

Electricity Outage in Chamber

Wednesday, February 23, 2011

HOUSE OF REPRESENTATIVES

Wednesday, February 23, 2011

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

ELECTRICITY OUTAGE IN CHAMBER

Mr. Speaker: Hon. Members, we would probably have to suspend this sitting to determine what has caused this outage in our Chamber, so this sitting is now suspended until 2.00 p.m.

1.31 p.m.: *Sitting suspended.*

2.35 p.m.: *Sitting resumed.*

Mr. Speaker: Hon. Members, I regret to advise that we are experiencing a number of challenges related to the supply of electricity to the Chamber. The Trinidad and Tobago Electricity Commission technicians and other electricians are currently working on the problem. We are very hopeful to be back to normal functionality soon, meanwhile we have been advised that we could, in fact, proceed with whatever limited power that is available. So we would like you to bear with us in the process and we hope that very shortly we would be back to normal strength. I tender my humblest apologies to the hon. Members of this House.

PAPERS LAID

1. Audited financial statements of the National Infrastructure Development Company Limited for the financial year ended September 30, 2009. [*The Minister of Finance (Hon. Winston Dookeran)*]
To be referred to the Public Accounts (Enterprises) Committee.
2. Administrative report of the Tunapuna/Piarco Regional Corporation for the period October 01, 2007 to September 30, 2008. [*The Minister of Local Government (Hon. Chandresh Sharma)*]

FIRST JOINT SELECT COMMITTEE REPORT

Parliamentary Accommodation

(Presentation)

The Minister of Trade and Industry (Hon. Stephen Cadiz): Mr. Speaker, I wish to present the first report of the Joint Select Committee on Parliamentary Accommodation.

ORAL ANSWERS TO QUESTIONS

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, the Government is pleased to announce again that we are prepared to answer all questions for oral answers on the Order Paper—there are three—and just for the record again, we have no questions for written answers.

Solomon Hochoy Highway (Details of Contract)

57. Mrs. Paula Gopee-Scoon (*Point Fortin*) asked the hon. Minister of Works and Transport:

- (a) Was a contract granted for the construction of the extension of the Solomon Hochoy Highway to Point Fortin?
- (b) To whom was the contract awarded?
- (c) When is the work expected to begin?
- (d) When is the highway project expected to be completed?
- (e) How many local persons are expected to be hired?
- (f) Can the Minister state whether persons from the constituency of Point Fortin will be hired to work on the project and what is the process for obtaining such employment?

The Minister of Works and Transport (Hon. Jack Warner): Thank you, Mr. Speaker. For Part (a): a contract has been awarded and would be signed in the next few days. Part (b): the contract has been awarded to OAS of Brazil. Part (c): mobilization on the highway begins tomorrow, Thursday. Part (d): the highway is expected to be completed in about four years' time. Part (e): at peak, about 27,000 persons shall be hired; and Part (f): yes, and this would be done in conjunction with the Member of Point Fortin, who has no aspirations for political office in the PNM elections, [*Laughter*] and who, unlike the Member for Diego Martin North/East, will be able to assist her constituents and not herself. I thank you.

Mrs. Gopee-Scoon: Mr. Speaker, could the hon. Member repeat the answer to part (a) please?

Hon. J. Warner: The answer is, a contract has been awarded and it would be signed in the next few days. I said so.

Mrs. Gopee-Scoon: I do not understand, through you, Mr. Speaker, how a contract could be awarded without the signature being done. Is a contract in place? When was it signed? What is the date of signature?

Hon. J. Warner: Let me put it another way for you then, more simply, I hope. The contract documents have been prepared and are awaiting signature.

Mrs. Gopee-Scoon: So you are saying that the resumption of work—the work would begin on Thursday coming prior to the signature of the contract? Will the Ministry of Finance be prepared to release funds for completing work under that contract given that it started without any contract in place?

Hon. J. Warner: You know, I was praising the Member for Point Fortin just now, I will take it back you know. But I said just now that mobilization begins tomorrow. They would begin to put their tents and, of course they would have sheds, tools and they would have workers tomorrow. That shows confidence in the Government, and I want to continue to praise you for our joint collaboration on this project. Please, do not behave like other persons.

Mr. Imbert: Could the Minister state whether the financing for the project has been arranged?

Hon. J. Warner: Financing for the project is being arranged.

Mr. Imbert: Could the Minister explain why the construction work is beginning without execution of the contract?

Hon. J. Warner: I say again, Mr. Speaker, that mobilization begins tomorrow using the Ministry of Works and Transport's resources.

Carnival 2011 for Point Fortin and Environs (Details of Funds Identified for)

58. Mrs. Paula Gopee-Scoon asked the hon. Minister of Arts and Multiculturalism:

- (a) What is the quantum of funds identified for the celebration of Carnival 2011 in Point Fortin, La Brea, Fyzabad and Mayaro?
- (b) Through what mechanisms are the funds being distributed and accounted for?
- (c) Who will be responsible for the management of such activities?

The Minister of Arts and Multiculturalism (Hon. Winston Peters): Thank you, Mr. Speaker. The answer to part (a) of the question: the quantum of funds identified for the celebration of Carnival 2011 in Point Fortin, La Brea, Fyzabad and Mayaro is \$457,000: [*Interruption*] Point Fortin, \$200,000; La Brea, \$58,000; Fyzabad, \$49,000 and Mayaro, \$150,000.

Part (b) of the question: funds are distributed through the Regional Carnival Committee of the National Carnival Commission (NCC), to Carnival committees

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throughout all regions of Trinidad. Committees account for funding through an audited statement submitted to the NCC by May of each year.

