a public telecommunications service or a broadcasting service shall—

- (c) require the concessionaire, upon request made by the Minister of National Security and subject to any written law, to collaborate with the Ministry in matters of national security;”

Clause 13 is introduced to amplify that requirement for assistance. Telecommunications service providers are now required to promptly assist the Ministry of National Security to comply with interception warrants granted under this Act. Assistance, as mentioned before, may take the form of information, facilities or technical assistance. The assistance must be rendered unobtrusively with minimum interference to the services normally provided to the party affected by the warrant.

2.45 p.m.

Where the assistance is rendered in good faith, in pursuance of the direction of a judge, there will be immunity from prosecution. Should the provider of the telecommunications service fail to comply with the directive to assist, or fail to

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provide prompt assistance, he or it may be charged, and the penalty is a fine of \$1 million, as I have stated, and is exemplified in the provisions of the Bill.

Information obtained by means of intercepted communication must be subject to stringent rules of confidentiality. Clause 8 provides for the sealing of records in the courts when warrants are applied for and offences have been created.

Clause 14 reiterates the need for confidentiality and empowers the judge to issue directions for the purpose of requiring the authorized officer to make arrangements that are necessary to limit disclosure to the minimum that is necessary for the purpose of the said investigation. Further, the storage of copies must be in a secure manner, for as long as its retention is necessary for the purpose of investigation.

Disclosure orders may sometimes be necessary, and clause 15, as well as 16, are instructive in that regard. Pursuant to the execution of a warrant, an authorized officer may retrieve protected communication, which is defined as any electronic data which, without the key to the communication, cannot readily be accessed or put into an intelligible form. In order to render the communication intelligible, a key must be procured.

Mr. Speaker, I take the opportunity to remind hon. Members that the word "key" is defined in clause 5, and it means.

“...any key, code, password, algorithm or other data the use of which (with or without other keys)—

- (a) allows access for protected communication; or
- (b) facilitates the putting of a protected communication into an intelligible form;”

In order to procure that key, an authorized officer has to apply to a judge for an order requiring the person whom he believes to have possession of the key to provide disclosure in respect of the protected communication.

Clause 15(2) stipulates that the order shall be in writing, shall describe the communication to which the order relates, specify the time by which the order is to be complied with and set out the disclosure required by law, as well as the form and manner in which the disclosure is to be made.

Clause 15(3) states that the order shall not require disclosure of any key which is intended to be used for the purpose only of generating electronic signatures and has not, in fact, been used for any other purpose.

We recognize that matters such as the protection of passwords is sacrosanct in many organizations, and for this reason the judge, as set out in clause 15(4), must

take into consideration the extent and nature of any protected communication which requires the key and any adverse effect that complying with the order might have on a business carried on by the person to whom the order is addressed. Accordingly, the judge will require only such disclosure as is proportionate to what is to be achieved. Persons and entities are assured, by virtue of clause 15(5), disclosure shall only be to the authorized officer or such other persons as may be specified in the order. Checks and balances are, therefore, enshrined in this Bill to safeguard the interest of those who assist with disclosure.

Clause 16 deals with the effects of the disclosure order we just discussed. The person to whom such an order is addressed is required to use the key in his possession to obtain access to the protected communication and disclose the protected communication in an intelligible form.

Clause 16(2) recognizes that through that, a person is deemed to have complied with the order if he makes, instead, a disclosure of the key to the authorized person.

Subclauses (3) and (4) also recognize the challenges a person may encounter, through no fault of his own, for fulfilling all the terms of the disclosure order. Where those prescribed situations exist, a person would be deemed to have complied with that order.

Subclauses (5) and (6) treat with specific matters pertaining to the disclosure of keys.

Clause 16(7) directs that failure to comply with a disclosure order without reasonable excuse is an offence, and the offender is liable on summary conviction to a fine of \$100,000 and to imprisonment for one year.

Clause 16(8) imposes specific obligations on the authorized officer who obtains a disclosure order with regard to securing keys and information related thereto, and, should he knowingly contravene this clause, he may be liable to a fine of \$200,000 and imprisonment for two years.

Clause 17(1) defines "sensitive information" and clause 17(2) enables the State to adduce into evidence, in any criminal proceedings, the content of a communication that is obtained by interception.

Clause 17(3) forms an exemption, in that, where a warrant was revoked pursuant to section 11, which is the clause that deals with urgent warrant, the contents of the communication would not be admissible, unless the court is of the opinion that the admission of such evidence would not render the trial unfair or otherwise detrimental to the administration of justice.

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Clause 17(4) provides guidance as to the treatment of evidence and statements of witnesses to ensure that disclosure and sources are protected. I have spoken at length with regard to protected communication.

Clauses 18 and 19 serve, however, to detail disclosure of communications data. Communications data and other terms are defined in clause 18(1).

By clause 18(2), a "designated person", which means the Minister of National Security or any person designated by the Minister for the purpose of accomplishing the objectives of this clause, can require a telecommunications service provider to disclose all of the data in his possession, or to obtain the required data and disclose to an authorized officer. This requirement will be by means of notice in writing. The data to be provided under this clause, as you would note from the interpretation of communications and traffic data, is not sensitive information and, therefore, judicial scrutiny is not necessary as a prerequisite to disclosure.

Notwithstanding, the process is not an ad hoc or arbitrary one. Clause 18(3) mandates that the notice must not be issued unless the designated person is satisfied that it is necessary to obtain that data in the interest of national security, or for the prevention or detection of any offence, where there are reasonable grounds for believing that such an offence has been, is being, or is about to be committed, and the sender or recipient of any communication or be subscribed to the telecommunications to which the data relate, is the subject of an investigation in connection with that offence.

Clause 18(4) details the contents of the notice to disclosure, and subclause (5) provides the period for obtaining data.

Clause 18(5) directs that sections 13 and 14 shall apply. Those clauses provide for telecommunications service providers to ensure that a warrant is complied with and that intercepted communication shall be treated as confidential. The remaining subclauses are self-explanatory, as they deal with confidentiality; authorize disclosure and the resultant penalty for breach of subclauses (7) to (9).

Clause 19 also provides for the admissibility of communications data as evidence in accordance with the law relating to the admissibility of evidence. Guidelines are again given to treat with disclosure and witness statements.

The rubric for Part III is "General Provisions". Clause 20 is typical, in that an authorized officer shall not be liable for any act done by him in good faith, pursuant to this Act.

Clause 21 lists offences that were not cited previously, as well as concomitant penalties.

Clause 22 mandates the Minister of National Security to prepare an annual report in relation to the operation of the Act in the preceding year. The details of the report are delineated in clause 22(1). Further, clause 22(2) directs that this report be laid in both Houses of Parliament promptly, in completion, in accordance with our commitment to ensure transparency and accountability in the use of State funds.

Clause 23 enables the Minister of National Security to make regulations to give effect to the purpose of this Act and these regulations shall be subject to affirmative resolution of Parliament.

This completes the review of the Bill. However, with your consent, I wish to add a few words about this legislation. I wish to commend the attorneys and technocrats who worked assiduously to produce this document, initiated by the previous administration. However, over the past few weeks, it is this Government that actually propelled finalization of this exercise to bring it to the Parliament.

The Government of the People's Partnership wanted to ensure that we have produced legislation with legal viability. This we have accomplished. The various risks and concerns about privacy were taken into account and provisions were included to regulate interception; ensure interception is proportional to the offence; maintain confidentiality; safeguard records and keys, make the State accountable; provide for judicial oversight; allow communication derived from interception to be admissible; mandate parliamentary scrutiny through the laying of an annual report in the Parliament; and protect citizens from being victims of misuse and abuse.

I wish, once again, to thank you and the Members of this honourable House for giving me the opportunity to pilot this critical and necessary piece of legislation here today. Without a doubt, as important as this intercept legislation is to ensuring the safety and security of our citizens and our country, it must be guided by law. Collectively, we are here to safeguard the privacy of our citizens and collectively we are committed to using every tool at our disposal to ensure the safety of the citizens of Trinidad and Tobago.

3.00 p.m.

It is Government's belief that this Bill fulfils both objectives by striking an appropriate balance. Mr. Speaker, I beg to move.

Question proposed.

Dr. Keith Rowley (*Diego Martin West*): Thank you, Mr. Speaker. I rise to join this debate against a background that is quite difficult for me, personally, but

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I want to give you the assurance, Mr. Speaker, that nothing I say in the presentation of my contribution is as a result of me trying to put my personal position before this House. It is not proper; I have never done it before; and I will not do it now.

However, Mr. Speaker, I just want to tell this House that I wish it were as simple as the Minister of National Security makes it out to be; that what we are dealing with is to be personalized, and if we can identify the manic mind and the manic man, and whatever, then we simply deal with that and the problem is solved by the legislation.

Mr. Speaker, if I were to make my own comment on this matter against that background of the tone and tenor of the member of National Security Minister, I will say that right now in Trinidad and Tobago, we have found ourselves into a right royal mess. If I may quote Winston Churchill, contrary to what the Minister has indicated, this is not the beginning of this matter. It is the end of the beginning.

Mr. Speaker, as a democratic country, I do not expect that any citizen will reasonably take the position that we ought to accept, encourage, or defend abuse of citizens by the State and its machinery. I do not expect, Mr. Speaker, that our citizens will accept that the Government can do as it pleases, and that the rights enshrined in the Constitution, and those rights which are meant to protect every person in this country, can be abused, dismissed or diminished in a willy-nilly manner because some person or station believes that it ought to be so because of a higher calling of some kind designated by them.

Mr. Speaker, what is the background to this story? The background to this story goes a lot further back than the Minister indicated. I want to take you back to 1970, when this country was surprised. I could tell you exactly where I was and how I felt when we got the news that the army had mutinied, and we know what happened in 1970. The country was surprised and for days we were under stress because our defence forces—the defence Force, in fact; the army, had become out of control and we were terrorized for a while.

If there was proper intelligence gathering, proper handling of that situation, it might very well be that may never have happened. Twenty years later, same thing again. Truckload of men leave Mucurapo Road, and they come into Port of Spain and take over the country, terrorize us for a while and we get back into control, and thereon. Again, Mr. Speaker, if there was proper intelligence gathering, proper use of intelligence, then the State should have, and could have been protected.

So, Mr. Speaker, these two experiences of Trinidad and Tobago should make it clear to all citizens that notwithstanding how we feel about our personal slights, our personal right to privacy, that in there, there is a need for the State to be apprised

with information in the form of adequate intelligence to protect the State. And by the State, I mean every single one of us who live here, and our property. It is a requirement.

So I do not expect, Mr. Speaker, that any person can put forward an argument, a convincing argument, that the State does not have the requirement to be able to know what is going on, so as to provide citizens with the kind of protection that we ought to have if we are, in fact, the independent country that we say we are.

Mr. Speaker, what happened last Friday was that the Prime Minister came to the House and told us that a rogue agency of the State has been, in fact, acting without due legal sanction, violating the rights of citizens, and probably would have been doing so for nefarious purposes, and in fact, there was outrage, as described by the Minister, and a number of other kinds of terms.

Mr. Speaker, I have no difficulty in saying that if the Prime Minister of this country, and I dare say of any country, finds out that the rights of citizens were being so abused, and that there was, in fact, a rogue agency of the State behaving in that way, then she had every right to inform the national community that this was happening. [*Desk thumping*] But that is not the whole story, Mr. Speaker. That is not the end of the story.

The Prime Minister presented the matter in a way which I would say is typical of the Government, where notwithstanding what the issue might be, there is always an intention to keep the election campaign going, and to score political points, notwithstanding what the consequences might be. [*Desk thumping*]

The Minister of National Security is a newcomer to this House. He might also be a person who did not listen very much to what goes on in Parliament, coming from where he came, in the army; but I want to draw his attention to the fact that since he has put this whole development in the context of a manic mind and a manic man, that if there was a manic man and a manic mind in this country, today, you are the Minister of National Security in his political party. [*Desk thumping*]

Because, Mr. Speaker, again, I do not know why it turns out like this, but given the background that I have to give in the context of what he says, I want to draw his attention to a debate that took place in this House in 1997. And I would not quote too much from it, but I must draw your attention to it. It was a debate brought about by the same concerns that you have raised today. The identical concerns. Because after 1990, and the SIA was formed in 1994, it was operationalized in 1996.

Dr. Gopeesingh: Not SIA.

Mr. Imbert: Yes it was.

Dr. K. Rowley: Mr. Speaker, I would advise Members of the House, if you do not know, listen and learn. [*Desk thumping*] The SIA came out of the examination of the 1990 developments, as I mentioned earlier, in the absence of proper national intelligence. It came into full operation in 1996, under a certain Prime Minister called Basdeo Panday. We were in the Opposition then, and one of our Members crossed the floor and it became big national news.

Basdeo Panday, the Prime Minister, went to La Romaine, Sir, and told the country that as head of the National Security Council, he had information provided by the National Security Council which allowed him to be in the know of what was happening with us in the PNM; and that statement caused the country to know that there was a certain amount of spying taking place, and Basdeo Panday's comment pointed out that that information was being abused for political purposes. That was 1997. And I want to—

Hon. Warner: That is why he is not here.

Hon. Dr. Rowley: That is why he is not here? Tell him that when you see him for me, right? Mr. Speaker, for the benefit of my colleague, the Minister of National Security, as he talks about the manic mind and a manic man, I want to quote for him in a motion which I filed; and this was Friday, March 7, 1997. It says:

“Be it resolved that this honourable House condemn the political use to which the security services are reportedly being put, and the public use by the Prime Minister in a political capacity of privileged information so obtained.”

This is 1997. Right? This is 1997.

As a result of what was exposed to the country as to the existence of a National Security Council, bolstered by agencies like the SIA, and the behaviour by Basdeo Panday in La Romaine, this is what the media had to say. And I quote for you what the *Newsday*—same paper you quoted from just now—says:

“The Prime Minister has exposed an abuse of the national security process.”

The *Newsday* went on to say:

“Equally disturbing is that this information compiled and passed on by the National Security Council was not only of a distinctly partisan political nature, but was exposed at a private meeting for purely partisan purposes.”

It says:

“Mr. Panday should never have made that statement. national security is about national defence against possible external aggression and internal subversion, and includes correctly the maintenance of internal order.”

That was the *Newsday*, and it said a whole lot more. This is 1997.

The *Sunday Guardian* went on to say:

“The implications of this foolish boast are staggering. Was the Prime Minister implying that the country’s security forces were spying on the PNM? From all knowledge...”

I am quoting the *Guardian* here, and let me quote this for you. This is the *Guardian* saying:

“And it is just a matter of time that we will hear that our domestic lives have been, or are under the scrutiny of national security intelligence. Will the Prime Minister be making public on an election platform, details of the lives of citizens based on the intelligence gathered by the country’s security forces? The Prime Minister’s statement must be seen as nothing short of irresponsible, and insensitive, and a threat in themselves to the security of the nation.”

That is the *Guardian* talking about Prime Minister Basdeo Panday’s use of the security services in 1997.

Mr. Speaker, before I go on, Rafeeq Shah, writing in the *Sunday Mirror* says:

“What is frightening is that as Prime Minister, he admits to using one of the most powerful and sensitive state institutions for personal political gain.”

That is the state of play. So when you want to talk about a manic mind and a manic man, this started with the UNC. [*Desk thumping*]

3.15 p.m.

That does not in any way justify any subsequent Prime Minister from abusing it. It in no way justifies it. [*Desk thumping*] When I filed this Motion—if I have the time I will go through the details, and say what the Motion asked for—one of the things the Motion asked for was proper legislative cover for the agencies that were involved in this kind of thing and it never happened; 1997 it never happened.

Mrs. Persad-Bissessar: Thank you hon. Leader of the Opposition for giving way. Sir, you are saying that you brought such a Motion in 1997, and you were on the Benches of the Government for 10 years thereafter. Did you try to get any legislation after that Motion?

Dr. K. Rowley: The answer is yes, I never repudiated this and, therefore, my position stands. The fact is that what we ought to be doing now is not seeking to handle this in the context of an individual, but in the context of failure of institutions in this

country. This is an institutional matter that goes back to 1970—1990 where we have consistently put individuals ahead of institutions. If we had responded institutionally to those developments, we would have never been in this situation today. So we are called upon to do what we have to do which is why, I immediately, on behalf of the PNM, indicated that the Government can look forward to the Opposition's support in doing now what we should have done a long time ago. [*Desk thumping*] I have no difficulty with that. That offer to support is not a blanket offer. We have to support good law, and I will come back to that.

Mr. Speaker, what I want to understand is why in presenting to the country, the developments as we know them now to be—I am sure the Prime Minister is going to join the debate at some time, and I am keen to find out from her, why the information was presented in the way it was presented? Those of us who were around government and governance of this country would have known that these agencies existed. The Prime Minister today functioned as Prime Minister before in an acting capacity, as the Attorney General and by holding those positions would have functioned as a member of the National Security Council. When the information was provided to the country, albeit 10 years late, the way it was presented raises certain questions. The questions have caused persons to ask, is it that there was a political dimension to this or is it that there was a genuine surprise and consternation?

You see, what the country was told last Friday was that the Prime Minister had discovered a secret spying agency which has been illegally spying on people, and some credit was being given to Commissioner Gibbs for having discovered this.

I heard on a news item that this new Commissioner of Police from Canada, it is a good thing he came here, because one of the things he did he has just discovered this spy agency which has been spying on people and which has been used by the previous government to abuse citizens—

Mrs. Persad-Bissessar: Thank you very much, Sir. I am glad that we can have the exchange to clarify that point. Many of us in this country did have people saying, your phone is being tapped; your phone is being tapped; your phone is being tapped; but there was no evidence, and that evidence, hard evidence, was provided by the enquiries made by the Commissioner of Police.

Dr. K. Rowley: Mr. Speaker, I am to be convinced by the Prime Minister that she did not know that the SIA and many others—it is not just the SIA. I would be very surprised and I am yet to be convinced, and I will not be convinced that the Prime Minister of Trinidad and Tobago did not know that there is a series of state

agencies that have been eavesdropping on national conversations. I would be surprised if she could defend that.

In fact, in 2005 the Anti-Terrorism Bill was brought before this House, and the then Chief Whip, a certain Ganga Singh, spoke at length in the presence of the hon. Prime Minister. She was here and Ganga Singh was the Chief Whip. She was sitting somewhere here. This is the *Hansard*. Ganga Singh—it is a good thing we do not have enemies around wanting to attack us like in other parts of the country—outlined in *Hansard* back, belly and side, the entire national security structure in Trinidad and Tobago, even naming the names of officers who hold the positions; every single one. We sat here in absolute consternation that a man who was a former Minister of Government could have been so irresponsible, in knowing the need to secure the State, and knowing that these agencies were doing serious work in securing us from criminals and other threats, could stand in the Parliament and outline every single detail of 11 state departments engaged in—to put it lightly—spying.

He made it quite clear that it had to—he told us where they were. He identified exactly where they were; this same secret building that Mr. Gibbs was talking about; the secret building that Mr. Gibbs is being given credit to have found. Ganga Singh told us where it was; corner Park and St. Vincent Street, in the former Vistarama Cinema. Ganga Singh sat next to her and told the world chapter and verse. [*Desk thumping*]

Ms. Mc Donald: What is this? What is this?

Dr. K. Rowley: Ganga Singh went on to say—I am quoting Ganga Singh here now. The Chief Whip said: "The SIA has the capability to monitor cellular and land line conversation." Ganga Singh told the country that right here. This was the Opposition Chief Whip, warm and hot out of the Cabinet [*Desk thumping*] So how then could the Prime Minister, coming out from that environment, tell me today and convince me today that she was only informed of what the SIA was doing because of something Mr. Gibbs told her and some call she got on her cellphone?

Hon. Member: Shame! [*Desk thumping*]

Dr. K. Rowley: Ganga Singh talked about planes that intercept cellular and radio communication. He talked about forward leading radar. I need not go—you said you know about these things—the conversations and telephones of all Opposition Members and some Ministers are also under scrutiny.

Mr. Imbert: That is what he said.

Dr. K. Rowley: And he said that in the presence of—

Hon. Member: —the hon. Prime Minister.

Dr. K. Rowley: The point I am making is, when Ganga Singh—I do not know how he got his information, but he put on *Hansard* the entire national security structure of Trinidad and Tobago, including naming the bodies holding the positions and the locations of the offices of national security.

Interestingly enough, that passed in this country without any sanction by anybody. I cannot even recall that there was a media comment on that. I do not know, maybe the media did not understand what Ganga Singh was saying, but it was absolutely astounding. So, here it was, the Prime Minister, in wanting to advise us that there was abuse taking place of citizens—I maintain my position that a Prime Minister of a country should advise a country if, in fact, this is happening—but what I am questioning was the how and the motivation, but to sell it for the kudos—it was said she did not know anything about this. They just found out about this rogue agency.

Dr. Moonilal: Thank you very much Member for giving way. I am just following the argument. You are suggesting that the former Member, Ganga Singh, in Opposition, raised these issues and gave some details and the Member for Siparia was, indeed, on the Opposition Benches, a few chairs away from him. Member, was this in 2005? If so, you would have been in the government at that time. [*Desk thumping*] I just wanted to ask, with those revelations from the former Member, Ganga Singh, what did you do? Did you raise this matter with your government and then Prime Minister to query whether or not there was evidence to support what Mr. Ganga Singh was saying? That is the issue. It is not what the Member for Siparia did, but what you did in government. [*Desk thumping*]

Dr. K. Rowley: Mr. Speaker, two things; I would like to get injury time for that interruption, and if that is the kind of intervention, I would not accommodate anymore, because I cannot understand the point the Member is making. National security and the movement of national security issues are not matters that individual members of the Cabinet fix or do not fix. The one point that I am making here is that in presenting us with the status of our current environment; in presenting us with the state of play of last week; the Prime Minister let the country know that she was surprised to find out that there was this agency that was engaged in this kind of conduct. I am saying, the evidence does not support that.

I also heard the Prime Minister saying and it had been quoted, that the State forced TSTT and Digicel to cooperate in this spying scandal. I wonder, why does the State have to force TSTT and Digicel when under the Communications Act—

you must remember the Prime Minister is a lawyer, so she knows the law—section 22(1)(e) says:

“Every concession for a public telecommunications network, a public telecommunications service or a broadcasting service shall—

- (e) require the concessionaire, upon request made by the Minister of National Security and subject to any written law, to collaborate with the Ministry in matters of national security;”

So once the State requires the use of those installations for something which the State deems to be national security, the concessionaires are required to collaborate under law. They are required to do so.

Why does anybody have to tell the people of this country that these agencies were forced to collaborate? You do not have to force them. They have to collaborate if the State deems it to be national security. If it is that the Government can demonstrate that the State was breaking the law, then that is different, but it is not for TSTT or Digicel to determine if the State is breaking the law, as long as the State says, I need your plan for national security purposes. [*Desk thumping*]

So if in the debate they can demonstrate that the State was breaking the law fine, but to say that TSTT and Digicel were forced. In fact, it was so presented that these agencies had to come out and say and they were not engaged in spying on anybody, because the way the Government sold it to the country, it was as though these corporate agencies with their corporate image and their business and their clientele to protect, had to come out and say they were not involved in spying on anybody.

3.30 p.m.

All they had to do was cooperate with any government who came forward and said, "I need your plant; I need your cooperation because it is a matter of national security". I dare say that it did not start last week or the week before. They must get up and tell us, when Basdeo Panday went to La Romaine and said that he was spying on the PNM, that TSTT was not involved in that. [*Interruption*]

Dr. Gopeesingh: Diego Martin West, will you give way?

Dr. K. Rowley: Mr. Speaker, am I going to get injury time?

Mr. Speaker: No.

Dr. Gopeesingh: I want to quote from—[*Interruption*]

Hon. Members: No! No!

Dr. K. Rowley: The other thing is, the Prime Minister told us in presenting the case that every single Member of this Government was on the list and that brings the list into question immediately, because I wonder if it was a requirement that as soon as you put your name up as a candidate, this SIA would begin to spy on you. There are many persons in Government today who were unknown to the national community, to put it kindly, and who became public figures when they offered themselves to be candidates in April. They became Government Ministers after May 24, but then the Prime Minister told us that every one of them was on the list being spied upon.

It causes us to ask: When did this spying on the Member for Cumuto/Manzanilla begin? When did the Member for Arima become a target? When did my friend from Couva South? Well, he was a union leader, so he might have been a target for that reason. *[Interruption]* *[Crosstalk]* I am saying that I can see a reason, but persons who had no known profile to warrant attention on the grounds that they would have been of interest to the government of the day, when did they become targets? I am asking this question for good reason, because we have to look at where we are now and where we want to go.

We are in a situation where, because of what has been put before us, the Law Association said that it was a direct attack on the Constitution. Okay, that is their serious view. The Judiciary says to us that the whole thing we are dealing with now is the inevitable undermining of the independence of the Judiciary and the proper administration of justice. Therefore, this is very serious outcome to what this agency was supposed to have created.

Then from the standpoint of accountability, what are we facing? *[Interruption]* Mr. Speaker, I am not talking about individuals; I am talking about institutions. *[Crosstalk]* We are being told by the current Prime Minister about a rogue agency breaking the law. We are being told by the previous Prime Minister, "I gave no instructions for that to happen". We are being told by the previous Minister of National Security, "They did not report to me". We are being told by the current National Security Minister, "I heard it the same time you heard it". I will tell you one thing, the Minister of National Security did not appear to know anything that was going on with respect to what we faced last Friday; he heard it the same time I heard it.

Let me rephrase that: The current Minister of National Security who has been in office for almost six months is saying, "I did not know what the SIA was doing." The point is that we have to understand what in fact we are facing. *[Crosstalk]*

Mr. Speaker: Order!

Dr. K. Rowley: Is it that this agency was, in fact, a rogue agency which could, immediately on its own, determine that because you came into the political arena, because you won a seat, because you got an appointment to the Cabinet, you were automatically a target to be spied upon? Is that what the agency was doing? We need to know.

Mr. Speaker: Order!

Dr. K. Rowley: On the other hand, if it was not that, is it that we are not being told the truth and the agency was, in fact, known to all of them and was, in fact, taking instructions? Either way, we need to know. [*Crosstalk*]

We are talking here about Executive action. This brings me to the point of: Where is the Parliament in all of this? This might be the appropriate time for me to draw to the Prime Minister's attention that passing a law would not automatically solve the problem and take us out of the difficulty we are in right now, because if we are short on institutional support, passing the law will not change it. That is the point I am trying to make. [*Interruption*] I wish I am not shouted at by my friend from D'Abadie/O'Meara who understands nothing. [*Desk thumping*] [*Laughter*]

I have asked, in the light of all that is before us now and in the light of all that is to come, because I am absolutely sure, as I said earlier on, that today will not be the end of this matter— We must take the opportunity to strengthen the country institutionally. [*Desk thumping*] That is why I have asked from day one, that this matter now become the subject of review by a joint select committee of the Parliament, because the Executive of this country must be accountable to the Parliament.

It might sound good; it might sound like good bacchanal to come here and talk about a manic man doing a manic thing, but if you do not change the circumstances, all that you would be doing is playing musical chairs and the country would not have advanced its independence. [*Crosstalk*] It would not have advanced itself.

Mr. Speaker, I want to direct the House in the context of the call for a joint select committee of Parliament to get involved in managing, authorizing and overseeing the national security establishment in this country. That is not anything original from me. I support that position and I advance that position. [*Interruption*]

Mrs. Persad-Bissessar: Are you proposing that on a JSC be set up on this Interception of Communications Bill? I just want to understand what you are saying. Or do you want a security committee of the Parliament? I would like to understand, please.

Dr. K. Rowley: Both. I want to quote from a document called, "Communication Assistance for Law Enforcement Acts". You see, Mr. Speaker, there are two aspects

to this whole thing. One is the need to allow the State to use, the technology that is available in the telecommunications system, as a crime fighting tool. That is absolutely essential if the State is to have adequate security and sustain that security awareness. The other one in parallel is to protect citizens from abuse as the State proceeds to use that tool under the rubric of national security.

If we accept that both have to exist, then you have to find out what kind of institutions, laws, arrangements and regulations are to be in place to allow the State to function in an unfettered way, while at the same time not creating a modern day Gestapo to be abused by office holders for their own nefarious ends. That is where the Parliament has to intervene and not leave it to any individualizing or demonization of individuals. We must pass good law, because we must first understand what the problem is, and this Parliament is meant to solve that problem.

I want to quote for you, very briefly, "Purpose of Security and Intelligence Legislation". I am quoting here from the document I mentioned earlier on, "Communication Assistance for Law Enforcement Act".

“Role of oversight and accountability”

It talks about intelligence agencies operating. It defines accountability as:

“...an information process whereby an agency is under a legal obligation to answer truly and completely the questions put to it by an authority to which it is accountable (for example, a parliamentary intelligence oversight committee). The components of effective oversight and accountability include:

Executive accountability...

Parliamentary oversight - oversight by the legislature of intelligence services enhances their legitimacy and democratic accountability, while ensuring that these agencies are serving the state as a whole rather than a narrow political or other interest. The involvement of parliamentarians can also help to ensure that public funds are properly accounted for.

Legal compliance - The principal mechanism for ensuring legal compliance is judicial review. Judges are often perceived to be independent of government and traditionally, the role of the courts is to protect individual rights.”

This is the view of the experts who have studied this matter. We are not alone in this matter; it is something that challenges countries all the time and some countries have gone way ahead in terms of legislation on this matter. We are inventing no wheel here.

On the subject of parliamentary oversight, I quote:

“In a democratic state, no area of government activity should be out of bounds to the legislature. Oversight by the legislature of intelligence services enhances their legitimacy and democratic accountability, while ensuring that these agencies are serving the state as a whole...”

Mr. Speaker, in the United Kingdom, again, under the heading of "Parliamentary oversight", they have something called the Intelligence and Security Committee created under the Intelligence Services Act 1994. It says that it is to:

“...examine the expenditure, administration and policy of the services, but not operations.”

So nobody is asking for the Parliament to get involved in the operations of these agencies, but there is a requirement to examine the policy against which they operate, the administration as they proceed and the expenditure. By administration, the Minister would understand that I am talking about reporting relationships, sharing information, interfacing with agencies and not duplicating. Those things are not to be beyond the realm of the Parliament, because look at what happened.

The first Prime Minister who was charged with the responsibility of managing the SIA was in the Panday administration. [*Interruption*] Okay, it came into being as an idea being formulated under the Manning administration of 1994 and 1995; then an appointment was made of General Ralph Brown to head it.

3.45 p.m.

In comes the new administration, I think 11 months later. The Panday administration came in 11 months later, by that time Gen. Brown had got a building, he got about 10 or 12 staff and so on, but the real operation started, in earnest, in 1996. The new Prime Minister comes in, Gen. Brown is fired and somebody else is appointed, I do not know who it was, and then, here now we have a new Prime Minister, Clement is fired. We were told that he was doing things that the Prime Minister did not approve of and she got a phone call and she acted on the phone call, but the bottom line is he was fired. Now, I do not know how long this Prime Minister will be in office—

Mr. Warner: Long time. [*Laughter*] A very long time.

Dr. K. Rowley: Stop kissing up! Stop kissing up, you are not ordained. Do not kiss up, they take Moonilal already. [*Laughter and desk thumping*]

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

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Ms. M. McDonald*]

Question put and agreed to.

Dr. K. Rowley: Thank you, Mr. Speaker. I was saying, in advocating that we create proper institution, that it cannot be that what we will accept is something that when a government changes, what happens is that whoever was there is thrown out and you pick your man or woman and that person becomes the acceptance to the country and until the next government comes in and throws the person out. Because, if it is that is going to be, so we are never going to improve. All this is going to happen is that in comes the new person, you pick your man or your woman and you do as you please until next time, but on the other hand, if we are to learn from those who have gone ahead of us in this and you have put proper structures in place, we too will then set out to put proper structures in place. To do that we need to get the Parliament involved in the process, otherwise in this situation, all that is going to happen is that Mr. Clement is going to be replaced by an individual of the current Prime Minister's choice who I can guarantee you will do the same thing that the last person was doing, and it will be the same situation all over again. [*Desk thumping*]

Hon. Member: Worse! Worse! [*Crosstalk*]

Dr. K. Rowley: I was trying to find—[*Interruption*] Mr. Speaker, I want to quote one last section from this assignment that was done by the experts, and these were experts who looked at the UK, I think it was New Zealand, South Africa, Czech Republic, a number of countries, and under the heading of "Providing Oversight and Accountability for Security and Intelligence Operations and Agencies". It says this, and I want my friends on the other side to listen to this and embody it as you move forward today:

“There is a danger in assuming that legislation will, solely by its passing, cause a change in intelligence agencies’ behaviour.”

I want to repeat that:

“There is a danger in assuming that legislation will, solely by its passing, cause a change in intelligence agencies’ behaviour. It is important also to develop accountability mechanisms to ensure that intelligence services actually implement and adhere to the legal framework imposed upon them. Achieving lasting change within intelligence services that have an established history of autonomy or rogue activity requires long-term political will and effective oversight mechanisms, both internal and external. Placing security agencies within a legal structure has important constitutional consequences. The execution of intelligence oversight no

longer remains exclusively within the executive, but is shifted at least partly to the legislature and/or judiciary. It may also involve the public more — for example, through the media as a public forum, as information is no longer held entirely by the executive.”

That is the background against which we should adjust our current circumstances, not by simply saying that we are going to pass a piece of legislation, which, in itself is deficient, but we must commit to getting the Legislature involved. It is against that background that I am asking the Government to commit to this joint select committee evaluation of where we, and also, to add to the committees of Parliament, the standing committees of Parliament a joint select committee on National Security.

If we do that, Mr. Speaker, we will then be institutionally strengthening this country and moving us from a situation where things were not right, where things had gone wrong to a situation of providing the national community with comfort and confidence, that wherever there was a shortcoming we have properly addressed it. It cannot simply be a question of bacchanalia one week, exchange one day, change your personnel from my personnel and the problem not being properly addressed or solved in any significant way. That is what we are saying.

So, Mr. Speaker, as we talked about—I heard the Minister of National Security talk about the outrage, but he spoke about the outrage in the context of names being called. He said “People of higher strata”. Well the Constitution does not only protect people of higher strata. It protects everybody in Trinidad and Tobago. [*Desk thumping*] If it is that to make the point that persons who, by reasonable knowledge of us here in the country, ought not to have been the target of the security services—the Prime Minister named persons in the public domain—then that is a different thing, but if the outrage is based on the fact that because they are of higher strata, look what you have done to us or to them, those persons, then that is the wrong way to approach it. The Constitution provides that protection, regardless of your race, colour, creed or class—[*Desk thumping*] and what has happened here is that the national community is saying that it does not approve of anybody in office. It does not matter who you are, it does not approve of you using the State machinery in a way that is unwarranted to violate the privacy of anybody in this country. That is what they are saying. Okay!

I just want us to understand that. To the extent that people are seeing this as scoring political points, there is enough blame to go around, enough to be shared by all those who were there before and those who are there now, and it falls to us to fix it. [*Desk thumping*]

Mr. Speaker, when I hear about jail—I mean, okay. If you do the crime you do the time. This Government has a habit of promising to jail people. [*Interruption*] This

Interception of Communications Bill
[DR. ROWLEY]

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Government makes a career of promising to jail people. I wonder if the Government understands that jail is the last station in the matter. First there has to be evidence, then there has to be a charge—

Mrs. Persad-Bissessar: Jail "ain't" nice! Jail "ain't" nice!

Mr. Roberts: You are sounding just like—[*Inaudible*]

Dr. K. Rowley: Mr. Speaker, I would like to speak undisturbed please.

Mr. Speaker: You have my protection. Continue!

Dr. K. Rowley: I am talking about my colleague in the back there.

Mr. Speaker: Yes, yes, yes; you have my protection.

Dr. K. Rowley: Jail is the last station! You have to have evidence, you have to have a charge; then there has to be a trial, then there has to be a conviction and then after the conviction, jail then becomes an option for the Bench, not for you. [*Interruption*] You can jail "nobody". [*Interruption*] I am telling you now. [*Crosstalk*]

Therefore, every time I hear the Government is promising to jail anybody, I know that the Government is talking politics. You cannot jail anybody! Jailing is done by the Judiciary! You can jail no one.

Hon. Member: Tell him so!

Dr. K. Rowley: It is unbecoming of the Prime Minister to be out there talking about jailing people, because that sends the signal that we are a banana republic.

Every time I hear my Prime Minister talking about jailing people, that does not square with a modern democracy. [*Interruption*] If jail is to be had it is not for you to say so! [*Interruption*] It is for you to ensure that there are systems in place, where, if there is wrongdoing that there are consequences and there is accountability. That is fine!

Look at this, Mr. Speaker, you see—look at this, "CJ slams ex-PM" [*Shows document*] When I said that we are in a right royal mess—the Prime Minister has told the country that this rogue agency has been violating our rights. Fact! Members of the national community have said, "I am not taking that. I am going to court". Okay! The court has ruled that something wrong has gone on.

Hon. Member: The court did not rule, it is the CJ.

Dr. K. Rowley: Mr. Speaker, "Ex-CJ slams PM", it means that there is an agreement that she has been wrong. I am not a lawyer—you go to the court and you ask, this has been done; I want you to rule that it is wrong. What then is the court going to say?

Secondly, the Judiciary has asked that the intelligence be destroyed, but there are citizens who are going to say, "You cannot destroy that, that is my evidence to prove my case in the court. How could you destroy my evidence, I told you I am going to court? That is my evidence. Why should you destroy it?" But you see, we have some interesting days ahead. Given what has happened, where we are, I am putting it to this Parliament now, that what has to happen is that this Parliament, in treating with this legislation, take parliamentary responsibility and direct the Executive to destroy the illegally gathered information. Because if it is not done that way, Mr. Speaker, this matter is going to end up at the Privy Council sometime, because if it gets past the local courts that somebody has destroyed that information on Executive fiat, somebody is going to go to the Privy Council, and I will be very surprised if the Privy Council will approve that the Executive in this country can destroy evidence which is required by a citizen to make a case before the court.

Mrs. Persad-Bissessar: [*Inaudible*]

Dr. K. Rowley: I am not here trying to agree—[*Interruption*] I am not agreeing or disagreeing with anybody. I am asking the Parliament to understand the right royal mess that we are in and ask the Parliament to fix it. The Parliament can fix it by way of letting it be a legislative action, to instruct the Executive, under proper supervision to destroy that illegal body of information. My understanding is, that there are tapes, there are CDs, there are hard drives, there are paper trails, there are all kinds bundles of information there, which, if left unattended could cause problems for the State. Also, given the position, given the advice of the Chief Justice, advising the Executive to destroy it, I am saying it is not for the Executive to destroy it, because that in itself will cause a problem. Let it be the Parliament that is saying it; let it be the Parliament to instruct by way of legislation, the Executive to so destroy that matter. That is what I am saying. [*Interruption*] If you cannot see your defence, we are all here and we will see the outcome of all of this.

4.00 p.m.

I want to raise the point that there are a number of troubling issues in the legislation which I expect that along the way will be addressed, one of which is the "authorized officer". The Bill turns on an authorized officer authorized by the Minister. Once removed, twice removed, we have to ensure that the Minister's long arm is not the Executive simply having a minion doing the Minister's or the Prime Minister's bidding, so the law will have to be so crafted to prevent that from being the case.

I am expecting that when the Government joins the debate—I understand we are going all night—that the question of who will be defined as an "authorized officer", that

will have to be determined. We also understand that this question about limiting the State to surveillance for 270 days is not a serious one; it cannot be serious. If you agree that the State needs to be properly informed of the threats that we face, in this age of terrorism and organized crime, we cannot pass a law that limits the State use of this tool, this technology that we talked about earlier on.

I did say earlier on that the technology that people are using to communicate is, in fact, a tool of law enforcement, if legally and properly used. Why limit them to 270 days? Because in some instances organizing a crime may take years to put it in place and you may need to keep in touch with them while they are conspiring. So if by legislation we cut the State's ear off after 270 days, what are we doing? If we have criminals—nowadays organized criminals, terrorists, you manage to get on to them, you want to stay in touch with them until they reach in front of the jail. You do not want to deny yourself the ability.

Sometimes you find a source and that source you do not expose; you allow the source to live and to continue to communicate with other sources so that you can get the information from those other sources. If you cut yourself off from the original contact after 270 days, you are now going back to being blind. The State does not want to do that and I would want us to reexamine that because if it is that the case is made that you should have been a target, it should not automatically happen that that targeting ends on day 270 because the law says so; it must be there is no further justification for that to happen. Because, remember, you must go before a judge to ask the judge to continue it. Therefore, if there is a justification to be put before the judge, then that justification should not be circumscribed by a 270-day limit, because there may be one or two or even 10 or 20 instances where you would most desperately want to be there more than 270 days.

Maybe for the average person selling by the roadside or somebody who you got under your radar and turns out not to be a serious target, but the real threats to the State, I guarantee you that the law enforcement officers, all of them would want to be in contact for longer than 270 days.

Another thing, too, is that those persons in countries who have examined this in detail have raised with us this matter: Do we really want to give this blanket approval to wiretap for all levels of crime, or is it only for serious crime, having described serious crime in the way that it can be described? In some countries this authority is given to the state agencies to monitor and to keep in touch with persons who want to commit serious crime and not just any crime. What that does, it limits the number of persons who fall under the net; it focuses your resources on areas that can be most useful to the State, and one must understand that wiretapping is not the only way that the agencies

get information about crime. It is one way; it is a tool, but it is a way that is open to serious abuse, therefore one would want not to make it apply to every single thing.

Therefore, I would want to recommend, in this society where we are the only country that has a movie that could ever be named "Operation Maconmania"; in this country where everybody takes pleasure in being the next door "maco", we really should not want to have every single crime open to law for peeping. We want to focus our resources on serious crime and threats to the State for this tool, especially when somewhere else in there, there is a loophole—and we would get down to that in detail in committee—where it appears as though the Minister is allowed to escape the strictures of this Act by way of using his other ability to operate with the communication agencies, bypassing the State agencies which are controlled by this Act. There is that loophole we have to look at.

Mr. Speaker, we have to ensure that after this legislation is passed, we are a whole lot better off than we were earlier on. There are some concerns about the safeguard of the information. I have not seen, but I expect that there would be regulations. Is that correct?

Dr. Moonilal: Correct.

Dr. K. Rowley: Right. So without seeing the regulations—I hope the debate is sufficiently expansive that the components of the regulations can be fleshed out, because one of the things that has to happen is that we would need to ensure that either the clauses of the law or the regulations provide sufficient safeguard for the actual information that is collected, and also what happens to the information after. What happens to it? Because, you see, a few years ago and up until recently, we had some exposure to the crime of kidnapping and this country was traumatized. The crime of blackmail, extortion; they go hand in hand, once we acknowledge, as we are acknowledging now, we are acknowledging now, that our society is one in which there will be persons looking at persons and the State, being given the power to intervene in what was hitherto deemed to be, or hoped or expected to be, private arrangements, we have to be careful that we do not create any situation which might even be worse than the first situation, where there could be problems with the legislation which could allow information to be gathered which can then become itself a threat to the very citizens for whom the information was gathered to protect. That is where the crafting of the law will be paramount.

We have to ensure that there are arrangements in place to secure that data. There are penalties in the law for violation, but penalties only come after the fact. We have to have the structure. In many countries it is not just one piece of legislation that gives you

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that. There is the Investigatory Powers Act in the UK; there are about three or four Acts that work hand in hand to allow you to cover all the bases. So when we pass this legislation, if we do pass it, as I expect that we would, providing the Government is open to making the relevant kinds of amendments—and, of course, the Government has the majority; the Government can pass it—

Mrs. Persad-Bissessar: May I say, Sir, thank you for that. We have indicated before and I want to give the undertaking again today, we welcome your suggestions for amendments to make this better law. Certainly in the committee stage we can do that, but if it is that the Opposition is not inclined to support the Bill, we will not want to pass this Bill without your support, even though we have the majority, because I believe it is too important. Therefore, in the committee stage, if you like, we can go through and take all your suggestions and give due consideration to them. Thank you. [*Desk thumping*]

Dr. K. Rowley: Mr. Speaker, I am glad to hear that, because what it does, it says that the Parliament has the opportunity to work as a team to pass good law and not for any particular individual partisan purpose. That is what the Parliament should always be about.

We do have a number of suggestions. There are individual clauses that we have some issues with and we hope that at committee stage, as we go through clause by clause—or even before committee stage—we can discuss with the Government and come up with a piece of legislation that will, one, do what it has to do and do it quickly. [*Desk thumping*] We acknowledge that even as we are talking here, there are national security issues at stake. I was particularly careful not to go into any details or even to raise what we know the situation to be, because we of the PNM have been in government long enough and we have been in government too long not to know what national security is all about.

Therefore, when we say we will support, it means we will support the crafting and enacting of good law.

With those few words—

Dr. Moonilal: Are you supporting the Bill?

Dr. K. Rowley: I said we are supporting the process towards having legislation enacted. We expect that the Government will move expeditiously to enact legislation. We stand ready to support that, but we are not saying we are supporting anything you bring. We are saying that what you have brought we will work with. There are some areas of concern that we have; the Prime Minister has given

an undertaking to take on board what we are saying and, therefore, at the end of the day, we expect that the Parliament of Trinidad and Tobago will pass the relevant legislation. I am going further. I am asking the Government not to confine this rectification to executive action but to get the Parliament involved from here on it, so that there is not likely to be a situation of a repeat of the last 14 years.

I gave you the position of the experts who looked at other countries, where they have demonstrated that in today's world, in today's democracies, you cannot run a proper democracy like we want to run here, with the Legislature not being in charge of the Executive. There is a role for the Legislature, and since we have been subjected to abuse by the Executive, it follows that the Parliament has to intervene. I am going further; I am virtually demanding that the JSC be formed to look at matters of national security; not the operations, but all other aspects of our national security architecture.

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

The Minister of Works and Transport (Hon. Jack Warner): Thank you, Mr. Speaker. Mr. Speaker, I guess by now this Parliament and, of course, all of Trinidad and Tobago, would be used to the histrionics of the Leader of the Opposition, as we have been regaled with it this afternoon. I want to begin in the middle of where he contributed earlier on, when he accused our Prime Minister and he said that he was surprised that she did not know that "there were security agencies eavesdropping on the people."

I want to say to him today, I am surprised that he could have made that statement, because, surely, he would know, as all of us would have known, that during the era 1995—2001, the Basdeo Panday era, the present Prime Minister of Trinidad and Tobago, all she had was a 10-days as AG. The present Prime Minister of Trinidad and Tobago was a small "peewat", so to speak, in the Government of Basdeo Panday—

Mr. Imbert: Come on! Nonsense! Shame on you!

Mrs. Persad-Bissessar: In 1997 I was a "peewat".

Hon. J. Warner: I keep making the point over and over, and I am saying again to the Member for Diego Martin North/East—I want to tell the Member for Diego Martin North/East: *ex nihilo nihil fit*; out of nothing, nothing comes. *Ex nihilo nihil fit*.

Anyhow, as I was saying, worse yet, the present Prime Minister was never a member of the National Security Council so, therefore, she could not even have known what transpired there and what Basdeo Panday said or did not say. However, the more critical point is that the argument is not about the secret building. He said, of course, that Ganga Singh spoke about a secret building. [*Crosstalk*]

4.15 p.m.

Mr. Speaker: Hon Members, Member for Diego Martin North/East, may I ask that we give the Minister of Works and Transport the opportunity to speak and you can take notes. There will be sufficient time for everyone to speak. Continue, hon. Minister of Works and Transport. [*Desk thumping*]

Hon. J. Warner: Thank you, Mr. Speaker. I empathize with you for the—anyhow— So therefore the point I wanted to make is, it is not Ganga Singh who spoke about a secret building as the last speaker said. That is the question? So what? Ganga Singh, of course, spoke about the building and the structure of the SIA. What the Prime Minister said she had to bring to this House was the evidence. She brought the evidence. I want to say here today that we should pay much more attention to the weeklies, and I will tell you why. [*Interruption*] You cannot even fix a toilet. I am sorry. Mr. Speaker, I withdraw it.

Mr. Speaker: Please! Please! I would like to ask Members to avoid the crosstalk because it is the crosstalk that brings reaction. So, could I ask you to cool that? Continue. You have withdrawn—

Hon. J. Warner: Mr. Speaker, I apologize. I have withdrawn it. I am saying that we must pay more attention to the weeklies and I will tell you why. It was in the *Wire* in October 2002—when they were all in government—when Azad Ali wrote an article to talk about the equipment from Israel.

Hon. Members: So what?

Hon. J. Warner: It came—hear the timing—when it was 18/18. It was 18/18 in Parliament. The Parliament was, in a sense, stymied when the equipment came in.

Miss Cox: Who ordered it?

Mr. Imbert: Who ordered the equipment?

Hon. J. Warner: The equipment was ordered—[*Interruption*]

Mr. Imbert: By Panday.

Hon. J. Warner:—by Joan Massiah, Chief Executive Officer in the Office of the Prime Minister and paid for in May 2003. It was ordered in 2002. [*Desk thumping*] Mr. Speaker, for national security purposes I would not give out the order, but it is here. They ordered US \$11,810,000 in equipment, and, subsequently, they ordered US \$1.8 million in equipment. So in all, the Manning administration ordered in this country at the height of the 18/18 Parliament, US \$13.6 million in equipment. Look it here. It arrived here in the dead of night in October.

Furthermore, the company that sent the equipment is the company from Israel. I will not call the name, but the company is an Israeli company. Further, Basdeo Panday did not go to Israel. This Prime Minister did not go to Israel. One Prime Minister went to Israel. [*Hon. J. Warner pointed to Mr. Manning*] The Member for San Fernando East did. [*Desk thumping*] Look it here. Look it here, US \$13.6 million. How could our Prime Minister know about this? What is to her credit, is that when she became aware of it and got the evidence, she came to the Parliament immediately—that is the point—and stopped it. [*Desk thumping*] What is even worse, after the May election they continued eaves dropping with the same equipment. They were not even in government.

Mr. Speaker, I want to tell this House today, that the Prime Minister in all of her good intentions may have caught the snake, but did not kill it because this will show that there are 10 sites where you could have this laid with a central radar. It is all here. We do not know where those 10 sites are. I do not know if she knows, but the fact is in doing so—you want to talk? You want to say I am wrong? Ten sites. Tell this Parliament, therefore, where they are. I am making the point, Member for Diego Martin West. You do not know. If you do not know, listen to those who know. [*Desk thumping*] When the Prime Minister found out, she did the correct thing. She got evidence for the first time and came to the House with a Bill. That is history. That is the genesis.

Furthermore, if this was so kosher and so good, why in this very safe house, this security house, you have unlicensed firearms and thousands of rounds of ammunition? To do what? To kill whom? Worse yet, if it is so good, why do you have \$6 million in cash from \$15 million? Where did the money come from? I was here at one time when you asked where the money gone? I ask today, where did it come from? [*Desk thumping*] Having said where it came from, what I want to know is, what missing? Where has it gone?

So to come here—you know something. In this same paper—I will read two sections—it says and I am quoting now from the *Mirror*, Friday, November 19, 2010 on page 3. A *T&T Mirror* reporter, Azad Ali, who was the crime reporter at the *Wire* newspaper, wrote—

“The front page of the *Wire* read, 'what's in the boxes from Israel, Mr. PM'.”

That was in the year 2002. In 2002 when the boxes landed here at 5.30 p.m. on a BWIA flight and the invoices, of course, were doctored, they were asking you what are in the boxes. I go further.

“...35 boxes arrived here”—in October 01—“from Israel via London on a BWIA flight....were whisked away...at 5.30 p.m.”

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This came out in 2002, and the invoices I have in my hand here confirmed this. These invoices confirmed this story and, therefore, what does that have to do with 1997 and the Prime Minister? What does that have to do—I see a headline, "Kamla knew of spies". All of us knew of spies.

Mrs. Persad-Bissessar: You were in the Cabinet, you knew?

Mr. Imbert: No!

Mrs. Persad-Bissessar: For 10 years? Please!

Hon. J. Warner: I am coming to him just now. [*Interruption*] Let me go to him since, of course—I want to make the point. He says:

“The People's National Movement (PNM) MP for Diego Martin North/East, Colm Imbert, in an interview with *Power FM 102* on the *Road Drive* a morning talk with showhosts, Sprangalang and Sherma Wilson, said that the high-tech equipment was bought by the Basdeo Panday administration.”

Mr. Speaker, the invoice was paid for by Patrick Manning. I continue—the last paragraph:

“Imbert appears to have a short memory [*Desk thumping*] (not in relation to his height).”

It is here. As late as February this year, they were denying that there was equipment.

Mr. Speaker, on Friday, February 17, 2006 in the *Newsday*, Section C, there is an article: "Is Govt spying on cell phones users?" written by Carol Quash. This is what it says:

“Despite strong denials by Attorney General John Jeremie that Government was involved in illegal spying, Opposition Senator Wade Mark earlier this week insisted the PNM was illegally using high-tech equipment to intercept private telephone conversations made by citizens.”

John Jeremie denied it.

“Speaking during Tuesday’s Sitting of the Senate, Mark said he suspected the blimps and the \$60 million worth of Israeli...equipment...being used by members of the...services to listen in on cell phones...”

According to you, fast-tracking.

“However, Mark said, the Opposition had a problem with the Government’s use of State resources to intercept communication between average, legitimate citizens.”

In February 2006, Sen. Wade Mark was again complaining, and, the Attorney General was again denying. For 10 years they lived in denial. For 10 years all of them knew or ought to have known—[*Desk thumping*] they were in Cabinet—that these equipment were here and were being used to spy on citizens. All of them should have known that judges were being spied upon. All of them should have known that the head of the State was being spied upon. All of them should have known that the Chief Justice was being spied upon. All of them should have known that. To come here today and play you are Pontius Pilate, and you, of course, want to posture such innocence is wrong. It is totally wrong and, therefore, it is in that context I want to begin my debate at this point in time.

Hon. Member: At last!

Hon. J. Warner: Mr. Speaker—I will come to you just now—the important point we have to ask ourselves is: why are we here today? It is very easy. If I had only one line to give, I could say we are here today because of one man and one man only. That man! [*Hon. J. Warner pointed his finger at the Mr. Manning*] The Member for San Fernando East, the former Prime Minister of Trinidad and Tobago. I could say so, but it has to go further than that. In some sense, when I heard the last speaker talking about 1970 and 1990, he was right in tracing the historical genesis of the events that led us to where we are today.

In some ways, all of us here today are stressed or are supposed to be. All of us here today are embarrassed, except one, or are supposed to be. Therefore, I ask myself: what legacy, do we, as parliamentarians, want to leave here? In fact, when I first became a Member of this House, in my second contribution I asked the then Prime Minister—this was on Friday, February 18, 2008 at 1.30 p.m.—what legacy he wants to leave in the House? He said:

“I have made it clear I am not concerned about my legacy.”

You are surely right.

“The people of Trinidad and Tobago...have given me an opportunity...and I thank them very sincerely for the opportunity...to govern the country at this time...we propose to do so to the best of our ability...”

But about legacy and so on, he is not concerned.

Mr. Speaker, that shocked me because I would have thought that for one who boasted that you have spent 39 years in this Parliament, you must be concerned about the legacy you leave. Is it that the legacy you leave or you want to leave is one of distrust, suspicion? That is the legacy?

Hon. Member: Go to the Bill.

Hon. J. Warner: Mr. Speaker, at the end of the day, therefore, we have to ask ourselves why we are here today. The answer is: We are here to correct several wrongs which have been perpetrated by the State, or, of course, by the last government, against the people of this country. Our role here today—

Mr. Speaker: Hon. Members, I think it is a good time for us to suspend the sitting for tea. This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Hon. J. Warner: [*Desk thumping*] Thank you, Mr. Speaker. Mr. Speaker, when we parted earlier on before the tea break, I was at pains to prove that the equipment that was used by the illegal SIA was equipment purchased by the Patrick Manning administration in October 2002 from an Israeli company, I said, and I made the point that the total bill was \$13.6 million. It arrived here on a BWIA plane from Israel via London in 35 boxes and that is the equipment that was used, and I said for purposes of National Security I would not outline the different categories of equipment but I have them here, nor will I outline, Mr. Speaker, the number of radars and the mobiles and the amount of maintenance that they had to give and so on, except to say that it is the—

It would be the greatest deception to try to impress upon this country, the national community, that Kamla Persad-Bissessar knew or had anything to do with the equipment during her time under the Basdeo Panday regime. It is wrong to say that. It is a cop-out, it is an excuse, it is an apology for their indifference and therefore I hope I would have put that to rest insofar as when Mrs. Persad-Bissessar got the evidence in October and she knew she did the correct thing by coming to this House, disclosing it and putting this Bill which we have before us today. For 10 years, Mr. Speaker, 10 years, in another place, you were then a Senator, you raised this very issue, I repeat, as late as February 2006 and there were denials and therefore I want to again repeat, I hope I have put that to rest.

Mr. Speaker, we are here today, I said before, to correct several wrongs which have been imposed on this country by the last regime. We are here today to ensure that the business of governance is done in an open, transparent and accountable manner, as far as is humanly possible, of course, because we on this side in the People's Partnership stand for openness, fairness, transparency and accountability, justice and respect for the law—respect for the law. On the other side, they stand for the opposite. They stand for secrecy, Mr. Speaker. They stand for lack of transparency, Mr. Speaker, a lack of accountability, because that is what took place during the reign of the last Prime Minister.

It was only in that atmosphere that you could have had a Calder Hart, for example, or a Uthara Rao and these guys: secrecy, lack of transparency, lack of accountability. In fact, there are numerous examples of breaches of the law during the era of the last Prime Minister. Mr. Speaker, we here have not forgotten when the last Prime Minister called a police station to demand the release of his former driver, former chauffeur, which reminds you of the Patrick Solomon days, you know. So you called the police station to demand the release of a driver; to fire a police constable, Constable Auguste, who was just doing his job.

We remember the days, Mr. Speaker, when you left San Fernando with your hair half-trimmed to rush to the radio station to take "fellas" off the air—off the air, Mr. Speaker. [*Interruption*] Thank you. Get a "zug" as they call it—thanks, my friend—to take him off the air. Those were the days, and that was the era of secrecy, Mr. Speaker. That was an abuse of power, an abuse of office, and, more importantly, an abuse of authority, and we have come here today to right the wrong.

Mr. Speaker, if there is one lesson the sordid details of the past week have taught us, it is that we must be very careful in giving power to persons—very careful. We must never let down our guard, never again, because, if we do that, we may end up with desperate politicians who do not respect our rights. That must never happen again. Mr. Speaker, what this past week has shown, and let me be more correct, what the past week has shown is that the PNM of the Manning era—I hope that helps you [*Indicating Dr. Rowley*—the PNM of the Patrick Manning era, cannot be trusted. Possibly this new PNM may be able to do so but it would take us a very long time, a very, very long time for us to be convinced.

Mr. Speaker, while our present Prime Minister is not of the same mould or the same ilk as the last one, we also must make sure that we, at all times, entrust persons in high office and always make sure that their authority is circumscribed and therefore we must put safeguards in place and we are here to do just that.

Mr. Speaker, the power to intercept and monitor communication needs to be regulated and supervised. That is a fact. It has to be regulated and supervised and therefore the Bill before us today is a Bill to create checks and balances in the exercise of that power. The Bill is about restraining those who cannot restrain themselves; restraining those, Mr. Speaker, who abuse the trust given to them, who abuse the powers which they have. That is what this Bill is about. This Bill is about bringing order to a situation which is chaotic and has been so for a very long time. In fact, this is a Bill about introducing accountability where there has been none.

No one on this side is naive enough to believe that there is no need for covert monitoring, for surveillance of persons who may undermine the security and

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safety of the country. We on this side understand that and you heard the Minister of National Security. We understand that, Mr. Speaker. In fact, the Minister of National Security made the point very early when he said that the legislation is neither unique nor novel. He said so very early; so we understand that. No crime lord will announce his arrival at any crime or will say he has a shipment of drugs or guns. We know that, Mr. Speaker.

No terrorist will divulge—and by the way, when I say terrorist, Mr. Speaker, you know what I have been wiretapped for? I have been wiretapped, Mr. Speaker, because next to my name I was put down as a terrorist. As a terrorist; me? The only thing terrifying about me is when I take "ah lil' drink" with you on a Friday. [*Laughter*] "I take ah lil drink with you on a Friday, dah is all."

Dr. Moonilal: Which you cannot do today.

Hon. J. Warner: And today I have been, again—thank you, thank you very much, Mr. Leader. "Dah is all." "Jack Warner is a terrorist and therefore he must be monitored, and Jack Warner's wife and Jack Warner's two sons." Mr. Speaker, that is not fair, and therefore I am making the point that you cannot—we understand you need to have covert surveillance, you have to monitor criminals and so on, but you have to make sure that you do not abuse the power given to you.

Mr. Speaker—and I admit I should say that when you intercept information, that is one of the ways of getting at criminals though, of course, I do not know how we could have been monitored, almost—more than half of us on this side, monitored and I ask the question and I could sit any time and ask from the floor, was Mervyn "Cudjoe" Alamy, a community leader, monitored? Was Kerwyn "Fresh" Phillip monitored? Was Sheldon "Crock" Scott monitored? Was Sean "Bill" Francis monitored? Was Sean Sandy monitored? Was Ricardo Boboy monitored? Was Verne Pierre monitored? Was Herbert "Screw Up" John monitored?

Roger Guillard, Leroy Nicky, all these community leaders who were feted in Crowne Plaza, Mark Guerra included, feted in Crowne Plaza, all of them killed one by one, all of them dead, "bow", except for one alive today. Why were they not monitored to save their lives? [*Interruption*] The one who "was'n in de room", he is the only one alive. All the others are dead, and then you find a room full of unlicensed firearms and ammunition and cash and I ask you who are here to join the dots—join the dots. It is a shameful week for all of us.

I take no pride today, Mr. Speaker, in standing here and condemning the last Prime Minister. I take no pride in doing that. I take no pride in condemning the present Opposition who, of course, was in government at the time. I take no pride.

It is painful. It is hurtful for me, Mr. Speaker, to know that somebody could have descended to the gutter to do us that. For me it is painful, but they have to face the reality, Mr. Speaker, and I must say that we must now face the challenge to find the proper balance between the rights of the wrongdoer and the interest of the State; and we must never use our power or the arm of the State to go against those who we perceive to be the personal wrongdoers to us.

Mr. Speaker, the question arises: if you are going to interfere with people's rights, how far do you go? If you are going to interfere with people's rights, I ask this question, how far do you go? Or do you become a wild, runaway horse and wiretap everyone you feel is your enemy because you can? What justification is there in that? Do you become a wild, runaway horse and just wiretap willy-nilly? Do you go so far as to wiretap the head of State, the Chief Justice, our judges?

Mr. Speaker, I submit to this Parliament that the former Prime Minister, the Member for San Fernando East, in his last dispensation as Prime Minister, was a runaway horse. [*Desk thumping*] I say, Mr. Speaker, that he did not know where to draw the line. [*Interruption*] "I talking nice" for your sake, you know. "I talking about" Patrick Manning's PNM, not yours, right—not Rowley's. In fact, you "doh" even have one. So therefore I am saying the last Prime Minister did not know where to stop and our good fortune is that the present Prime Minister knows where to begin [*Desk thumping*] and she has begun by bringing us here today to pass this Bill so as to have wiretapping regulated.

Mr. Speaker, as you heard the Minister of National Security say, I said earlier on, that wiretapping is not new, is not novel and I want to just go through three countries quickly to show you how it is done and I would tell you that what is probably so painful that we could have gone to any of these countries and we could have replicated what they had there, amend it to suit if you want to and brought it here, but for years we, of course, refused to legalize SAUTT or the SIA, just as the Procurement Bill—for years.

Mr. Speaker, in the USA the issue of surveillance is even today a major controversy. All wiretapping of American citizens is done by the national security agency and it requires a warrant from a three-judge court under the Foreign Intelligence Surveillance Act. They do not wiretap just so. Mr. Speaker, fast-track it and go to the UK. In the UK, communications intercepting is regulated by the Regulation of Investigatory Powers Act, 2000. The Regulation of Investigatory Powers Act, 2000 is the Act used in the UK to, of course, wiretap. They do it too.

It is nothing novel, but in the UK a warrant is required from the Home Secretary or the Cabinet Secretary for Justice on the grounds of National Security

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for the purpose of preventing or detecting crime and for the purpose of safeguarding the economic well-being of the UK. They do it, Mr. Speaker. They have allowed an Act passed to do it. We "doh" have to reinvent the wheel.

Mr. Speaker, in Japan—and I want the Leader of the Opposition to listen to Japan. I know you "doh" talk Japanese but listen to Japan. In Japan, Mr. Speaker, there are four types of crimes for wiretapping. I say so because I heard him say a while ago that the crimes should be, of course listed, and it cannot be, of course, any crime so to speak, and possibly he has a point there because in Japan there are four types of crimes in which wiretapping is allowed: drug trafficking, illicit firearms, the firearm trade, organized murder and the smuggling of illegal immigrants to Japan—four crimes. [*Interruption*] That is right, four crimes.

5.15 p.m.

Mr. Speaker, and therefore I go further. In Japan, communications can only be wiretapped for a period of ten days, ten days, and can be extended to no more than 30 days. I hear you asking for more than 270 days. You want a year? You want a year? In 30—10 days. And if you want to go further, maximum 30 days. We are asking for—[*Interruption*] Yes?

Dr. Rowley: Does that mean that after that 30-day period, you could come back and ask—say two months or six months later—and ask that for the same person again, or after that 30 days, you could never tap them again.

Hon. J. Warner: You mean in Japan?

Dr. Rowley: I am just asking for clarification.

Hon. J. Warner: After that period—

Dr. Rowley: After that 30 days. Suppose you tap for 30 days, right, does it mean that you could never tap them again having done so, or you can come back later on and ask for another session of tapping?

Hon. J. Warner: Okay. Sure, you could come back again and make another application. You are not absolved for life. It is not a jury service, you know. You could be tapped again.

The point is, Mr. Speaker, in Japan, authorities can only resort to wiretapping if a warrant is obtained, and if there is no other way to get evidence—in Japan. And only prosecutors—the public prosecutors or officers above the rank of superintendent can seek a warrant. So we do not have to follow Japan. But I am telling you that they have a system there as well.

In fact, Mr. Speaker, I go further, in Japan, if telephone lines are tapped a third party, non-police witness, such as a staff member of the telephone company, or an employee from regional governments must be present. And, Mr. Speaker, furthermore, in Japan—Leader of the Opposition, Member for Diego Martin West, learn something—investigators must use a technique called spot monitoring. What that means? It means only portions of the conversation can be wiretapped. You could only listen to portions.

And I want to say to you that wiretapping must come to an end immediately, once we determine that the person who is being wiretapped is innocent.

Mr. Speaker my last point on Japan—and I spent time on Japan because Japan is so nice to us. In Japan, individuals who, of course, are wiretapped, must be notified that they have been the subject of wiretapping within 30 days, and all records of innocent conversations must be destroyed after notifying individuals that their communications have been monitored. Some of us could never become Prime Minister of Japan; never!

So, therefore, Mr. Speaker, all of these things are done to minimize the opportunity for abuse of wiretapping capability—abuse of power. All these things are done, Mr. Speaker, so as to curtail the abuse of power.

Mr. Speaker, I want to deal with one point raised by the Member for Diego Martin West. And I want to say here again today that wiretapping at the SIA has been suspected by many—by many—including you. But as the Prime Minister said, we did not have the evidence. So when you talk about Ganga Singh, I want to tell you, on October 15, 2003 Ganga Singh in the budget debate—you are right. He queried what the SIA was doing in the midst of a wave of kidnapping. Ganga Singh was saying, listen, the SIA is here, kidnapping is going on left, right and centre, what is the SIA doing? He asked the question.

On February 18, 2005, Mr. Speaker, again, Ganga Singh—and let me say, Opposition MP Ganga Singh—and I will tell you why I say that, you know; Opposition MP Ganga Singh, he was there and you were here.

Hon. Member: That is the point.

Hon. J. Warner: He was there and you were here, and he raised the issue, and you did not do a thing; did not do a thing. [*Desk thumping*] On February 18, 2005, Ganga Singh speaking on the Anti-Terrorism Bill said the SIA had the capability to monitor cellular and landline conversations. Mr. Speaker, in several other debates, Ganga Singh repeated his allegations that the State was tapping the lines of politicians. He said then, Mr. Speaker, that phones of even members of the PNM were tapped. He said so here.

Dr. Rowley: I knew that.

Hon. J. Warner: You knew it. And what did you do? What did you do? Nothing; a big capital nothing. Not a word, Mr. Speaker; not a word from the PNM Benches; not a single word; mum is the word, right; nothing at all. There was not a denial by the Prime Minister. He did not even say it was not true.

Mr. Speaker, on June 14, 2005 temporary Independent Sen. Parvatee Anmolsingh-Mahabir, speaking on the Anti-Terrorism Bill questioned the application of the resources of eight security intelligence units towards the fight against crime. Mr. Speaker, hear what the Senator said. I wonder if I could talk slowly, because this piece nice too bad. Hear what this lady said. Sen. Parvatee Anmolsingh-Mahabir—temporary Senator, you know—in talking about the Bill, said—I quote her now;

“We must never reach the position where we have to tell the populace, in order to save your freedom we had to destroy it.”

Hon. Member: Oh, profound, profound!

Hon. J. Warner: In order save our freedom, you destroyed. Mr. Speaker, she went on:

“...if we were to sell our freedom for security, in the end, we will lose both freedom and security. That is why...”

I continue—

“That is why it is incumbent on all of us to ensure that the ensuing laws are well drafted with the necessary safeguards put in place.”

Hon. Member: [*Inaudible*]

Hon. J. Warner: But since 2005. You now say 2010, five years after. What do you do in the interim, Mr. Speaker? She was a temporary Senator. You have been the abuse of all kinds of insult and indignity from the Member from San Fernando East.

Hon. Member: In all fairness, you were in the courthouse trying to save yourself from jail.

Hon. J. Warner: Okay, okay, so therefore I forgive you. I forgive you.

Hon. Member: In all fairness.

Hon. J. Warner: Mr. Speaker, as you say, like he like the jail. Let me come back here—let me digress a little bit. You, of course, quarrelling because we on this side say jail is not nice, and you gave us a speech about the process of getting

to jail and so on. You know something, when you sat down here and heard your last Prime Minister say jail is not nice, you know you did not say a word; you did not say a word.

Hon. Member: You beat the table.

Dr. Rowley: I do not talk; I act.

Hon. J. Warner: You do not talk; you act.

Hon. Member: I want to see you act in the convention February.

Hon. J. Warner: Mr. Speaker, on January 18, 2010 Sen. Dr. Adesh Nanan—you see how far I go? January 18, 2010, Sen. Dr. Adesh Nanan, speaking of the same Anti-Terrorism Bill, mentioned the SIA, and he indicated that the Government had the capability to intercept cellular and landline conversations. He spoke of 11 spy agencies, Mr. Speaker, and he expressed fear and concern that these resources could be used for political purposes. How prophetic he was. How right he is today. His fears today are justified. And then they asked the question, what is the SIA doing? They asked the question, what is the SIA doing? And, Mr. Speaker, when they were in Government, we got no answers from the PNM. We got no accountability.

Mr. Speaker, the SIA was not then, nor is it up to now a legally constituted agency, just as SAUTT. And I am saying again, the Government did nothing; did nothing. Mr. Speaker, you know what is sad for me is that nobody here will deny that the Opposition Leader has been the champion in the fight against wrong on that side. But I get the impression now he is only concerned about when he is wronged, not when the country is wronged. You want me sit down? Because the fact, Mr. Speaker, is, I love that, but the fact is you cannot sit down here.

Hon. Member: [*Inaudible*]

Hon. J. Warner: He does not fight cases here?

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

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

Question put and agreed to.

Hon. J. Warner: Thank you, Mr. Speaker, and I repeat again, how can one stay for 10 years, 10 years on this side, paradigm of the virtue and integrity, and not champion the cause of the people and fight against this illegal agency? How

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can one? For 10 years, Mr. Speaker. In all of this, the SIA appeared out of thin air with an office space, salaried staff, equipment, resources, a cache of arms and ammunitions and a safe full of money; full of money. Where the money come from? Where the money come from? Whose ministry? I mean, each time, of course, you try to do something here you get about four questions, asking you what authority so, and what authority that. What authority did you use to get money? Even the \$6 million we found there. Whose authority? Where it came from? Therefore, I am saying to the extent that taxpayers' dollars have been channelled into this non-existent organization, which engaged in the breaching of rights of the people, it is my view, Mr. Speaker, that that represents a misappropriation of public funds.

As such, if the SIA was used as a political spy operation by the last Prime Minister, I believe also, too, that is an offence, and a crime. Mr. Speaker, I believe that there are serious charges that certain persons should have to answer; serious charges that certain persons should have to answer. Persons who were engaged in illegal wiretapping; persons who collected and used information for private benefit; persons who misappropriated public money; these are serious issues, Mr. Speaker, and to me, those are the fundamental issues.

5.30 p.m.

Mr. Speaker, I want to make two points quickly, and then I shall take my seat. I know that we must take steps, as many steps as possible, to protect the rights of members of the public. We must take steps to guard against abuse, and that is why this Bill is a positive step towards achieving that balance. Unlike the policy of the PNM—their policy was to operate in the shadow of darkness—our policy is to operate in the way of light.

To the extent that communication interception is necessary, we believe it must be done under regulations. On this side, we believe there must be accountability. There must be strong measures to prevent abuse, and, therefore, that is why interception must be done under a warrant. That is why the warrant must be obtained through the application to a judge. That is why applicants will have to convince the judge that the interception is justified. Ad hoc and ad infinitum tapping of people's phones must never occur again. The applicant will have to come back to the court to justify an extension beyond 90 days, and if the court is not convinced that the tap is justified, the application can be denied. There can only be two 90-day extensions.

You would also see in the Bill, an oral application is possible, but after 72 hours, and the applicant must make a written application to the court with a sworn

affidavit. Nobody here wants to trammel the rights of citizens. Nobody here wants to abuse any power. We are putting certain safeguards in place. As you heard the Prime Minister, if there are additional safeguards, which those on that side have, we shall also consider them.

The Bill sets up a reporting structure. The Minister must also prepare a very detailed annual report, and this report must come to the Parliament. Even with that, there is no escape, as such. The Bill also has sanctions for breach of the Act, which I would not go into at this stage. We have discussed them already. There are sanctions if the Act is in breach. If we had an Act before, and we had those sanctions for breaches, people would either have been jailed or they would have had to walk the line.

This nation would have been spared the disgrace we have faced and are facing today, if we had had this Act before. Therefore, the legacy—I know it is a bad word for the former Prime Minister—of the former Prime Minister would have been looking more attractive than he is today. All people would remember in years to come is that people's phones were tapped by the former Prime Minister. All they would remember—they would also remember that the Maraval River had faeces—is that there was a safe full of cash. They would remember that 19 of the community leaders today are dead. They would remember that arms and ammunition were found in a room. These are the things they would remember. That is the legacy the last Prime Minister would leave.

As I conclude, I would like to commend our Prime Minister, Hon. Kamla Persad-Bissessar, for having the courage, the conscience and the fortitude to do what is right. She inherited a system that had loopholes and gaps. Like others, she could have buried her head in the sand like an ostrich. She could have stayed quiet and exploited those gaps. Almost no one would have been the wiser. If she had not come here, no one would have been the wiser, because they all said they do not know. She did not do that. She chose the most difficult task of coming to Parliament and bringing this Bill to correct the wrong. That is the mettle of the lady who leads this nation. She is a person of integrity and a person of strong moral fibre. All I can say is that we in this country are blessed at this point in time.

Our Prime Minister feels the hurt and the indignity of the violation of her rights and, therefore, she should understand the pain of other citizens, like me, and all of us here. She understands the pain; people whose rights and privacy have been offended. She refuses to inflict that measure of injustice on anyone else. She abides by the law and she respects the rights of citizens, and we on this side can only offer an apology to the nation, for all those persons whose rights and privacy

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have been violated. Today, we on this side offer our humblest apology. It should never have happened. We tell this nation that we as a Government are sorry.

Mr. Speaker, our Prime Minister has shown what it means to struggle. It was that same drive that today has put a laptop in the hands of every first-form child. It is that same reverence which has established the Children's Life Fund. That is why the people of this country will look at this Bill today and the passage of this Act, as the dawn of a new era in this country.

Mr. Speaker, I thank you.

Ms. Donna Cox (*Laventille East/Morvant*): Thank you, Mr. Speaker. I rise to make a contribution to the Bill, which is before the House this afternoon, the Interception of Communications Bill, 2010. As with every piece of legislation which has been introduced since the People's Partnership Government took office, with the exception of the national budget and enabling Finance Act and the Children's Life Fund, this piece of legislation was an initiative of a responsible PNM government.