2.45p.m.

It should be noted that committees are required to provide the NCC with the data sheet listing their executive members, name of bank and bank accounts and minutes of meetings. They also provide reports on the activities for the current season including; still photographs and video presentation and plans for the next season.

- (c) The representative Carnival committees are responsible for the management of Carnival related activities in their region.

Mrs. Gopee-Scoon: Supplemental question please to the hon. Minister. Could the hon. Minister identify the reasoning or the rationalization for the difference in funds granted to Mayaro as against La Brea and Fyzabad? There is a substantial difference of something of \$100,000. Are you in a position to identify the rationalization for this?

Hon. W. Peters: I would have thought that the Member would have been interested in what was happening in Point Fortin. [*Crosstalk*] No, I understand but I would think that she, for the benefit of the people in Point Fortin, hearing their representative's concern about what was happening there; but since she wants to find out about the difference in Mayaro and where—La Brea and Fyzabad, because the celebration in Mayaro covers Rio Claro, Biche and Mayaro [*Desk thumping*] and it is a larger celebration, and so it requires more funding. [*Desk thumping*]

La Fortune Housing
(Status of)

59. Mrs. Paula Gopee-Scoon asked the hon. Minister of Housing and the Environment:

- (a) Is the La Fortune Housing Project in Point Fortin completed?
- (b) When will the houses in this project be distributed?
- (c) Has the contract for the sewer system been awarded, and if yes, to whom and at what cost?
- (d) When will this sewer system project be concluded?

- (e) What is the system for distribution of the houses?
- (f) If it is the lottery system, what is the percentage allocation via such system?
- (g) If not 100 per cent, through what measures or mechanism will such houses be distributed?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):

Thank you, Mr. Speaker. Mr. Speaker, the question—part (a): The La Fortune Housing Project in Point Fortin is not yet completed, but, Mr. Speaker, the initial contract was awarded to PACE Construction Services Limited, to construct 309 housing units at an estimated cost of approximately \$85 million.

Mr. Speaker, since that award of the contract on April 6, 2006, there has been a variation—initially it was \$85 million for 309 units. The number of units was increased from 309, I am informed, to 488. Between the increase from 309 to 488 the variation sum is \$171 million.

So Mr. Speaker, they have moved from \$85 million—they have increased by \$171 million for a total contract sum of \$256 million. Mr. Speaker, I am further informed that the variations were based among other things, on oral requests made by the former managing director of the Housing Development Corporation who made requests to increase units, to change from louvres to steel windows, to add other finishing touches. Mr. Speaker, verbal instructions—it appears accounted for some large variation. Mr. Speaker, the project is not completed.

Part (b), Mr. Speaker, the project will be completed when the sewer system has been installed and in response to this, a contract for the sewer system has been awarded in February 2011, to the said PACE Construction Services Limited in the sum of \$10 million.

Mr. Speaker, in answer to (d) as well, it is expected that this construction of the sewer system project would be completed by July 25, 2011. Pursuant to part (e), we expect that these homes would be ready for distribution by the end of December 2011.

In response to another part of the question (e): “What is the system for distribution for housing units”?

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Mr. Speaker, the system for distribution of housing units is set out in Cabinet Minute No. 27:30 of September 25, 2008. The selection criteria:

- (a) To be considered as potential beneficiaries, applicants must fit into the following criteria:
- Applicants must be citizens of Trinidad and Tobago and have been residing here for the last five years preceding the date of signing a statutory declaration;
 - Applicants must be 21 years and over;
 - Applicants must not be the owner or part owner of property or land in Trinidad and Tobago;
 - Must be first-time home owners and;
 - The monthly combine income of the applicant and/or applicants must not exceed \$25,000.

Mr. Speaker, part (b) of the selection criteria:

Housing units will be allocated to beneficiaries under the following categories:

- 60 per cent via a modified random selection process;
- 25 per cent on the recommendation of the Minister with responsibility for housing to deal with special cases and emergencies;
- 10 per cent for the protective services; and,
- 5 per cent for senior citizens and physically challenged persons.

Mr. Speaker, in relation to part (g) particularly, 60 per cent will be allocated through a random selection category, of which this selection category comprises a weighing system. The random selection system utilized for the beneficiaries selected in the 60 per cent category will utilize the following scheme or method to determine priority:

- number of dependents residing in the house. This will carry a certain point system;
- length of time for application submitted to the Ministry. That also carries a certain point system.
- Ranking and selection of applicants by computerized draw.

The eligible applicants would be rank according to the weights allocated. Those with the highest weights would be deemed to be in the highest need and the selection procedure will be as follows:

- Each application is assessed based on the weights. A total score is given to each applicant.
- The draw is then conducted against the priority list together with the added criteria of location, that is, the potential beneficiary must have indicated a desire to live in the location that is being offered.

Mr. Speaker, in relation to the statutory declaration; all persons who are selected for a housing unit will be required to sign a statutory declaration before their allocation is finalized. The declaration will address the following areas:

- Residency and citizenship;
- property ownership;
- use of unit;
- occupation of unit;
- transfer or sale of unit.

Mr. Speaker, the selection for the randomly selected category will be done on a periodic basis by public draw. Members of the public will be invited to witness the draw. In the case of special emergency cases—beneficiaries under that category—Minister with responsibility for housing allocates units to victims of fires and, Mr. Speaker, may I underscore this by indicating that quite recently we were in a position, in record time, to provide 20 housing units to those persons who were affected. [*Desk thumping*] Those persons affected in the good constituency of San Fernando East, where I also reside.

Mr. Speaker, on that occasion we had the cooperation from the Mayor of San Fernando and the Member for San Fernando East, who was extremely happy that his constituents received those units. Regrettably, within a couple of hours he chose to sue the Minister of Housing. But I think he has withdrawn that matter.

Mr. Speaker, so we provide units to victims of fire, natural disasters and other special considerations. The protective services members are also eligible for selection under this category. At least one of the applicants has to be a member of the protective services: the fire service, the prison service or the defence force. We also provide for the physically challenged and senior citizens; and to be eligible for selection under this category at least one of the applicants must be physically challenged or over 65 years old.

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Mr. Speaker, just to reinforce in relation to (f), the percentage of allocations via the lottery system is 60 per cent and the others are broken up for special cases, protective services, senior citizens or physically challenged.

2.55 p.m.

I end by indicating that the project in Point Fortin, which is the subject of this question, we expect that this will be completed in December. Pace Construction Services Limited's managing director, Mr. Junior Joseph, has indicated as much to the Housing Development Corporation. They are working on this matter and we are completing the sewer system plant. They could not have finished earlier because of the variations and the reason for those variations.

We are also investigating further, issues involving this project, particularly the high variation. But the Pace Construction did advise via a report on Friday December 18, 2009—just to get the date correct, Friday, December 18, 2009—that they had been asked to have 75 units in phase one completed and ready for handover by the parliamentary representative for Point Fortin. In preparation for this, security was hired for those units which were completed.

However, the handover was cancelled and because of the size and logistics of these sites, these completed units were vandalized; doors, windows and cupboards were stolen, resulting in additional cost from the Remedial and Replacement Works Unit. These units are still vacant, so I imagine the Member of Parliament for Point Fortin would be disappointed that she asked for 75 units and they were not ready in the time that they were asked for, but I assure the Member that as December draws closer we will seek to satisfy the needs of the good people of Point Fortin and surrounding areas.

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

CONSTITUTION (AMDT.) (CAPITAL OFFENCES) BILL

[Second Day]

Order read for resuming adjourned debate on question [February 18, 2011]:

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: The debate on the second reading of the following Bill which was adjourned on Friday February 18, 2011, will be resumed: a Bill to amend the Constitution of the Republic of Trinidad and Tobago, to make special provisions with respect to capital offences.

Those who have spoken thus far are: Sen. The Hon. Anand Ramlogan, the hon. Member for Port of Spain South, the hon. Minister of Legal Affairs, the hon. Member for Laventille West, the hon. Minister of State in the Ministry of Education, the hon. Member for Diego Martin Central, the hon. Minister of the People and Social Development and the hon. Member for Arouca/Maloney.

The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan): Thank you very much, Mr. Speaker. As I begin, I feel almost jealous of the Member of Parliament for Point Fortin. She got \$200,000 for Carnival, a highway, a hospital. But it does show the policy of the People's Partnership Government which is to treat all sectors of the society equally—[*Desk thumping*]*—*and not to discriminate. Also, I forgot, Mr. Warner is giving her a water taxi service also. [*Desk thumping*] When you consider the speed with which the Minister of Housing facilitated the hon. Member for San Fernando East—his constituents—then, really, you have to admit, and my hon. colleagues on the other side would also admit, that this is a government that does not see the colour of your eyes; does not see the tint of your hair or the twist of your nose, but sees human beings equally when we dispense the policies and the largesse of the Government of Trinidad and Tobago. [*Desk thumping*]

I was reading last night, the Rev. Dr. Martin Luther King Jr. and I found a statement from Rev. Dr. Martin Luther King Jr. that is so appropriate that it characterizes the debate that is taking place here in this honourable Chamber. To quote the Rev. Dr. Martin Luther King Jr., he said:

“The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.”

That is where we stand in this debate: challenge and controversy, and it is for each and every one of us in this honourable House to make a self-determination, to examine the situation in our country as it is today with respect to crime, and to ask of ourselves: where do we stand in relation to our people; the people we claim to represent, the people we claim who are important to us, including the children of this country and including my little constituent, Daniel Guerra, whose life was snuffed out over the last couple of days, leaving grief to an entire community in Bedeau Street, Gasparillo, driving fear into the hearts of young children at the Gasparillo Government School and also, by extension, the children in the nation of Trinidad and Tobago?

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The *Economist* magazine of February 10, 2011 has a comment here. It starts with the headline:

“Crime in the Caribbean
In the shadow of the gallows
Trinidad debates the death penalty.”

It begins with a statement by Pentecostal pastor, Benjamin Agard. This pastor said as follows:

“We need the death penalty...that is the word of God.”

He was delivering a funeral sermon last month for Cecil Carrington, a retired police officer shot dead by bandits at the small hotel he owned on Trinidad's windswept east coast. This comes in the wake of this debate that is taking place here in this honourable House, where last year's murder rate of 36 per 100,000 people, was seven times that of the United States and 30 times that of Britain, but we trail Jamaica which was 53, Belize, 42 and tiny St. Kitts/Nevis, 40.

If you go back to Tuesday December 22, 2009, in this article from the *Newsday* newspaper: “Murder victims laid to rest” by Karl E. Cupid of the Tobago Bureau, this is at another funeral of two people in Tobago who were killed. In fact, Junior “Scarface” Collins and Deli Sandy had appeared before a Scarborough magistrate charged with the murders of Kenneth George and his wife, Daislyn Hunte, at their Canaan, Tobago home on December 12, 2009.

“In his sermon, Reverend Phillip Isaac strongly urged the authorities to implement the penalties as prescribed by law for criminal acts now prevalent in the country.