My leader has dealt with the establishment of the SIA; the agency which the hon. Prime Minister denied knowledge of before last week. I am informed though—[*Interruption and crosstalk*]

Ms. Mc Donald: Mr. Speaker, please.

Ms. D. Cox: I am informed that there was a meeting on August 11, 2010 in which the national—[*Interruption*]

Mr. Speaker: I would like to, again—my role is to advise, guide, caution and then warn. Then I will invoke the Standing Orders. I am just advising Members. I am cautioning Members, in terms of the crosstalk that is causing instability, particularly to the reporter who is from Hansard, trying to record accurately what is being said. Could you continue?

Ms. D. Cox: Thank you very much, Mr. Speaker. I am advised that there was a meeting of the National Security Council on August 11, 2010, whereby the hon. Prime Minister was briefed about the SIA. A comprehensive briefing was done, but I would not go into the details, because my leader already went into that.

The Bill before us this afternoon has been brought to this House in unseemly haste, on a fabricated crisis by the hon. Prime Minister. On July 16, the Minister of National Security, speaking in this Parliament, spoke of the need to treat with anti-gang legislation, amendments to the Evidence Act and amendments to the Bail Act and the

Firearms Act, to speak directly to the criminals who are holding this nation to ransom. To date, none of these pieces of important legislation have been made law.

The anti-gang Bill has not even been debated; a fate it shares with the Bail (Amdt.) Act, yet, we are asked, on an emergency basis, to pass legislation to treat with a so-called rogue agency, the SIA, which the Prime Minister was in the dark about, up to a fortnight or so ago, when the heroic Mr. Gibbs saved us from the agency. Mr. Speaker, something is not right here. How is it that this piece of legislation, draughted by the PNM government, can just be magically put to us as a solution to a problem which has just been discovered?

The legislation was in draft and ready for us, not because of a sudden crisis, but because of a recognized deficiency in our national security infrastructure. Those shortcomings were identified, not by an accidental trip paid by Mr. Gibbs to an organization on St. Vincent Street, but by a consultant paid for by the People's National Movement government, who produced a report on the entire national security infrastructure of Trinidad and Tobago. I am speaking of the legislative context and the mischief which this Bill is intended to treat.

During the period 2008 to March 2009, the firm HCR Consulting International was engaged by the then government to conduct a review of the national security sector, on behalf of the Ministry of National Security. The review sought to assist the Ministry "in its continuing efforts to transform and coordinate all its divisions and other impacting agencies in coherent commitment to security enhancement, including the fight against crime and other emerging threats."

A suite of recommendations for legislative and administrative actions emerged from that review. Had the conquerable Prime Minister done her homework and simply read the report generated by the Ross Review for the National Security Council, she would have been better placed to inform herself of the work of the SIA and its operating mandate. Instead of rushing this legislation to the House three weeks after the so-called discovery of a spy agency, the hon. Prime Minister would have learnt of a history and recommendations for reform of that very agency by the Ross Report. Instead of misdescribing the mandate of the agency as political espionage, the hon. Prime Minister would have read and discovered the operating protocols for electronic intelligence. In other words, had the hon. Prime Minister been in command of her National Security Council Secretariat, she would not have been caught as the lawyers would say, without her brief. The hon. Prime Minister would have read her notes from the National Security Council and, therefore, there would have been no crisis. The roles, functions and operations of the SIA would have been made known to the Prime Minister.

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In short, we would not have been here this afternoon, speaking to a manufactured crisis; what we are. Not only are we here speaking to a manufactured crisis, we are here speaking to what the Law Association described in a release last evening, that the legislation is flawed.

If the experts are correct in saying that the electronic intelligence or ELINT as it is described, is one of the most powerful tools in the arsenal in the fight against crime, we owe it to the people of Trinidad and Tobago to ensure that the legislation we pass to regulate it is legislation which cannot just simply work, but legislation which will further the war which will define our generation; that is the war against crime. In any legislation of this nature, a balance must be struck between the rights of the individual to privacy and the rights to the protection of law-abiding citizens to be safe and happy to go about their normal day-to-day activities without fear of criminal injury or assault.

This Bill begins with a proclamation in clause 6 that interception is prohibited. In clause 7, it proceeds to outlaw the possession of the equipment by which interception might take place.

5.45 p.m.

Mr. Speaker, at once, there is a conflict between this Bill and the Telecommunications Bill, to which I referred earlier, which allows interception under sanction of the Minister of National Security. Mr. Speaker, when you rush important legislation like this, you risk lives. How can you have that which is sanctioned and lawful in one law made unlawful in another?

Mr. Speaker, the common law cases of *Malone vs. Kennedy* clearly establish that wiretapping, which is done in furtherance of a national security goal, such as the maintenance of public order and the preservation or detection of crime is lawful, even in the face of a constitutional right to privacy. The Hon. Minister of National Security mentioned the right to privacy. Our Constitution does not have an express right to privacy. What is protected is the right of the individual to respect for his private life, which the constitutional law experts say is not the same as the right qualified or absolute to privacy.

Hon. Dr. Gopeesingh: Mr. Speaker, 33(6).

Ms. D. Cox: Mr. Speaker, we do not live in a world by ourselves. In the United States, after 9/11, the national security agencies began a programme of mass intercept—

Hon. Dr. Gopeesingh: Mr. Speaker, Standing Order 33(6), please.

Ms. D. Cox: I am not reading.

Mr. Speaker: I am going to allow the reading of statements to continue, but I want to indicate to Members of Parliament in the House that from January 2011, I think it would be sufficient time for Members to become acquainted with debating skills and have their points and move. For the time being, you can continue.

Ms. D. Cox: Thank you, Mr. Speaker. [*Desk thumping*]

Hon. Dr. Gopeesingh: You get a "bligh".

Ms. D. Cox: You do not want to hear what I have to say, you see. The truth offends. Mr. Speaker, we do not live in a world of our own, by ourselves. In the United States, after 9/11, the national security agencies began a programme of mass intercepts where key words, sometimes in English and Arabic, would automatically trigger an intercept. Mr. Speaker, at this juncture, I would remind this House that this country was the first country in the Western Hemisphere to experience a threat to the viability of the State at the hands of terrorists. Our 9/11 occurred a decade before 9/11 of the United States.

I would like to remind our friends opposite, Mr. Speaker, that this nation turned to the People's National Movement in 1990 when our capital died. The people of this country swept from power a Government which had been elected in the majority ever in a contested election in this country, after there had been a cataclysmic failure of the national security apparatus of the State. That is what resuscitated the confidence of the people of Trinidad and Tobago in the People's National Movement. [*Desk thumping*] More than anything else, it was our ability to do what was necessary to tame the streets.

Mr. Speaker, in 1990, we used everything at our disposal. We formed human and electronic intelligence capability to ensure that the State would never again be caught by national security threats. We make no apologies for that. We designed the systems that kept the peace and ensured that there was no repetition of those events. The legislation which the Government brings to this House this afternoon, I have described before, following immediately on the heels of a misinformed statement to the House by the hon. Prime Minister last week, tilts the balance, in our view, against the well-being of the many; the better to preserve the right to privacy of a few.

If there have been abuses to the system, let us get together to explore how those abuses can never occur again, [*Desk thumping*] but to interposition a judge at every stage in the process of interception, in defiance of the provisions in other

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law such as the Telecommunications Act, and in a context where we have, only by virtue of the quiet work of this method of law enforcement interception, just been empowered to stamp out kidnapping—I understand the Member for Chaguanas West spoke about the equipment, quoting from the *Mirror* newspaper, but I would like to inform this honourable House that some of those same equipment were responsible for reducing the acts of kidnapping in Trinidad and Tobago. [*Desk thumping*]

The Bill, in clauses eight to 16, defines itself to be concerned with the gathering of evidence, and for its admissibility in a Court of law. Mr. Speaker, if we are to believe the Hon. Prime Minister in her pronouncement that the present informer system, which I say to this House this afternoon, I am told is governed by protocols—even if we are to believe our Prime Minister, who has demonstrated clearly that she misunderstood many of the matters she spoke of in the House a week ago, even if we are to put all of that to one side and we are to believe the Hon. Prime Minister when she has demonstrated to this House and to the country that she was not properly briefed, even so, this wholesale subjection of the common law national security right of the State to protect itself from threats to its well-being cannot be countenanced by our great party. Our party is defined by the peace and development we have brought to this great nation. We suppressed the attempted coup of 1970, and the country recalled us to return order and sanity to a broken country after the attempted coup of 1990. Many of our friends opposite held the reins of power then, and they could no more keep the peace then than they can today.

Mr. Speaker, a proper balance must be struck, as indeed it is in the United Kingdom, Northern Ireland, South Africa and the United States, between the right to privacy, which is an individual right, and the right of the State to protect itself from threats. The whole tenor of this legislation, born as it is in a manufactured, some might say contrived crisis, preoccupied as it is by clauses 6, which defines it, through to clause 21, which is the last of its operative clauses, by its preoccupation with the use of interception for the admissibility of in-court proceedings, is not in accordance with our principal objective, which must remain the preservation of the capability of the State to defend itself from its existential threats.

Mr. Speaker, to repeat an expression which has been over utilized, the legislation is frightening in what it lacks, and what it lacks is the recognition by the State of its capacity to use technology, as our international partners do, for gathering intelligence within the guidelines now permitted by the common law for the preservation and protection of the many. We agree that it is important that a

security intelligence agency be well regulated by law, and subjected to rigorous oversight with as much transparency as is possible to achieve without compromising their operations. A security agency must be apolitical and accountable.

Mr. Speaker, in yesterday's newspaper, Thursday, November 18—I believe it was the *Guardian*—Mr. Panday, former Prime Minister, mentioned, and I quote:

“The way the People's Partnership Government raised the wiretapping issue publicly in Parliament last week will undermine confidence in Trinidad and Tobago's security agencies and prevent anyone from having confidence in them again...”

Of course, Mr. Speaker, we do not want that. We do not want the confidence of our security agencies undermined. Also, the deputy political leader, the Deputy Chairman of COP, agreed that the Prime Minister may have compromised Trinidad and Tobago's national security by her utterances in Parliament last week.

Mr. Speaker, in matters pertaining to national security, I urge the Government to be serious and stay away from public relations gimmicks and ploys of distraction. [*Desk thumping*] I urge them to be responsible and remember that all of us will suffer if we do not make the best decisions in the interest of our beloved country. We cannot play politics with national security matters.

I close by warning this Government that the People's National Movement does not wish to be called to Government again to deal with a national security crisis, which is yet again of the making of overzealous and hasty executive missteps by this UNC-led coalition Government. I thank you. [*Desk thumping*]

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Mr. Speaker, I thank you for the opportunity to stand for the Constitution of Trinidad and Tobago. It is sometimes forgotten, and, therefore, necessary to go back to basics; and if you would permit me, Sir, I will read this, the preamble to our Constitution, which starts:

“Whereas the people of Trinidad and Tobago—

- (a) have affirmed that the Nation of Trinidad and Tobago is founded upon principles that acknowledge the supremacy of God, faith in fundamental human rights and freedoms, the position of the family in a society of free man and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator;

- (b) respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;
- (c) have asserted their belief in a democratic society in which all persons may, to the extent of their capacity, play some part in the institutions of the national life and thus develop and maintain due respect for lawfully constituted authority;
- (d) recognise that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;
- (e) desire that their Constitution should enshrine the above-mentioned principles and beliefs and make provision for ensuring the protection in Trinidad and Tobago of fundamental human rights and freedom.”

I find it more than disturbing, Sir, that a former Minister in the Ministry of National Security could suggest for a moment that we do not, in this country, enjoy a right to privacy.

Under our enshrined rights, and if you permit me, headed “Enshrined Rights”, Section 4:

- “4. It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely—”

And I shall go to (c):

- “(c) the right of the individual to respect for his private and family life;”

How could it possibly be posited that that is not a right to privacy? Private and family life is your right to privacy.

Of course, let me compliment our Minister of National Security for delivering what I consider to be a very comprehensive, well thought out, and delivered with military precision, position in relation to the matter at hand. But it is not surprising then, and I do not wish to be overly political about this, that those on the other side do not truly understand the gravity that met this Government and our Prime Minister, when it came

to light that something that we all take for granted, National Security—and, of course, there will be secret agencies within any modern Government, to really weed out those persons or organizations, whether local or international, which create a risk to your national security, or in terms of even common crime.

What has happened here is a complete undermining of the Constitution and the rule of law. Not by any criminal organization in the classic sense, but by a Government and by a Prime Minister who authorized things that he must have known were totally unconstitutional and in breach of the rule of law. This is the gravity to which we speak, and I endorse what the Member for Diego Martin West contributed. This must never ever happen again.

6.00 p.m.

Let me take issue now, even with those who come from my own party, when a wrong is uncovered—I learnt this from my father many years ago, and up to today he is still alive, thank God—you put a light on it. You do not cover it up, because when you do, you become part of the problem. [*Desk thumping*] Forgive me, but I have to do this really from the deepest part of my heart, to compliment our Prime Minister in the manner in which she has handled this affair; this sordid affair. [*Desk thumping*] Others may say that it has interfered with national security, utter garbage, with all due respect. [*Interruption*] That is why we are here today, to make lawful that which is absolutely necessary.

Mr. Speaker: Hon. Members, let us try to maintain the dignity, so utter garbage—at one time we had arrant nonsense—I am not permitting those things in this honourable Chamber. Okay? [*Desk thumping*]

Hon. P. Ramadhar: Do forgive me for allowing passion to take the better part of me. I apologize to all, especially the children of this nation. [*Desk thumping*]

The point that I am making is that no self-respecting government could have sought to push this under the carpet and fix it quietly, because then the danger would have been that for future reference, as you rightly pointed out, others may have found it convenient where evil was done. If it is in your interest, you will use it and give it breath and life. Now, having been brought into the light, we have no choice today—and for future generations—to move forward with an understanding that this should never be condoned in a constitutionally governed country that respects or ought to respect the rule of law. It is for that reason all of us are here today. This is not a People's Partnership legislation, it is the law of the land that will take us on from now and set parameters and standards of conduct in public life, to ensure that it really ought never to be repeated.

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Sir, I have been pained to learn—although we had suspected for many years, the "ol' talk" being, "careful wha yuh say dey yuh know, they recording". In Trinidad and Tobago we took that for granted, but when you find the evidence that it is real, and not only were conversations from potential criminals recorded, but from the head of state; from a former Commissioner of Police; from a former Minister in the Ministry of National Security, what good purpose, pray tell, could it have been for? Certainly, it could not have been for crime reduction.

We hear little utterances that kidnappings would have been reduced as a result of these things. Really? Murders escalated under the very governance when all these equipment was available and in use. I could understand a beautiful woman like Miss Cox and others—persons who have facilities and the machinery may want to find out certain things about her personal life. [*Laughter*] That is one of the grave dangers of who she is communicating with, who is calling who, and the nature of the conversation.

I cringe Sir, with all due respect when I reflect on the conversations I had with my wife Jay, before we were married and even up to now. [*Desk thumping*] I love my wife. [*Desk thumping*] I always wrongly assumed that these were private and confidential conversations. [*Laughter*] That is to put a lighter side on things, but the severity of what we deal with is, what about business? What about persons who have good ideas for business? What about persons who are interested in developing this country, but may be against any sitting Government? What about persons with medical conditions? We have taken for a century or more, the privileged concept of the right of privacy in terms of medical conditions and so on. Nothing was sacred to them!

I applaud all those who wish to wash their hands of the past, but no one man alone could have conducted this. There are many—and I hope not who are sitting here—who were complicit with the former Prime Minister to cover up. We have heard in the public domain that the former Minister of National Security knew nothing of this; the former Attorney General knew nothing of this. What web are we creating? Who do they expect to believe these things? Even the youngest child knows that something is terribly wrong. You either have a Prime Minister who may have spoken an untruth; a former Attorney General, who may have spoken an untruth; a former Minister of National Security, who may have spoken an untruth. This is the rot that we in the People's Partnership came into the Government and met. That is why you will find in a country that is so wealthy, so many of our people suffer for basic wants. That is why I took the opportunity to read the Preamble.

I remember when it spoke to the distribution of natural resources. It was a betrayal of the Constitution to even have allowed that, and this is what we met. This is why in a country you will find that crime escalates even though in a time of great wealth. Why is this?

The Member for Chaguanas West ran a chill through me when he suggested that we should connect the dots, that of all those who met in one room, there is only one man standing. If I connect the dots, in my mind, they become a necklace of terror. Just think about that for a moment. If all these gang leaders, as we have known in the public domain, uttered by the Prime Minister, we know who they are; they are all dead, except one. I am connecting the dots and I am running cold. When you consider also that this former administration brought to our people a draft Constitution that, in effect, undermines the institutions that we have grown to respect and love that has protected this country since its Independence, we thank God more and more for May 24, 2010. [*Desk thumping*]

Mr. Speaker, I am not going to repeat the very articulate contributions. I am sure, at the end of it to add anything much more to this debate, but I find it my duty to rise and speak to it. There comes a time in a nation that marks how we move forward.

The People's Partnership came into Government on the basis of the respect for law and order; for the strengthening of the Constitution. I would make this point. I have the greatest respect for the Member for Diego Martin West. When you spoke about strengthening institutions, you could hardly have met a more favourable ear on this side. This is a Government that came in and said before the election and after it, that we will move to constitutional reform; not the sort contemplated that clearly would have left us in a position of tyranny and turmoil, but one that will enlighten our people; lift the spirits of the young.

Our Prime Minister has committed to reforming our Constitution so that no person should occupy the seat of a Prime Minister for more than two consecutive terms. [*Desk thumping*] The reason I raised that one issue is that absolute power corrupts absolutely. When you sit in a position where you commandeer the resources of the State to do nothing for the people, but to gain political footage or currency, and you believe that you have everything under control, whenever you call an election—whatever are your sins—that you will win Government, then you start to care less about doing things right. But if you know in five or 10 years that you will be removed and everything that you have put below the carpet should be put to the light, you will mind your business and make sure you do it right. That is what was happening in this country. There was a belief that it was PNM country and they would be there till they die.

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They are very wonderful people that I have met, and there is hope yet on the other side; there is a lot. I say this, I compliment you and I commend you, yet you cannot ignore the history from which you have just come from. You cannot do this, because there are many others who knew, having been warned by one of their former leaders. Mr. Valley warned this nation in 2007 to be careful, be wary, but many did not listen; blind loyalty to a political carriage, clearly, that was a fraud to its on supporters. I will not call him any name. He is a former Prime Minister and I have respect for him and for the office that he would have held, but in the legacy that we now unearth, I am extraordinarily disappointed.

I hope that this is not the tip of the iceberg. I have heard today from the Member for Chaguanas West's contribution that there may be other bits of equipment available, but if we are to restore a sense of law and order in this country, we will get to the root of these problems. Thank God, thank goodness, that we now have the authority to do that.

I have heard it said that what we are doing in terms of highlighting this in the public domain may be damaging. I have uttered that before. What we are doing here now is resetting how we must do things in the future. Nobody would suggest that there ought not to be surreptitious or secretive monitoring of criminals or those who wish us harm. That is why we have put the responsibility into the Judiciary. Let us understand that the Judiciary is the custodian of all of our trust. When one really examines it—

Mrs. Gopee-Scoon: What about the independence of the Judiciary.

Hon. P. Ramadhar: We are going to deal with the independence of the Judiciary when—you want to talk about that for a minute. Mr. Speaker, I am sorry. I almost forgot and I thank the Member for Point Fortin for reminding me of the efforts of the last administration to undermine the independence of the Judiciary. [*Desk thumping*]

I was not present, but it is widely reported that the sitting Prime Minister at the time called in a sitting Chief Justice and said, "resign or else". These are the things that you would imagine you would get in the rum shop or when the "wappie" game going bad, and we see the kinds of murders that flow from some of the violence in those environments, but for a sitting Prime Minister to threaten a sitting Chief Justice, that tells you that no man is above the law, of course, unless you believe you are the law. [*Desk thumping*] That is where we had arrived.

We saw in 2007 a cleansing—but not a cleansing for good work—of all those who were willing to stand, because in a democracy you need at least two parties. I was

pained when I saw some of those who had grown to earn my respect on the other side, removed, not given the opportunity to return so that voices could be raised.

I am new to the politics, and I find myself sometimes deferring unnecessarily to my seniors. So I understand how sometimes you may not want to speak out when you say something is not quite right, but you cannot put your finger on it. That was a cleaning to make room not for goodness, but for the evil that we have inherited. That is what has happened. That is why, honestly, many could say they knew nothing, like schults from Hogan's Heroes. I knew nothing about it!

6.15 p.m.

Mr. Speaker, that was a plan, but now we must take responsibility, each and every one of us, for our beloved nation. This is an opportunity to reset the parameters of patriotism, because when you made the point that law alone would not change how you do things, it is to the heart of man that you must attach your attention.

When we act in a country, we must always do so, not in loyalty to a personality, but to a principle. [*Desk thumping*] When we act, we must do so with a consideration, not for personal gain, but for the gain to your soul. I will join you, Member for Diego Martin West, in saying, that for all times laws are made, not for any given circumstance or situation. That is why I return now to the Judiciary. We will protect the independence of the Judiciary. [*Desk thumping*]

It is to the Judiciary the most common man on the street, whether it be a vagrant, as they call him, taken before a judicial officer to determine whether he is loitering; whether you have a million-dollar property that is to be compulsorily acquired by the State or whether it is for a judge to pronounce a sentence of death on one of our brothers, it is to them we turn. That is why, because of the trust and integrity that is expected in the Judiciary, we put now that safety valve. So that no Minister today or in the future could, without just cause and reason, decide he or she would encroach on the rights of our people.

You see, in Trinidad and Tobago we joked for year about "Dey macoing; dey recording yuh conversation," but when you take away one right, it is like dogs sucking eggs; they cannot stop. When a right is removed, it makes room for the removal of other rights. [*Desk thumping*]

That is why, Sir, this is not just about interception; this is about restoration of confidence in the society of Trinidad and Tobago. A Prime Minister who saw wrong, brought it to the people; let them comment on it. You have heard the comments from the Law Association. You have heard the comments from the

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Judiciary itself, a rare thing for them to speak out. We have heard it on the ground everywhere; this has awakened the society. Maybe it is a good thing that it happened this way, because as they say, the price of freedom, is eternal vigilance; not this sort of vigilance under the last regime, but legitimate, lawful vigilance.

These are the things that we must protect with our very lives and I intend to do so. I know all the good souls who love this country and love our children will do so. Of course, as the Prime Minister so sweetly put it, we are open; nothing is perfect in legislation, no. We are hearing, even as we come here, of things that we could do better. We are willing to embrace, learn, always add, never to undermine. That is the new paradigm this Parliament must adopt, adapt and move forward with it.

Mr. Speaker, having stood in defence of the Constitution. I know all of my colleagues—I have spoken to them individually, collectively and many on the other side, that this is the right thing; it is a must do. We have to secure this country, but there is always a balance. That is the balance, that we as citizens must sometimes give up some of our rights. If you do wrong, you must be exposed and you must pay for it.

No longer is it going to be tolerated where billions of our dollars may be misspent and there is protection from any one of us in Government. No longer would that be ever tolerated, because this society has changed; May 24 changed it. A new light has come upon this land, a new conscience has grown and the ways of the old must be the ways of the old.

I thank you.

Mr. Patrick Manning (*San Fernando East*): [*Desk thumping*] Thank you very much, Mr. Speaker. Mr. Speaker, to everything there is a season and a time for every purpose under heaven. [*Desk thumping*] There is a time to be born and a time to die. There is a time to plant and a time to reap. Mr. Speaker, you know the reference; it comes from the Book of Ecclesiastes Chap. 3.

I have been silent for the last six months in this honourable House, but the time has come for me to speak. I begin by subscribing to the highest traditions of Westminster, and in this my maiden contribution before the First Session of the 11th Parliament of Trinidad and Tobago, extend my congratulations to hon. Members opposite on winning a resounding victory in the general election of May 24. You campaigned hard, you campaigned well and you won; congratulations, hon. Members.

At the same time, I would also like to extend my very sincere congratulations to the hon. Prime Minister on her accession to her exalted office of Prime Minister. The hon. Member is the first female Prime Minister of the Republic of Trinidad and Tobago, and with her comes the hopes and aspirations of all the people of this our beloved country.

If I am permitted to borrow a phrase from the very distinguished Member for Point Fortin, I hope that at the end of her tenure we can count her as one of great female leaders of the world, in a mould similar to Golda Meir of Israel or Margaret Thatcher of the United Kingdom, Indira Gandhi of India or Benazir Bhutto of Pakistan or even Michelle Bachelet of Chile. We hope at the end of her tenure that she can be counted among one of the great female leaders of the world.

May I, with your leave, Mr. Speaker, also extend congratulations to all those who acted in the Office of Prime Minister over the last six months. Permit me to begin with my good friend, the Member for Tunapuna, hon. Winston Dookeran, always a bridesmaid, but now a bride; congratulations on your acting appointment. I congratulate the Member for Chaguanas West who seemed to have been mesmerized by the flashing lights. Congratulations, Mr. Warner, on the acting appointment. I would like to congratulate—I almost said my constituent, but the Member for Pointe-a-Pierre. That would not be strictly accurate if I said my constituent—but the distinguished Member for Pointe-a-Pierre on his accession to the Office of Prime Minister, his acting appointment. I do not think that he expected, when he was here in Parliament between 1976 and 1981, that he ever would have held that office, and I congratulate him.

Mr. McLeod: I came out of the dustbin to make room for you.

Mr. P. Manning: I congratulate also the very distinguished Member for Tobago East who acted in that position. If I am to be guided by the trend, then perhaps I can congratulate in advance the hon. Makandal Daaga, who is another member of the Partnership that today occupies the corridor of power.

It is important, as I make this maiden contribution in this honourable House, that the context in which I speak is clearly established. On May 27, three days after the general election, I addressed the General Council of the People's National Movement in the following terms. I indicated that I called an election, as I was authorized to do under the country's Constitution; that the election resulted in a resounding defeat for the People's National Movement, a defeat for which I accept full responsibility, and as a consequence I was resigning the office of political leader which I had held since February 08, 1987.

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More than that, I advised the General Council of the PNM that I was taking the opportunity of departing public life; that I was leaving public life and that in one year's time, when I would have served for 40 years in the Parliament, I would reconsider my options since I am a Member of Parliament and a representative the people of San Fernando East. The clear intention was that I would resign, at that time, from this honourable House.

That has not gone down well in my own constituency; as a consequence of which, as people put it, "You could not have said to us that you would make yourself available for five years and, because the circumstances change, you now want to change that position; it is not fair to do that", and the argument is very sound.

In those circumstances, I assure my own constituents in San Fernando East that I propose to serve out my term as political leader—[*Crosstalk*]

Dr. Gopeesingh: Freudian slip! [*Laughter*]

Mr. P. Manning:—as parliamentary representative for San Fernando East. [*Desk thumping*] [*Crosstalk*] [*Interruption*] I have already served as that, so it does not matter. That was already done. As parliamentary representative for San Fernando East, I do not propose to be a candidate in the next general election. I want to reaffirm that position today.

Therefore, as I address this Parliament, I speak as someone who is in the winter of his political years; somebody who is in the departure lounge and preparing to take leave of public life and someone who is not seeking any political office. In fact, nothing that I say today ought to be viewed in that context.

I would like to point out to hon. Members opposite and to members of the national community that I have operated in a manner since then designed to ensure that there was a smooth transition in the People's National Movement. I supported the new political leader and am still supporting Dr. Rowley. [*Desk thumping*] [*Laughter*] [*Crosstalk*] In fact, I congratulate him on being elected as the fourth political leader of the People's National Movement [*Desk thumping*] and I wish him a very successful tenure in office.

I have acted in a manner since then designed to create no complications for him. I have attended no meetings of the General Council of the PNM. I have attended no conventions of the PNM. I have attended no party caucuses of the parliamentary arm. The only fora I have attended were meetings of my own constituency, San Fernando East, which I am dedicated to continue to serve to the

best of my ability. [*Crosstalk*]

There is also a convention of Westminster to which I would like to draw the attention of hon. Members, that is, whenever someone makes a maiden contribution in Parliament, he is allowed to do so uninterrupted. That is a convention of Westminster—uninterrupted. [*Desk thumping*]

For the last five, six months I have sat here, I have been vilified and I have been castigated; I have been lied upon; I have been denigrated, and I sat here, I took it all in silence. Never once did I raise any objection or a finger in my defence. All I am asking hon. Members opposite to do today is to return the courtesy. But against the possibility that they choose not to do it, I just want to assure you that I do not intend to disturb you, Mr. Speaker, not too much. I am quite capable of dealing with them myself and I propose to do that. I propose to do that.

Hon. Members: Whoooooooo!

Mr. P. Manning: I propose to do that.

6.30 p.m.

In other words, I am promoting peace, but I am keeping my powder dry. [*Continuous crosstalk and desk thumping*] I have looked at them for six months. Mr. Speaker, whoever wishes to disturb me let them come. Let them come, it is no problem. I can deal with all of them and I propose to do just that, so let us proceed.

Mr. Speaker, I would like to begin by making reference to the presentation of the hon. Minister of National Security who did this House a disservice in presenting this Bill. Instead of concentrating on the business at hand, he chose instead to spend a lot of time attacking the Member for San Fernando East; not that it had any effect on me, [*Interruption*] but it detracted, in a significant way, from what otherwise could have been a proper presentation if he was so minded. The presentation was weak, the presentation was hollow. [*Desk thumping*] In 1956 on PNM platforms, we would have described a contribution of that nature as the vacuous vituperations of a demented mind. That is how we would have described it. [*Desk thumping*] That is how we would have described it in those years. [*Desk thumping*]

Mr. Speaker, the presentation was poor, and I would advise the hon. Minister of National Security that his time could have been better spent in addressing the matter at hand and ignoring the Member for San Fernando East. What was he

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trying to say? He was trying to say things of which he is not capable, you know. You are not Cutteridge. Cutteridge had a word for persons of that nature. He was suffering from an affliction that Cutteridge called *felo de se*. You know what it means? He was trying to say, “Umpf, umpf”, when he could only say “Wee, wee”. His presentation was poor. [*Desk thumping and laughter*]

So, Mr. Speaker, permit me to begin—[*Crosstalk*] Permit me to begin, Mr. Speaker—[*Crosstalk*] Well, let me say something else, but you see, even so, Mr. Speaker, I would like with your leave to borrow a phrase from him; not that he is anybody from which anything at all should be borrowed, [*Interruption*] but I choose to violate the cardinal rule and to borrow a phrase from him when he said, “A picture speaks more than a thousand words.” Is it correct? A picture speaks more than a thousand words, so let us start with a picture. [*Mr. Manning shows picture*] You see that picture? Look at that picture. Have a look at this picture, ladies and gentlemen. [*Crosstalk*]

This picture, Mr. Speaker, is a photograph of a house under construction on the San Fernando/Siparia/Erin Road, just past Bryan's Gate, Philippines and on the road to Debe, on the right-hand side. It is a house owned by the Member for Siparia and the hon. Prime Minister, Mrs. Kamla Persad-Bissessar. [*Interruption*] In San Fernando we call it “Kamla's Palace”. Look at it, Mr. Speaker. It is here, it is here, it is here. [*Interruption*] It is a huge facility, and that investigations—[*Interruption*] you want to see it too?—indicate that this facility is larger than the Diplomatic Centre. [*Laughter*] The facility, Mr. Speaker, has more space than the Prime Minister's residence—[*Continuous interruption*] look it here, look it here—and the best estimate that we have, the all-inclusive cost of building this facility, is \$150 million.

Hon. Member: Woooo! [*Crosstalk*]

Mrs. Persad-Bissessar: I rise on a Standing Order—misleading the House, Mr. Speaker.

Mr. P. Manning: Mr. Speaker, this is another perspective of it.

Mr. Speaker: Member, I know that you are displaying and exhibiting, which is not good, but now that you have completed that one could you replace it? I do not think you should have it on permanent display. Please! [*Interruption*] No, no, I am ruling that you remove that.

Mr. P. Manning: Mr. Speaker—

Mr. Speaker: But I am ruling that you remove that.

Mr. P. Manning: I am going to honour your ruling. All I am saying is, it is unusual that such a ruling was not made when the Member for Chaguanas did a similar thing, but so be it.

Hon. Member: That is right! That is right! [*Desk thumping*]

Mr. Speaker: Do not question my ruling!

Mr. P. Manning: So be it! So be it! [*Desk thumping and crosstalk*]

Mr. Speaker, I want to make a contribution against that backdrop, and I would like everybody, Members of this Parliament and members of the national community, to bear in mind Kamla's Palace, that facility. Let us proceed, Mr. Speaker.

Mr. Partap: Mr. Speaker, 36(5).

Dr. Moonilal: Mr. Speaker, 36(1), (5), (4), everything. [*Crosstalk*]

Mr. Speaker: Member, there is a Bill before this honourable House. I am hoping that you would get there shortly. So in terms of 36(1), I am about to sustain that point, but I would allow you an opportunity to at least link your contribution to the Bill that we have before us. In terms of 36(5), I am awaiting. I am awaiting.

Mr. P. Manning: Mr. Speaker, three weeks ago, on Thursday, October 28, 2010, Sir John Sawers who is the Head of MI6, one of three British intelligence agencies, took the unprecedented step of going public and addressing the British Society of Editors, and doing so before television cameras. MI6 was formed in 1909, and the existence of MI6 only first came public in 1962 and the British Government only admitted to the existence of MI6 in 1992. It is a premier intelligence agency. The address entitled and described by the *Express*, a British newspaper, as, "What is the point of a secret service without secrecy", quoted Sir John Sawers as saying that:

"Secrecy is not a dirty word. Secrecy plays a vital part in keeping Britain safe and secure". I repeat, "Secrecy is not a dirty word. Secrecy plays a vital part in keeping Britain safe and secure."

Mr. Speaker, the BBC correspondent who reported the same address had this to say, crediting Sir John with the following statement: "Being able to tackle the threats the country faces depends on secrecy". This is the head of MI6 speaking; a British security agency getting up to make a stout defence of secrecy, an unprecedented step, because he has never before—no head of MI6 before spoke

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before cameras. He was making a stout defence of secrecy in keeping Britain safe and secure.

Mr. Speaker, in 2004 there was a problem in MI6 where there appeared to have been a divergence of view between the head of MI6 and the British Government over British policy in Iraq, and a big flack broke up over it, and, when questioned, a foreign office spokesman made the following comment. The foreign office spokesman said, “It is government policy not to discuss MI6 internal operations.” This is a British foreign office spokesman articulating British Government policy in relation to an intelligence agency, one of three intelligence agencies, MI6.

Mr. Speaker, in 2006 in the United States, there was a CBS Associated Press Report which goes as follows.

Mr. Peters: Would you give way?

Mr. P. Manning: I never disturbed you, leave me alone. Please, Mr. Speaker, *[Interruption]* “In testimony—the:

“CIA Head Slams Wiretapping Disclosure

In testimony, Says Public Knowledge Of Spying Undermines Agency U.S. intelligence officials told Congress Thursday that disclosure of once-secret projects like President George W. Bush’s no-warrant eavesdropping program have undermined their work.”

President Bush's no warrant eavesdropping programme—the statement made by the Member for Chaguanas was totally wrong. The NSC is not the only agency that does that!

Mr. Warner: You are wrong!

Mr. P. Manning: It is not only the NSC that does it, and not only that, but that this is—and it is done not only on the basis of warrants at all. President Bush’s no-warrant eavesdropping programme has undermined the work of the agency, the disclosure of it.

“The damage”—it goes on to say—“has been very severe to our capabilities to carry out our mission. CIA Director Porter Goss told the Senate Intelligence Committee, citing disclosures about a variety of CIA programs that he suggested might have been compromised.”

It went on to say,

“In the weeks since the leak”—because there was a leak—“the president and other senior administration officials have publicly defended the eavesdropping...”

The President of the United States was President Bush at the time, publicly defending eavesdropping, as they have described it here in an associated press release—even before, as the report continues, “...the full Senate Intelligence Committee has yet to be briefed on”—the matter. So the Congress was not briefed on it, but the President went public to defend the eavesdropping programme which at the time was secret.

It went on to say:

“Republican Sen. Saxby Chambliss asked the intelligence officials at the witness table ‘whether or not our position has been compromised’ by publicity surrounding the program. John Negroponte”—who is known to us—“the director of national intelligence, and his principal deputy, Air Force Gen. Michael Hayden, agreed that it had.”

That national security was compromised as a result of the disclosures.

So, Mr. Speaker, you have it from the British; you have it from the head of MI6; you have it from the CIA; you have it from the United States President; you have it from congressional officials, that if the secrecy is not preserved, you compromise national security. That is known to me. That, I am sure, is known to the hon. Prime Minister.

Hon. Member: That is right!

Mr. P. Manning: Mr. Speaker, at the same time, the Bill that is before us, at section 6—I think it is—paragraph 6 proposes to outlaw wiretapping. Right now there is no law against wiretapping, and all the talk about illegal and illegal, there is no law against wiretapping.

What this Bill proposes to do for the first time is to make wiretapping illegal, but if you do that, if you do that, you close the eyes and the ears of our intelligence agencies; yet the Bill proposes to do just that. The Prime Minister, therefore, authorizes a Bill to the Parliament that seeks at paragraph 6 to close the eyes and to close the ears of intelligence agencies. [*Interruption*] Mr. Speaker, on the one hand it is disclosure; on the second hand it is seeking to outlaw eavesdropping. Both of these things are not in the national interest, known by the Prime Minister, yet she brings these things to the House in this way. The question that arises is, “Why”? The question is, “Why”? [*Interruption*] In seeking to

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answer that question, permit me to refer to a report of the United Nations Office of Drugs and Crime and the Latin America and Caribbean Region of the World Bank.

6.45 p.m.

This report was published in March 2007 and in the Executive Summary this is what it had to say:

“While levels of crime and associated circumstances vary by country, the strongest explanation for the relatively high rates of crime and violence rates in the region—and their apparent rise in recent years—is narcotics trafficking.”

The United Nations and the World Bank:

"The drug trade drives crime in a number of ways: through violence tied to trafficking, by normalizing illegal behaviour, by diverting criminal justice resources from other activities, by provoking property crime related to addiction, by contributing to the widespread availability of firearms, and by undermining and corrupting societal institutions."

Most important. The document goes on to say at page 33—3.21:

“Why do Caribbean countries have higher crime rates on average? The obvious candidate reason is drug trafficking. Although the countries of the Caribbean are very diverse along many lines, one thing they have in common is that nearly all are used as points for drug transshipment. De Albuquerque and McElroy (1999), among others, have noted that the rise of crime in the Caribbean over time coincides with the expansion of the narcotics trade. The U.S. Government's most recent annual report on the international drug trade, Department of State (2006), lists nearly every country in the Caribbean as a ‘transshipment point’. Large quantities of drugs are regularly seized by law enforcement in most Caribbean countries; of the top 20 countries in the world in terms of drug seizures per capita, half are in the Caribbean. The Dominican Republic, Haiti, Jamaica and the Bahamas are all identified by the U.S. report as ‘major’ drug transit countries.”

The document also goes on at page 59 to make the following statement on the basis of regression studies:

“The regression results suggest very large potential gains from

reduction in violence for Haiti and Jamaica, the two countries in the region with the highest murder rates. The coefficient estimate implies that both countries could boost economic growth per capita by 5.4 per cent per year if they were to bring their homicide rates down to the levels of Costa Rica. Guyana and the Dominican Republic would also benefit substantially, with potential growth rate increases of 1.7 percent and 1.8 percent, respectively.”

A serious matter. It is not that we were not aware that there was some kind of empirical correlation between drugs and crime. In fact, we have been of the view, because the empirical evidence existed for a long time, that not only is there that connection but that drugs were responsible for a large percentage of the crime in Trinidad and Tobago.

Indeed, in the context of what the United Nations and the Latin American and Caribbean Region of the World Bank concluded about drugs corrupting societal institutions, we had a report in 1993. It was the report of an investigation carried out by Scotland Yard into allegations made by a then Assistant Commissioner of Police, Mr. Rodwell Murray. At page—well, the pages are not numbered. At paragraph 2.5.1., this is what he had to say:

“Intelligence sources consulted suggested that any major corruption in law enforcement agencies in Trinidad and Tobago was probably linked to international trans-shipment of drugs, principally cocaine. The islands are on a route between major suppliers and major consumers.”

It goes on to say:

“The general external view was that corruption was widespread within many enforcement agencies in Trinidad and Tobago.”

The corruption of societal institutions:

“Several specific instances were given of joint operations conducted with the Trinidad and Tobago police where drug searches proved ineffective despite the involvement of established and proven informants. The conclusion reached was of collusion between the drug runners and police.”

This is the Scotland Yard Team Report. Before the team from Scotland Yard left, they made a statement to us in the briefing, which they also made to the press when they were leaving, and the statement is this: that Trinidad and Tobago is small enough to be able to completely eradicate the drug trade.

Mr. Roberts: Well why you did not do it?

Mr. P. Manning: That is what they said. [*Crosstalk*]

Just let me pause for a moment to deal with the attitude of the Member for D'Abadie/O'Meara. [*Desk thumping*] I have sat in this Parliament for six months; I have said nothing, and I have witnessed the despicable behaviour of the hon. Member. [*Desk thumping*]

Mr. Speaker: I do not want you to go there.

Mr. P. Manning: Tell him to leave me alone.

Mr. Speaker: No, do not go there. Continue. You were going fine. Continue, but do not go there. You are attacking; you are implying.

Mr. P. Manning: I am being attacked, Mr. Speaker.

Mr. Speaker: No, no. You cannot be on your feet.

Mr. Roberts: You have no respect.

Mr. Speaker: I am saying—[*Crosstalk*] Let us cool the temperature. Cool the temperature. All I am saying to you, hon. Member for San Fernando East, do not impute improper motives and I would not like you to get into any kind of information sharing as it relates to the conduct. If you want to raise a Motion on the conduct of a Member or his behaviour, do it on a substantive motion. But I want to caution you, do not go there, please. You were going nice before. Continue.

Mr. P. Manning: Except to say, Mr. Speaker, that if his behaviour is acceptable to hon. Members opposite, it is not acceptable to us. [*Desk thumping*]

Mrs. Gopee-Scoon: Well said; well said. [*Crosstalk*]

Mr. P. Manning: Mr. Speaker, so that we started off with a problem, and this whole question of the eradication of the drug trade, the complete eradication of it, stuck in my mind when Scotland Yard reported that to us in 1993, and I began to think about it. We had just come out of an issue in 1990. What were the major threats facing Trinidad and Tobago? Crime is the big issue, driven by two issues. One is terrorism and the other is drugs, and as 1990 receded, the threat of terrorism also receded and the threat of drugs loomed larger and larger in the whole milieu that was associated with crime in Trinidad and Tobago, so that our focus shifted to a large extent on that.

But I must tell you a story, because, you see, hon. Members opposite make

statements they do not know what they are saying. In 1994 I was in Miami for the First Summit of the Americas. The then Minister of National Security phoned me in 1994 to tell me that they had an unconfirmed report that the events of 1990 were about to be repeated by the same organization. The report was unconfirmed, but that, because of the nature of it he was drawing it to my attention immediately. Do you know what I did? Hanging around the corridors of the First Summit was a gentleman who was known to me. I called the gentleman and I told him what had been reported to me and he said he would get back to me. In one hour he called me and said the report is not correct. The gentleman was associated with a foreign intelligence agency, and just for the record it was not the United States; it was not the United Kingdom; it was not Canada.

Hon. Members: Israel.

Mr. P. Manning: But you see, Mr. Speaker, the Prime Minister of Trinidad and Tobago had to depend on a foreign intelligence agency to tell him what was taking place in his own country. There was a serious problem with our intelligence gathering capability and the security of the State was clearly threatened as a consequence of that.

So that in seeking to eradicate the drug trade completely, which is the objective we set for ourselves, the first step would have been to fix our intelligence gathering capability. It was important for another reason. Because the policing that we were contemplating was policing that was intelligence-led, a strategy that has been used to major advantage by a number of countries around the world. One in similar circumstances as ours, a third world country that did it successfully was the country of Uganda—intelligence-led policing. On the basis of intelligence, you conduct your policing operation. I am sure that the Brigadier is familiar with that, at least that.

So we set up the SIA, but the first director of the SIA was only put in place in November 1994 and our approach was this; we put the director in place and tell him: “You set the agency up. We want the agency to be a civilian agency.” So that he made proposals to the government subsequent to that for an administrative structure, for equipment, and we approved that; the government that I headed at the time, we approved it. I headed the Government that approved that. But by the time the equipment arrived in Trinidad and Tobago, the PNM had lost the general election. That is the reality. We were out of office and, therefore, the establishment of the SIA—the operationalization of the SIA—took place under a different administration, one that I did not head, an administration of the United National Congress headed by Mr. Basdeo Panday. They were responsible for the

conduct of affairs in the SIA for the first six years of its life, the PNM having come back into government only at Christmas 2001.

May I also say something else? Hon. Members opposite were saying this evening that the equipment that came here in 2002 was the equipment—suggested that it was the initial equipment that was being used for eavesdropping. That is not so. That is not so. Eavesdropping was taking place long before the equipment arrived in whatever year it was; the Member for Chaguanas West giving the impression that he had this big disclosure to make and so. What disclosure? It was happening before that! It was happening under a government of the UNC. That is how it was! [*Desk thumping*]

We lost the election and the next development that took place, took place in 1999 when a commission of enquiry, reporting on the escape from legal custody of a convicted drug felon, Deochan Ramdhanie, reported that he escaped custody from the Princes Town Police Station with the support of police officers—August 1999, that was reported in the newspapers. That so incensed me that I sought and obtained the permission of the General Council of the PNM that very morning, to raise this matter with the Prime Minister, because I was of the view that the criminals felt that they could do this and those who were bent on wrongdoing felt they could do that kind of thing because the politicians were not smart enough to get together and collaborate against them.

So I went to the Prime Minister. He was shocked. The upshot of it was that a political team was set up headed by the Prime Minister; the Attorney General at the time, Ramesh Lawrence Maharaj; Minister of National Security, Joe Theodore; myself as Leader of the Opposition and Camille Robinson-Regis—five of us—constituting a political team and a technical team was set up headed by Sir Ellis Clarke, and working together, we did what I thought was some excellent work; that the technical team did its work without any directions from the political team but that we approved at every stage what they were planning to do. They held stakeholder consultations; they talked to various kinds of people all over the country, and eventually by the year 2001 they came up with four documents, three of them legislation, one was regulations associated with a new Act to govern the conduct of business in the police service.

What was also important was that, prior to the 2000 election, we took a decision that whoever won the election would have the support of the other one to complete the exercise on which we had embarked. When we spoke with them in 1999, I had given them the assurance that whatever support they needed from the PNM for legislation that might have required a special majority, they were

assured up front of getting that support. That is how we did it in 1999. We lost the election of 2000, but in 2001 the exercise was not fully complete but we had another election and the PNM was installed in government in December of that year.

So that when following the difficulties we had in electing a Speaker and the Parliament was convened after the general election of October 2002, when we began to discuss with the Opposition—the UNC now in opposition as opposed to government—we found that we were getting a kind of reaction that was different from what we had agreed upon. We got the impression they were trying to backtrack. So do you know what we did? We brought the legislation to Parliament.

What they said in the Parliament was: “Well, we think that this thing now needs more consultation.” There was a delay; six weeks for a joint select committee, as they wanted, and six more weeks for consultation. We said, okay, three months, we could tolerate that. The legislation was not passed in Parliament until March 2006, and passed then in a watered down form, very much so, to the point where we saw the effects of that in the selection of a Commissioner of Police; modified arrangements which did not meet the requirement of the people of Trinidad and Tobago.

7.00 p.m.

While they were pussyfooting and creating difficulties for the Government, we had to do something because crime was on the rise. We decided then that we would not wait to reform the police service. We had to put something in place that gave us the capability to deal with the interdiction side of our anti-drug and anti-crime effort, so we formed the SAUTT. We formed the Special Anti-crime Unit.

Mr. Speaker, what was significant about both SAUTT and the SIA, was that to work in those agencies you had to do a polygraph test. You had to pass that test and you had to do a psychometric analysis to ensure that psychologically you were well suited to do the job that you would be called upon to do. Not only that, but you had to repeat that every three years and, at any time during the course of work of any of those agencies, you could be called upon to repeat those two tests by those in authority and by that mechanism we were trying to safeguard against what the UNC was talking here about the corruption of societal institutions, corruption of the SIA or the corruption of SAUTT. I am pleased to say that those two agencies have worked very well.

Dr. Gopeesingh: For you!

Mr. P. Manning: Yes, worked very well, Mr. Speaker, very well in the interest of national security.

The next thing that happened was this. We had designed a whole system in Opposition and when we came into government we started to implement it. The elements of the system were this: a radar system with radar points all over country, 10 of them in all, so that you would see what was happening because we knew that the bulk of the drugs was coming in by sea. So we put 10 radar sites in place and those radar sites were installed, I think it was by March 2006 those radar sites were in place.

Mrs. Seepersad-Bachan: How many?

Mr. P. Manning: For the last six months they are talking every day “yuh know”.

Mr. Speaker: Order! Order please? Continue.

Mr. P. Manning: Mr. Speaker, 10 radar sites and we began to see what the pattern was like. I have said this story before. I will say it again. A boat comes up to the Trinidad and Tobago border in south Trinidad. It approaches the border at 33 knots. It stops on the Venezuelan side of the border and, after a short while, it makes a high-speed dash across the border, and in 15 minutes' time it is going back on the other side. A drug drop has been made. So you could see all of this on radar. [*Interruption*] So what we had to do, having put the radar in place, was to fix our interdiction capability.

We devised a system involving interceptors. We bought 14 interceptor boats for the inshore work and the work up the rivers. We bought six fast patrol—and the interceptor boats do 15 knots plus. We bought six fast patrol craft to do 40 knots plus for the territorial sea and the territorial waters; the interim vessels, the two CPV vessels—they were interim vessels—they could deal a little further afield; and the OPVs were to deal with the exclusive economic zone and areas further afield. That was what we devised.

At the same time, Mr. Speaker, we realized that if we made fortress Trinidad and Tobago and ignored what was taking place in the other islands, it could be detrimental to us. So we agreed, as part of a Caricom agenda—for which the Prime Minister of Trinidad and Tobago had a responsibility—to put in two radar sites in Grenada, two in St. Vincent and the Grenadines and two in St. Lucia. At the same time, we also had two C26 aircraft. Those aircraft were outfitted with radar and other electronic capabilities, and, together with the two aircraft that the

Bajans had as part of the RSS, we saw four aircraft being used to do a daily air patrol in the Caribbean, to be able to have surveillance up a wider area with airborne radar—you extend the range of the surface radar that we have, the domestic radar—and that we were going to use that strategy to conduct surveillance operations, and when the OPVs came, we would use the OPVs as part of the interdiction effort.

Mr. Speaker, in March—I think it was in March—it was June of 2008, we had the meeting of the First Military Commanders of the Caribbean. Trinidad and Tobago—all Caricom countries were present, the Americans were there, the Dutch were there, the British, the French—

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

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

Question put and agreed to.

Mr. P. Manning: [*Desk thumping*]. Thank you very much, hon. Members. I am yet in your debt. So, Mr. Speaker, we put that system in place. That was our strategy. We also, as a result of the meeting of the Military Commanders, agreed to coordinate the strategy of all others so that the assets that we had, the British had a frigate they would use in the Caribbean from time to time, the Dutch had, the French had one. The Dutch on an itinerary basis and so on, to coordinate the use of all equipment in a major interdiction effort in the Caribbean. Mr. Speaker, the stage was set, but central to all of it would be the three OPVs from Trinidad and Tobago. When we take the position to cancel those OPVs, what in fact we are doing is interfering with a carefully laid strategy to protect the Eastern Caribbean and Trinidad and Tobago from the influence of the drugs dealers.

The next thing that happened is, a context is being established. A context is being established in which we are looking at the Bill before the Parliament. Mr. Speaker, permit me to draw to the attention of hon. Members a book that came to my attention very recently. It is called *Old Board House*, written by a gentleman called Chad Modeste. I never knew of the existence of this gentleman until he walked into my office a few weeks ago and he gave me a copy of his book. This book has been accepted as a document for coursework in the Caribbean Social Structural Course at the University of the West Indies. We noticed that the media began certain attacks on the Prime Minister—that is the next thing that we noticed—and, according to this book, this is what Mr. Modest had to say. At page

257 he said:

“With many in the electronic and print media hopping joyfully on the UNC bandwagon and looking more like UNC party groupies than independent thinkers and writers, the Prime Minister and his government ministers were severely disrespected and ridiculed everyday by individuals who were supposedly non-biased. Everything was suddenly Manning's fault; rain refusing to fall resulting in empty reservoirs, Manning's fault; if one man decided to murder another man, it was Manning and his ‘failed’ Security minister’s fault; a reckless, irresponsible and perhaps inebriated driver causing the macabre demise of several persons on a roadway was also Manning's fault;...” [*Interruption*]

Hon. Members: True!

Mr. P. Manning: “school violence and students deliberately not wanting to learn, Manning's fault;...” [*Interruption*]

Hon. Members: True!

Mr. P. Manning: “a dirty drain here and one over there, Manning's fault;...” [*Interruption*]

Hon. Members: True!

Mr. P. Manning: “a wife deciding to kill an abusive husband in self defence, you guessed it, Manning's fault...” A drunk Prime Minister—[*Interruption and crosstalk*]

Mr. Speaker: Please! Please!

Mr. P. Manning: “This type of one-sidedness had occurred unabated even before the UNC's internal election but it gained full momentum after Mrs. Persad-Bissessar became leader.”

Mr. Speaker, the author did not acknowledge another development and I am sure you would have seen it, but it coincided with the arrival of the six fast patrol crafts from Australia in Trinidad and Tobago.

Hon. Members: Ooooooh!

Mr. P. Manning: Mr. Speaker, at page 264, this is what it had to say about the role the media played:

“And it isn’t that Manning was very unpopular because, as was seen during the election campaign, he had tens of thousands of supporters that

included many young adults. He was actually far from being very unpopular but when the mass media of a country is totally against you and labour diligently everyday at portraying you as *very unpopular* your struggle to reverse such a damaging trend then becomes extremely difficult. In societies where reading newspapers everyday take immense precedence over books, documents, documentaries and empirical research; the minds of adults can be easily reduced to that of infants via the influence of the press. And in Trinidad and Tobago newspaper reading along with radio talk programmes are the leading informal educational and information instruments regarding the shaping and bouncing of ideas and the warped conclusions many eventually arrive at. Imagine being bombarded in the press by anti-Manning, anti-PNM and anti-government rhetoric everyday month after month; readers and listeners would eventually start warming to everything projected and without question, believe them even if portions of the data are tainted with the stains of ulterior motive, bias and mendacity. The expected outcome of such an exercise would naturally be abhorrence, disgust or dissatisfaction with Manning, the PNM and the government.”

Mr. Speaker, time does not allow me to go into all of the details, but I would like to draw two instances of what this book is referring to, to the attention of Members of this honourable House. The two instances took place subsequent to the general election, but I could—there are so many instances that I could point to before the general election.

I refer to a newspaper, the *Sunday Guardian*, Sunday, July 25, 2010. “Fall from grace”. This is the front page. “Pena spotted in Lalaja”. This is the front page. You see it here? “Dah is de front page”—“ah old house” and on page A3—a full page—“Pena spotted in Lalaja”, talking about discussions they had with unidentified sources in Lalaja, who spotted her recently; saw her operating out of this house here; saw her conducting gardening operations in the area and otherwise acting in a manner that makes her a fugitive from justice, the prophetess finds asylum and so on.

The problem with this is that Reverend Pena—and I checked it—was last in Lalaja in the year 2004. So that this entire article is based on a false premise and, therefore, the entire article taking up the front page and page 3 of the *Guardian* is now void [*Interruption*] and of no effect, but it did not prevent them from publishing it and publishing it as though it was fact.

I draw the attention of hon. Members to a second development. [*Interruption*]

Interception of Communications Bill
[HON. P. RAMADHAR]

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It was TV6 news of I think it was June 23 of this year. This is what the lead story had to say:

“The Commissioner of Police had forwarded a file to the DPP on the church at Guanapo Heights; that the former Prime Minister had been interviewed by the police and arrests were to be made shortly.”

Having checked with the Commissioner of Police, Mr. Speaker, I am able to say to you that no file was forwarded by the Commissioner of Police to the DPP; the former Prime Minister was not interviewed by the police and no arrests had been made shortly. In other words, totally false, absolutely no basis in fact, but, it did not prevent TV6 from carrying it as their lead story; [*Interruption*]*—and I—*[*Interruption*]*—and I could show so many other instances.*

Mr. Speaker, what was clear is that there was a coordinated attack on not just the PNM but the political leader of the PNM. [*Interruption*] The question is: who coordinated the attack and how was it sustained? It was a sustained coordinated attack. All I will say—because we do not have time to go into the details of that now—is that there is evidence that there was the use of money in that exercise.

Then the election campaign came. Remember we are talking about the drug trade. We are talking about wiretapping in the context of a strategy to fully eradicate drugs because drugs are responsible for a major part of our crime effort. Mr. Speaker, I have been involved in many election campaigns in my life. I have never seen any election campaign like the last one in which money clearly was not a problem. [*Crosstalk*] The Member for—I will tell you in a minute—Chaguanas West could go down on “de” line in Marabella with a bag full of money [*Interruption*] and paying—three days before the election that is how it [*Inaudible*] three days before the election with a bag full of money. [*Interruption*]

Mr. Roberts: Mr. Speaker, 36(5). While I enjoy hearing him embarrass himself, but 30—

7.15 p.m.

Mr. Speaker: Member, you are a longstanding Member of Parliament. I want to sustain Standing Order 36(5) and ask you to withdraw that statement and go on to something else, please. [*Desk thumping*]

Mr. P. Manning: Mr. Speaker, the accuracy of a statement cannot be determined by the Speaker. I am making—

Mr. Speaker: Listen, wait, no, take your seat. This is the second time I have

noted an attempt by you to disregard the authority of the Chair. I am simply asking you, as a veteran parliamentarian—you are imputing improper motive—not to go on that course, and I was asking you to simply withdraw that statement and move on. That is all I am saying.

Mr. P. Manning: Mr. Speaker, I withdraw the statement under duress. I withdraw it. I withdraw the statement. [*Interruption*] Yes, I withdraw the statement. My colleague from Diego Martin North/East was a little concerned about the extent of his margin in the election and decided to check what happened. He went to Bagatelle and was told by the “fellas” in Bagatelle that three days before the election a 3-tonne truckload of money came. [*Continuous interruption, crosstalk and laughter*] You could laugh.

Mr. Speaker: [*Desk thumping*] Could we have some order? [*Laughter*] Could we have some order? Please, please, please, please. I would like to hear the Member for San Fernando East in silence. Continue, Member.

Mr. P. Manning: Mr. Speaker, I am appealing for injury time. [*Laughter*] Injury time, Mr. Speaker.

Mr. Speaker: No, Sir.

Mr. P. Manning: Mr. Speaker, suffice it to say that there are reports all over the country of expenditure of money on a scale that is without precedent. The Member for Chaguanas West called a Member of the Youth League of the PNM and offered her \$700,000. [*Interruption*]

Mrs. Persad-Bissessar: Standing Order 36(5).

Mr. Speaker: Hon. Member, again, you are a veteran of 39 years’ standing. You just indicated—[*Interruption*] may I have your silence and your attention, please? Please? You know what you have done wrong. You are imputing improper motives to the Member for Chaguanas West and the hon. Minister of Works and Transport. I would urge you to withdraw those remarks and I would not go to the point of apology as yet but could you kindly withdraw and let us move on?

Mr. P. Manning: What would you like me to do, withdraw, Mr. Speaker? I withdraw the remark. What would you like me to do? Would you like me to apologize also?

Mr. Speaker: No.

Mr. P. Manning: Mr. Speaker, suffice it to say that there was evidence of the

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widespread use of money in the election campaign, in a way that is without precedence. In fact, so much money was spent—look at the advertising and so on—that we decided to make an assessment of how much money the UNC would have collected and applied to the election campaign. It turns out—our estimate is \$200 million, collected and applied to the campaign. That is our estimate. [Interruption]

Mrs. Persad-Bissessar: Mr. Speaker, apart from Standing Order 36(1), (3) (4) and (5), the Member is totally misleading the House. It is 36, every one in Standing Order 36.

Mr. Speaker: Hon. Member, I would like you to—you have a few more moments to complete your contribution—again, refer to the Bill and the clauses, please.

Mr. P. Manning: The actions of the Government, in bringing the legislation to the Parliament in the form in which they have brought it and in exposing what is taking place at the NSIA in the way they have done it, was done partially because they are carrying out the agenda of those who financed them in the election campaign and who are involved in the drug trade. [Interruption] [Desk thumping]

Dr. Moonilal: He has to withdraw and apologize.

Mrs. Persad-Bissessar: Say that outside and we would have him—

Mr. Speaker: Hon. Member, please, please, please! [Interruption] You are imputing improper motives—[Interruption]. No, no, no, you are imputing improper motives to the entire side. Please, please, could you withdraw those remarks and kindly apologize and move on please? [Desk thumping]

Mr. P. Manning: Mr. Speaker, I withdraw the remarks, but, you see, I sat here for six months, all kinds of things were said about me and I got no protection from any source, but now that I am putting the facts—and let me say this. [Interruption]

Mr. Speaker, I have one more point to make in that regard. The culture of the PNM and the culture of the UNC are not the same. [Interruption] When we collect money in an election campaign, there is strict accounting at the centre. [Laughter] We issue receipts. Even when moneys are paid by cheque, we issue receipts. I can take you anytime you want to the accounts of all the elections of the PNM since I became political leader.

In the UNC, it is not so. In 1987, I first came face to face with that when I became Leader of the Opposition and began to interface with the UNC constituency. Suffice it to say, many of those who conduct the campaigns in the UNC also share in some of the moneys that had been collected. That is the point I want to make. *[Interruption]* It is relevant to the Bill, because I am about to demonstrate that what they are doing is part of the agenda of the drug dealers in Trinidad and Tobago to whom they are beholden. That is the point.

Dr. Moonilal: Mr. Speaker, he is continuing with that rubbish!

Mr. Speaker: Yes, yes. Hon. Member—*[Interruption and crosstalk]* Hon. Member. *[Interruption]* Can I have your silence, please? You are really dealing with the conduct of hon. Members of this side. I am simply saying that you know if you want to make these kinds of allegations, you go under Standing Order 36(10) on a substantive Motion. Therefore, to go on that particular course is totally in breach of the Standing Orders. I call on you very humbly to both withdraw and apologize, and could you kindly confine your contributions to the Bill please?

Mr. P. Manning: Mr. Speaker, in accordance with your instruction, I withdraw, I apologize and I serve notice that a substantive Motion is coming. *[Desk thumping]*

I am not surprised at all with what we are seeing. Look at what they have done. They fired Colonel Robinson of the ODPM, a Member of the National Security Council. They fired the Commissioner of Police, James Philbert, two weeks before he was due to retire. They could not even wait; two weeks. He is a member of the National Security Council. They fired Brigadier Peter Joseph. He was a Member of the National Security Council. They closed the investigation section of SAUTT, critical in the anti-drug effort. The stated intention is to ground the airship. I think they have done so already. They have now taken steps on SIA. It looks as though they would close it, from all that they are saying. They cancelled the OPVs. They cancelled the funding for the anti-drug effort—the security effort in Caricom. That is where the ATM statement was first made. I propose not to comment on the armed forces. David West of the Central Authority and of the Financial Intelligence Unit has been removed from office, after serving for a long time. Then there was the statement the Prime Minister made last Friday. Look at it. All of these things undermine the anti-drug effort of the State so carefully put in place by the PNM. To what conclusion do you expect us to come? Mr. Speaker, \$150 million—*[Interruption]*. Let me tell you, that house, they were struggling to build that house before the election. *[Interruption]*

Mr. Partap: Standing Order 36(5), imputing improper motives.

Mr. P. Manning: What motive? *[Interruption]*

Mr. Speaker: You demonstrated those pictures earlier. I know you are about to close, from what I am picking up. Although you have until 7.35 p.m., do not repeat unnecessarily those things. Could you proceed?

Mr. P. Manning: I am not repeating. I want to show new pictures, Mr. Speaker. *[Interruption]* *[Mr. Manning displays photographs in the Chamber]* That is how it looks. Look at the fence. That fence was built, broken down and rebuilt. Look at the land. Before the election that was the area under—that was debarred. Since the election, this is what it is. See? *[Interruption]*

Mr. Roberts: “De lan grow.” *[Laughter]*

Mr. P. Manning: I am calling on the hon. Prime Minister to do two things. One is to open this house for the scrutiny of the media. I want that done. *[Desk thumping]* Secondly, all the approvals that the Prime Minister used to be able to construct this house, I want her to lay them in Parliament *[Desk thumping]*—all Town and Country Planning, Water and Sewerage Authority, T&TEC, all the agencies—the local government bodies—I would like her to lay all of that in Parliament, because the information we have is that the land that has been included may well have been done without proper authority. *[Interruption]*

Mrs. Persad-Bissessar: The land had been bought 20 years ago.

Mr. Roberts: Standing Order 36(5), again, Mr. Speaker, imputing improper motives to the hon. Member for Siparia.

Mr. Speaker: Hon. Member, you know better. You know better. You are definitely imputing, from your contribution. *[Interruption]* No, no. Listen, listen, you are imputing to the hon. Prime Minister improper motives. If you continue—I mean to say, you are coming to a close—I would have to tell you to discontinue your contribution. So, before you rise, could you kindly withdraw those remarks and let us move on, “nah”, please?

Mr. P. Manning: Which remarks would you like me to withdraw, Mr. Speaker?

Mr. Speaker: You know what you just said. Sit, sit, sit, please? You just attributed to the hon. Prime Minister that she has a fence that she may not have gotten approval for. You have no proof of that. I am saying that you are imputing improper motives to the hon. Prime Minister. Withdraw that statement and move

on, please.

Mr. P. Manning: The statement is withdrawn, Mr. Speaker, but I am asking that all approvals be laid in this honourable House.

I have one final point to make. I would like to find out what is there about this church in Guanapo Heights that causes [*Interruption*] the Government of Trinidad and Tobago so much discomfort? What is there about the church? It could not be [*Interruption*] that the church was being built on State lands. The Prime Minister herself said that was not a problem, that was part of government policy of successive governments. It was not that. It cannot be that State funds were used for it, because State funds were not used for it. I have said that and “doh” care how they investigate, they could never prove that. It just has not happened. It could not be that foreign workers were being used on the site for the Dattatreya Yoga Centre, in which the State put \$5.6 million. They brought in workers from South India, which is fine. I have no problem with that, so it could not be foreign workers. What is it?

7.30 p.m.

What is it, Mr. Speaker? What is it? What is it that causes the Government so much discomfort? I want to make this point. The state of that church, I hold three people responsible for it. The first is Austin Jack Warner; the second is the hon. Prime Minister, and the third is the Attorney General. I hold them responsible. I want to tell them one thing. That is God’s church; not mine. [*Desk thumping*] It is not mine. Therefore, the battle involved in that church is not my battle. It is God’s battle. Let us see how the battle will go from here on in. Let us see how the battle will go. Okay?

Mr. Speaker, the Bill that is before the House, if I am to come back to the Bill, is in a form that is entirely unacceptable to us. My leader, the hon. Member for Diego Martin West, made the point that the Opposition is prepared to give support to the Government on anything that they consider reasonable and acceptable. As it now stands, not only will the Bill in its present form blind, and cause to be deaf, our intelligence agencies, but will seriously undermine, as this event has already done, the security of the State, Mr. Speaker.

When in the future—and it would not be long again—we begin to see a rise in crime and things like kidnappings, and so on, understand that the reason for that has to be placed entirely at the doorstep of hon. Members opposite. Thank you very much. [*Desk thumping*]

Mr. Speaker: During the contribution of the hon. Member for San Fernando East, I was approached by the hon. Member for Diego Martin North/East and he informed me that during the contribution of the Member for San Fernando East, both the television coverage from Channel 11 and the audio on FM105.5, went down. I just want to report to this honourable House that we have investigated that matter thoroughly. Both were live. Maybe, maybe, it could be that the person who may have texted the hon. Member for Diego Martin North/East, in his area there might have been some problem; but from our investigation—I want to put on the record—from our investigation, the hon. Member for San Fernando East was seen on television, as well as heard on the radio station. Okay? The hon. Member for Oropouche East. [*Desk thumping*]

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Speaker. I join this debate, this very interesting debate, on possibly the most critical matter facing this nation today, and that is, the intention of the Government of Trinidad and Tobago to clean up the democracy of Trinidad and Tobago. We are here this afternoon and this evening, Mr. Speaker, and maybe well into the night, to bring sanity, to bring order and decency to the conduct of security activities in Trinidad and Tobago. [*Desk thumping*] That is what we are about.

Mr. Speaker, we have before us a bill which seeks to regulate the activities of our security agencies to the end of applying what is considered to be an important tool in the battle against criminal elements, namely, the interception of communication. Mr. Speaker, a series of activities and events led us to this urgent moment. This is not a moment that a few months ago we could have planned or we could have predetermined. This moment we are at, at this historic juncture, we came here today because of events revealed only within the last few weeks, and with the coming into being of the Government of the People's Partnership.

Mr. Speaker, a matter like this is a matter that we should treat in a very serious way. This is a serious matter. Developed countries with much more mature democracies than ours have grappled with these problems, of balancing freedom with security; of balancing your constitutional rights with the requirement to protect those persons who have those rights enshrined upon them. That is a serious issue for mature democracies. That we are here today debating this matter suggests that there is a seriousness about the democracy in Trinidad and Tobago, and the need of this Government to uphold our democracy and the Constitution and the law.

Mr. Speaker, nothing, nothing prepared us for the last speaker. Nothing

prepared the Member for Diego Martin West for the last speaker. Mr. Speaker, I want to indicate that while my friend opposite remained in a state of shock and awe, I would like quickly to condemn that most abominable, despicable and reckless presentation from the Member for San Fernando East. [*Desk thumping*]

Mr. Speaker, it is a sad day, although there were times, I must confess, when Members on this side had to engage in a fit of laughter when we heard about a three-tonne truck with money.

Hon. Persad-Bissessar: Totally false.

Hon. Dr. R. Moonilal: False; and ridiculous and false. Something could be false, but not ridiculous—incredibly mind-boggling and false. Mr. Speaker, while those moments brought us some laughter, I think the people of this country—I pray and I hope that that presentation was really carried, as you say, Mr. Speaker. I trust that the Parliament Channel carried that live on television and radio; and I hope that it will be repeated, if I had my way.

The Government, as you know, Mr. Speaker, will not and never get involved in the business of Parliament, but, if I had my way, I would play that speech more often than not. Mr. Speaker, that presentation reminded the country why the Member for San Fernando East finds himself in the position he finds himself. [*Desk thumping*] This self-righteousness; this level of false, pious conduct—

Dr. Browne: Mr. Speaker, 36(5), in keeping with your previous ruling, imputing improper motives; “false, pious behaviour”. In keeping with your previous ruling, Mr. Speaker, I ask that that be withdrawn.

Mr. Speaker: Hon. Member, please, I have ruled already and so forth, and try your best. We do not imply or impose or give the impression that we are imposing or implying improper motives. So, kindly attempt to keep within the ruling, please.

Hon. Dr. R. Moonilal: Thank you, Mr. Speaker. The Member for San Fernando East boasts to us about his 39 years in the House, approaching 40. There were moments of laughter. When I heard the prelude to the presentation, it reminded me of a former leader in the House who, when he left office immediately, suggested that he was going, and he had to go. He invited many of us to find another leader, and then he said, you know, “I would not abandon the people.” Then one year went on to 10 years.

Mr. Speaker, the Member for Diego Martin West should take note of that step-by-step progression which began when he looked at the 40 years and then

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told the people of San Fernando East, “I will not abandon you.” And you go on from that, Mr. Speaker. The next step in that is to tell the people—the members of the PNM—“I cannot abandon you, and, if you require my leadership, I will return.” That is the next step for that.

You see, Mr. Speaker, we know the DNA. We are familiar with the DNA. We are familiar with it. In that DNA, you play dead to catch corbeaux alive, so you indicate that you are tired, 40 years is upon us, and the twilight and so forth; victims, but always with this warning. He kept his powder, I think, dry. So, Mr. Speaker, it is one year that will turn to three years or four years, and eventually he will claim that he has to rescue the party and they will have their own battles, and so forth, and that is really their issue. It is not ours.

Mr. Speaker, I took note, and regrettably, from our vantage point, others in the national community will not get an opportunity to see what we saw; but when the Member for San Fernando East was in mid-flight, you should have seen how the birds lined up and how they tilted their chairs, and how they looked on in awe, and looked on with grace—[*Interruption*—the Members, who looked very beautiful, in fact.

It was a sight; a beholding sight, to see. Except for the first three seats that ended at the Member for Laventille East/Morvant, the rest turned and were engulfed, and were in awe. They sat in awe with their mouths agape staring incomprehensibly, Mr. Speaker, at the Member for San Fernando East. [*Desk thumping*] That should suggest as well to others opposite the possibilities that may loom.

Mr. Speaker, I want to deal with a few of the issues, because, during the presentation of the Member for San Fernando East, it was not all joke, and not everything was amusing. In fact, some issues raised were downright offensive, and may well, Mr. Speaker, constitute a contempt. They may well. I thought it was a tragic moment when the Member for San Fernando East—Mr. Speaker, unlike you, I was looking at chair number 13, and I blinked. I wanted to know if they increased by one and we missed something, so we started to look around to see who was this 13th Member, but the Member then took out a series of paintings and portraits and so forth, and held them.

Mr. Speaker, the Member sought to impute improper motives to the Member for Siparia, and indeed her family, over the construction of a private dwelling of someone who has been in public life for 24 years; an attorney-at-law for decades, a professional, and whose spouse, Mr. Speaker, with great respect, is a medical

doctor; a professional practising for decades, who is constructing a home which I understand, Mr. Speaker, is taking some time as well—seven years to construct.

Mr. Speaker, the lands, I understand, were purchased, almost 20 years ago. So, 20 years ago purchased land, and seven years ago started to build and they cannot finish, and the land grew. We understand that the land grew in size since May 23rd. On May 23rd, the lands started to grow, the fence changed colour, and so forth. Mr. Speaker, but something here suggests that there is some delusional feature. There is some delusion. There is some portrait of delusion. We are correct. We must extend our sympathy. The gentleman has served before as Prime Minister.

Mr. Speaker, he sought, in the most incredible manner, to suggest that a Member of Parliament should open their house to the media—their private residence to the media—when, when he was Prime Minister, he never opened a house built by the taxpayers to the media. [*Desk thumping*] Mr. Speaker, the current Prime Minister, in this short time, has opened that residence and diplomatic centre, not only to the media but to the children of Trinidad and Tobago, to our citizens, and to every group. [*Desk thumping*].

Two hundred-plus million dollars on the Diplomatic Centre and residence, closed to the media, but come here today to suggest that a Member of Parliament should open their private house. Mr. Speaker, I am not sure I want the media to walk through my house. I am not sure. Then he came, the Member for San Fernando East, and said that he had information that the House is larger than the Diplomatic Centre and the official residence.

7.45 p.m.

Mr. Speaker, one wonders whether he got any information from wiretapping and the interception of communications. It is fabricated; and false. What will possess a former Prime Minister to stand in this House and ask a Member of Parliament to open their house for the media? [*Interruption*]

Mr. McLeod: A Les Coteaux jumbie.

Hon. Dr. R. Moonilal: A Les Coteaux jumbie. It is something that the Member for Pointe-a-Pierre will explain. But, Mr. Speaker, I want to tell you that we must keep an eye on the Member for San Fernando East. It is in the interest of the country that we maintain some vigilance. There is, I think, Dr. Harry Maharaj in Central Trinidad, who is well trained to deal with some of those symptoms. [*Desk thumping*] I think Dr. Maharaj is well trained and if the Member for San

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Fernando East is not careful, his Mayor of Port of Spain may round him up any one of these nights, because I understand they are addressing this problem with persons who may have psychiatric illness and so on, and he may well be a target of that as well, Mr. Speaker, and maybe some will say, with just cause.

Mr. Speaker, such was the crassness and lack of dignity of that contribution that the Member then sought to make the next incredible jump to link a private dwelling in SS Erin Road. And I take offence as well. That is in my constituency. How can you come to this Parliament and bring a member into disrepute—my constituent in my constituency? How can you do this? And he sought to link that with an alleged illegal activity surrounding the church in Guanapo Heights?