He stopped just short of identifying the death penalty (which is the lawful punishment for murder in Trinidad and Tobago) Drawing an analogy to the story of Cain and Abel in the Book of Genesis in the Bible, Isaac declared that just as the blood of Abel (who was killed by Cain) was crying out to God for justice, so too is the blood of George and Hunte and many other victims of murder in this country.”

And may I add, crying out for justice. To continue, Rev. Phillip Isaac:

“Unless punishment is exacted to fit the crime, he asserted, ‘this island paradise’ will become a ‘pasture of wickedness’.

Isaac declared that the country's jails had become a ‘safe haven’ for criminals, paid for by the victims of crime. He also had a word of advice for his fellow

clergymen: ‘The church has a responsibility to move as a battering ram against the gates of hell!’”

I therefore join this debate this afternoon, at a time when in the last couple of days, as I said, eight-year-old Daniel Guerra was killed, and every father and mother, every brother and sister, every one of them, cry out today for the loss, not only of Daniel Guerra—but for what can happen to every child in this country—whose body was found, if you may, and which autopsy says he drowned. I join this debate also when, in my constituency, just three nights ago, a 72-year-old gentleman was shot dead in a bar which he had run for 50 years, Mr. Rasheek “Pone” Khan. All he was doing was, in fact, making an honest living, working hard. If anything at all, the death of Daniel Guerra, eight years old, has caused me—and I hope it will cause every citizen in this country—to draw the proverbial line in the sand between the good and the evil; the good and the bad. [*Desk thumping*]

I have a duty, as a Member of Parliament, to influence my colleagues on the other side—particularly my hon. colleagues on the other side—to join the Government in its spirited efforts to create an environment for our citizens which is deemed safe and in which freedom from the fear of being robbed or even losing one’s life, is a reality. Citizens deserve to live free from fear, free from the fear of criminals, and the role of Government and the role of this Parliament is to ensure that this right to personal safety, to community safety, to national safety, is realized.

This Government is not unaware of the feelings of the population with respect to the high incidence of murder and crime, but equally, this Government will not relinquish its responsibility to act so as to secure the safety of citizens. And in pursuit of fulfilling that responsibility and in acknowledgment of the fact that our citizens expect us to control crime, this Government, the People’s Partnership Government, in addition to the support being given to the police by way of material and other resources, has also been bringing to this noble Parliament, legislation to put fear where the fear should belong, not in the hearts and minds of the decent law-abiding citizens; not in the hearts and minds of little children in the society, but to drive the dagger of fear where it really belongs, into the hearts of the lawless criminal minority in the society, the ones who are intent upon terrorizing decent citizens; you and I, and Members of this Parliament also, and you, Mr. Speaker, included, who go about our lawful work.

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For those of us who might have missed what the Government has been doing in terms of the legislation that has been brought for debate here and in the other place, may I recall those pieces of legislation: the Anti-Gang Bill; the Firearms (Amdt.) Bill; the Anti-Kidnapping Bill; the Interception of Communications Bill; procurement legislation; the Constitution (Amdt.) (Capital Offences) Bill which we are debating now; Prevention of Corruption (Amdt.) Bill; the Bail (Amdt.) Bill, the Miscellaneous Provisions (Remand) Bill, and to come, the elimination of preliminary enquiries. To back all that up, the police would also be facilitated, and the country would be facilitated, and justice would be facilitated, by having more courts, by introducing GPS technology in police vehicles, by increasing the number of CCTV cameras in high spot crime areas, by introducing the DNA lab, and introducing prison service legislation. [*Interruption*] My dear, honourable friend from Point Fortin asks, why what?

Mrs. Gopee-Scoon: Why did you remove the CCTV cameras from the Diplomatic Centre?

Hon. Dr. S. Rambachan: I would not tell you about the CCTV cameras that were on the highway that could not take a proper picture, and the pictures were blurred and you wonder how many million dollars were spent to take blurred pictures on the highway that they could not even read a number plate on the vehicles. Let us not go there. I intend to raise the level of this debate to a height which it has not been raised to this afternoon. I intend to respond to the cries of the citizens of this country. I want to tell the citizens of this country that they have a Government that is in control of this country, and, even as I speak, the Prime Minister of this country is meeting with the armed forces of this country and standing side by side with them as they go about the work of bringing back lawful activity and removing lawlessness from this country.

She is in control and she has gone out there and standing courageously side by side with the security forces, in order to ensure that citizens are safe in this country.

3.10 p.m.

Apart from this, this Government, the People's Partnership Government, handed over to the police over 130 high quality Prado vehicles since coming into office, the ones that were parked up after CHOGM and the Summit. A parliamentary process was used in which the Opposition was involved to confirm a police commissioner and deputies; a budget was provided to the Commissioner of Police. Having said all of this, you may be thinking that I am making some

form of excuse for the crime situation, I want to tell you far from it, I make no excuses. This Government is not like the previous Government. This Government says the buck stops with the government, and we have no intention of passing the buck. What we intend to do is to deal with the situation, and deal with it courageously and as the circumstances demand.