Mr. Speaker, the church in Guanapo Heights—information revealed the State granted \$30 million. We obtained information that there were no proper approvals. The Member for San Fernando East did not ask for the approval of the Guanapo Heights building and structure to be laid in Parliament. He wanted the approval for a private residence to be laid in Parliament.

Hon. Member: What is a PM; a project manager?

Hon. Dr. R. Moonilal: Who described himself as a project manager? What was he managing? But, Mr. Speaker, you lose words. You are speechless, when you consider the nature of that contribution. And I am convinced that no one listening to him will believe, and no one listening will take it seriously. But I want to move, Mr. Speaker, to some of the issues he raised concerning the Bill before us.

Mr. Speaker, he raised another set of incredible issues relating to the Bill. He spoke about national security, and so on. And he has confirmed that he was in the know and he knew. Mr. Speaker, I had the ill fortune of reading the contribution of the Member for San Fernando East at a press conference last Friday. And what the Member did today was really to repeat, and in some cases, extend the speech—the press briefing of last Friday; that press briefing, which will be the subject of a matter as well before our court. But, Mr. Speaker, the former Prime Minister, one would have expected, would have come to this House, and the first thing that the former Prime Minister should have said was, I apologize to Trinidad and Tobago. I am sorry for what took place under my watch. [*Desk thumping*] That is what he should have said.

Mr. Speaker, last week when this list of names was being read by the honourable Prime Minister, the entire nation and the international community looked on in shock and outrage. The list of persons being spied upon read like a

protocol list of Trinidad and Tobago. All officials, except one; one official was missing, and that official was the Prime Minister—the then Prime Minister. That official was missing.

PROCEDURAL MOTION

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, at this moment, without sitting and rising again, may I move that the House continue the sitting until the completion of this matter and until the completion of the Census Order before us.

Question put and agreed to.

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Hon. Dr. R. Moonilal: Thank you very much. So, Mr. Speaker, when the Member for San Fernando East finished with the tomfoolery that he engaged in, he went on to speak on some security-related matters, and suggested, in a nutshell, that is what he had been doing all week. And that is what he cannot do outside: suggesting that moneys spent in the last general election by the Government of the People's Partnership were moneys obtained from nefarious elements. And part of that deal was to dismantle the security sector—the intelligence agencies. And that—I am searching hard for the word—delusional argument has been perpetuated by the Member for Diego Martin North/East, who said in the newspaper I read, “Well if anybody was listening to me, somebody would tell me.” He said, “If anybody was listening, somebody would tell me. This is Trinidad and Tobago. They would tell me.” That is the level at which they are.

So the former Prime Minister, Mr. Speaker, is making this link—he is trying to make this alleged link that moneys spent—and then had this ridiculous notion that a 3-ton truck—.

I have a brother, incidentally, Mr. Speaker, who is into this business of construction material and so on, and I have a sense of what a 3-ton truck looks like. Mr. Speaker, I want to tell you something. I do not know where in the world you could full a 3-ton truck with money and drive. That has to be under a tarpaulin, because it will blow away. And if it blows away, people may grab. And if that was not bad enough, he said, “The Member for Diego Martin North/East told me that.”

The Member for Diego Martin North/East was equally incredible to suggest that he could lead the PNM. They are really on the same wavelength. And it is not a wavelength we are interested in intercepting, Mr. Speaker. The Member for

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Diego Martin East said that there was a 3-ton truck in Diego Martin driving around, full of money. I do not want to go after that at all. I do not want to hear that at all.

But that allegation about the People's Partnership being involved with nefarious elements, it is a serious matter. It is a serious matter. In 2000 when they lost the election, they blamed the EBC. They said the EBC gerrymandered and so on, and the UNC won because of the EBC. Now they cannot find the EBC; they are blaming the media. He held up a book by an unknown writer and said that the writer said they blamed everything on the Member for San Fernando East, Manning. But if he is guilty of those offences, then we should blame him. Who is to blame? Who? [*Desk thumping*]

He accuses the media. He accused everybody except himself, and does not understand that citizens of Trinidad and Tobago came out in their numbers, by their hundreds of thousands, and supported the People's Partnership, voted against the PNM, and yes, contributed to what was a noble effort to remove the People's National Movement. They contributed to that effort—cannot believe that. He is in another world to think that if he is removed, it must be by some nefarious elements, not by ordinary, decent, law-abiding citizens, who were just fed up, Mr. Speaker, of property tax, fed up of smelter, fed up of corruption, fed up of rapid rail, fed up of Calder Hart, fed up of Guanapo. And from the tenet of the speech today, it does not look like he understands that at all. He is not understanding that. He thinks it is a conspiracy involving nefarious elements, and the media and civil society, everybody who had to vote conspired to remove him. And he then made this ridiculous assertion that the intent of the Bill was to close the eyes and the ears of the security agencies.

The Member made a reference to clause 6 in the Bill. Mr. Speaker, just to remind members, clause 6 of this Bill, deals with the issue of prohibition of interception. It makes interception an unlawful activity in certain circumstances. But, Mr. Speaker, I just want to indicate to this House, this is a copy of the Bill that is laid before us—Interception of Communications Bill 2010. I also have a copy of another Bill. This is the Bill that was prepared by the Government, led by the Member of Parliament for San Fernando East—clause 6, Prohibition of interception. The exact wording, the exact clause as prepared in 2008 by his administration deals with prohibition of interception. Not one word is different from the clause in the Bill before us. Nothing, Mr. Speaker, is different, that he finds offensive. He built his contribution on this. That was the core of the contribution: dismantling security agencies.

Mr. Speaker, he then read out a list of leaders of security agencies removed and so on. Several of them were leading agencies that were not recognised in the law. There was no law to regulate and permit the activities and he accused this Government of turning a blind eye, and closing ears and head and nose and so on.

Mr. Speaker, since we came into office the very first thing we did was to appoint a Commissioner of Police for Trinidad and Tobago; the first thing we did, when for years, almost three years, this country was without a police commissioner. Every month the former Commissioner had to know whether he was continuing month by month. When he went to the office on the 30th of the month, he did not know what was happening on the 1st; and this led this person and other officers to feel dependent on the Prime Minister. That is the issue; when a commissioner of police is on a month-to-month contract, they do not know whether they are going or coming. How will they stand up against a Government, a Prime Minister; how, when their salaries, their perks, their benefits, their pensions, their termination benefits are dependent upon a Prime Minister? That is the state in which the former Prime Minister left this country.

Our first act in Parliament, Mr. Speaker, was to properly appoint a Commissioner of Police. But it did not stop there. Our second act was to appoint properly, with parliamentary approval, a Police Service Commission. And you say we are not serious about fighting crime and dealing with drug barons and so on? We placed the permanent office holders in the institutions that they are there to serve, to deal with security and intelligence. And one wonders why the Member for San Fernando East is defending and/or promoting those office-holders—those former office-holders? Is it because the Member for San Fernando East, when he sat on this side, was involved with former office holders to undermine the law and the Constitution? Why come to Parliament to promote their interest? Why? There must be a reason.

You know, Mr. Speaker, today the *Trinidad Express*—through the Internet, the newspaper of Trinidad and Tobago can be read by anyone on the planet, I imagine, with an access to the Internet: “CJ Slams Ex-PM”. That is Chief Justice. CJ means Chief Justice. Chief Justice Slams Ex-PM.

Mr. Speaker, the startling revelation has led the sitting Chief Justice—not a former Chief Justice, the sitting Chief Justice—to declare, that this bold assertion, in response to a statement by the former Prime Minister, that no law-abiding citizen had anything to fear, the Chief Justice said that this bold assertion was insulting, and displayed a shocking disregard for the rule of law. This is the Chief Justice, Mr. Speaker. And yet the former Prime Minister came to defend his

actions.

8.00 p.m.

Mr. Speaker, as soon as this revelation became known, the former Minister of National Security—poor “fella”, he did not even come before the press. He was before a computer so he sent an email. Now this poor “fella” could be somewhere in Bali or Indonesia or something. He sent an email to say he does not know anything about that. “It wasn't me”. They reported to the then Prime Minister. Former Minister Martin Joseph said that.

The former Prime Minister came today in the House to defend the illegal wiretapping that he did. So he authorized an illegal activity, and even that did not send the rate of crime down. It rose astronomically, because they were not wiretapping any criminal element, they were “macoing” citizens of Trinidad and Tobago—politicians, trade unionists, civil society leaders, media leaders and members of their own party. The manic minds so aptly described by the Minister of National Security.

Mr. Speaker, to hear the Member for Laventille East/Morvant say, well you could wiretap me—now these are persons who have taken an oath to uphold the Constitution. When we come and present ourselves to the House, we swear on whichever book that we deem appropriate to uphold the law and the Constitution. Mr. Speaker, this is the Constitution here, and we swear to uphold this. The Member for Laventille East/Morvant declared that they could tap her phone, she has nothing to hide. That is the declaration from a Member of Parliament who took an oath to uphold the Constitution. So we took an oath to uphold the Constitution, and then flung the Constitution into a dustbin. That is what we are demonstrating. So crime went up with this illegal wiretapping.

The last speaker and others sought to create another issue. The Prime Minister indicated last week in her address that the protective services and elements that were involved in this commanded the service providers to participate in this illegal activity. Mr. Speaker, Members opposite and some persons in the national community have raised the issue of the Telecommunications Act, which permits the collaboration with security agencies for the purpose of national security.

Mr. Speaker, do you know what is fascinating about that section? For the telecommunications provider to cooperate with a protective service agency and collaborate in the sense of giving support, that must be ordered and authorized by the Minister of National Security. That is the law. It must be authorized by the Minister of National Security, and the then Minister of National Security said he

does not know anything about that. So the Minister that the Act empowered to authorize the service provider knew nothing about that. Who authorized it? Digicel and TSTT did not wilfully, deliberately and anxiously surrender their equipment and their capacity. Their licences were threatened by the former Prime Minister, and the former Prime Minister authorized that illegal activity of wiretapping, not the former Minister of National Security. He washed his hands already; he gone. They come today and talk about the use of this activity. That is illegal!

Today, we are creating law to outlaw and make unlawful the interception, but even if you intercept, you are violating the privacy of a citizen. The Telecommunications Act does not cater for that. An interception is not interference in that way as defined in the Telecommunications Act. They create an offence of interfering and obstructing and so on, but interception may not be an obstruction or an interference, it is redirecting signal, and they were doing it illegally. That is the issue.

I think the issue was raised today by the Member for Diego Martin West, who sought to create the impression that the Member for Siparia knew about this matter before, and came last week and appeared surprised and so on. That was his argument. The Member for Diego Martin West raised this issue in the context of a statement made by the former Member for Caroni East, Mr. Ganga Singh, when Mr. Singh, the Member for Siparia and I sat opposite, and when we were in no position to have information that was verified to have evidence. The Member for Diego Martin West, interestingly sat on this side of the House when he was in a position to ask questions and to do something about it—to investigate, to ask his Prime Minister and Minister of National Security about it—and the question now that begs is, did the Member for Diego Martin West, on that fateful day in 2005, ask questions of his Prime Minister and the then Minister of National Security about the information released by the Member for Caroni East, Mr. Ganga Singh. If he did not, which I doubt he did, then he accepted that. For 10 years he did not do anything, and now talks about passing laws, when he was in the Cabinet for 10 years and more.

Mr. Speaker, within six months of coming into office, within obtaining information and then evidence, the first thing that the Prime Minister did was to come to the elected representatives and the people of Trinidad and Tobago. [*Desk thumping*] She declared her hand and indicated the nature of the crisis and suggested to this nation that we are moving to right the wrong by the introduction of a Bill, to protect citizens, to protect our democracy. That is the first thing. Six

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months have not gone yet. Within six months, we have to take this measure, because of the information coming to the Prime Minister.

Again, I want to refer to the Member for San Fernando East, and I would just ask hypothetically: does anyone in this country believe that if that Member for San Fernando East, God forbid, were Prime Minister, he would have come with this Bill to pass this Bill to protect the rights of citizens—

Hon. Members: No way.

Hon. Dr. R. Moonilal:—or would he have continued to do the same thing that he knew about before and authorized against members of civil society and his colleagues opposite?—his colleagues, the Member for Laventille East/Morvant, the Member for Diego Martin West and the Leader of the Senate in the Opposition Bench. He would have continued to do that. He would never have brought this Bill, because this Bill would have outlawed that illegal activity.

Mr. Speaker, it is tragedy that today a Chief Justice has to declare that a former Prime Minister showed disregard for the rule of law. That is the tragedy here. I do not want to belabour the point at all, but the Member, on the last occasion, sought to intervene after the Member for Siparia delivered a statement as Prime Minister, knowing very well the Standing Order. The Member for San Fernando East has been here for 39 one-year terms. He did not learn much in 39 years, so they were one-year by themselves.

Mr. Speaker, he sought to interrupt the order of our business to respond to a ministerial statement, when after two months in this House any Member will know that he or she cannot respond to ministerial statements, he or she has to file a Motion before the House and put it on the Order Paper and debate the ministerial statement. He knew that and he sought to respond and went outside at the same time.

Mr. Roberts: Without the knowledge of the Leader of the Opposition.

Hon. Dr. R. Moonilal: In the middle of the sitting with Government and Opposition present, and the Leader of the Opposition in place in the seat that he should be seated at, the Member for San Fernando East bolted out and went into a Committee Room and amalgamated the press and gave a press conference—we have the transcript of that press conference—and repeated the same delusional statements.

Mr. Speaker, I want to indicate that the Member for Siparia has taken some very firm steps now, because enough is enough with that. It is not something—we

will laugh to one extent, but it is a serious matter. If he is unwell, it is a matter that we should really understand as well.

The lawyers have written to the hon. Patrick Manning, Member of Parliament for San Fernando East, his office on Coffee Street:

Dear Sir.

Defamatory statements made by Mr. Patrick Manning.

This letter is dated November 19, 2010.

We have been instructed by the hon. Prime Minister, Mrs. Kamla Persad-Bissessar, in connection with statements made by you which were reported in an article published on page 5 of the *Newsday* newspaper of Saturday, November 13, 2010 under the headline "Manning attacks Government". The said article which was printed under the byline of one Andre Badoo was continued on page 15 of the said newspaper under the further headline, "Manning SIA did good job".

As is well known, Prime Minister Kamla Persad-Bissessar is leader and head of the People's Partnership Government. These statements were made in a press conference called by you, Member for San Fernando East, outside the Parliament Chamber. The article reports that you told reporters "that the present People's Partnership Government was dismantling the security services of the country to pay back drug lords who had financed their campaign for the May 24, 2010 general election.

As such, any such statement made by you is false and malicious and calculated to injure our client's reputation in her public and private capacity.

The article also reports that you made the following statements:

I have been taking very careful note of the actions of the Government. The Government has been systematically dismantling..."

And it continues with one of the same comments that the Member for San Fernando East made in the House today. The letter goes on:

In their natural and ordinary meaning and/or by way of innuendo, the words used by you meant and were understood to mean that our client and/or the People's Partnership coalition of which she is the leader, received financial contribution or assistance from drug dealers or that she and/or the People's Partnership coalition are in their debt, and that is for

this reason she has exposed in Parliament the wiretapping activities of the SIA.

Additionally, the said words meant or understood to mean that our client was a party to a criminal conspiracy, the purpose of which was to facilitate criminal activities of drug dealers, et cetera.

In the circumstances, our client requires the following:

(1) An unqualified withdrawal of the allegations referred to above, and a proper apology to our clients in terms to be agreed.

(2) An undertaking by you not to repeat the allegations or similar allegations.

(3) The payment of a substantial sum in damages to our client to demonstrate the baselessness of the allegations and to compensate our client for the injury to her reputation and considerable distress caused, and for the payment of our client's legal costs.

If you are prepared to withdraw promptly the allegations and apologize, our client acknowledges that this may mitigate the damages.

Mr. Speaker, this letter was sent and served today. The Member was in Parliament, and I think he will receive this on his way. It is quite instructive, because I think that the Member is still owing on a judgment where he lost a court case some years ago.

Mr. Speaker, I want to indicate that the purpose of this is really to say, enough is enough with this stupidity. The Member for San Fernando East has no basis; he is under no leadership. I doubt very much that the Member for Diego Martin West was aware of those statements or authorized the Member for San Fernando East to make those statements. While the Member for San Fernando East was saying that the Government was wrong, the Member for Diego Martin West said that the Government acted properly. He said he was very saddened by the events, and what the Prime Minister did was proper, in terms of coming to the House and revealing those names and this conspiracy.

Mr. Speaker, so that matter would be dealt with by the lawyers, and the court will also adjudicate on that. In my hand, I have the clippings where they have interviewed persons who have been the victim of this invasion of their privacy

and they have made statements. Some have taken legal action, as in the case of the executive members of the Sanatan Dharma Maha Sabha, and this has led us to this point. There are a couple issues that I want to raise.

8.15 p.m.

I thought I would leave the Member for San Fernando East there, only to note again that under his administration we have seen the largest increase in criminal activity ever recorded in the history of Trinidad and Tobago.

The craziness about the structure in Guanapo Heights, linking it to the Member for San Fernando East, he really has no credibility on that. This is the Member who used his office as Prime Minister to facilitate that said personality and her family in getting benefits from the State. He facilitated the brother of Mrs. Pena to obtain a house from the Housing Development Corporation. The former Prime Minister commanded and demanded that the HDC provide a house to the brother of Juliana Pena.

We are not malicious. We are not an administration that is vindictive. Nobody could take back someone's house. All we did was noted it. The Prime Minister intervened directly. The person did not get a house as a result of a random draw, an un-random draw, an emergency case or any criteria as laid down in the policy. It was a note from the then Prime Minister to give her family a house. That was the level at which he operated and today he tried to invoke all sorts of things in the House, "jumbie" and so on. Mr. Speaker, enough was said about that.

I want to focus on the Bill for a few minutes and some of the issues raised earlier. The Leader of the Opposition signaled a positive intention to give support, qualified, to this measure, knowing very well that this Bill was draughted by the former administration. There are some changes, but the policy intent is the same. The changes are really to protect security, to protect information and intelligence. Those are the changes which the Member for San Fernando East said we were turning a blind eye to and closing eyes and ears.

The changes we have made were to ensure that information and intelligence obtained are protected; that is the change. There are several checks and balances in the Bill before us. We welcome suggestions by the Opposition and others outside. [*Interruption*]

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

Motion made, That the hon. Member's speaking time be extended by 30

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minutes. [*Hon. C. Sharma*]

Question put and agreed to.

Hon. Dr. R. Moonilal: Mr. Speaker, the Bill proposes that, in certain circumstances, an officer authorized by the Minister of National Security can approach a judge, as outlined in clause 8, and that judge can issue a warrant to intercept, but a case must be made out even at that level. You cannot just go to a judge and say, "Mr. Justice, I want a warrant, I want to listen to somebody talking". It does not work like that; you have to go before the judge.

To authorize the warrant, you have to do it under certain defined circumstances. You have to show that there are reasonable grounds to believe that an offence has been committed, is being committed or will be committed, and the offence has to be serious; minor offences are excluded. You have to show that you have reasonable grounds. You have to show that other modes of getting information and intelligence cannot be pursued, that you cannot pursue it through other means. You have to show that there is an urgent need for this.

You have to demonstrate it is unlikely that your information can be acquired by means other than a warrant. You have to demonstrate that other means are too dangerous to adopt. Then you have to demonstrate that it may be in the best interest in the administration of justice. So you cannot go before a judge unless you have some cause rooted in a statutory frame, before you get this warrant. When you get the warrant, it does not stop there. It is for a specific time, 90 days. You can renew; there is a first renewal and a second renewal.

Today the Opposition Leader made an interesting point that the 270 days, as contemplated in total, may be too small a number, but when we were looking at it we believed that was sufficient. Because if you have information that suggests to you that something has happened, is happening at the moment or will happen, it must be in a reasonable time, otherwise you may end up intercepting communication for a time that is unreasonable. [*Interruption*]

Dr. Rowley: I thank the Member for giving way. [*Dr. Rowley's phone rings*]
[*Crosstalk*] Mr. Speaker, my apologies.

I wonder if the Member is drawing a distinction, as we proceed to treat with this matter under the rubric of national security, that there is some difference between intelligence gathering, which may require you to be on the job longer as you pursue a target, than a situation where you know what you are looking for, you know who you want to deal with and, therefore, you can focus on them in 10

days or five days. I heard in Japan it is one week. In terms of where the technology is a tool for intelligence gathering, where you do not want to be surprised by what someone is planning for you, that you need to know what is going down, you may need to be on the job longer than that.

Hon. Dr. R. Moonilal: I thank the Opposition Leader for the distinction. It may well be, if we have a discussion on this matter, that there are certain offences under the rubric of national security, possibly terrorism, for example, for which you may want to permit a longer period of interception. But one has to balance that with the rights you are lawfully violating. It may well be that there are some offences such as sedition and terrorism that you may need a longer period. In the proposal before us nothing prevents you from returning to the judge and asking for subsequent warrants to intercept communications, given the grounds that you supply and the argument that you put before him.

We can contemplate an extension of the 270 days for specific types of issues under national security, because the Member is right. There is a point, in dealing particularly with terrorist elements, where you may need to be monitoring for a longer period than 270 days. You may have to take much more time to do that, but those should be constrained and regulated in law and be authorized by the court. That is our contention.

We believe on this side that we cannot allow the latitude for persons without the authority of a court order, a warrant, to be engaging in interception of communications, unless they can demonstrate the need. There are times when a need might be urgent and you do not have time to apply properly for the warrant with your application and affidavit evidence.

You may do so orally to the judge, but the Bill provides that you have 72 hours to produce your application and affidavit, and if you do not do that, when that time comes the warrant is revoked. So there are checks and balances there to prevent abuse. The fundamental objective in this Bill is to prevent an abuse by persons who may be sworn not to abuse the law. But we saw from the example of the Member for San Fernando East that this does not hold all the time; so this is why there are checks and balances in the Bill.

The Member for Diego Martin West raised another interesting point. I want to remind him that it was really a few years ago. I never had the distinction of sitting on that Chair, but I sat close enough. I sat in this House in Opposition and raised the very point that the Member for Diego Martin West raised when the Member for San Fernando East sat on my right. I raised the issue of a parliamentary

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committee, a joint select committee or whatever you call it, to deal with national security, akin to the Senate Intelligence Committee, that would meet, of course, in camera.

The then Prime Minister stood in this House and said, "No, the role of government is to govern and provide for security; that is not the role of the Opposition". So, today, it is amazing to hear the Member for Diego Martin West, when his Prime Minister who for a very long time sat in striking distance before striking. He stood in striking distance to the Member for Diego Martin West. He stood in this House and said, "The role of Government is to govern, to provide security; that is not the role of the Opposition; you did not win the election." You did not win the election, so the people did not give you a mandate to provide for their security; they gave the government.

The Member for San Fernando East said that in the House when I, as Member for Oropouche, indicated that we should think about this model from the United States and other developed democracies, that Parliament as a whole, as the representative of the people, should get together to address this issue. We were dealing with runaway crime at the time.

You know what else the Member for San Fernando East said in this House? He said, "You cannot do that; it will empower the Opposition." Do you know what I told him on that day? I said, "But tomorrow any time the tables could turn and those sitting on that side could sit on this side"—as the tables did turn—"and then we would also have information of intelligence that you will not have; so instead of doing this thing where you changing sides, every now and again, getting information and intelligence, why not come together to deal with crime?" It was properly rejected by the Member for San Fernando East. I want to say that he would reject it even now.

So if that is the proposal of the Member for Diego Martin West, I put my head on a block to say that he is not speaking for all the Members on the Opposition Bench. He is not speaking for all the Members opposite. You may be speaking for the PNM, but I assure you that you are not speaking for the Member for San Fernando East.

In the Bill as well, we provide a reporting function for the Minister. At clause 22, and I am looking at the checks and balances because we are concerned with that, the Minister presents to Parliament once a year a report, but hear the content of the report, because the contribution of the Leader of the Opposition spoke to a few specific issues. He said that the joint parliamentary committee, or whatever

we choose to call it, would deal with specific matters such as administration, policy, expenditure. That was what he said, so it was not operation, but administration, policy and finance or expenditure. So that would not jeopardize operational matters.

In the report that the Minister must lay in Parliament, it must indicate the number of warrants applied for to intercept communications; the number of warrants granted by the court; the number of warrants applied for and granted; the average period for which warrants were given; the number of warrants refused by the court; the number of applications made for renewal; the number and nature of interceptions made pursuant to the warrants; the offences in respect of which warrants were granted, specifying the number of warrants given in respect of each offence.

8.30 p.m.

This is more than what the Leader of the Opposition requested. This is operations. So the Minister is bound to come to the Parliament annually to give some information on operations where the parliamentary committee as envisaged by the Leader of the Opposition, has said “No, we would not be interested in operations as such and the details of any operations”. The report says that you must tell us the number of persons arrested, whose identity became known to an authorized officer as a result of an interception.

So we are not only for the interception in limited circumstances, but we want to know every year: Is this working? Are we achieving anything by this measure? We want to know the number of criminal proceedings commenced by the State in which private communications obtained by interception under a warrant were adduced in evidence, and the number of those proceedings that resulted in conviction. Hear that, this is a public report, this is not in camera. This is not for private consumption; this is for the national community. The number of criminal investigations in which information obtained as a result of interception under the warrant was used, where evidence was used from interception. How many matters commenced because of this? Hear this, the number of prosecutions commenced against persons charged as a result of the use of this interception, and a general assessment of the importance of interception or private communications for detection prevention and any other matter he considers necessary.

Mr. Speaker, this is a phenomenal thing. In Bills before this House and in legislation generally, very few pieces of legislation—and I will tax my brain to find out where and which one—outlined in a structured way, the statutory

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component of a report by a Minister, and this does that. So after one year, by the second year, third year, we would have as a Parliament, not a Government, a Parliament, an idea of whether this is working or not as the Minister brings his report. That is a phenomenal amount of disclosure in a matter of national security to indicate that.

Mr. Speaker, hear this one. This one is interesting, the Minister shall, of course, cause the report prepared by him to be laid in both Houses of Parliament. So it goes to the House of Representatives and the appointed House, and this is subject to an affirmative resolution. We must debate. We must look at the Bill, cause and trigger an engagement of the Parliament and the national community on this matter once per year. I humbly suggest, this is a more powerful tool of monitoring than a joint select committee. [*Desk thumping*]

Once per year a debate on the report—however, I want to indicate, we have certainly not discussed or closed any door on that suggestion. It is a live issue and it is something we are quite happy to consider, to look at, to flesh out, and if it is there is a consensus on that, then, Mr. Speaker, Government will not dismiss ideas. This is a different type of Government. [*Desk thumping*] This is a different type of Government.

Mr. Speaker, they had somebody seated in my seat here and every time the then Opposition made a suggestion, he would say, “Arrant nonsense, ridiculous, rubbish”.

Hon. Member: Foolish!

Hon. Dr. R. Moonilal: When we made an amendment, they would say, no, no, no; Government is not entertaining amendment. Mr. Speaker, I want to tell you as Leader of Government Business, we would accept any positive and constructive amendment from the Opposition. We will put it into law! [*Desk thumping*]

This creates two elements. First, it is good governance to have the Opposition and persons outside of the Parliament contribute to our law-making exercise. That is good governance, it is inclusion and more than that, we make good law. We make good law so we do not have the situation where six months from now we come back for five amendments, because when we passed it one night it was not done properly, so we come back.

Mr. Warner: We do not have all of the answers.

Hon. Dr. R. Moonilal: We do not have all of the answers. We may have all

the votes, but not all of the answers. So we welcome amendments or suggestions from the Opposition.

I want to indicate the transparency on this matter, because you see the Member for San Fernando East raised it. When he served as Prime Minister, security matters would come today for tomorrow. Mr. Speaker, one week ago as Leader of the House, I authorized the Parliament to send advance copies of the Interception of Communications Bill to all Senators in the Parliament of Trinidad and Tobago. Advanced copies, before a Bill is laid in the House, I wanted them to have advanced copies to read so they would have time to digest, to think, to discuss, so when they come to the House they can contribute. [*Desk thumping*] That is governance that we are talking about.

So, Mr. Speaker, there is a check and balance with the reporting requirements of the Minister of National Security. There is a huge check and balance with the process. There are procedural checks and balances undertaken by the judge. There are offences in this Bill, where, if you divulge information that you obtain through intercepted communications and so on, you commit an offence and you would be fined, heavy fines and you would face a jail term for giving that information out, [*Interruption*] so we are protecting citizens.

You see, Mr. Speaker, a hallmark of democracy and developed country status is, even when you fight crime you protect rights. That is it! So that no innocent person can claim that his rights were violated, because you have proven to a judge that you have some credible materials before you that prompt this judge to authorize the warrant. You go, you intercept and you come back with the information. The Bill provides that the information is then translated into evidence in the court, and there is a process of doing that as outlined in the Bill.

The Act also permits authorized officers to ensure that they follow process when they go to a telecommunication server. It requires disclosure of protected communication. This is a serious matter, sometimes there are persons, when you are dealing with gangs—the Member for St. Augustine, in a spirited contribution earlier this afternoon, spoke about gang violence and gang activity. There are sometimes persons with information stored that is related to a criminal activity but they themselves are not the primary person of interest being investigated.

The Bill provides that you, under certain circumstances, can get that information that they are storing, and persons can—sometimes you store information. One person may have information stored, but another person may have the key, may have the password in a simple way, but it is much more

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technical than a password, the encryption in some cases, codes and so on, called keys. They might have the key to stored information. The Bill provides that you can get an order from the court to get the keys to communication information stored. You can get that if that information is required, because persons can be holding information for other persons pursuant to a criminal conspiracy. That is the overall coverage!

Mr. Speaker, I know I am speaking to the converted opposite, because in their Bill—I have this Bill before me which is the Bill prepared by the former government—it speaks to all these matters. I can tell you some differences. One difference is, of course, in our Bill we had to insert a clause to exempt the information from freedom of information legislation, because it makes no sense you collect intelligence and then someone apply to freedom of information and say, “It is the law, give me the information that you have.” So you have to exempt it, clearly. We did that in this Bill, it was not in the previous Bill.

There was also a restriction in terms of authorized officers in the last Bill, the Bill before May, that we met, and we opened that somewhat to have an authorized officer, meaning an officer or person authorized by the Minister. Because it may well be that in practice if this activity is to be undertaken by the statutory authority, which is the security services agency, I believe, if that is done it may be an officer of that agency who may not be a police officer and certainly will not be the Commissioner of Police or the Head of the Customs—who else were in the initial Bill—Comptroller of Customs, Chief of Defence Staff; those office holders as the first Bill suggests may not be the agency that is dealing with this type of intelligence matter. It may be the Strategic Services Agency where those officers will not find themselves.

Mr. Speaker, the other danger with the initial draft was that they were authorizing the Director of the Special Anti-Crime Unit to intercept or to seek a warrant to intercept, but the Special Anti-Crime Unit, as you know, has not been subject of statutory regulation, so we were authorizing a director of a body that has no basis in law to obtain a warrant to intercept. Now you cannot do that. That is not something that we would want. Persons who are involved in this, I want to tell you frankly, are persons who must be recognized by the law. There are also other safeguards in this Bill provided to ordinary citizens, provided to the court, provided to companies—telecommunication companies, not only their duties under the law, but their protection as well. The important issue of confidentiality of intercepted communications is here.

Mr. Speaker, there are a couple of issues I want to raise. I know the time is

now drawing down, but there are other issues that the Opposition has raised and I think they are useful. I think it is useful to discuss, and if there would be suggestions further that can be crystallized into amendments, we would welcome that. The issue of deleting stored materials; first, whether we should erase stored materials, given the argument raised by the Leader of the Opposition, and if so, in which circumstances? Is it after a particular time? Is it after the conclusion of a process, a criminal legal process? In what circumstances would you destroy stored material, if you decide that it is in the best interest to destroy stored material?

The Leader of the Opposition raised an interesting issue today, very important, is that the material obtained so far, which the former Prime Minister knows about, that may be material that has to be used for activities, for procedures at the court raised by persons who believe that their constitutional rights have been violated. [*Interruption*] So, Mr. Speaker, those are interesting issues, important issues, raised by the Member for Diego Martin West, which we may debate and continue to debate later.

The Member for Laventille East spoke;—there is nothing to respond to there. I do not mean it in a bad way. I meant that some were the repetition of the Member for Diego Martin West. I think I have dealt with some of those issues already. [*Interruption*] I do not mean it in a bad way at all but there was a repetition, so—

Hon. Member: Yeah, right.

Hon. Dr. R. Moonilal: There was no repetition, [*Interruption*] but then I saw nothing to respond to. [*Interruption*] Then I saw nothing to respond to. Sorry, I thought I was being kind. [*Interruption*]

Mr. Speaker, in closing I want to indicate, once again, that the Government is open to discussion and dialogue as the debate progresses, I understand that there are 10 speakers opposite to speak, they indicated that to me. That was excluding the Member for San Fernando East, so I imagine there are 11, and one Member is ill and we wish him all the best.

Mr. Speaker, the Member for Port of Spain South, my opposite in that sense, I understand that yesterday was her birthday, so we want to take this opportunity to wish her happy birthday as well. [*Desk thumping*] All the best and may you have many, many years of success in that seat. [*Laughter*] May you have many, many years in that seat.

In winding up, I want to register again really, our abhorrence; register, really

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our condemnation of the Member for San Fernando East. A lot would be said about that contribution but, Mr. Speaker, I want to indicate that today, with that contribution from the Member for San Fernando East, was indeed, one of the darkest days in the history of parliamentary politics in Trinidad and Tobago.

Mr. Speaker, I thank you.

Mr. Speaker: Hon. Members, I think it is a good time for us to have dinner. I want to suspend the sitting until 9.30 p.m. This sitting is suspended until 9.30 p.m.

8.45 p.m.: *Sitting suspended.*

9.30 p.m.: *Sitting resumed.*

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Speaker. Before I get into the meat of my contribution, let me just deal with some housekeeping matters. Earlier today I had drawn to your attention that it had been reported to me that there was a break in transmission of the parliamentary radio broadcast on 105.5 FM. You subsequently advised the House that that was not so, or if it was, it was isolated. I am reliably informed that the radio broadcast on 105.5 FM went down all over the country at approximately 7.00 p.m. tonight, nationally. It was not isolated; it was absolute. I offer that to you and you may use your own means to determine the validity of what I have said.

With respect to statements made by the Member for Oropouche East, at first the Member made some categorical statements that the Bill before the House—and I took notes—was exactly the same as the PNM Bill; there were no changes whatsoever, to any clause—

Miss Cox: That is what he said?

Mr. C. Imbert: That is what he said. I took notes. Subsequently, he was obviously advised by the Prime Minister that what he has said was simply not true, because if you read the Prime Minister's statement to the Parliament last week, the Prime Minister said the following words:

“We have made several changes to the original draft Bill. On my instructions, SAUTT's ability to intercept communications is no more.”

In addition, the Prime Minister said:

“I have also changed the person who can authorize interception of private communications from the Prime Minister to the Minister of National Security.”

So there were changes made and therefore the statement made by the hon. Member for Oropouche East was simply not true. What I might also say is the process by which a Bill comes into this House is well-established and it has not changed from government to government. There might be a little fine-tuning, a little tweaking, but the process is more or less the same whichever government is in Parliament, and the process is there for a purpose and the process is as follows: A draft of a Bill is prepared by legal technicians, not politicians. Sometimes before the draft Bill is prepared, a policy is approved by Cabinet; sometimes it is not. Sometimes the Bill follows an international treaty or international convention or a Caricom model. On other occasions, a draft is prepared by the Law Commission. But from whatever source, the draft is prepared by legal technicians, not politicians.

The draft Bill is then reviewed by the Legislation Review Subcommittee of Cabinet. It may be called by another name in this present Government but that is essentially what it is; it is a subcommittee of Cabinet that reviews legislation. The Legislation Review Committee is comprised of government Ministers supported by legal draughtspersons and other legal technical people. At the Legislation Review Committee changes are made to the draft; policy direction is sought from Cabinet, if necessary, and only when the Legislation Review Subcommittee of Cabinet has signed off on the Bill, is it then sent to Cabinet for its approval. Cabinet has the option, as it always has, to amend that Bill that has been recommended for approval by the Legislation Review Committee.

And so, the so-called draft PNM Bill that the Member for Oropouche East was waving in this Parliament was not signed off, approved, vetted by the Legislation Review Committee under the PNM; it was not approved by the PNM Cabinet, it was simply a draft prepared by legal technicians. It does not represent official PNM policy, and I am advised that that draft that was prepared by legal technicians, as I call them, was the subject of a lot of debate in the National Security Council.

There were arguments backwards and forwards with respect to the clauses in the Bill. There were extreme positions on both sides as to whether the Bill was appropriate or whether it was inappropriate. There was considerable argument over that Bill and that is why I am told, one of the reasons the Bill did not go to the next stage of being reviewed—

Dr. Moonilal: Mr. Speaker, on a point of order, 33(4). I just want to clarify, to be abundantly clear and for the record, that I said earlier in the proceedings during my contribution that in terms of the Bill, I never said that there were no

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changes in the Bill. I said that clause 6 that the Member for San Fernando East referred to, there were no changes with that in terms of his argument. In fact, I went through the Bill and indicated other areas of changes.

Mr. C. Imbert: Mr. Speaker, I am not aware that Standing Order 33(4) can be used in that way. The Member can be heard again, but he cannot interrupt a Member on his feet. That is not a point of order. You can get up at a later stage and deal with that.

Dr. Goopeesingh: Standing Order 33(4) allows for clarification.

Mr. C. Imbert: At a later stage, not during a contribution. It matters not, if the Member's memory is imperfect, it matters not. The fact of the matter is that the draft Bill that he was waving was not reviewed by the Legislation Review Committee; it was not approved by Cabinet and does not represent official PNM policy. I speak from a position of knowledge with respect to those two statements, being a member of the Legislation Review Committee for many years and a member up to the May 24 election, and a member of Cabinet. That Bill was not approved by the Legislation Review Committee and was not approved by Cabinet. I am told—this is where I do not have personal knowledge—that it was the subject of serious argument at the level of the National Security Council. I can see why there were arguments and I will go into that in a while.

In my opinion, some of the clauses in the Bill and, in particular, the clauses in Part II of the Bill, and Part II of the Bill is headed: “Interception of Communication.” It starts with clause 6, and goes on to clauses 7, 8, 9, 10, 11 and so on. Some of the clauses in Part II of the Bill, in my opinion, are so restrictive that they will severely hamper, in my opinion, the capability of the intelligence agencies to gather information on criminal activity, on criminals, persons who may be attempting or plotting a crime or engaged in crime. In my view, some of the clauses are terribly restricted and I am of the view that if clauses 6, 7, 8, 9, 10, 11 and so on, are passed in their current form, that it will cripple the intelligence gathering capability of the State. That is just my view.