Mr. Speaker, you know sometimes when I listen to my friends on the Opposition side, sometimes when I listen to the contributions of hon. Members, I get the impression that they are happy, notwithstanding the fact there is so much crime stalking this beautiful land of ours. I get the impression sometimes by their behaviour, that they seem jubilant and even give the impression that they celebrate the killings that are taking place. I get the impression that hon. Members are telling the House and the nation at large that the PNM has failed to deal with crime detection and solving, and so they will be extremely joyful if the People's Partnership Government also fail to bring the criminals to swift justice. Mr. Speaker, this may not be the case—[*Interruption*]

Mr. Speaker: Hon. Member—

Mrs. McIntosh: Stand Order, 36(5), imputing improper motives—saying that we are rejoicing over murders. Mr. Speaker, that is very unfair to accuse the Opposition of rejoicing in murders in Trinidad and Tobago, our people, and I do not think that any Member on the other side should make statements like that. [*Desk thumping*]

Mr. Speaker: Hon. Members, I would like to indicate that we would not like the impression to be carried that the Members of the Opposition are in glee or are rejoicing over the murders that are taking place in our land. So I would ask the hon. Member for Tabaquite and Minister of Foreign Affairs, to not give the impression to Members on the other side and to the country by extension, that any Member in this honourable House is in glee or happy with the state of crime in our nation. It would be unfair to any Member of the Opposition or to any Member of this honourable House. So I would like you to be guided accordingly.

Hon. Dr. S. Rambachan: Thank you, Mr. Speaker. I am so guided, thank you very much. When I listened to the contribution of the hon. Member for Arouca/Maloney, she said that “crime fighting is a multifaceted approach that is yet to be understood by his government”, and that was in reference to the Member for Caroni Central. I want to ask the question, when you were in government did you not know that? Did you know that crime fighting was a multifaceted

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approach? Suddenly you are awakened to the fact that crime fighting requires a multifaceted approach? How come you did not recognize this and attack crime in a multifaceted approach?

The People's Partnership Government is combining laws, resources, strategies and capacity building, as well as introducing through the Ministry of the People the kinds of initiatives to deal with poverty, and to deal with some of the contributors to crime in the country. You have seemed to have conveniently forgotten what we inherited, and what we are dealing with in trying to rebuild the platform upon which we will fight the crime situation. Maybe you have conveniently forgotten the number of police officers we inherited when we came into office, when the last Minister of National Security admitted that you needed over 7,000 officers, but we had just about 5,600. Maybe you have forgotten what was the state of the barracks. Maybe you have forgotten the state of the police stations and the conditions under which policemen were working. Maybe you forgot about the quality of vehicles and the vehicle maintenance programme and the number of vehicles that were actually available for policemen and policewomen to do the job. Maybe you forgot about the Police Complaints Authority and how it was not functioning.

You know, you do not like us to speak about the past and really I do not want to speak about the past, but sometimes it is necessary to remind all of us, not to go back to the past, but to remind us where we are starting from, where this Government is starting from in terms of what we are doing. So as much as we hold ourselves responsible we also hold responsible those who are entrusted with the implementation of strategies to combat crime as well as to manage the police service. We know that people want action against the criminals, we know that, but action must follow due process, you cannot just take action, action must be lawful and a government must always act within the boundaries of the law.

If as in the case of hanging, the desire of the Government is being frustrated then the Government just cannot break the law to carry out its wishes. We live in a civilized society, we live in a civilized international world, and as such the law must be properly amended after due debate, so that hangings can be carried out. We must not do like what happened to Glenn Ashby and as reported in Amnesty International report 1995 Trinidad and Tobago, where there remains an issue as to whether Glen Ashby was hanged without completion of due process. And the Human Rights Committee said that no time was allowed by the government for the HRC to consider Glenn Ashby's case. But if I may, what was happening is that when the appeal was being looked at by the Privy Council at the same time Glen Ashby was taken to the gallows. Is that right?

We do not want to do that. We are not that kind of Government; we are not that blood hungry. What we want to do is follow due process. We want to pass legislation so that when we take people to the gallows, all that has to be exhausted in terms of their appeals and everything else will be done according to law and for that this Government will be respected and that is what this Government upholds in terms of the Government itself.

Mr. Speaker, in listening to the other side during the debate one would think that capital punishment does not exist in the laws. I got the impression that capital punishment does not exist in the laws and that we are debating really whether we should have capital punishment or we should not have capital punishment. That is one of the things that seemed to be pervading my mind and that the debate was about the introduction of capital punishment. And secondly, the Government, as suggested by speakers opposite, especially the Member for Arouca/Maloney, intends to abolish hanging by way of the classification of murders. [*Desk thumping*] That is the point the Member for Arouca/Maloney continued to make throughout her contribution.

Let us be clear on certain things; let us be clear. With respect to capital punishment, it is now the law in Trinidad and Tobago, if you are charged with murder and found guilty by a jury—and I have been mentored in this, by the very erudite and distinguished Member of Parliament for St. Joseph, who served as a Judge that the presiding judge—has to read the mandatory death sentence after asking you, the accused, whether you have anything to say.

That is the law and that is what has to be followed in terms of the law.

3.20 p.m.

Mr. Speaker, according to section 4 of the Offences Against the Person Act, Chap. 11:08, section 4 says:

“Every person convicted of murder shall suffer death.”

And the Criminal Procedure Act, Chap. 12:02 in section 57 provides:

“(1) Every warrant for the execution of any prisoner under sentence of death shall be under the hand and Seal of the President, and shall be directed to the Marshal, and shall be carried into execution by such Marshal or his assistant at such time and place as mentioned in the warrant; and the warrant shall be in the form set out as Form A in the Second Schedule;”

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Form A states that the person involved has been sentenced to be:

“...hanged by the neck until he be dead...President of the Republic”—in signing the warrant authorizes the execution in that manner.

That is the law.

On this point, there were some in the society who were calling for a conscience vote, but when we fought election, we fought it with crime as a major issue. We promised speedier justice. We said that justice delayed is justice denied. We all came, all Members of Parliament, into this with our eyes wide opened and in the fullness of the knowledge that we have a duty to carry out the law, and as representatives, we are the voice of the people. We operate on the basis of majority rule, and the poll suggests that the majority of people in this country want hangings as much as they want speedier justice. [*Desk thumping*] That is what they want.