Now the Government is free; they have the majority; you have the votes; you could do whatever you want but, in my view, it is my responsibility to advise you that what you are doing will hurt your capability to gather intelligence on criminals and I will explain why.

The Leader of the Opposition has already pointed out that the 270-day restriction on interception is just impractical. The hon. Minister was a distinguished member of the protective services for years and would know that in

many cases when you are monitoring criminal organizations, suspected terrorists, persons who may be engaged in trafficking of illegal narcotics, gangs, et cetera, it takes years to develop sufficient information to take the kind of action that is necessary to wipe out these criminal gangs and those terrorist organizations.

The idea that interception of communication would stop after 270 days and then you have to start the process all over again just does not make sense. Let us take a typical example. There are some persons in Trinidad and Tobago who, it is well known, are involved in kidnapping. These persons are in and out of prison. Would you want to restrict yourself to monitoring somebody who is known to the intelligences services of this country as being part of organized kidnapping? Would you want to restrict your monitoring of that person to 30 days, 90 days or 270 days? The person will wait for the 270 days to expire and then on the 271st day—because we are talking about a known criminal—will do their business. It does not make any sense.

You have a particular organization in this country that was part of an attempted coup. Are you going to monitor that organization, or members of that organization that you might suspect might be involved in terrorist activity, for 270 days? Then when the 270 days reach, you stop monitoring persons like this? That is just completely impractical but that is a small point. I have a far more fundamental objection to the manner in which Part II has been drafted.

There is a big difference between electronic surveillance for the purposes of prosecution and electronic surveillance for the purposes of information gathering. It is a big difference. I can see where, if the authorities are of the view that they have gathered enough information, that they now feel they can get a prosecution that they would want to go to a judge in chambers, provide the judge with the information that they have gathered and say, “Look, now we would like to have a warrant to do electronic surveillance for the purpose of obtaining a prosecution.” Then the evidence can be used in court, and so on. That makes eminent sense. I understand that and I could have no argument with that because, at the present time, in the absence of legislation, you cannot use the information that is gathered to have a successful prosecution. It is just not admissible. So in order to make the evidence admissible, I can see that you have to have a process and there is nothing wrong with this process if what you want to get is a prosecution, but in terms of gathering information this process is cumbersome; it makes no sense.

I am told—I mean, I have heard the former Minister of National Security say that there are at least 5,000 gang members in this country. I mean, the Minister himself will have some idea of how many gang members there are. A former

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Minister of National Security came into this Parliament, and outside of this Parliament, and reported on the number of known gang members in Trinidad and Tobago. It is in the thousands and these gang members will have associates. They will have people they deal with, so maybe there are 10,000 persons who are involved in serious crime. Are you going to humbug and overload the judicial system with respect to electronic surveillance of 10,000 people? Because that is what this thing could reach to. I mean, our judicial system, from a practical point of view, is already overloaded.

So you want to go and monitor these 5,000 gang members—let us say 1,000 of them; let us say you take out the soldiers on the block and you go to the captains and—I do not know what their hierarchy is, but they have a quasi-military hierarchy. So you go to the captains and you go to the lieutenants and whatever and let us say there are 1,000 of those, when you are monitoring these 1,000 people and their known associates—say 2,000 people—you are going to go to judges for 2,000 applications for wiretapping? It does not make any sense.

9.45 p.m.

I think we need to make the distinction in this country between gathering of information and tapping or electronic surveillance for the purpose of prosecution. That is what is wrong with the Bill as far as I am concerned. This is not how it is done in other countries. If you go to the United Kingdom—[*Interruption*]

Mr. Sharma: [*Inaudible*]

Mr. C. Imbert: Oh, be quiet. I intend to educate you. I know that the Minister is listening to me. You do not have to listen.

Mr. Speaker, you could go online to the website of the Home Office in the United Kingdom and on the website you will see a number of codes of practice, and one of the codes of practice that is on the website of the Home Office is a code of practice entitled “Covert Surveillance and Property Interference, pursuant to section 71 of the Regulations of Investigatory Powers Act, 2000”. This particular code of practice deals with wiretapping, if you want to use that generic term, because nowadays they do not tap with wires. It is wireless. Wiretapping is an old colonial term. This code of practice has 87 pages and I will simply give you an example from page 29. These are general rules on authorization and it gives an example.

The office—this is an Inland Revenue in the United Kingdom, the Revenue Authority seeks to conduct directed surveillance against a person on the grounds

that this is necessary and proportionate for the collection of a tax. So they are going after somebody who is involved in tax evasion.

“It is assessed that such surveillance will unavoidably result in the obtaining of some information about members of”—the person’s—“family, who are not the intended subjects of the surveillance. The authorizing officer should consider the proportionality of this collateral intrusion”—so they recognized it is an invasion of privacy—“and whether sufficient measures are to be taken to limit it, when granting the authorization.”

So that is an example of the challenge that the United Kingdom authority have when they are conducting surveillance. They are going after a target, but in order to conduct surveillance against the target, they may have to bring some family members of that target into the loop. The family members are not engaged in any crime, but they may have information that would assist the authorities in dealing with the target. I will give you another example.

“A law enforcement agency seeks to conduct a covert surveillance operation to establish the whereabouts of”—a targeted person—“...in the interests of preventing a serious crime. It is proposed to conduct directed surveillance against...”—a particular individual—“who is an associate of”—another individual—“...but who is not assessed to be involved in the crime, in order to establish the location...”

In this particular instance they are looking for someone who is a known associate of that person. So they conduct electronic surveillance of the associate in order to gather information to catch the target.

The other person who is an associate of the target, but who is not assessed to be involved in the crime—“...will be subject to directed surveillance... and the authorizing officer should consider the necessity and the proportionality of conducting directed surveillance against...”—the second person—“bearing in mind the availability of any other less intrusive means to identify...”—the target’s—“whereabouts.”

Now these are just two examples I have given out of the code of practice in the United Kingdom.

In the United Kingdom they do not go before any judge for this. There are a set of protocols. There are checks and balances. One of the checks and balances that they have, for example, is an office called the Office of the Commissioner of

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Interceptions, and this is described on page 79 of this code of practice which is—
[*Interruption*]

Mr. Sharma: “Why don't you just—”

Mr. C. Imbert: Oh, be quiet. If you do not want to learn, I am sure others want to learn. On page 79 of this code it states, “Oversight by Commissioner”—
Mr. Speaker—

Mr. Speaker: Do you want my protection?

Mr. C. Imbert: Yes.

Mr. Speaker: Hon. Members, could you allow the Member to speak and make his contribution in silence? You have my protection. [*Desk thumping*]

Mr. C. Imbert: Thank you very much, Mr. Speaker. The Member for Fyzabad is always uptight when Members on this side bring facts and figures.
[*Interruption*]

Mr. Sharma: The government then had no discretion.

Mr. C. Imbert: You could say what you want. On this page, they speak to the establishment of an oversight unit, and the members of this oversight unit have the authority to monitor the activities of the police and other law enforcement agencies involved in electronic surveillance. Whenever permission is granted to the police or some other law enforcement agency in the United Kingdom to monitor somebody, intercept his or her telephone transmissions or whatever, a notice is immediately sent to the office of the Commissioner of Interceptions, who then can send people to determine whether this is a justifiable interception or whether this interception should be terminated.

In addition, Mr. Speaker, there is a complaints mechanism in the United Kingdom, and the 2002 Act established an independent tribunal made up of senior members of the Judiciary—so that is where the Judiciary comes—the legal professional and persons who are independent of the Government, and that tribunal has the full powers to investigate and decide any case within its jurisdiction with respect to complaints of abuse of the powers of interception.

In the United Kingdom when the police wish to do electronic surveillance they do not go to a judge. There are a number of named persons who have different authorization levels. For example: for the police, the authorization is at the level of the Chief Constable; City of London, the Commissioner of the London Police Service; the Navy, the Provost Marshal; the air force, the Provost

Marshal; the Serious Organized Crime Agency, the Deputy Director. So if a constable in the United Kingdom or some other police officer wants to conduct electronic surveillance of a target, they have to fill out an appropriate form, give a justification and then they go to any one of these authorities and get permission, but a notice is immediately sent to the Commissioner of Interceptions, who then can establish whether this is a frivolous or an unjustifiable intrusion of privacy.

As I have said, the role of the Judiciary or members of the Judiciary is to deal with questions of abuse of the powers inside of there, and this system is working quite well in the United Kingdom. I want to repeat. There are thousands of gang members in this country, and I think the very idea that every time you want to do an electronic surveillance of a gang member, you have to go before a judge who will simply clog the Judiciary with all of these requests for interception. That is my view and I am asking the Government to reconsider this matter.

Mr. Speaker, I do not believe that we can settle this Bill tonight. I do not believe so.

Mr. Sharma: Oh yes, you are in government?

Mr. C. Imbert: You can do what you want. You see that arrogance from the Member for Fyzabad. You can do whatever you want, but I do not believe, consistent with the statements made by the hon. Prime Minister—it is a good thing the Member for Fyzabad is not the Prime Minister and never will be—to this Parliament, that she would wish that there would be some form of consensus between the Opposition and the Government with respect to this legislation. That is what she said, and she said, of course, the Government has the votes to pass the Bill, but the Government would prefer that there be a meeting of the minds on how we go forward.

Now, I understand what the Government is trying to do, but I think the question of going before a judge to do surveillance should be limited to a certain category of persons, maybe people in public life, maybe members of the Judiciary, maybe senior public servants, whatever, but I do believe the idea of going before a judge with a request for wiretapping should be limited to certain categories of persons. It should not be for your common or hardened criminal of which we are told there are thousands of them. I do not see the point in it, and then you have to go back every 90 days. As I have said, there are organizations in this country that you need to monitor for years. You would probably need to monitor them until they go out of existence, wiped out or closed down.

The idea you have to keep going back every 90 days to get— When you go

read what is in here—when you go back, you have to satisfy the judge that there are exceptional circumstances. So you are monitoring a known terrorist group, the thing run out in 90 days, for you to go back to the judges you must have exceptional reasons why you monitoring a known terrorist group. It does not make any sense. So I am asking the Government to rethink this and see if we can come up with a hybrid which is a blend of what is in the United Kingdom legislation and incorporate some elements of what is in here. As I have said, I am suggesting that this approach to the Judiciary be limited to persons who fall within a certain category. I cannot say what the category should be. It is an idea at this point in time and that is why I am saying that to get this Bill right, I do not think this Parliament can settle this matter this evening if you want to get it right. If you want to get it wrong, of course, you could just vote, but I do not think that is the intent because that is not what the Prime Minister said.

Mr. Speaker, I think we also need to put on the record some history because no one seems to be willing to deal with the history of electronic surveillance in Trinidad and Tobago. I am advised and I believe this to be true, that electronic surveillance has been taking place in Trinidad and Tobago for at least 48 years. Since this country became Independent in 1962, the police authorities that evolved later on into other agencies, as long as there have been telephones in Trinidad and Tobago, there has been electronics surveillance—since 1962. I am sure the Minister will accept that is so. One of the main purposes for the establishment of the Special Branch when we became Independent was electronic surveillance or surveillance of this type. That is one of the main functions of the Special Branch. They have other functions too. They use human intelligence. I do not have to read and spell for the Minister. You know the difference between electronic intelligence and human intelligence, but electronic Intel has been one of the primary purposes of the Special Branch since 1962.

Mr. Speaker, we have to look at the reason for the formation of agencies by SIA. Why did this country establish the Security Intelligence Agency (SIA)? Why? This Parliament was the subject of a most obscene and gross invasion in 1990, when persons stormed this Parliament. They killed a Member of Parliament, Leo De Vignes; they killed other innocent people—I think it is about six persons who had died in the precincts of the Red House and other persons were injured and so on. The whole of Port of Spain was burnt down and reduced to rubble in 1990. I am told that the army had a battalion or elements of a battalion—I think it was the first battalion. The Minister can correct me if I am wrong—camped outside the Jamaat compound on Mucurapo Road, but elements

of the army—let us say it was not a battalion. Let us say there were a couple of jeep loads or truckloads. A squad.

Hon. Brig. Sandy: A squad.

Mr. C. Imbert: A squad. Fine! There was a squad. I am not going to argue with the Minister. If he says there was a squad, there was a squad, but there were a number of—in a three-tonne truck— Despite the fact that you had a unit, let us call it that, of the army, camped outside the Jamaat compound on Mucurapo Road, 314 heavily armed men walked past this army unit—[*Interruption*]

Hon. Brig. Sandy: They did not come from there.

Mr. C. Imbert: Okay. Some number of heavily armed men walked out of the Jamaat compound, walked past the army—[*Interruption*]

Hon. Brig. Sandy: They did not come from there.

Mr. C. Imbert: Yes, okay—and a number of them arrived here in the Red House, a number went to TT, some went to 610 Radio, another roving around Port of Spain, shooting up police stations and just creating general mayhem.

10.00 p.m.

As I said, they burnt Port of Spain, they killed a Member of Parliament and they traumatized the entire country. Police officers and other servicemen were injured or killed. After that, the government of the day—that was a colossal failure of intelligence. I am sure the Minister will agree. That was a colossal failure of intelligence in 1990 which allowed these individuals—whether they came from Mucurapo Road or wherever they came from—to storm the Red House and burn it down. Imagine people being able to burn the police headquarters; a massive failure of intelligence in this country.

After that, their then Prime Minister made changes in the Ministry of National Security. There was a reshuffle. A new Minister was appointed as Minister of National Security, and shortly after that the People's National Movement came in the election of December, 1991. As you would have heard this evening from the Member for San Fernando East, shortly after that, the PNM government brought in Scotland Yard which produced the *O'Dowd Report*. Scotland Yard studied our national security system and our intelligence-gathering capabilities and found that we were badly lacking in intelligence. Those are facts. The Security Intelligence Agency and the SSA, the other agency, were conceived by the British advisors, accepted by the then PNM government. This thing did not fall out of the sky.

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There was a review of our intelligence capability by British experts and they advised the then government that they should establish intelligence-gathering agencies, the SIA and the SSA. These agencies were established in 1994. At the same time the National Security Council was established, and the PNM then went out of office. We had a situation, in 1995, where the Security Intelligence Agency was established, but not operational. All they had done, as far as I am told, is buy a building on St. Vincent Street, the Vistarama Building. Then the UNC came into power and implemented the PNM's plan for those two agencies. [Interruption]

Mr. Sharma: They said that already.

Mr. C. Imbert: It is all right, I would say it too.

I will now go to the *Hansard* of March 07, 1997—[Interruption] there was more than one—House of Representatives—they went into Diego Martin Central too. The then Minister of National Security was Sen. The Hon. Joseph Theodore. Sen. The Hon. Joseph Theodore gave information on the National Security Council. He indicated that the National Security Council, this is in 1997, was advised by a committee comprising the Chief of Defence Staff, the Commissioner of Police and the Head of the Security Intelligence Agency—this is the UNC Minister of National Security speaking—the Director of the Strategic Services Agency and the Special Branch. He indicated that the Strategic Services Agency was formed by the Strategic Services Act of 1995 and came into being on July 01, 1996; right well within the UNC government's term.

The Minister at the time also, in a very, very matter-of-fact way, very candidly outlined what the UNC government was doing in 1997. I quote from the *Hansard* of March 07, 1997. [Interruption] Mr. Speaker, could you quieten them down for me, please?

Mr. Speaker: Hon. Members, again, I would like to appeal to Members to allow the hon. Member for Diego Martin North\East to make his contribution in silence, please.

Mr. C. Imbert: If they think it is nothing to remind the national community and them that the UNC government candidly admitted to wiretapping the telephones of Opposition politicians, when the Member for Siparia was Attorney General twice; if they think it is nothing to remind the national community that the UNC government was well aware of the SIA and that the Minister of National Security, under the UNC, was very candid—I read from page 854 of the *Hansard*. This is Sen. The Hon. Brigadier Joseph Theodore.

“One may be looking at something dealing with something else. One may be looking at a place, but then one sees a certain person arrive at that place. One was not watching the person, but watching another person. This is the passive information...I concede”—this is the Minister of National Security/UNC—“that in surveillance, information of other parties who may not be targeted, does come into our purview. What becomes of the information? All information”—all—“It is not for the intelligence agent to try to say what is good and what is not good. He must bring everything and then the analyst puts it and sorts it out. This is how the agencies work.”

That was the UNC Minister of National Security in 1997, and he said far more than that. He candidly admitted that they were gathering information, using the SIA in 1997, when the Member for Siparia was a Minister in the UNC government. In this very debate—I would not bother to read it into the record—the then Prime Minister, in answer to allegations made by the Member for Diego Martin West that the UNC government was tapping the phones of Opposition PNM MPs, do you know what he said? He said: “So what? I am not doing anything different to what the Government before me did.” That was 1997.

Now, let us fast-forward to 2005, because there is absolutely no doubt that the Security Intelligent Agency was equipped, it was staffed, its protocols were established, its mandates were established and its intelligence-gathering capability was acquired during the 1995—2001 period; absolutely no doubt about it. The SIA was established in 1994, but it was operationalized by the UNC government, of which you were the Attorney General, twice. By the way, for the record, the Attorney General is automatically a member of the National Security Council. Therefore, the Member for Siparia was a member of the National Security Council in 1995 and in 2001.

Let us go to the debate on the Anti-Terrorism Bill of Friday, February 18, 2005. On Friday, February 18, 2005, the Member for Siparia was a Member of this House, sitting on this side, very close to the Member for Caroni East. The Member for Caroni East had this to say:

“I will give this House and the national community an appreciation of the intelligence agencies available to the Government; there are many; they number some 11.”

How could Mr. Ganga Singh know that there are 11 intelligence agencies in Trinidad and Tobago? In 2005 he knew that, but in 2010 the Prime Minister does

not know what these agencies are doing. Let us go on.

“Mr. G. Singh: The National Security Council is the highest intelligence coordinating body in Trinidad and Tobago...The members of the NSC are the Prime Minister...”

The highest intelligence coordinating body is chaired by the Member for Siparia, and has been chaired by the Member Siparia since May 26, 2010. But, we are supposed to believe, according to the statement from the hon. Prime Minister, that the Prime Minister was the head of the National Security Council, which is the highest intelligence coordinating body in the country, from May 26, but we are to believe what is in this statement that, I quote:

“I was...shocked when I received a report, less than two weeks ago”—which would be sometime in October—“which suggested that that...”—one of our security agencies might—“...be involved in political wiretapping.”

Since 1997 the UNC government admitted to political wiretapping.

Let us move, Mr. Ganga Singh said:

“The members of the NSC are the Prime Minister, the Minister of National Security...”

That means that from May, June or whenever the Minister was appointed, he was a member of the National Security Council. Then you have:

“the Commissioner of Police, Chief of Defence Staff...”

Et cetera.

Mr. Singh goes on to say in February 2005.

“The conversations and telephones of all Opposition Members and some ministers are also under scrutiny.”

He said that in 2005, but we are expected to believe in 2010 that the Members opposite do not know what the SIA is doing. He goes on to say:

“The US Government has donated to the Government of Trinidad and Tobago...”

I wonder when that took place; if that took place under the UNC or took place under the PNM.

“The US Government has donated to the Government of Trinidad and

Tobago, in order for it to deal with terrorism, two C-26 aircraft which are fitted with Canadian intercept equipment. These planes can intercept cellular and radio communications.”

That is what he said in 2005. The Member for Siparia was sitting 3 feet away from him, but we are expected to believe that the Government only discovered that there was a spy agency doing electronic surveillance on October 23. What about the planes? Have the planes stopped intercepting cellular and radio communications since May 24? The Member for Caroni East went on to say that he wanted to find out what is the role and function of the Security Intelligence Agency. Imagine that, Ganga Singh, in 2005, is telling a Member of the Government: “Yuh want tuh know what is the role and function of the Security Intelligence Agency?” The Member for Siparia was just 3 feet away. He goes on to say:

“It is headed by former Captain Lynn Ann Williams, with a small team of intelligence analysts...The staff is about 150. It is housed in a commercial office building at the Corner of Park and St. Vincent Streets, in the former Vistarama Cinema building, under the cover name Caribbean Research Institute. It has responsibility for gathering intelligence of national security significance. The head reports to Joan Massiah, secretary to the NSC, and has received significant training from the Central Intelligence Agency (CIA)...The SIA....”

I want to repeat this.

“has the capability to monitor cellular and land lines conversation.”

He then goes on to say:

“You want to find out more? I will tell you about the SSA.”

He then went on to talk about:

“The Counter Drug Crime Task Force (CDCTF), headed by immigration officer Steve Sookram at the Abma Building on St. Vincent Street, operates under the cover name the Caribbean Research Institute.”

This was five years ago. He goes on to say:

“It has the capability to monitor cellular conversations and to conduct surveillance.”

The then spoke about the Special Branch. He then goes to No. 7.

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“...No. 7, the Defence Force Intelligence Unit. It is headed by Captain Millington and draws about 25 persons each from the coastguard and regiment. It also has a seven-person team at Camp Ogden and another 28 at Defence Force Headquarters.”

[*Interruption*] You are saying that what your Member said was nonsense? I see.

“This unit has its own cellular intercept equipment housed in a van that has the capability of, not just intercepting phone calls, but also determining the location from which...”

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

Motion made, That the hon. Member’s speaking time be extended by 30 minutes. [*Miss M. Mc Donald*]

Question put and agreed to.

10.15 p.m.

Motion made, That the hon. Member’s speaking time be extended by 30 minutes. [*Miss M. McDonald*]

Question put and agreed to.

Mr. Speaker: Hon. Member, your time has been extended by 30 minutes, but before you continue, I just want to remind the Member for Diego Martin North East of Standing Order 36(1), relevance and repetition. Please, connect. Please connect.

Mr. C. Imbert: Mr. Speaker, you have brought me now to a particular part of my presentation, and I will now read the speech of the Hon. Prime Minister. This is what the Prime Minister said:

“As Chairman of the National Security Council, I was made aware of the existence of the SIA.”

That is not true. The Hon. Member for Caroni East, sitting three feet away from the Member for Siparia, gave complete details of the Security Intelligence Agency five years ago.

The Member for Siparia was the Attorney General in 1995, and the Attorney General in 2001; at which time, the Security Intelligence Agency was fully operationalized and actually reporting to the Attorney General. At that time, Mr.

Speaker, the SIA reported to the Attorney General, so that when the Member for Siparia took over from Mr. Ramesh Lawrence Maharaj, the SIA would have reported to her.

Yet, we are expected to believe from this speech—because this speech, Mr. Speaker, was the genesis of the legislation before the House. [*Desk thumping*] This speech is what has brought us to this place, where the Prime Minister is saying that she was shocked. She did not know. She did not know it existed. She did not know what it was doing. And I am reading into the record the statements to show that that is not true, Mr. Speaker. Not true.

Number eight; and this one is particularly interesting. The Joint Operations Command Centre. This unit has 60 persons drawn from the police and coast guard. It was previously housed at the twin towers under the UNC. Let me read that again. It was previously housed at the twin towers under the UNC, and was headed by Commodore Richard Kelshall. When the PNM came into power, Kelshall went home and the command was transferred to Lieutenant Mohammed.

Under the UNC, the Joint Operations Command Centre was conducting surveillance on all kinds of people in Trinidad and Tobago, and I want to throw a little thing into the mix here, Mr. Speaker. I am told that there was a situation where there was one member of the UNC Government—

Hon. Persad-Bissessar: In opposition.

Mr. C. Imbert: One member of the UNC Government, in 2001—I said UNC Government—was conducting electronic surveillance on the then Prime Minister, Mr. Panday. So you have one member of the UNC Government conducting surveillance on the Prime Minister, using the SIA, and this is on the record already. It is all on the record.

So you have one member of the UNC Government conducting electronic surveillance on the Prime Minister, gathering information on the Prime Minister; and the Member for Siparia knows all about that, because when she took over as Attorney General, she sent the police behind her predecessor because according to her, he was engaged in improper activities.

But the fact of the matter is you had one member of the UNC Government conducting electronic surveillance on the then Prime Minister, and you had the Prime Minister using the Joint Operations Command Centre in the twin towers to conduct surveillance on the other person who was conducting surveillance on him. That is what was going on under the UNC. [*Desk thumping*]

Mr. Speaker, when I hear expressions of outrage that the Prime Minister is saying that she is shocked when I received a report which suggested one of our security agencies, the SIA, might be involved in political wiretapping, the SIA was tapping the phone of Basdeo Panday when you were the Attorney General. [*Desk thumping*] And the SIA reported to you.

Hon. Persad-Bissessar: Mr. Speaker, the Member is totally misleading this House. Those statements are categorically totally, totally false.

Mr. Speaker: Listen, hon. Member, like me, you have been here for several years and you understand the Standing Orders.

Mrs. Mc Intosh: What is the Standing Order?

Mr. Speaker: You are imputing. You are imputing improper motives to the hon. Member.

Mr. C. Imbert: What improper motives? Okay, no problem.

Mr. Speaker: So I am saying could you kindly refrain from going there and move on, please?

Mr. C. Imbert: Mr. Speaker, no problem. This is all a matter of public record. It does not really matter. The former Member for Couva South has given long dissertations on what occurred after he was removed as Attorney General, and who was spying on whom, and that sort of thing. So I do not need to get into anything more on that. It is a matter of public record. But the fact of the matter is that the UNC Government, of which the Hon. Prime Minister was a part, was engaged in wiretapping using the SIA. If the Hon. Member says that she was not aware, I will accept that, but the fact of the matter is, the SIA reported to the Attorney General and she was the Attorney General.

Hon. Persad-Bissessar: That is not true.

Mr. C. Imbert: Okay, that will come out in the wash. That will come out in the wash, Mr. Speaker. The fact of the matter is that from 1995 onwards, under the UNC, the SIA acquired a capability to conduct electronic intelligence, Mr. Speaker. And, now we come to the present day, Mr. Speaker. We come to the present day.

Six years under the UNC; eight years under the PNM. You know, the Members opposite like to stretch the truth a little bit. You have Members screaming that we were in Government for 10 years when, in fact, we came in in December, 2001. It is eight years. But the fact of the matter is, Mr. Speaker, I am

advised—and I address this to the Minister; not to the Member for Fyzabad—that some of the work done by the Special Intelligence Agency—I am not saying all, because I do not know what went on.

I mean, I will say here and now that any improper surveillance of someone that was not for the purpose of detecting a crime, was not for the purpose of National Security, should be condemned. Nobody could support the surveillance of somebody that is not for the purpose of detecting a crime or national security. That must be condemned. But the fact of the matter is, Mr. Speaker, that I am advised—[*Interruption*] Oh, be quiet. I am advised that the SIA—[*Interruption*] Mr. Speaker, I am being constantly interrupted by the Member for D'Abadie/O'Meara. Constantly. He is rude and uncouth, and I seek your protection.

Mr. Speaker: Okay, you have my protection. Continue.

Mr. C. Imbert: The Member will know—the Minister of National Security will know that it is through the work of the Security Intelligence Agency that there was a drastic reduction in the incidence of kidnapping in this country. He will know that. He will know that kidnapping stopped in this country, or virtually stopped in this country, through electronic surveillance conducted by the Security Intelligence Agency.

The Minister will know that by stopping the electronic surveillance that was being conducted by the SIA of known criminals—not judges; not politicians, known criminals—serial kidnapers, persons who have been in and out of prison, convicted and back out on the streets, and so forth. He will know—[*Interruption*] Yes, this is well known—the Minister will know what I am saying—that it was through electronic surveillance of these known criminals that there was a virtual cessation of the crime of kidnapping in this country.

The Minister will also know that because of eavesdropping on gangs in Trinidad and Tobago and other criminal elements, that a number of murders have been solved. The Balliram Maharaj murder is a case in point that was detected and solved.

Hon. Dr. Gopeesingh: One out of 2,000? By the FBI?

Mr. C. Imbert: It does not matter. It was solved through electronic surveillance by locals in the Security Intelligence Agency. Do not ask me how I know that. I am advised, Mr. Speaker, that over 150 murders were prevented in this country because of the work of the Special Intelligence Agency. I will give

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the Minister a tidbit. As recently—[*Interruption*] He knows this is true. I am not talking to you.

As recently as just a week ago, within this week, the security agencies discovered a plan by rival gangs in the East Port of Spain area to go on a rampage and to commit a killing spree during a party, and because it was intercepted by electronic surveillance, a lot of lives were saved. The police were able to move in, they were able to disperse the gangs, and they were able to stop this event. It was being planned and the security agencies were eavesdropping on these gangs.

That is the point I am making, Minister. Do you really feel that if you have 5,000 gang members in this country, that you want to burden the Judiciary with an application to wiretap every single one of them? Is that what you want? That does not make any sense, Mr. Speaker. That does not make any sense.

Hon. Dr. Rambachan: Are you suggesting categories?

Mr. C. Imbert: Yes, I am. I thank you, hon. Member for Tabaquite, for that intervention. I am suggesting that there should be categories of persons where the judicial process has to be invoked, but I do not believe that it makes practical common sense.

How would you monitor drug trafficking off the Bocas, for example? Are you going to the judge and say, “I want to anchor a vessel five miles off the Bocas,” and just open up your equipment to whoever is passing? Are you going to tell a judge that? Because when you look at what is required in this legislation, you need an affidavit, you need probable cause, you need to justify it, you need to make legal arguments as to why you want to wiretap, and so forth.

Sometimes, through you, Mr. Speaker, you do not even know who or what you are looking for. You are just aware that in a particular geographic local, there is transshipment of narcotics taking place, or it could be taking place. What are you going to tell the judge? That, “We think that off Soldado Rock tomorrow night, there might be a drug drop, but we are not sure, and we want to get your permission”? With this complex bureaucratic procedure, you will not get it.

I am suggesting that when you are dealing with serious crimes—and that is a very good point made by the Law Association—they also said that you need to—I mean, they did it in the reverse. They were saying that this idea that you could go and get a warrant for any crime, a simple crime, they felt that that was an intrusion. They felt that there should be a certain threshold before you trigger this thing. You want to ask a question?

Hon. Dr. Gopeesingh: Are you trying to differentiate between offences and serious crimes? Is that what you are trying to do?

Mr. C. Imbert: No, I am saying, I mean, you have indictable offences, but that is a large number of offences. But you have things like money laundering, terrorist financing, trafficking in illegal drugs, murder, and kidnapping. I mean, these are things that can be resolved. I would think if you want to conduct surveillance of known criminals, or you want to conduct surveillance in an area where you have received intelligence, let us say from the British, or the French, or any one of those countries that cooperate with us in providing intelligence, you would not want that every time you want to do that, you want to go by a judge. It just does not make sense. I would think that in terms of dealing with organized crime, this Bill is going to completely defeat the entire principles of fighting crime.

There was a point I wanted to make to the Member for St. Augustine. I listened to his speech, his impassioned speech, and I think he has gone too far into the area of personal rights and too far away from the common good; because when you are doing something like this, you have to balance between the common good, which is security, fighting crime, and invasion of privacy. You have to balance, and I thought that your speech, Member for St. Augustine, went too far on the side of personal rights and too far away from the common good. I think that is what is wrong with this Bill.

As I said, if you want to have categories of persons—or not just categories; circumstances—you might have a set of criteria which would create a matrix whereby you would have to go to a judge. You could have that in regulations or in an order, or something like that, that once these factors come into play, you have to go to a judge; but I cannot see how if this country is serious about crime fighting, it is serious about drug interdiction—because all sorts of red flags are going up, and I am not accusing anybody of anything. I say that right off the bat.

10.30 p.m.

But if you were looking on from outside, you see a pattern. You see the cancellation of the OPV contract. The purpose of the OPVs was to conduct offshore interdiction of narco traffickers. That is what it was for. That is finished. And the Minister himself has said in this House that we do not have offshore capability at this point in time, in terms of that level of interdiction—that core.

You have allegations that the intelligence gathering capability of SAUTT has been stopped. I do not know if it is true, but that is what we hear—that the

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equipment has been turned off. SAUTT has been stopped from gathering intelligence. Now you have the SIA shut down; people sent home. That is what we hear.

So you have a whole pattern of events that will lead a reasonable person to conclude that you are systematically dismantling the national security apparatus in Trinidad and Tobago. I am not saying that you are doing it. In fact, the motion that I have filed, I said, “the apparent”. I am not saying that you are doing it. I am saying it appears so. And if you have a situation where it appears that the crime fighting capability of major institutions of the State is being whittled away, reduced, emasculated—whatever—undermined, and then you bring legislation, which as far as I am concerned, goes too far into the area of personal rights and away from national security, then it gives fuel to these allegations that what your Government is doing is systematically making it easier for criminals to have a free ride. I am not saying they are doing it, I am saying the impression is there. And you cannot [*Interruption*] Prime Minister.

Mr. Speaker, through you, I am suggesting that it is impossible to do any meaningful amendments to this Bill tonight. It is either the Government agrees with our suggestion or they do not. We are suggesting that the approach to a judge should be for certain categories of persons or [*Interruption*]

Mrs. Persad-Bissessar: Thanks for giving way. We have indicated we are willing to take on board your contract suggestions. We have no difficulty with proposed amendments and so on. Further, in discussions with the Leader of Opposition Business, we have agreed that we will take some time, put an informal committee of both sides of the House with the ability to co-opt the technocrats, and we come back on Friday and we will be happy that the amendments will be accepted by all of us, so we can get better law made. I have given that undertaking to the hon. Leader of the Opposition, and on our side, we have no difficulty with that. We can only do better. So your comments, Sir, will be very welcome. I am sure the Leader of Opposition Business will determine the Members of your team, as we will determine ours.

So it is my respectful view that we may really want to the adjourn on the basis of that, and come back with the—you finish your contribution, Sir—and then we put the committee in place, because there is no point in staying until 2.00 or 3.00 a.m. if we are not going to complete it. I do know that people are anxious to speak, but if we can find that consensus on the provisions that are controversial, we fix them and we come back. That is my contribution to you. [*Desk thumping*]

Mr. C. Imbert: Mr. Speaker, how much more time do I have?

Mr. Speaker: You have 11 minutes.

Mr. C. Imbert: Thank you very much, Mr. Speaker.

Mr. Speaker, I would say that there are certainly Members on the other side—the Member for Tabaquite, the Member for Caroni East, the Prime Minister, and the Minister, do not mind that he is setting up his face every now and then, I know he is listening, that there are obviously Members on the other side who are interested in improving this legislation and making it work, and also putting in the safeguards that the Member for [*Interruption*]

Hon. Member: Chaguanas West.

Mr. C. Imbert: Not Chaguanas West who is just making picong; not D'Abadie/O'Meara who is just quarrelling like a rude person over there, but there are Members like Tabaquite, Caroni East, the Prime Minister and so on, who genuinely, obviously, as far as I am concerned, want to put good legislation on the books.

Now, Mr. Speaker, through you—I am glad the Prime Minister brought that up. I want to make a point though, Madam Prime Minister. The word Parliament comes from *parler*, and everybody has a right to speak. It is not for me to say who should speak or not speak on this side. We have ten speakers or twelve speakers or whatever, and it will be the leadership who will decide how the rest of the evening will go, together with the Members.

But that is not the point. I am very, very heartened by the intervention of the hon. Prime Minister. I am not sure if one week would be enough, but we will see. We could always work on it very seriously. But I would like to restate the principles that I am proposing for the benefit of the hon. Prime Minister. I am saying that the approach to a judge should be for particular categories of persons or when a factual matrix is established. It does not just have to be categories. It could be a series of factors that come together, creating a trigger that would cause the authorities to have to go before a judge before they wiretap a particular individual. That is my suggestion.

Hon. Members: If not a judge, to whomever?

Mr. C. Imbert: I have no problem with the Minister. You elect a Government. What are you supposed to do? You have people; you take an oath office; you are all Members of the Cabinet; you could have a creature created

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within the system: a commissioner of interception or something like that. You will work that out. But I do not think it makes any practical sense to overload the Judiciary with all of these routine or standard intelligence gathering operations. It makes no sense. If you want to monitor the Gambino gang—how many of them do they have? I do not know; 200; 500? You have to go with 500 warrants, or you go with a mass warrant? What do you do? You come with a warrant with 500 names on it? I do not know how you are going to do it. It makes no sense.

As I said, you want to go and monitor conversations between drug traffickers on the north coast. You do not know who they are. You will tell the judge, I think there are drug traffickers outside there, and I want to monitor them—and you have that put in an affidavit. It makes no sense.

So, Prime Minister, I am saying that for standard or easily recognisable law enforcement purposes, there should be some other authorized officer—maybe it is a person who you can appoint; maybe it can be put into the legislation and given certain powers in the legislation that that person would authorize wiretapping, or a number of persons or whatever it is, in standard or normal law enforcement operations. And when it comes to tapping of, as I said, certain categories of persons, then that could go to the judge.

The other thing I want to propose is that all these time limits come out. The idea of monitoring terrorists organizations for 270 days and then you have to go back makes no sense. Monitoring a gang for nine months and then you have to start the process again makes no sense. Monitoring known kidnapers, people with criminal records for nine months and you have to go back again, makes no sense.

Again, with respect to known criminals, and with respect to known criminal operations, I believe there should be no specific time limits at all. But I do believe, Mr. Speaker, that there should be an office of the Commissioner of Interception or something like that, who can determine whether surveillance operations should cease. And that was the one point made by the Member for Chaguanas West that I listened to, that in other countries there is a time limit. But it should not be a time limit determined by a court, in my opinion; it should be determined by an independent person, appointed maybe by the President or something like that or the Prime Minister, whatever, I do not mind, and that person would determine whether surveillance should continue or not.

So, Mr. Speaker, to wrap it up, I am heartened by the offer made by the hon. Prime Minister. I am heartened. I am glad. Because I think if we approach it with

the proper spirit we can put proper law on the books that will achieve the laudable objectives enunciated in the Bill without tying the feet and hands of our law enforcement agencies and without giving criminals a free rein. I thank you, Mr. Speaker.

The Minister of Justice (Hon. Herbert Volney): I thank you, Mr. Speaker. It is a great pleasure to join this debate on this Bill, which seeks to regularise what has gone astray in the way things are done in this country.

Mr. Speaker, I have had the rare distinction of having sat on that side of the House, albeit in different rows, and seeing those who sit on the opposition Benches sit where I now sit. I have seen them sit on the other side where they are, and they came back on this side and again they are on that side. And the reason for that, Mr. Speaker, is that those on the opposite side have just been not getting it right when they have had their opportunity to govern this country.

I have sat here all evening and I have heard Members opposite who have institutional memory, who abuse the rights to try to assist the Government, and by extension the national community, in getting this bit of legislation right. I have seen opportunity taken to go back into the past. The past, for those of us who live today, is of little moment. It is true that those who forget the past are condemned, possibly, to live that past in the future. However, Mr. Speaker, what has happened here is that on this side we came with a bipartisan expectation of having the contributions of the Opposition made and listened to, so that we could have moved forward with a Bill acceptable to both sides for the betterment of the lives of our citizens.

The reason for this Bill is that there has been an unlawful incursion in the rights of our citizens. This has been happening covertly for a number of years. And it matters not me, certainly, speaking in this august Chamber, how long ago it started. The point of the matter, and what the citizens of this country want to know today is what we as parliamentarians are going to do about it. And that is why this Government has brought this Bill before this honourable House to be made and to be enacted into law. This Bill is based upon the Jamaican legislation.

10.45 p.m.

It has been both adopted and adapted by our technical staff, as well as the Legislative Review Committee. There is nothing in this Bill that law-abiding citizens need to fear, because what it does, in simple terms, it places checks and balances upon those who are empowered to intercept persons' private communications, whether it be in the form of a telephone conversation, or

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whether it be in a text message, or whether it be in an email communication. It simply says that a judge of the High Court must authorize, must grant a warrant to an authorized person to allow for the interception of a communication.

In the United Kingdom, there was a consultation paper issued and presented to Parliament by the Secretary of State for the Home Department. This was the prelude to the Bill that followed upon the Interception of Communications Act of 1985. In the Executive Summary, the Home Office of her Majesty's government set out the government's proposals for reforming the then legislation governing the interception of communications in the United Kingdom. That legislation of 1985 was the legislative body that informed the enactment of the Jamaican legislation, and the Bill before the House today is based on that Jamaican legislation.

The consultation paper set out the proposals for reforming the legislation governing the interception of communications in the United Kingdom, and the proposed changes were to update the legislation to take account of communication services introduced since the existing legislation was enacted; to extend the law to cover interception of private telephone networks; and to provide a clear statutory framework for authorizing the disclosure of data held by communications service provider and, finally, if I may continue to quote from the Executive Summary, to retain the existing safeguards which ensure that interception is authorized only when it is justified in relation to strict statutory criteria, and that the use of the power is subject to independent judicial oversight.

Mr. Speaker, for many years, interception of privilege and private communications have been taking place throughout the world, but for the grace of God, we do not have someone sitting on that side who once sat in the seat of our Prime Minister, the hon. Member for Siparia. It was by divine intervention that the people of this country woke up to what was happening in this country, when it was brought to their attention that the rights of the people were being eroded by covert operations.

Members on that side seem to play innocent of what was then going on. The Member for Diego Martin West, the hon. Leader of the Opposition, between 2002—2008 sat almost next to the then Prime Minister—he sat in Cabinet as, indeed, the Member for Diego Martin North/East. They were all part of one government. They were, together with the then Attorney General, John Jeremie, all part of a government that had built on unlawful interception of people's private communications. [*Interruption*] Do not let me take you on, Member for Diego Martin West. [*Desk thumping*]

Mr. Speaker, when this was going on, I sat in the comfort of a courthouse. I had many years still to go, and when I saw the way that the erosion of our Constitution was taking place by these kinds of covert operations—and it may not be known, but since 2005, my telephone was being intercepted, bugged.

In fact, I wish to refer to an article in the *Newsday* of this country dated April 29, 2010. It was shortly after I retired from the bench of the Supreme Court, in order to return to a position where I could have defended what I believe in, which was the supremacy of the Constitution of our country, when I did this and it signalled the beginning of the end—when I did this and I made my symbolic position with that serpent, the snake, and I said that I was going to cut off the head, I dealt with the head of that side, the serpent was cut, and that is why today they are on that side. [*Desk thumping*] Unfortunately, Mr. Speaker, and with great regret, you have placed me in a seat where I have to look at what is left of the serpent. [*Desk thumping*] Every day I am here, I see a headless serpent. He has lost his head, the Member for San Fernando East.

When I began my campaign, and it was clear that the seat of St. Joseph was going the way of the people of this country, that is for change, the hon. Member for San Fernando East, as he then was, is quoted as saying—and I quote from the *Newsday* of April 29, 2010. He said.

"Volney was being observed by security forces for some time."

But he did not elaborate, except to point out that members of the Judiciary are exempt from filing declarations of their assets with the Integrity Commission. He was quoted:

"Security forces in this country have had an interest in the activities of Volney for quite some time..."

Mr. Speaker, when I read this, in the very next interview I had, I challenged the then Prime Minister to bring it on, because he had nothing on me. This is one indication of the knowledge of the then Prime Minister and present Member for San Fernando East of what was going on in the life of a judge of the Supreme Court.

You know, Mr. Speaker, when I decided to make that personal sacrifice, and I entered into politics in this country, in the run-up to my retirement, I had a private conversation with my boss, the Chief Justice. I indicated—and I must tell you that the Chief Justice and I have always been the best of friends. Up to today he calls me "Herbie" and I call him "Ivor". We have a professional respect for each other,

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despite all attempts by persons for their own agenda to put a divide between us. Following upon our private conversation, I advised the hon. Chief Justice that I was retiring and I would deliver my letter to him for onward transmission to his Excellency the following day; I left. On my way home, my wife called me on my cellphone—now that cellphone is a number that was found to be one of the numbers that had been intercepted, when the Commissioner of Police had done his investigation.

Mr. Speaker, when I got home in the morning I was typing my letter of resignation to his Excellency, and I got a call that all my business was in the *Express*, and that was at 5 o'clock in the morning. [*Crosstalk*] I am giving you an example of the intrusion on the privacy of citizens' lives in this country at the time just leading into that day when the people of this country put a stop to it.

You see, I had no connections with criminals, other than to put them behind bars. [*Desk thumping*] That was my life, but I was a marked man, because I felt I had become and an enemy of the State, because I pointed out to the then government that there were certain changes that needed to be made in the criminal justice system in order for it to put more criminals behind bars. I became marked. All my friends told me to get a Digicel phone, because they knew what was going on. I was naive to continue speaking on my bmobile phone. Now, Mr. Speaker, I was in a lofty office.

11.00 p.m.

Mr. Speaker, I had nothing to do with criminals, except to put them behind bars, yet my private conversation found itself in the newspaper the following morning. How did this happen? It could only happen by a wiretap, and investigations, as I earlier stated, revealed that cell had been the subject of interception during those last days of the then PNM government. That was the PNM way of dealing with their enemies. Fortunately the people of this country put an end to that on May 24. [*Desk thumping*]

Today the People's Partnership Government, under the leadership of the Member for Siparia, is putting an end finally, legislatively, statutorily to wiretapping, except in regulated circumstances. I expect every single Member sitting opposite to support this Bill. We are open, of course. I have heard the Member for Diego Martin North/East. He made a contribution; he did not just enter into idle rhetoric, like what I have heard from the other side all night. I heard some real suggestions that might have shown us how we could strengthen the Bill.

It seems like the cerebral does not come from many on that side but then,

perhaps, there are other speakers to come, younger ones, those who are untarnished by their proximity to the old heads. The Member for St. Ann's East, refreshing, new head; she has not been tainted by the last PNM government. St. Ann's West/Port of Spain North, we are yet to hear her. We have heard the contributions from other Members and we have listened. We want to hear from the other side, because I have given one single example of how interception could get into the private lives.

I had to write His Excellency the next day apologizing that my letter of retirement to him had been exposed in the public domain before he had opportunity to read it.

Mr. Speaker, I do not have to say much, because there is very little to answer on the other side. From what I have heard there is very little, so I do not want to add to the burden that persons watching on national television have had to endure all night. [*Desk thumping*]

Hon. Members: Endure right now!

Hon. H. Volney: Mr. Speaker, because of that, I will take my seat at this time. [*Desk thumping*]

Hon. Members: Raaay! [*Desk thumping*]

Dr. Amery Browne (*Diego Martin Central*): Mr. Speaker, maybe I should start by thanking the Member for St. Joseph for his mercy. He presented the chief complaint that we would have had against him had he gone along any longer and then he took his seat; so I thank the Member.

I listened to his contribution, brief and lively; I noted that he chided the Opposition for looking back into the history of interception in Trinidad and Tobago. He said that one should not dwell on the past. I wonder if this Member has been observing his own Government and the fact that since May 24 they have literally been living in the past in the society of Trinidad and Tobago. [*Desk thumping*] They have been dwelling on the past and surviving in the past.

I recall quite clearly when the Member for St. Joseph himself could not resist taking a walk into the past during a recent contribution that he made, that is now notorious in this very Chamber. That is what I call living in the past and living very dangerously. [*Interruption*]

Dr. Rowley: He attacked the Chief Justice.

Dr. A. Browne: Well, I cannot say that; you could say that, Member.

This is significant and I remark upon it, both because he criticized us for looking back into the history of interception and called it living in the past, but that contribution was bad enough to be expunged from the reruns of the parliamentary channel, taking along with it the contributions of Members on both sides to a very important debate, and the Member for Point Fortin remarked on it. It was odious enough to cause an entire day of records to be expunged from the reruns, to my understanding and according to something presented in this House by you, Mr. Speaker, but not odious enough to be referred to the Committee of Privileges. I am just flagging it; I will say no more on that particular matter.

The Member for St. Joseph spoke of Members on this side playing innocent about what was going on and then as he was sort of filibustering a bit he started to call various constituencies in his usual style. He said that Members on this side were playing innocent about what was going on.

I want to ask him though: Who has been playing more innocent in this matter than the hon. Prime Minister herself, the hon. Kamla Persad-Bissessar? In this particular case, in treating with interception in Trinidad and Tobago, it has been a case of hear no evil—she did not hear Ganga Singh and Joe Theodore, even though she was present in the very House when they gave comprehensive contributions outlining details on this matters with regard to interception.

It was a case of see no evil, because clearly she did not, for some reason, read the *Hansard* record detailing those very contributions and the agencies, activities and all the other relevant details which would have informed her. Of course, it is a case, as usual, of do no evil; she could not give out any more names to our society because she would then further violate their privacy. But she had no problem violating the privacy of other citizens when it served her political purpose to read names out in this very House. [*Interruption*] That is playing innocent for the citizens of this country.

Miss Roopnarine: Mr. Speaker, point of order, Standing Order 36(5), the Member is clearly imputing improper motives against the Prime Minister.

Dr. A. Browne: Absolute nonsense! What imputing improper motives?

Mr. Speaker: Member for Diego Martin Central, once a point of order is raised, you take your seat and then I will rule. Hon. Member, I know you are beginning to wax warm. I just want to guide you that in making your contribution be very careful that you do not infringe or impute improper motives to any Member on either side of the House. Continue.

Dr. A. Browne: Mr. Speaker, I wish to clarify. The Member for St. Joseph accused Members on this side—Members of this same House, Oropouche West, young Mickela—of playing innocent about what was going on. We are Members just like any other Members. So, I am pointing out that it is the hon. Prime Minister who has been playing innocent on this matter and I have given evidence accordingly. I respectfully submit that I have not imputed any improper motives; I am responding to the Member for St. Joseph.

I had a few more things to say, but the Member for St. Joseph did not last long on his legs, so I would not go any further on his contribution. But I turn, at this time, to the very honourable, distinguished and decorated Minister of National Security, who is well known within our protective services and well known in the national community as having served this nation well. I salute him for his service.

He introduced this particular Bill with a very interesting perspective, in my opinion, as Minister of National Security. He began the Bill with very little reference to the security of the nation of Trinidad and Tobago. There was some reference, but, to my mind, very little reference to the security of our nation. His contribution mainly focused, at the beginning, on privacy and the question of intrusion into citizens' lives. I thought that was a very interesting and curious approach from a Minister of National Security, especially given the valuable perspective presented by the Member for Diego Martin North/East with regard to the balance between an individual's rights, the general rights of society and the overall collective rights of the citizens of Trinidad and Tobago.

The Minister of National Security began this debate and presented the Opposition's case and the rationale behind the Bill in that light, almost exclusively, and then many Members followed suit. I think the Member for St. Augustine distinguished himself in a very extreme view, simply focusing on the Constitution, with very, very little reference to other very valid concerns. I would say that some of those concerns were the very concerns that got this Government elected, concerns about the vulnerability of Trinidad and Tobago to the forces of crime.

I am not saying that one or the other is correct, but just suggesting that the Government's approach has been very, very one-sided in this matter. I suggest to the hon. Minister of National Security and his colleagues that I hope they are not forgetting that this country is a nation at war. Trinidad and Tobago, in my view, must view itself as a nation at war. Trinidad and Tobago is under assault. It is a fact; it is a reality. You look at the newspapers every day and the homicide statistics; you look at what is going on in communities north, south, east and west.

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There is a war taking place. We should never forget that.

We cannot come into this House and pretend that we are in utopia and are only focusing on the issues of privacy and the protection of privacy. There is a much broader reality and a very serious reality. We are at war. We are under assault by an evil, destructive, insidious force, the agents of the drug trade. That is a reality.

I am not here to impute any motivations. I have no satellite imagery; I have no receipts from election campaigns, et cetera, but just like many other citizens of this country, I am seized with the reality that there is a connection between the violence on our nation streets and the drug trade. That is something that we must bring to bear in treating with this proposed legislation.

As we speak today, and we have spent a long time here, the agents and operatives of that pernicious trade are advancing. As we switch off any of our agencies designed to protect our borders and citizens, those agents of that pernicious trade are advancing. *[Interruption]* Member for Oropouche East—you are also from the east and I will not flatter you to say you are sounding like the Member for Siparia, but I see the headlines and I am noticing some parallels, so well done for you. I salute you. Mr. Speaker, I will not allow him to distract me with his trite comments.

We are under assault and as we speak and casually make decisions with regard to agencies designed to protect our citizens— We have servicemen who, over the years and decades, have been putting their lives on the line for our citizens, and then we make political statements inside and outside of this House that really, in my view, serve to denigrate some of that service and call into question the work they have been doing and the sacrifices they have been making. We have lost servicemen in these agencies in the past. When we make those types of contributions, the Members and agents of that trade are advancing.

11.15 p.m.

They are advancing in terms of acquiring new equipment and they are acquiring new boats. Government may not be doing that, but I assure you, the agents of that trade are acquiring new boats, they are acquiring new assets, new aircraft, new technology; they are building new partnerships; they are building new partnerships, Mr. Speaker, they are acquiring new friends, new employees, new collaborators and new facilitators.

Member for Oropouche East, it is not a static reality. You are in Government

now and you must be aware of the pernicious impact of the drug trade. So let us not sit here and pretend we are in Ethiopia, there is an active reality out there, Mr. Speaker. [*Desk thumping*] The Government cannot come here with this Bill and pretend that this is an ideal situation; they will not get away with it. They are acquiring new assets, new friends and new partnerships. They are working to penetrate, as we speak—no, I am not going to say—

Mr. Speaker: Hon. Member, I think that you are repeating what the Member for San Fernando East—[*Interruption*] Wait! Do not question my ruling. [*Interruption*] When I tell you move on, you move on. Do not question my ruling. Now, I just want to remind you, relevance, connect what you are saying to the Bill. Nothing that you have said so far, I am seeing before me. So connect those things to the Bill and do not be repetitious. I am just asking you to refer to 43(1) for your guidance of the Standing Order. Okay!

Dr. A. Browne: Mr. Speaker, this is the Bill before us.

Mr. Speaker: Do not argue with me!

Dr. A. Browne: No, I am making my contribution—

Mr. Speaker: No, no, wait, just move on, please.

Dr. A. Browne: This is the Bill before us, Members of the honourable House and the connection between this Bill and the illegal drug trade, and the premise of this Member's contribution in the House, is that if we do not get this Bill right—what we would be doing, and when we look at the last six months of activity by the Government, Mr. Speaker, I want them to be able to point out to the nation, which of the series of initiatives they have taken in national security, have been designed to further protect us from the drug trade? Which of the initiatives? I can point to a number of initiatives that our citizens are regarding as, not deliberately but inadvertently, contributing to a lowering of our barrier. This Bill, if it blunts the tip of our sphere with regard to intelligence services will also be doing that. That is the connection hon. Members. [*Desk thumping*]

Mr. Speaker, so there is an active and aggressive effort to penetrate in the other direction and it affects every segment of society. That obtains in the United States, it obtains in many Caribbean territories and let us not fool ourselves, it obtains in Trinidad and Tobago. So when we talk about sectors that should, somehow, be immune or above consideration with regard to the question of monitoring our surveillance, I think we are entering into some very dangerous territory, and that was the premise of the Prime Minister's statement in calling

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those names out, to provoke a sense of shock and outrage from citizens. Well, how dare anyone consider the possibility that a judge or a member of the *Who's Who in Trinidad and Tobago* could, somehow, be worthy of monitoring, surveillance or interception? That is where I have a very serious departure from that particular line of logic.

Everyone is affected, everyone is a target, everyone is vulnerable and anyone is at risk. That is the reality which we have to bring to bear with regard to this Bill. That does not matter if you have a PhD, or you put “honourable” in front of your name, or if you put “Your Excellency” or “Your Worship”. We are all equal in that regard. Mr. Speaker, the truth is that their most desired targets are those in the upper echelons of society. [*Desk thumping*] That is the reality, their most desired and cherished targets are at that level.

So, when our hon. Prime Minister, the very hon. Prime Minister reads out a list that she has produced, that singles out public personalities just to create a sense of contrived and elitist outrage and scandal, the only ones cheering when she does that are those who might be benefiting from the drug trade. When the Government cancels the offshore patrol vessels, three of them, which would help field much of the Caribbean and, certainly our shores, [*Interruption*] the only one cheering such a decision is an agent of the drug trade. When the hon. Prime Minister, on national television, ousts and exposes the captains of our intelligence services, revealing to all and sundry their full identity, such an action can be viewed as an action not consistent with desiring to protect our State, our shores and our citizens, and the only ones cheering are those who might be benefiting from the drug trade. I am not saying this is deliberate at all. I am just saying the impact of these types of decisions.

Mr. Speaker, when the Government of a country in the direct path of the gargantuan efforts of the drug trade knowingly switches off, knowingly switches off our electronic surveillance capacity, including surveillance of known suspects, their agents and financial partners, who is cheering on? Who is happy when that is occurring? The only ones who are assisted by this are those who might be agents of the drug trade or beneficiaries. That is the unfortunate thing. I am not saying it is deliberate; that is the reality of some of these measures. When those with the most experience in our nation, in confronting the drug trade forcefully and vigorously over the years, distinguished service members, just like the hon. Minister opposite, when they are shamelessly denigrated and dismissed in an improper manner on the front pages, we all know their names—and I will not go into the names of very distinguished service members—that is not the treatment

that any of these individuals deserve.

The Minister of National Security deserves better treatment and his colleagues also deserve better treatment. *[Interruption]* These individuals have defended Trinidad and Tobago just as Minister Sandy has defended Trinidad and Tobago. Some of them have taken bullets in the course of duty; they deserve to be treated better by the Government of the day. *[Interruption]* Madam Prime Minister, if she is somewhere near the Chamber at this time, whether she knows it or not, all of these actions, these cancellations, these deferrals, these firings, these dismantlings, these dismissals serve only to strengthen the hands of those who wish to harm Trinidad and Tobago, to harm our children, to harm our citizens and to harm our shores. That is the honest truth.

Mr. Speaker, some of the recent actions of this Government in this regard, including some of the provisions in this very Bill, I would regard as reckless, irresponsible and ill-considered. *[Interruption]* I have some very humble advice for the hon. Prime Minister, the next time any matter is brought to her attention with regard to national security—and she might be faced with a choice, either to deal with it in a responsible manner or to create a national sensation for political gain. Anytime a matter is brought to her attention in that regard in the future, I have some advice for the hon. Prime Minister, that applies: the next time their five-star general, Gary Griffith, comes with some advice on national security, or something to cancel, or someone to fires, the next time a potential security gap, or threat, or breach, or scenario comes to the attention of the Prime Minister or this Government, if you do not know what to do, if you do not know how to properly respond, if you do not know how to handle it, ask somebody who is competent for proper advice on the matter. That did not happen in this case. That is crystal clear. That is crystal clear, they did not do it. *[Desk thumping]*

Mr. Warner: Mr. Speaker, 36(1), point of order.

Mr. Speaker: All right, sustained. I am advising you, connect, link, otherwise I will invoke 43(1). Okay!

Dr. A. Browne: Thank you, Mr. Speaker. There is a real contradiction in treating with such matters; there is a real contradiction. The Prime Minister virtually accused herself in the statement leading to this Bill, right here in this honourable House. She virtually accused herself of perpetrating a further invasion of privacy for the value of sensation, distraction and creation of a national scandal.

It is a well-played game on that side, it is the game of deflection and

distraction. So we have a scenario in which so many bad decisions—[*Desk thumping*,]—our Caribbean neighbours are very upset with us, they feel insulted; job losses left and right; insult to pensioners; insult the public servants; OJTs; reforestation programme, and a sensation is created to distract the national population, and here we are today with emergency measures by Wednesday, by Friday, et cetera, to treat with a situation, a crisis that this Government has created themselves. That is the honest reality. [*Desk thumping*] Classic contrived scenario; excite the nation and then respond to its own crisis. We have seen it before from those on the other side. We have seen it before.

I understand in terms of security that there is a missing laptop in our nation today. [*Interruption*] There is a missing laptop out there. That is one of the laptops that no one could steal and get away with it. My understanding is, someone has stolen and someone has gotten away with it.

Dr. Gopeesingh: Mr. Speaker! Mr. Speaker!

Dr. A. Browne: Mr. Speaker, the Member for Chaguanas West—

Dr. Gopeesingh: I stand on a matter of—I stand on a point of order.

Dr. A. Browne: You did not say that!

Dr. Gopeesingh: Mr. Speaker, 43(2). “Time enough somebody stop you now. Time we stop you now.”

Mr. Speaker: Which Standing Order did you refer to?

Dr. Gopeesingh: Standing Order 43(2).

Mr. Speaker: A motion has to be moved for it to—[*Interruption*] Hon. Member for Diego Martin Central, if you can make reference to the clauses. Make reference to the clauses, please! [*Crosstalk*] Please!

Dr. A. Browne: Mr. Speaker, the hon. Member for Chaguanas West, rose in a paroxysm of hypocrisy. He said the nation—[*Interruption*] and he made reference to the issues of accountability, protection of rights and transparency.

Mr. Speaker, the Member for Chaguanas West, was basing his contribution on the issues of accountability, protection of citizens’ rights and transparency. Mr. Speaker, incredible! He delivered the sermon mere weeks after some decisions at the Airports Authority that have baffled the nation. A mere two hours after admitting in this very House on “Questions to Ministers”, to hiring persons under his Ministry with no advertising, no transparency, no accountability, in response to a question, Mr. Speaker, this sermon was delivered today—[*Mr. Speaker*

stands] I am responding to the Member—[*Interruption*]

Mr. Speaker: Honourable—listen, I am really attempting not to ask you to discontinue and take your seat, but you are driving me to a certain—I am asking you to make reference—[*Interruption*—show the clauses that you are connecting your contribution to. You are now going on to impute improper motives to the Member for Chaguanas West. Please, just connect “nah”! Help me, help me, I am pleading with you, just connect! Please!

Dr. A. Browne: Mr. Speaker, thank you for your guidance. Thank you for your guidance. I was of the misinformed opinion that when a Member opposite makes statements I would have been in a position to respond to those statements. However, I do appreciate your guidance, Mr. Speaker, and what I shall do is move on from the contribution of the Member for Chaguanas West. I think just pointing to the date on which we are speaking today, November 19 and speaking about issues of accountability, transparency and protection of rights—I shall move on.

So, the Government has approached this entire issue from completely the wrong perspective. They have failed to realize that the very systems that have been shut down, to my knowledge and the knowledge of many citizens, or my understanding and the understanding of many citizens, and the very services that are encumbered by some of the measures in this legislation or this proposed legislation, those systems represent the tip of the spear, the tip of the spear. [*Interruption*]

If Members opposite would giggle and laugh in their arrogance, while taking action to blunt the tip of the spear that is protecting our citizens, we are in very, very grave danger, Mr. Speaker. That is my view.

11.30 p.m.

As we speak today, if you have a situation in which an agent of the security requires a warrant before proceeding with an intercept, and we look at the reality in which these technologies have been used in the past by both administrations, by several administrations, you would realize we are putting our citizens in danger. [*Interruption*] You want to talk about a clause; you do not even know the clauses. Clause 4 refers to the issue of warrant. Clearly, you have not read the Bill, Member for Caroni Central.

You must have a warrant in order to proceed with an intercept. Even with the possibility of an oral arrangement, an oral judicial go-ahead, this approach is not responsive enough; it is not dynamic enough and it is not flexible enough to serve

the needs of protecting the citizens of Trinidad and Tobago.

Take the example of a criminal kidnapping operation which might be underway today, and it might very well be because the Government, in its wisdom, has shut the thing down. A criminal kidnapping operation that might be underway today: the main kidnapper has access to 25 sim cards and he has those in his possession—25 different sim cards, which he switches within his phone every few minutes, so already you recognize that the criminals are aware of the technology and are taking steps to try to defeat it. So he has 25 sim cards which he switches every few minutes, and then he stops to pick up a specialist driver along the way, and that driver has a cellular telephone, and he starts using the driver's cellular telephone; then he stops a few blocks lower down the road—he has the victim with him—and he switches drivers. Another driver enters the vehicle with another cellphone and then the main perpetrator uses the cell phone of the other driver.

Imagine that pattern. Then the vehicle encounters a vehicle belonging to another gang, another kidnapping enterprise, and they swap or they sell the victim. [*Interruption*] You are laughing and smiling but this was presented in the statement as a lamentation that the technology was not being used against kidnapping, which, I would tell you, was a false lamentation.

Anyway, so the victim is swapped to another gang and the same pattern continues. So you have multiple sim cards, multiple users, multiple owners, multiple vehicles, multiple cellphones, all at play with regard to the safety of one national of Trinidad and Tobago. If we are putting these barriers, the necessity of a warrant before proceeding with an intercept in the way of our intelligence officers, that national of Trinidad and Tobago is in grave danger, and this Opposition, while we say we will support good law, we will not support laws that put our citizens in grave danger.

I am inviting the Minister of National Security to take another look at this entire matter. The Government, in its haste to do something different to what was done in the past, is really proposing to blunt the tip of that spear, and they have given a very elaborate rationale, all based on responding to the fear in citizens, but it is a fear that they themselves have created.

How many calls would have to be made to judges on that very night in pursuit of a warrant for that very operation? How many warrants or visits to a judge will have to be made in just continuing with that particular operation or pursuing that operation? I am told that at times all communications emanating from a particular

area or street or block, may need to be stalled or surveyed—that is what I am told—to try to pick something up when the trail has grown cold. I am not sure how a warrant can be obtained for that type of general mobile surveillance.

Think of this proposal, to get a warrant prior to doing any intercept will impact the ability of our intelligence officers to save lives to defeat the kidnappers and to defeat the drug traffickers. This zealous response by the Government to a so-called crisis that they have created is, in fact, putting us at risk. The facts are clear before us. All governments in the history of Trinidad and Tobago, since Independence, have worked to defend the nation, genuinely worked to defend the nation via human and electronic surveillance; all governments.

Fact: the hon. Prime Minister was in a position for well over a decade—note my words carefully. She was in a position for well over a decade to know what agencies were conducting intercepts, to know the names of the heads of those agencies, because they are in the *Hansard* record; to know the deputy heads of those agency; to know the equipment that they have been using to conduct their intercepts and to know the very addresses and locations of these agencies. That is another fact. That is a fact. The hon. Prime Minister was in a position for well over a decade to know of all those details.

Fact: every Member of Parliament in 2005—there are some of us who were not here then—was told all of this, including the hon. Prime Minister, but she stated in Parliament in November 2010, she did not know.

The Prime Minister does worse, because she promised the nation to call criminals and kidnappers and any person who may have had cellular conversations with such persons, who have had intercepts or interactions with such persons, to call them and tell them that they were monitored and that we are sorry and maybe they should sue the State. What manner of thinking is that?

In conclusion, Government is a specialist at smoke and mirrors and public relations. They have used an issue that they have contrived as a weapon of mass destruction and distraction against the citizens of Trinidad and Tobago. I am very disturbed that the media has accepted wholesale a political statement about the details of a so-called list that is allegedly based on empty file folders with people's names on the outside of those empty file folders. I am disturbed that the media has accepted wholesale a political statement about the details of that so-called list, allegedly based on those realities.

The hon. Prime Minister selected some sensational names and lo and behold, no one is talking about the tragedy at CNMG and Fazeer Mohammed and his

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colleagues, but everyone is talking about the President and those other realities.
[*Desk thumping*]

Mr. Warner: On a point of order, 36(1).

Mr. Speaker: Are you concluding?

Dr. E. Browne: Mr. Speaker, the hon. Prime Minister may fool herself that all of this was a big surprise to her. This Government may fool the media that everything they say is true and should be accepted wholesale as fact. The hon. Minister of National Security may try to fool servicemen that he himself was clueless about electronic interception used against citizens, but there are thinking, observant citizens in this nation and people are wising up every single day. Crime is rising; inflation is rising; prices are up; unemployment is rising and in spite of all this, all the Government is trying to do yet again, is fool the people, fool the people, fool the people.

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

Mr. Jairam Seemungal (*La Horquetta/Talparo*): Thank you, Mr. Speaker, for giving me the opportunity to participate in this debate. I sat here in amazement listening to the Member for Diego Martin Central. I see he was well trained by the Member for San Fernando East because he said nothing on the Bill, absolutely nothing. I am still awaiting the contribution that he made towards this Bill and I hoped that it would have benefited us on the other side, that he would have given some kind of beneficial contribution so that we could have made the Bill even a better one and one which we can implement for the benefit of all our citizens in this country.

He mentioned that the Member for Chaguanas West alluded to transparency and accountability. I would draw his attention to the *Sunday Express* of November 14, 2010, headlined: "Spouses as Spies. SIA hires friends and relatives to be informants at \$20,000 per month."

This is the kind of transparency and accountability that we are looking for, even if we are setting up a service to look into this type of wiretapping or this type of obtaining of sensitive information on people. We cannot have an agency of the State that is a runaway horse and paying spouses, as alluded to by this *Express* newspaper, \$20,000 a month. He alluded to the fact that this nation is at war. I hope that he is not saying that for the last eight years that they have set war on this nation and that we are now under siege by their irresponsible acts. [*Desk thumping*]

I really have nothing to say again on the Member for Diego Martin Central; it was a pack of rubbish being said.

Mr. Speaker: Please, withdraw that word, “rubbish”. We do not use that here.

Mr. J. Seemungal: I withdraw that word, Mr. Speaker. I want to join my colleague, the Member for Oropouche East, and must concur with him that the Member for San Fernando East, during his deliberations, had the most outrageous display that this House has seen for a very, very long time. I thought that he would apologize to the nation for putting us under siege, as the Member for Diego Martin Central has stated quite dramatically during his contribution, and I would hope, if he did not do it this afternoon, that he would go on air tomorrow and apologize to the nation's children for behaving in that manner in which he has behaved in this House tonight.

The Member for San Fernando East displayed some very beautiful photographs of a house of the Member for Siparia, but the Member for Siparia, if he probably did not know, was a professional lawyer, a Member of Parliament, now Prime Minister. Her husband is a practising doctor, and if they cannot afford a house like that which he showed on that photograph, they have not fulfilled their obligation as a husband and wife in this country. [*Desk thumping*] [*Laughter*]

Let me turn my attention a little bit to this Bill because I know it is getting very late. Mr. Speaker, I want to emphasize that this Bill strikes at the very heart of the fundamental rights of every citizen of this free nation of Trinidad and Tobago, that is the fundamental right to freedom and privacy, as the Member for St. Augustine alluded to; a right which every individual of this blessed land enjoys without fear or favour to anyone and one in which this Government of the People's Partnership, under the leadership of the hon. Prime Minister, Mrs. Kamla Persad-Bissessar, will seek to protect with our last breath of air and with the last drop of blood that runs through our collective veins, we will protect the rights of every individual of this country. [*Desk thumping*]

This Government of the People's Partnership seeks to bring to Trinidad and Tobago responsible governance and a responsible government that is caring and which is sensitive to the needs of all the citizen of this country regardless of creed, race or religion.

11.45 p.m.

Mr. Speaker, a lot has been said on clause 8 of this Bill, the manner in which the intercepted material can be obtained. One of the reasons for obtaining a

warrant is to ensure the protection of citizens and the common man. Earlier on, the Member for Diego Martin North/East mentioned that you can simply go before the court or a committee and explain your problem or the fact that you are being wiretapped, but a common man is hardly likely to know if he is being wiretapped. It took the Prime Minister six months into Government to know that she had an agency under the arm of the State who was wiretapping. It took her six months to have the evidence before she could understand that an arm of the State was wiretapping. So, how do you expect a common man on the street to go to a committee and tell them, he is being wiretapped and they will take him on?

Mr. Speaker, we feel that obtaining a warrant for obtaining sensitive information under this Act is very important. There are checks and balances in this Bill that seek to protect the rights of all individuals, including the individuals that are alleged or the individuals that one will require wiretapping on. This Bill puts an absolute discretion on the court to determine whether or not a warrant should be issued for the purpose of wiretapping. It is not a whim and fancy—it is not a committee that is set up or the Prime Minister who ordered wiretapping on the individuals, but it is the court at its discretion after hearing all the evidence. It is in the interest of national security and the prevention of any offences, et cetera, that the judges of the court have the sole discretion whether or not to order wiretapping.

The Member for Diego Martin Central probably did not read the Bill, because there are situations under section 11(1) that allow for issuing of a warrant without the actual written warrant. You can telephone a judge, tell him that you have an emergency situation and you need a warrant. If he is literally convinced over the phone, he will tell you to go ahead and within the 72 hours to bring it in writing to him. So there are situations whereby written and unwritten warrants can be obtained.

Mr. Speaker, all that hullabaloo about warrants and whether or not who gets it and when they get it, is captured under this Bill. The Member for Chaguanas West stated that in Japan a warrant is issued for a period of 15 days and an extension of 30 days. Countries much larger than Trinidad and Tobago probably have a lot more crime than Trinidad and Tobago and are still required to go to court for the interception of criminals and criminal elements in a society.

So, Mr. Speaker, the Bill is designed to preserve the fundamental rights and freedoms that are enshrined in the Constitution of Trinidad and Tobago and in section 8, the power of interception of communication may only be exercised as stated by an order of the High Court or an order of a judge. Indeed, it is an offence

for persons to intentionally intercept communication without an order of the court.

On Friday last, the Prime Minister in her statement, made reference to a number of individuals whose telephone or communication has been intercepted. Among them she had stated: Dr. Keith Rowley; the Member for San Fernando West; the former Chief Justice, Sat Sharma and his wife; Mr. Colm Imbert, the Member for Diego Martin North/East; and herself. I can understand probably why the Prime Minister, hon. Kamla Persad-Bissessar's phone had been wiretapped. I can understand the Member for San Fernando East ordering the SIA to tap the phone of the Member for Siparia. You see, she is a very bright, intelligent and competent person [*Desk thumping*] and the information received by the Member for San Fernando East would have helped him in running his Government. I am very surprised that he went and tapped his colleagues. I am wondering why he tapped his colleagues, especially—[*Interruption*]

Dr. Browne: Mr. Speaker, on a point of order. Standing Order 36(5), imputing improper motives.

Mr. Speaker: Just remind me because I was talking to somebody. Could you indicate what he said?

Dr. Browne: Mr. Speaker, he accused the Member of San Fernando East of personally ordering specific taps against Members in this House.

Hon. Member: He did not say that.

Dr. Browne: Well, he may wish to repeat his comment. He said that.

Mr. Speaker: Member, I did not hear you properly because at that time I was engaging in a conversation, but be careful. Please!

Mr. J. Seemungal: Thank you, Mr. Speaker. I am wondering why it is the SIA tapped the phone of the Member for Diego Martin West? I am wondering whether or not it was to obtain information on the Tobago land deal or obtain information in the Cleaver Heights investigation—

Mr. Speaker: Hon. Member, do not impute improper motives to any Member of this House, please. Please, continue.

Mr. J. Seemungal: Thank you, Mr. Speaker. The rights of citizens in this country—let me conclude because it is about a few minutes to 12 and I am sure the Members on the other side are willing and eager to go.

Clause 8, in particular, which was bandied about by the Members of the Opposition, is one of the most fundamental ways in which this Bill protects the

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rights of individuals and obtaining a warrant for interception.

Mr. Speaker, by way of conclusion, I wish to say that this Bill represents the first phase of a comprehensive and thoughtful strategy, formulated by this Government to deal with the major surge of crimes and criminal conduct within our society. This Government led by the hon. Prime Minister, will not tolerate criminal misconduct either in criminal elements or from Members of the Cabinet, the Government or law enforcement agencies. This Government will ensure that every single individual's rights of this country are protected.

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

Miss Alicia Hospedales (Arouca/Maloney): Mr. Speaker, it is a pleasure for me to contribute to this debate on the Interception of Communications, Bill. For a brief moment, I was trying to listen to the Member for La Horquetta/Talparo who seems to be very incoherent in what he was saying. He could not make sense—I really could not make sense of what he was trying to say. He tried to justify the \$150 million for the palace which we saw earlier on, but I did not understand the point that he was trying to make or even all the other points he was trying to make about the Bill.

This Bill comes on the heels of the UNC government's irresponsible and somewhat overt dismantling of the security services in this nation. Any responsible government would want to ensure that they make significant investments in their security assets that will help the battle against crime and that will result in a reduction in the murder rates, a significant dent in the drug trade crippling it to the point where there is limited or no supply to pushers and users. Despite the flattery used by Members on the other side to convince the people of this country that they are really serious about national security and really serious about investing in national security and asset, the evidence is yet to be seen.

Mr. Speaker, how do they handle national security? This is what they have done. They have dismantled our intelligence; they have torn down various aspects of the national security in terms of the assets; and they have broken apart systems that were established to protect this country's borders. We heard about the OPVs so I would not go back there, but it is necessary for the protection of our maritime borders. Today, we still have not gotten an answer even though the question was posed to this House as to who cancelled the OPVs. We still have not gotten an answer about the cancellation of the OPVs. Again, the cancelling of the OPVs, the dismantling of the intelligence systems, is a demonstration of how they truly care about safety and security of the citizens of this country. We know better. We on

this side know better. We see a repeat, again, of their irresponsibility with the way they handled this wiretapping issue. Even Mr. Basdeo Panday was highlighted in the *Guardian*, yesterday, saying that Prime Minister, Kamla Persad-Bissessar's handling of the issue could compromise national security. The Government would have destroyed all confidence in every single investigative unit in Trinidad and Tobago.