Mr. Speaker, look at what has happened in Trinidad and Tobago. I brought with me to this Parliament today a number of cases, of children murder cases, and let me start:

January 16, 2010, *Newsday*, headline: “Beast in human form”.

Mrs. Gopee-Scoon: And where is the Children Bill?

Hon. Dr. S. Rambachan: “Wednesday’s night brutal murder of an 8-year-old boy, Quantia Hyndman, at Arouca, and the attempted murder of his 12-year-old sister Dinesha, were, probably, the most vicious and inhuman acts perpetrated on innocent children since the notorious Mano Benjamin deliberately blinded a teenage girl and set out to blind her sister as well, more than 40 years ago.

The description of Benjamin by the late President Noor Hassanali, who was the judge in that trial, immediately before handing down sentence, that he was ‘a beast in human form’...”

The article goes on to say that:

“...can readily be applied to the gunman, who, clearly, set out to shoot and kill young Quantia as a reported act of revenge for three drug related murders.”

Children have to suffer because of the sins of the adults, and that should not exist in a society. Children are innocent. And when you have situations like this, it is why this People’s Partnership Government is moving for the amendments that it

is moving for, in order to bring these beasts in human form to justice as quickly as possible, and to rid the society and to rid the earth of Trinidad and Tobago from such beasts in human form.

Mr. Speaker, just to read one more paragraph of this:

“Dinesha, who has been warded in critical condition was, reportedly, shot in the hip, back and stomach as she sought to escape the inhuman beast, who may have been convinced in his twisted mind that he was merely doing a job.

It is true that we have become accustomed to the brutal murder of children in domestic situations”—that might be so. We might have become this way because of the callousness of the crime—“but what could be worse than this?

We have crossed new frontiers with what is clearly the ordered execution of a child by criminals. It represents a new level of inhumanity in our land. It is clear that some people are now willing to kill children for a fee.”

How many of us remember Sean Luke, six years old? Headline: “Sean Luke, 6, buggered with canestalk, killed”. Six-year old buggered until dead.

“Pathologist Dr Eastlyn Mc Donald Burris found during a preliminary examination yesterday that the killer inserted a sugarcane stalk into the boy’s rectum and pushed it until it reached the child’s throat.”

I do not take any delight in reading this. I do not take any delight, but it is necessary to show the inhumanity of the brutal beasts, the murderers in this country, upon children and that I should—I want to use the word carefully—excite our passion to do something and to do it now, and to do it by way of amendment to the Constitution, so we can get this passed. How many of us remember four-year-old Emily Annamunthodo who was raped—*[Interruption]*

Mrs. Gopee-Scoon: Oh, please man!

Hon. Dr. S. Rambachan: Why do you not want to listen?

Dr. Browne: Did you get permission from the family?

Hon. Dr. S. Rambachan:—buggered, burnt with cigarettes and the inside of her mouth, injured, died at the San Fernando General Hospital after years of torture at the hands of people close to her?

Who has forgotten another Central toddler who was murdered July 07, 2008? Three-year-old Roshni Ramdial, pronounced dead on arrival at Chaguanas Health Centre. The child was beaten. Who would forget on July 01, in Mayaro, nine-month

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old Rakeem Ricardo Clarke, clobbered to death with a “dabbler”, a thick wooden paddle used to flip roti. Who would forget Diana Henry, December 12, 2010? Tears streaming down her face, she was struggling to come to terms with her daughter’s murder. Tecia’s body found stuffed in a dirt hole, a stone’s throw away from her home. How many of us forget all of that?

We must remember it because it must inspire us, it must drive us to deal with the situation. How many of us remember the story, June 08, 2008: Hope Arismendez, eight years old, raped, beaten, throat slit, and her body left for five days in a cane field by her mother’s boyfriend. You asked about the Children Bill. The Children Bill is going to be brought by this People’s Partnership and it is going to come. *[Interruption]*

Dr. Browne: When?

Hon. Dr. S. Rambachan: It is going to come before this Parliament. We are going to debate it and I hope that as much as you ask for it, you will stand and support it and not run away from your responsibility. *[Desk thumping]* You will not do that. *[Interruption]*

Dr. Browne: Why did you not support it?

Hon. Dr. S. Rambachan: You will stand and support it just like you are asking. It is coming and it is going to be brought here, debated here and you are going to help us make it into the law if your hearts are crying out so much for children. *[Interruption]*

Dr. Browne: Would the Member give way?

Hon. Dr. S. Rambachan: If you are so concerned about children, then come out and do something about it. *[Crosstalk]* It is before the Law Reform Commission, by the way.

Dr. Browne: Member, would you give way? *[Crosstalk]*

Hon. Dr. S. Rambachan: Mr. Speaker, as representatives responsible to the rule of law, we must, in our thrust to deliver speedier justice and resume hangings, follow due process. You did not want to hear about Glen Ashby. You probably do not want to hear about due process. We wish to abolish hanging. The Member for Arouca/Maloney said that we wish to abolish hanging, and you said because of that we are classifying murder.

Miss Hospedales: That is what you were doing.

Hon. Dr. S. Rambachan: I say to you, what a misleading suggestion. Just like it was misleading earlier today when I think the Leader of the Opposition went on the radio and made some pronouncements about the tax legislation and what have you, and claiming that we want to bring back higher taxes and what have you—[*Interruption*]

Mr. Imbert: Double.

Hon. Dr. S. Rambachan:—when right here, on the Supplemental Order Paper on Friday, February 18, 2011, the Lands and Buildings Taxes Bill, 2011 was brought back before this Parliament to be debated, which is the old Bill. You are misleading the population about what this Government intends. It is mischief. Do you know why it is mischief? It is mischief because you have plotted and have done all kinds of things to try to erode the confidence that the people have in the Prime Minister of Trinidad and Tobago and in the People's Partnership, and you have failed! [*Desk thumping*] You have failed! You have failed and you have failed. And now that you have failed, you are indulging in a new game. [*Crosstalk*]

Mr. Speaker: Member for Arouca/Maloney, Member for Diego Martin Central and Member for Point Fortin, I know that you are anxious to speak a second time although you have spoken already. I would like you to really allow the Member for Tabaquite, the Minister of Foreign Affairs, to speak in silence. Please, I have noticed the chorus coming from those three Members on that side, so I ask you to give the fullest cooperation to the hon. Member for Tabaquite and let him make his contribution in silence. Please! Continue, hon. Member for Tabaquite.

Hon. Dr. S. Rambachan: Thank you, Mr. Speaker. As representative, I was saying, we are going to follow due process and we are going to do all we can do in order to bring murderers to justice.

The Member of Parliament for Arouca/Maloney was arguing that we want to abolish hanging. I have it here. I have it in the *Hansard*. What a misleading suggestion. The amendment clearly classified murders as 1, 2 and 3, and there are descriptions in there of what type of offence qualifies a murder 1, 2 and 3. Simple reading! Simple reading! [*Interruption*]

Miss Hospedales: No, it is not.

Hon. Dr. S. Rambachan: Those kinds of classifications are found in other jurisdictions, and the other jurisdictions will tell you—and writers and researchers will describe it as even progressive in terms of the thinking. But you know what?

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I did not hear compelling arguments from the other side against classification. I heard a lot of babbling and I heard a lot of noise being made, but I did not hear compulsive arguments. I did not hear that. I am reminded though, that in October 2000—I think it was October 13, 2000, around there—the then PNM tabled a Bill entitled “Offences Against the Person Bill”.

Dr. Browne: In October 2000?

Hon. Dr. S. Rambachan: I think so. Somewhere around—[*Interruption*]

Dr. Browne: The Bill was in 2000?

Mr. Imbert: The UNC.

Hon. Dr. S. Rambachan: The Bill was tabled—UNC—[*Interruption*] The Bill was tabled. It was unanimously passed without amendments and with the full support of the then Opposition. Sorry, with the full support of the Opposition.

Dr. Browne: The then Government.

Hon. Dr. S. Rambachan: Full support and it sought to classify murders. Murders were characterized to strike a balance and appreciate the varied circumstances in which a murder can occur.

Mr. Speaker, there is a quotation by George Bush that I want to read for you—[*Interruption*]

Dr. Browne: What!

Hon. Dr. S. Rambachan:—and one by a judge of a court in India. George Bush said:

“I support the death penalty because I believe, if administered swiftly and justly, capital punishment is a deterrent against future violence and will save other innocent lives”.

A statement made by George Bush.

Dr. Browne: Father or son?

Hon. Member: Holy Ghost.

Hon. Dr. S. Rambachan: Mr. Speaker, in 1996 in the United States, in California, the Anti-Terrorism and Effective Death Penalty Act was installed, and according to the Death Penalty Information Centre, prior to the implementation of the Act in 1996, the murder rate in California was 9.1 persons for every 100,000 people. By 2008, the murder rate in California had declined to 5.8 persons out of

every 100,000 people. In 1996, the murder rate in Alabama was 10.4 persons out of every 100,000 people, but by 2004 the murder rate had nearly been cut in half, dropping down to 5.4.

If one is uncertain about the connection between the creation of the Act and the decline in the murder rate, then look at China and look at Singapore, both countries have the highest execution rates. Between 1994 and 1999, Singapore's execution rate was the highest in the world. United Nations, in fact, estimated that around 13.57 executions per one million people. But you know what? Both countries also have very low crime rates.

3.35 p.m.

And what is evident from these statistics is the point that I made at the beginning, drive the dagger of fear where it belongs; and that the fear of death provides a strong preventative measure for those considering committing flagrant crimes.

Mr. Speaker, in my view, the strength of our laws must be a reflection of the circumstances and the situation which the law is intended to address. It appears to me that there is a threshold, in terms of the consequences, that defines behaviour. For example, with respect to drunk driving, despite what appears to be increases in the fines being imposed, people drink and drive, somehow the fines do not seem to deter them. Every day, you are reading in the newspapers, the fines are higher and the magistrates are imposing higher fines.

Fines are meant, not only to punish errant behaviour but to protect the innocent. And it seems to be, that this is what we have to do! The heinous crimes must not only be punished but justice must be swift. Too many innocent people are losing their lives due to drunken behaviour of others.

Similarly, our current circumstances and situations with respect to crime require drastic action. Drastic action! This law which we are debating introduces classification which will send a message that for heinous crimes, you are going to pay with your life. On the other hand, the law is progressive. The law is progressive, in that, Mr. Speaker, it recognizes that there are circumstances which may have caused aggravation.

Mr. Speaker, there is a case, *Rawle Kennedy v Trinidad and Tobago*, that is part of the Human Rights Library at the University of Minnesota. I want to quote a section of it which says:

“It is argued that the stringency of the mandatory death penalty”—and they were talking about Trinidad and Tobago—“for murder is exacerbated by the

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Murder/Felony Rule in Trinidad and Tobago, under which a person who commits a felony involving personal violence does so at his own risk, and is guilty of murder if the violence results even inadvertently in the death of the victim.”