Mr. Speaker, how can this be done? One, in relation to the compromising of national security and the destroying of the confidence in the national security or investigative unit, this was done in the context of the issue that we are dealing with today. The investigative units such as the Security Intelligence Agency, Strategic Services Agency, Organized Crime and Narcotics Unit, Special Branch, Special Anti-Crime Unit of Trinidad and Tobago and others, rely on the assistance of informants in their investigations of drug-related crimes, kidnapping, gang warfare and many other serious offences.

Mr. Speaker, the Member for St. Augustine said that in the wiretapping issue, they are seeking to restore confidence. The question is: how do you restore confidence in persons who came forward with critical information that would have resulted in the capture of a notorious drug trafficker, drug dealers, kidnapers, gang leaders, murderers and persons who would have committed other serious offences?

How do you restore confidence in individuals who would come forward to give that kind of information?

12.00 midnight

Again, many persons, even persons who may have thought about coming forward to give information, may now be fearful. This is because of the lack of confidence that they would now have in the intelligence agencies. They would not come. This is because the intelligence unit was denigrated by the UNC government in the public domain. The then Minister of National Security, under the UNC—[*Interruption*]

Mr. Sharma: Who was he?

Miss A. Hospedales: I know who he is and you should know—stated that people must be prepared to go to the intelligence agencies, because, without the support and cooperation, no one knows what is going on. They have reduced the level of confidence of those persons who would ordinarily have gone forward to give information on particular events or individuals, in terms of the drug world.

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They have now reduced their level of confidence. This has caused people to fear and, as a result, they would not be—[*Interruption*]

Mr. Jeffrey: Mr. Speaker, Standing Order 40(b).

Mr. Speaker: Can I have your attention? I think what the Member is asking for is for the Member who is speaking to be heard in silence. I think that is the Standing Order he has quoted. I would like to sustain that and ask Members to give their undivided attention to the Member of Parliament for Arouca/Maloney.

Miss A. Hospedales: Thank you very much, Mr. Speaker. I would also like to highlight the fact that a Special Select Committee was established in the United States of America to look at the role of informants in assisting the intelligence agencies. One of the things that they have found is that 85 per cent of intelligence work is done with the assistance of informants, and this they consider to be a highly effective technique.

The safety of these persons involved in providing confidential information is of top priority. How does the Government intend to restore, again, confidence in an agency or agencies, when they have destroyed such confidence? How do they intend to allay the fears of these persons who would ordinarily have come forward? What do we expect from a Government that did everything to compromise our national security? We can give so many examples of the errors they have committed over the last few months; so many examples.

The Member for St. Augustine further draws the nail in the coffin of national security by saying that there should be no secret monitoring of criminals. This is madness! There should be no secret monitoring of criminals—[*Interruption*]

Mr. Ramadhar: I beg your pardon, I never said any such thing—[*Interruption*]

Miss A. Hospedales: No, I am not giving way; not this hour in the morning. It is because of the work of an intelligence agency that the secret monitoring of two—[*Interruption*]

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

Mr. Ramadhar: Mr. Speaker, 33(4), please. It really matters not, because it is inaccurate in any event.

Miss A. Hospedales: It is because of the work of an intelligence agency the secret monitoring of two rival gangs—[*Interruption*]

Mr. Speaker: You quoted 33(4).

Mr. Ramadhar: Thank you very much, Sir.

Mrs. Persad-Bissessar: The Member misquoted the Member.

Mr. Speaker: If you misquoted the Member, he has the right, under Standing Order 33(4), to clarify whatever points you are misleading the House on. If you have done that—

Miss A. Hospedales: No, I have not done that.

Mr. Speaker: If you have misled the House and he would like to clarify the point, I would allow him the right to do so. Would you want to clarify?

Mr. Ramadhar: I did not say that there should be no further secret monitoring of criminals. It was in the context that there should be no secret monitoring of criminals without some oversight. That is the point; fundamentally different from suggesting, when put in the terms that I put the nail in the coffin. Really, it is totally out of context and inaccurate in the extreme.

Mr. Speaker: Member for Arouca/Maloney, let us move on, please.

Miss A. Hospedales: All right. I was saying that it is because of the work of intelligence agencies and the secret monitoring of two rival gangs, over the last weekend, lives were saved. These gangs intended to clash at a party in a community not too far away from here. As a result, mass murder would have taken place. If criminals were aware that they were not being monitored, they would never be caught and they would continue to run rampant throughout this country.

The Member for Diego Martin North/East gave an example of the capture of kidnappers who kidnapped a family friend. Their phone conversation led the police to them. If measures proposed in this Bill, re the application of a warrant, were to be implemented, then the capturing of kidnappers would be possible, according to clause 8, which they have quoted.

Whether approval—the Member for La Horquetta/Talparo spoke about the receipt of approvals, either orally or written. Based on the findings, in terms of our analysis of the Bill, these measures are very impractical and need to be reviewed.

The Member for St. Augustine suggested—I quote him again—that no secret monitoring of criminals would, therefore, result in a further increase of crime, kidnappings and other offences. It is a reality that this sort of intelligence-gathering is utilized as a tool to fight crime all over the world. Various systems

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are approved for the use of such surveillance. The measures proposed by the current Bill before us are unrealistic as they relate to their applicability. Several examples, again, have been provided by the Member for Diego Martin/North East, and even the Member for Diego Martin Central, which highlighted the problems that can be encountered through the implementation of the measures of this Bill in its current form.

Again, this Bill is a good example of the lack of vision and foresight, and the lack of critical thinking that is needed to properly govern this nation; a nation God designed to be a beacon to the Caribbean and the rest of the world. In 1997, even the then Minister of National Security indicated that government must be careful not to jeopardize the position of intelligence agencies. Additionally, he said the government must be careful not to expose the sources of information, because information about organized crime is needed. He was saying that there needs to be confidence in these agencies, and, as a result, the sources needed to be protected.

The nation's confidence in the UNC-A Government is waning. Soon, we know that they would be no more. While you are here, for the temporary time that you are here, the short time, we are encouraging you to truly invest in securing our nation from the impact of drug traffickers and to make a significant investment in national security assets.

Mr. Speaker, I thank you.

ARRANGEMENT OF BUSINESS

The Minister of Housing and the Environment: (Hon. Dr. Roodal Moonilal): Mr. Speaker, pursuant to Standing Order 37(3), I move that the debate on this Bill be adjourned to next Friday, November 26, 2010, and we pursue the next matter, the Census Order.

Agreed to.

CENSUS (2011) ORDER

The Minister of Planning, Economic and Social Restructuring and Gender Affairs (Sen. The Hon. Mary King): Thank you, Mr. Speaker. It is indeed an honour for me to be invited to speak in this honourable House. I beg to move the following Motion standing in my name:

Whereas it is provided by section 5 of the Statistics Act, Chap. 19:02, that the Minister may make an Order directing that a census be taken in Trinidad and Tobago or any part thereof, of any class of inhabitants

thereof:

And whereas the Minister has made an Order that a census be taken of the inhabitants thereof with respect to both population and housing in Trinidad and Tobago between the 9th day of January, 2011 and the 20th day of February, 2011:

And whereas it is also provided by section 5 that an Order so made shall be subject to affirmative resolution of Parliament:

And whereas the Minister has on this 29th day of October, 2010 made the Census (2011) Order, 2010:

And whereas it is expedient that the Order now be affirmed:

Be it resolved:

That the Census (2011) Order, 2010 be affirmed.

Mr. Speaker, the census proposal was approved by Cabinet on January 09, 2009. The Population and Housing Census 2010 was scheduled to be conducted in May 2010. However, due to the call for the general election, the legal authority for the census, in the form of the Census Notification, Census Order and the Census Regulations, was deferred by Cabinet. The new date set by the Ministry of Planning, Economic and Social Restructuring and Gender Affairs for the conduct of this census is now January 09, 2011.

The legal order to take a census is governed by the Statistics Act, Chap. 19:02, of the *Revised Laws of Trinidad and Tobago*, 1981, which authorizes the Director of Statistics as the Census Officer to take any census in Trinidad and Tobago.

We have been conducting population census systemically acquiring and recording of vital information about the people in Trinidad and Tobago every 10 years, since 1844. The census and the housing census is a special wide-range activity which takes place once a decade in the entire country. Its purpose is to gather information about the general population, in order to present a full and reliable picture of the population in the country, its housing conditions, demographics and social and economic characteristics. So, therefore, the census is one of the most important sources of information that provides a basis for the official statistics of any country.

A population census, by definition, is a complete process of collection, collation, assessment, analysis, publication and distribution of the demographic, economic and social data which relate at a given moment in time to all of the

residents of a country or, of a well-defined partial geographic area, phone reflected in the Population and Housing Census Hand Book of the United Nations of 1992.

12.15 a.m.

This census has five main objectives:

- Enumeration of the population and households in the country;
- Acquisition of demographic information used for calculating population estimates;
- Data collection and production of information for Government ministries and local authorities for budgeting purposes;
- Collection of social economic information on a large sample of people in the population, which makes it possible to acquire data and information on small unique groups in the population by stratification;
- Production of information which serves bodies, organizations and various elements in the fields of education, business research, economics, et cetera.

Essentially, the census aims to achieve completeness in coverage to collect quality data and to disseminate outputs in a user-friendly and an accessible format.

Of course, an important activity is the development of the census instruments which must satisfy the needs of data users; and Trinidad and Tobago's instruments follow closely the principles and recommendations of the UN and recommendations of the Caricom Regional Census Coordinating Committee. The aim of this committee is to harmonize the collection of data to facilitate regional compatibility, so within the Caricom region, we all do things in the same format.

An internal census working group and the Cabinet-appointed Technical Advisory Committee, comprising all ministries of Government and academia, had the responsibility for the design of this questionnaire. So, the census instruments would collect data on characteristics of persons, age, sex, religion, ethnic group, et cetera; migration, their place of birth, their residence; disability so that we can have data on the needs of longstanding disability; chronic illnesses, and, therefore,

we collect health statistics; education, types of education achieved and the highest level; economic activity, marital status and fertility.

So, census night, we are present at the reference date of the census. That is something we make them answer to us so they reflect what they were doing on census night; information and communication technology; how widespread it is in the communities. Of course, housing; the quantity and the quality of the housing stock; the environmental problems affecting households, so we have a good idea of our environment throughout all the areas; and, of course, international migration; the number of emigrants, age, education and occupation.

Now, this happens globally. Numerous countries will be conducting censuses asking similar questions to facilitate regional and international comparability, so we can compare country by country. In addition, at the national level there must be some level of comparability with past censuses so we can actually do analyses as to how we are progressing, what happened in the past and how we move forward. So, for this reason, in our questionnaire, there is a mixture of the old questionnaire and some new questions in each questionnaire.

Now, this year, for this decade of 2011, the CSO has introduced new procedures to process and disseminate the data that is collected. This has come about because of the breakthrough of intelligence character recognition. Technology is changing the way data is actually processed. So, the census will move away from actual keyboard data processing, which was used in the 2000 census, to imaging through scanners.

The population's social and economic data collected during the census will assist governments in making decisions in the national interest and will serve as a baseline for monitoring the international development goals. Of importance to our census and to national development, this is always highlighted at the UN Population Fund regional meetings of heads of statistics and planning, and the following critical factors have been highlighted at those conferences.

Census data is essential for achieving—not just monitoring, but for achieving development goals. Only the census can provide comparative small area data that are essential for regional or local planning. The census provides us the sample frame for specialized surveys if we wish to do more detailed analysis; and in most countries, a census is the only reasonably reliable source of data to estimate your demographic race.

It is a rich source of socio-economic data. It is invaluable in the formulation of plans, in monitoring your targets and goals, and, of course, in the evaluation of

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your achievements. Today, this global consensus on the improvement of the quality of our human lives has been powerfully expressed in the Millennium Declaration, the Convention on the Rights of the Child, the World Fit for Children, and the national development plan. These have committed Governments to clear, time-bound targets.

The various initiatives aim to attain high standards in areas such as health, education and housing, access to clean water, sanitation and other essential services. So, in our view, the census is the only source that provides a profile on our populations and produces comprehensive information on many of these areas at the finest, minutest geographical specificity, thereby enabling the fulfilment of global reporting requirements.

This Government recognizes the need for evidence-based planning at the forefront of our development paradigm and, indeed, foresees statistics as an essential element in improving the ability to develop appropriate policies, to manage the economic and social development processes, to monitor improvements in our living standards and to be able to report this progress to the public. Therefore, we need complete, timely, relevant, reliable and comparable official statistics on which to base any decision that we make in order to be able to plan and to create policies to guide the development process.

So, because we have been conducting censuses since 1844, this enables the country to track developments over a long period with considerable accuracy; therefore, the census is a fundamental part of our national heritage and our collective knowledge. Furthermore, census data is especially important if we are to assess our progress towards the United Nations Millennium Development Goals. Most of us are working towards those goals. Equally important is monitoring the implementation of the National Sustainable Development Framework which reflects our Government's policies on seven development pillars which are all interconnected and which constitute the cornerstones for sustainable development of Trinidad and Tobago.

Finally, we must appreciate that careful planning is absolutely imperative if we are to respond to the challenges of modern times, and, at the same time, take full advantage of the unfolding opportunities on the global scale. All of us must bear in mind that it is only through availability of vital population data that we can fully and accurately estimate the magnitude of our strengths, our weaknesses, the opportunities and threats that we face and be able to take advantage in the midst of global competition. It is, therefore, against this backdrop that the 2011 population and housing census will be executed.

I beg to move.

Question proposed.

Mrs. Patricia M^cIntosh (*Port of Spain North/St. Ann's West*): Mr. Speaker, despite the very late hour, I am happy to enter this debate on the Census 2011 Order. Mr. Speaker, in accordance with section 5 of the Statistics Act, Chap. 19:02, the Prime Minister is seeking the approval of the house of Parliament to undertake this census. The hon. Members on this side have no problem in affirming this resolution, [*Desk thumping*] however, we do have some concerns which I shall develop as I go along.

Indeed, Mr. Speaker, Trinidad and Tobago adheres to the international standard of conducting a population and housing census, and since 1844 population and housing censuses have been carried out every 10 years in this country. On Wednesday, October 20, 2010, at the Hyatt Regency in Port of Spain, the Central Statistical Office (CSO) launched the population and housing census 2011, scheduled to be conducted from January 10 to February 19, 2011.

Mr. Speaker, like many citizens, there was a time when I never fully appreciated the purpose of a census, and I used to be rather agitated on being disturbed by officers from the Central Statistical Office visiting my home to interrogate me about all sorts of matters that I considered very private and confidential; and I do suspect that many of our citizens share these very sentiments. I feel that it is my duty to educate and enlighten our public as to why such an intrusion into their very privacy could redound to the benefit of each and every one of us, in particular, and to our beloved country in general.

Mr. Speaker, to fully comprehend the employment of a census, I looked at various learnings. The one that stood out was the *Principles and Recommendations for Populations and Housing Censuses, Revision 2*. This learning emphasized that population and housing censuses play an essential role in public administration; and censuses are very important in collecting data that the Government could analyse, evaluate and use in terms of making a well-informed decision into the provision of services like housing, education, health care, social services, et cetera.

Indeed, Mr. Speaker, establishing public consensus on priorities would be virtually impossible to achieve if it were not built on census counts. A wide range of other users, including the corporate sector, academia, civil society and individuals make use of census outputs for making well-informed decisions in their businesses. It is also important that our public understands exactly what we

are talking about when we refer to a population and housing census, so, permit me to elaborate upon some relevant definitions.

A population census is the total process of collecting, compiling, evaluating, analyzing and publishing or otherwise disseminating demographic, economic and social data—all the data, we gather when we ask the questions, where people are from, their ages, et cetera—pertaining at a specified time to all persons in a country, or in a well delimited part of a country. This type of census is also fundamental to the production and distribution of material wealth in order to plan for and implement economic and social development, administrative activity or scientific research. It is necessary to have reliable and detailed data on the size, distribution and composition of population.

12.30 a.m.

The population census, Mr. Speaker, is a primary source of these basic benchmark statistics, covering, not only the settled population, but also the homeless and nomadic groups—people who move from one area to the other.

Now, Mr. Speaker, the housing census does the same sort of thing, but it pertains, mainly, to all living quarters and occupants thereof in a country or, again, a well delimited part of a country. The housing census must provide information on the supply of housing units together with information on the structural characteristics and facilities that have a bearing upon the maintenance of privacy and health, and the development of normal family living conditions.

This is very important to the population—normal family living conditions. So, Mr. Speaker, sufficient demographic, social and economic data concerning the occupants must be collected to furnish the description of housing conditions and also to provide basic data for analyzing the causes of housing deficiencies, and for studying possibilities for remedial action.

So, I am very concerned, Mr. Speaker, that those of my constituents who are in need of housing, and indeed all the citizens who are in need of housing understand the importance of the housing census and the housing benefits that could be derived from such an initiative.

In this regard, data obtained as part of the population census including data on homeless persons, are often used in the presentation and analysis of the results of the housing census.

Mr. Speaker, the *Trinidad Express* of Thursday October 21, 2010, reported that the Minister of Planning, Economic and Social Restructuring and Gender

Affairs promised that the Central Statistical Office would deliver quick data and early results from the 2011 census. She said:

I have been promised this, and I assure you I am holding the division to that promise. We cannot wait years and years to get data which come out of our censuses.

Mr. Speaker, the hon. Minister's commitment is heartening, and we shall certainly hold her to it, since in years gone by censuses were conducted and results were not readily forthcoming. In addition, the director of the Central Statistical Office, in an overview of the census, endorsed the sentiments expressed by the hon. Minister, remarking, and I quote:

We are committed to providing the results within one year. Given the experiences of prior census reporting, that is an ambitious target we are committed to meet.

We shall also hold the director to his word, since the sooner the results are published, Mr. Speaker, the better the chance for the expeditious implementation of plans for national development in every single regard at every single level.

The director also announced that the Central Statistical Office had established a special division, the Census Planning and Management Division, to ensure technical soundness and efficient logical arrangements.

Mr. Speaker, we also have a revised census questionnaire—I have it here—and I am glad to say that at least in this debate we have the revised questionnaire, because I know that this was a thorn in the flesh of the hon. Members in the other place at the census debate of 2000. So at least we have this that we can peruse. It has been grouped into 13 sections, and includes questions on disability and migration. In addition to the core questions, we have new questions on information and communications technology, which I am very glad for, because I think the present Government is continuing the drive of the previous administration, to create a highly technological society, and I am glad to see that these questions have been included; and we also have questions on the environment.

The director also advised that information will be sought from everyone residing in Trinidad and Tobago, including illegal immigrants, but further advised that the latter had nothing to fear since the CSO was not interested in anyone's legal status. Indeed, no one—bona fide citizen, resident or illegal immigrant—should have anything to fear, Mr. Speaker, for according to the director, and I

quote:

All census takers have to swear to an oath of secrecy which prevents them from divulging information collected from respondents.

So, we hope that this oath of secrecy will be taken seriously by those who are conducting the census.

Once again, we shall hold—Mr. Speaker, I really am unable to deliver if I have the Member for D’Abadie/O’Meara mocking me; I cannot, Sir.

Mr. Speaker: You have my protection, and he is now leaving.

Mrs. P. McIntosh: Thank you. Once again, we shall hold the Central Statistical Office and its director to this commitment that they have nothing to fear, and that those who are conducting the census will, indeed, keep to their oath of secrecy.

Mr. Speaker, the census data of any country are of greater value nationally, regionally and internationally, if they can be compared with the results of censuses in other countries that were taken at approximately the same time. Therefore, countries may wish to undertake their censuses in years ending in zero, or at a time as near as possible to those years. It is obvious, however, that legal, administrative, financial and other considerations, often make it inadvisable for a country to adhere to a standard international pattern in the timing of its censuses. In fixing a census date, therefore, such national factors should be given greater weight than the need to achieve international simultaneity. In this latter regard, Mr. Speaker, our 2010 census was postponed to 2011 due to the May 2010 general election.

In my humble opinion, I feel that this census could have been conducted this year, probably in August, September or even in October. And I say this for these reasons: the pilot census was conducted throughout Trinidad and Tobago between August and September of 2009 in preparation for the census of May 2010. This pilot was a dry run or dress rehearsal that would have ensured the smooth and efficient execution of the actual census in 2010. So we had this pilot or dry run. Then the revised forms were ready and officers were trained. I do feel that with some degree of effort this census could have been conducted in the later months of this year, had the present administration seen the need to expedite this matter in the national interest.

I believe that the very busy travel schedule of the hon. Prime Minister may have caused the matter of the census to slip her mind.

Mr. Speaker, I have some further concerns. Firstly, during the last census in 2000, problems were experienced in respect of the coding of the answers, either because they were not interpreted correctly by the interviewer, or the questionnaire was not designed for the response given.

Now, as I peruse this—and I have the old census here—the old form; this is the new form. There are a few amendments made. Mr. Speaker, I can only anticipate that these amendments will address the deficiencies in the old form. I do not see them exactly doing that, because in some cases it was just a matter of breaking up one section into two parts, et cetera. But I hope we will have better results with this new form.

I also anticipate that the interviewers will be, or were, actually, retrained; if not, that they will be retrained in time. But at least, as I said, we have the new forms.

Now, Mr. Speaker, the hon. Minister wishes to conduct the census in the first two months of the year 2011. There is a flaw in this regard, which ought not to be overlooked, and to this end I am obliged to ask, to me, a very important question. Should the census for our beloved Trinidad and Tobago be conducted during the Carnival season when the majority of the population will be immersed in a spirit of revelry and gay abandon and will have neither time nor patience to respond to census enquiries?

Mr. Speaker, the hon. Members opposite should be aware that the United Nations has suggested that the census should be carried out when the country is quiet and tranquil. I would like to repeat this, please. Mr. Speaker, the hon. Members opposite should be aware that the United Nations has suggested that the census should be carried out when the country is quiet and tranquil.

The first two months of the year in Trinidad and Tobago are, unfortunately, not known for level-headedness, sober judgment and sobriety, far less quiet and tranquillity. Most of the country will be partying hard in fetes, waving their flags around. Is this the best time to conduct such a census, during our Carnival season—in the height of our Carnival season?

In addition, the United Nations further suggested periods which were the months of April and May. Mr. Speaker, I suggest that due diligence should always be employed. What I am seeing is that due diligence has not been employed in this regard. If this census were held during this country's Carnival season, it would be impossible to accurately tabulate the population and housing. We have to take this into consideration, because we are talking about accuracy in the

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results of the census. And I saw that in the last census, the IMF did suggest that there was a certain level of inaccuracy in the census results.

The current administration is making mistakes from the little to the magnificent. I suggest that since the census can no longer be conducted in the year in which it was scheduled, it should be done in April or May as suggested by the United Nations.

Mr. Speaker, I implore the hon. Members on the other side, let us get down to the business of effective governance and get focused on making prudent decisions. Thank you. [*Desk thumping*]

Mr. Speaker: Anybody else on the Opposition Bench?

12.45 a.m.

The Minister of Planning, Economic and Social Restructuring and Gender Affairs (Sen. The Hon. Mary King): I would like to thank the Member for her contribution. The Member made a couple points which I think we need to put right. Yes, we will have quicker results. We have a different process for processing the data. The data would go into the scanning and imaging centre so that would certainly speed up the data processing.

Your suggestion that we should hold the census in September; October or November, that would be the wet season and would certainly not be effective, and that is why we did not hold it during those months.

The training is now ongoing and will be completed by December 09, 2010. The period for the census will be over long before Carnival. I know we are a fun-loving people, and we aim for that in our 2020 vision, but I think our people are also very serious people when they have to be serious, and they were on May 24, 2010. I have great faith in the fact that they will come through. The people who are taking the census are being very well trained. We have no doubt that we will have quick results.

Mr. Speaker, on that note, I beg to move.

Question put and agreed to.

Resolved:

That the Census (2011) Order, 2010 be affirmed.

ADJOURNMENT

The Minister of Housing and the Environment (Hon. Dr. Roodal

Moonilal): Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, November 24, 2010 at 10.30 a.m., and to indicate to the House that on that day, it is the intention of the Government to debate through all its stages Bill No. 1, which is a Bill entitled an Act to provide for the variation of certain duties and taxes and to introduce provisions of a fiscal nature and for related matters.

Mr. Speaker: Before putting the question to the House, there are three matters on the Motion for the adjournment, but the Member for Diego Martin Central has asked that his matter on the Motion be deferred, so the Member for Diego Martin North/East's two matters will be heard at this time.

Mr. Imbert: One.

Mr. Speaker: Do you want to defer one?

Mr. Imbert: The one on national security.

Mr. Speaker: So are you going to deal with Clico?

Mr. Imbert: Yes.

Mr. Speaker: Proceed.

Clico Depositors

(Solutions For)

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Speaker. As you know, I wanted to raise this matter last week, but the Minister was not here. [*Crosstalk*] Mr. Speaker, could you, please—

Mr. Sharma: You have nothing to say, take your seat.

Mr. Speaker: Hon Members, please. We are about to conclude our long session or sitting, could we hear the Member for Diego Martin North/East in silence? [*Desk thumping*]

Mr. C. Imbert: Thank you very much, Mr. Speaker. [*Crosstalk*] You have to respect for the Speaker.

Mr. Speaker: Order!

Mr. C. Imbert: He is incorrigible. Mr. Speaker, as I said, I am glad the Minister is here so, perhaps, we can get some answers. This is a long saga, and my point of departure is a statement made by the hon. Prime Minister on October 03, 2010. On October 03, 2010, the Prime Minister indicated and, certainly, gave

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the impression to this honourable House that the Government was rethinking and, quite possibly, revisiting the approach to Clico's policyholders.

On that day, the Prime Minister announced the establishment of a ministerial committee headed by the hon. Vasant Bharath whose mandate was to meet with stakeholders—the Clico policyholders would be one group of the stakeholders—and to listen. The clear impression given by the Prime Minister on October 03, 2010 was that after the Bharath Committee had listened to what the Clico policyholders had to say and the proposals that they have made, the Government would do its best to see whether it could improve its offer to Clico's policyholders. That was on October 03, 2010.

Six weeks after that, what has happened since then is that there have been a number of media reports and meetings have been held with Clico policyholders and the Bharath committee—these meetings are going well and there are a number of proposals on the table—and then every other day, one reads in the newspaper that the Finance and General Purposes Committee of Cabinet is to meet and settle this matter, and then you hear that Cabinet is to meet and nothing has happened and, therefore, it is necessary for me to raise this matter again and, if necessary, again.

On September 08, 2010, the hon. Minister of Finance gave an instruction that all interest payments on policies at Clico would cease as of that day. So, interest payments for September were not made; interest payments for October were not made; and now interest payments for November have not been made. It is necessary to emphasize that of the 15,000 or 16,000-odd persons affected directly and the 100,000-odd persons affected indirectly like the credit union members, there are persons who were using this money for medical expenses. Persons who are on dialysis—anybody who has a family member or friend who is on dialysis would know that the cost of dialysis treatment could be \$7,000 to \$8,000 a month. There are persons in nursing homes who are suffering with Alzheimer's and whose families were paying for the nursing home through these interest payments, and for some persons this is their only form of income. They were also paying for their utility bills and groceries and so on.

Mr. Speaker, it is now three months that persons who require this money to live—literally some of them require it to live—and someone on dialysis would certainly die if they did not get dialysis treatments have not received the interest payments for three months and they are suffering. The Government tells us that it is a people's Government; it cares and listens and so on.

I genuinely believed the Prime Minister when she established the Vasant Bharath Committee that the Government would improve its offer. The impression I get is that there is a problem between the Minister of Finance—this is just an impression. I am not saying it is so—and the Minister of Food Production, Land and Marine Affairs. The two of them are not speaking. As a result of a division of opinion, there is no progress on this matter. That is the information I have. [Crosstalk] If it is not true, I am glad, but the fact of the matter is that there is a deafening silence coming from the Cabinet committee.

Now, information has come to hand that Colonial Life is in receipt of US \$67 million per year, over \$400 million from Methanol Holdings in dividends. Apparently, it is part of the articles of association or the agreement with respect to that company that there be a particular return on that investment which yields over \$400 million per year in dividends for Colonial Life. I am told that these assets are unencumbered.

In addition, Clico, not CL Financial, owns over 30 per cent of Republic Bank—36, 37 or whatever it is—and Republic Bank just declared a final dividend for this year 2010 of \$3.55 which is a significant sum when one considers there are over 170 million shares on the market in Republic Bank. So you are looking at probably \$500 million in dividends of which Colonial Life is getting almost \$200 million per year. [Crosstalk] I am talking about the dividends, not the earnings per share.

I am advised that Colonial Life gets \$200 million a year in dividends from Republic Bank and, at least, \$400 million a year in dividends from Methanol Holdings. That is \$600 million per year. I am told that with the recent establishment of the Melamine Plant which was commissioned by Members of the Government, that within a year or two the Melamine Plant will yield another \$400 million a year. Now, my figures may not be right, but that is what I have been told. So that I am told that within the next year or two, Colonial Life will be receiving \$1 billion in dividends from Republic Bank and from the Methanol companies.

Now, if that is true, that is certainly enough money to fund an instrument that would allow the policyholders to receive all or almost all of the money that they have invested in Colonial Life, if that is true.

There is also a very interesting article in the *Business Guardian* dated October 28, 2010 written by Mr. Anthony Wilson where Mr. Wilson referred to an audit done by Credit Suisse on Colonial Life which was received by the Government in

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April of this year. [Interruption] Now, it is a fact, that the Credit Suisse Group did an audit on Colonial Life and this audit indicated that Clico's assets are \$20 billion and Clico's liabilities are \$22 billion. The article goes through and makes a compelling argument for the divestment of Clico's assets; the divestment of the Republic Bank shares; and the divestment of the Methanol Holding shares. The view of the writer is that it would yield enough money to give the depositors or the policyholders almost 90 per cent of their investments.

Now, Mr. Speaker, there is deafening silence from the Government. [Crosstalk] You are ignoring the 15,000 persons with policies; you are ignoring the 100,000 persons in the credit union movement with policies who are going to lose 50 per cent of their life savings; and you are ignoring them. No problem! That is the viewpoint of the Government. You are ignoring these people. That is your caring Government.

The fact of the matter is that when there is silence, it creates a vacuum for misinformation, rumour and speculation to get into the system. There is a view among policyholders that certain Members of the Government are intent on the sale of Clico's assets to certain individuals and that deals are being made. I am not saying that this is true. I am saying that because of the deafening silence on the part of the Government, that this fuels all of these conspiracy theories that the Government is deliberately stonewalling on this matter so that certain privileged persons will get their hands on Clico's assets. When you have this kind of rumour and this belief, then people will take drastic action.

The approach of the Government in this matter, as far as I am concerned, is inhumane and this is not the actions of a caring Government. I would like to hear what the Minister of Finance has to say to the allegation that Colonial Life is in receipt of over \$600 million in dividend income from unencumbered assets to the allegation that if you were to divest the Clico assets, especially the Republic Bank shares and the Methanol Holding shares, that you could yield sufficient money to give the policyholders almost all of their money. The people want to know. They have been quiet; they have been patient because they believed the Prime Minister when she said that the Government would listen and try to assist the policyholders.

I am of the view that the policyholders' patience is wearing thin and that they would soon take drastic action which will be in nobody's interest. So I would like to hear the Minister of Finance. Thank you.

The Minister of Finance (Hon. Winston Dookeran): Mr. Speaker, I believe

it was in January 2009 that the Clico situation erupted, and for 18 months the then government was paralyzed. They were unable to handle the situation; they were unable to find a formula to deal with this situation, and for 18 months the government did not find a solution. So I am very encouraged by the new found enthusiasm for solution by the Member for Diego Martin Central now that this Government is in place. [*Desk thumping*]

Mr. Warner: The paralyzed national movement.

Mrs. Persad-Bissessar: Hypocrisy!

1.00 a.m.

Hon. W. Dookeran: Mr. Speaker, it was clearly a matter of enormous significance to Trinidad and Tobago to find a solution to the Clico matter. It remains the most outstanding issue that had to be dealt with in order to get the sums correct in Trinidad and Tobago. It was in our anxiety to deal with this issue that we came up with a model which was announced in the budget. I will not go into the details of it because it was public knowledge.

Since then, the Prime Minister, in her wisdom, appointed a committee to listen to those who felt adversely affected by the model that was likely to be implemented in the interest of the country. During the discussions much was revealed, but let me deal specifically with two points before I talk to you about what had been revealed.

With respect to the issue of dividends from methanol and Republic Bank, I cannot vouch for your figures. What I can say is that when the Government thought it was dealing with a liquidity problem, it had, in fact, misdiagnosed the situation and was dealing with an insolvency problem. Therefore, it was necessary to find funds to keep Clico alive; the dividends from methanol are doing just that; in order to pay the bills, in order to keep the 500 workers intact, in order to keep all the various commitments intact. With respect to the Republic Bank dividends, they were already encumbered because most of them were placed in the Statutory Fund.

I believe the Member has been reading and getting his information from the *Guardian* articles by Mr. Wilson.

Mr. Imbert: Not at all.

Hon. W. Dookeran: I advise that he must be cautious in reading those articles.

With respect to the issues before us, subsequent to the announcement of the programme in the budget debate, we have identified two key issues after the deliberations of the committee under the Chairmanship of the Minister of Food Production, Land and Marine Affairs, one of which had to do with what you referred to as people who are dependent on the income from the interest they were supposed to earned. To that end, we have worked out what we now refer to as a compassionate window. That is being finalized, as we speak, at this point in time. That would give access to anyone who might have a situation which warrants immediate attention, to get such attention. We have, in fact, employed a formula that was used in another jurisdiction in Canada on that matter. That would soon be put into effect.

With respect to the credit unions and trade unions—and there is another category that we found out about, which is the educational institutions—we have done some detailed work as a result of our deliberations with that group and what has come out from the committee established by the Prime Minister. I will not go into all the details tonight, but I will tell you that we have now got a firm handle on the size of the problem with respect to the credit unions, trade unions and the educational institutions that were not, before now, placed in the kitty.

We have found that the issue of stability of the credit unions was a matter of national concern and we had to deal with it. To that end, we have identified that there were 10 credit unions which exceeded the hurdle placed of 15 per cent of their capital, invested in Clico's EFPAs to net, to the tune of \$422 million, and four credit unions that have exceeded the 30 per cent level, one as high as 66 per cent, which could be considered critical for their liquidity needs. That amounts to about \$262 million, but 37 per cent of the credit unions have had an exposure of 5 per cent which could be considered absolutely liquidity safe, assuming that their other assets are sound.

I gave these figures to suggest to you that we have established the risk on the question of stability of the credit unions and, to a lesser extent, the trade unions and the educational institutions. The total additional amount required to meet that commitment on an immediate basis is in the order of \$830 million. Recently the Cabinet discussed this matter and decided to set up a special window to deal with the credit unions, trade unions and educational institutions. As I speak, we are working out the modalities of that special window. That is the outcome of the deliberative stance we took in dealing with this matter, based on the committee established by the Prime Minister, in furtherance of our desire to find the right solution at the right time for the people in this country.

The other issue that has emerged deals with the immediate payment of the 15,000 people for which an allocation of \$75,000 was made. The Government is at this moment working out the logistics of so doing; that would inject a further \$1.5 billion. It will cost the Government \$1.5 billion to meet that commitment. We are hoping to do so before the end of this year, so that there will be a basic \$75,000 to all those EPAs before the end of this year, and deal with some of your concerns. [*Desk thumping*] Of course, you refuse to admit there is a solution, because when you had the time to have a solution you could not even create one for the people. This matter is well in hand.

Regarding the other matter, a longer term basis, we are dealing with that. It would take, perhaps, a few months more to have the higher depositors dealt with, but it will be dealt with at that time. I want to give this honourable House the assurance, at 1.09 this morning, that this Government has worked out, perhaps, the most innovative plan. [*Desk thumping*] When you consider what happened in Jamaica, what has happened in Iceland, what happened in Greece and what is currently happening in Ireland today, Trinidad and Tobago has worked out a most prudent plan which satisfies the smoothing of the country, meeting the demands of the depositors and, at the same time, investing in making Clico a viable operation and saving it with the hope that it could one day be sold to whoever may have an interest in so doing and so protect these policyholders.

Let me end by telling you that 225,000 policyholders who would have life insurance and annuities have already been protected. They were once at risk, now they have all been protected by what we are doing. [*Desk thumping*]

In the Finance Bill on Wednesday we will explain in greater detail all the ramifications of what we are doing. I am convinced that we have now worked out the most human operation. We will get into action immediately and would have satisfied all the competing claims and the financial interest of Trinidad and Tobago will be well protected by what we have done.

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(Arrangements)

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, before you put the adjournment question to the House, just for clarity and the benefit of the public and for the records, I want to indicate on the matter of the Interception of Communications Bill that I expect we will continue debate next Friday. There is an arrangement between the Government and Opposition that a committee of both sides will be meeting in what could be

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some intensive sessions next week for the entire week. We have the first meeting on Monday at 4.00 p.m. at the Office of the Attorney General. We will get the support of the technical staff of the Attorney General and others to be invited. We have invited technical personnel to support us and it is the intention of both the Government and the Opposition to address the Bill and make whatever changes are deemed necessary, so that when we return to the House we can have this Bill passed. That is the arrangement for the record and for the benefit of the public.

Thank you.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, I endorse that arrangement. We have had some extensive discussions behind the Chair and I am pleased that we did not try to close this today, just for the sake of having it done today. The Government has agreed to look at some suggestions that we have made and has acknowledged that the Bill could be improved. We will cooperate and meet. I hope the location is as comfortable as the Parliament. We will take our technical support and work with the Government, the intention being that this piece of legislation is so important and urgent that we hope we could have a meeting of the minds, if not on Monday certainly by Wednesday. When we come back on Friday the House should be able to pass this legislation which will see it going on to the other place. Barring unforeseen circumstance and a drastic change in the Government's approach, we hope that we would have good news for you when we return. We will work until we reconvene.

The Prime Minister (Hon. Kamla Persad-Bissessar): Mr. Speaker, I thank the hon. Leader of the Opposition for the cooperation shown thus far, the intention being to avoid some of the issues raised by others on this side and the other side for us to really improve the Bill. We are gratified with the response of the Leader of the Opposition.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 1.14 a.m.