Compelling argument in terms of classification.

“The application of the Murder/Felony Rule, it is submitted, is an additional and harsh feature for secondary parties who may not have participated with the foresight that grievous bodily harm or death could possibly result from that robbery.”

And I introduce this paragraph here from this document because I believe that it makes the point, an important point about the need to classify where people maybe, inadvertently, may not have contributed and yet the law says they must go to the gallows.

Mr. Speaker, “no one will be hanged has been the mantra of the Member for Diego Martin Central in his contribution. No one will be hanged. If it is that you want hanging and you want it to be done speedily, Member for Diego Martin Central, how come you did not set time limits for the International Human Rights Commission? Why did you not set it? You are now suggesting it. Why did you not do that before? Why did you not introduce legislation and do it? Why did you not come to Parliament for reform of the legislation? You had nine years to do it. Now, I ask you the question, who you really want to do the hanging, us or you? You never did it. If anyone never acted, it is you who never acted and because you never acted, you allowed the criminal situation to deteriorate and get to the point where it got today.

Hon. Member: Nonsense!

Hon. Dr. Rambachan: Because you never acted! You never acted!

Mr. Speaker: If you address me, you will avoid the “you”. Just address the Chair, please.

Hon. Dr. Rambachan: Thank you. Mr. Speaker, when I listened to my colleagues on the other side, I cannot help but conclude that they were not interested in bringing down the crime statistics in this country. You could not have been interested otherwise you would have done the things we are doing. You would have brought and debated those packages of legislation that we are debating. You would have given the support to the police. You would have gone out like the Prime Minister is going out and meeting the people on the frontline

and motivating them and inspiring them with her presence on the frontline; and letting this nation know that she stands and that she is in control of the situation and that she has made crime her number one priority and that she is moving to do something about it. That is what you should have done but you never did that. [*Desk thumping*] Instead you spent \$83 million on Matrafski and what has come out of it? What has come out of it?

Hon. Member: What a shame!

Hon. Dr. Rambachan: Mr. Speaker, kindly allow me to cite the contribution of the Member for Arouca/Maloney who accused the Member for Caroni Central of living in a state of denial. She said, Mr. Speaker, that his language is dressed in flattery and deception. It is not the Member for Caroni Central whose words are quoted but I respectfully submit that it is the utterances of the Member for Diego Martin Central that are fully robed in half-truths and innuendos, all designed to malign and vilify this Government, in order to catch a cheap political glimpse of the television cameras, lacking substance, lacking compassion!

Mr. Speaker, I am sorry but the situation that confronts our country today does not give this Parliament the luxury to be irrelevant about a matter as taking back our country from the criminals; it does not allow that.

The Member for Diego Martin Central was highly irrelevant in most of his contribution. This is not the time for this honourable House to try to score cheap political points, the nation is bleeding; families are paining, because the guns that came into this country under the eyes of the PNM continue to ravage the people of Trinidad and Tobago and let us be straight about that.

Yes, Mr. Speaker, Members opposite, you come and behave as if crime is a new phenomenon in Trinidad and Tobago and that the People's Partnership Government should solve it overnight.

Hon. Member: Nine months.

Hon. Dr. Rambachan: It is just like that lady in Pleasantville who having lived for years in the most inhumane conditions with rats and vermin, inhabiting her apartment alongside her, wanted relocation right now, not tomorrow, right now, she told the Minister of the People and Social Development; you did not attend to that.

Mr. Speaker, this country will forever remember that it was under the PNM Government, that the murder rate in this country skyrocketed to the extent where the PNM's Minister of National Security was boasting that the 2009 figures will

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not cross the 500 mark. That was a big boast, when in fact the numbers were rising. Mr. Speaker, the PNM government was happy with half a thousand murders in one year so it would not reach 500. And today, a former Member of that Cabinet is coming here and pontificating and accusing this Government of doing nothing.

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. T. Gopeesingh*]

Question put and agreed to.

3.45 p.m.

Hon. Dr. S. Rambachan: Thank you, Mr. Speaker, thank you colleagues. Mr. Speaker, I agree it will require Herculean efforts to undo the damage left by the PNM, but let it be known that we on this side are determined to attack the problem and do so with full force. We shall do everything within the law, yes, within the law, to retake Trinidad and Tobago from the banditry and criminality of a few misguided persons who have been allowed for far too long to destroy families and ruin lives.

Mr. Speaker, the Member for Arouca/Maloney talked about our policies and what policies we have, well—and you were talking about whether we had policies and were implementing policies. Well, I want to ask my hon. friend from Arouca/Maloney, has she not seen the policies of this Government with respect to poverty reduction? Has she not seen that we have set a statistic of reducing poverty by 2 per cent per year? If she had gone to the constituency of my good friend from La Hoquetta/Talparo where an open day was held by the Minister of the People, I believe two days ago, 900-plus persons turned up for help in La Hoquetta/Talparo— [*Interruption*—2,000 turned up for help.

You are telling me that you had a second oil boom and yet 900 to 2,000 persons are turning up for help in a constituency—you left people poor in this country like that, after another oil boom and money passed through like a dose of salts through this country. Have you heard, Member for Arouca/Maloney, of the agricultural revolution under the Member of Parliament and Minister of Food Production, Land and Marine Affairs, Minister Vasant Bharath, where in the ADB loans have been reduced from as high as 8 and 11 per cent to 3 and 5 per cent? Have you heard about the \$50,000 available now to farmers and that they could

get as unsecured loans? Have you heard of the fact that people who hitherto were not eligible to get farming subsidies, now that they have proven to be using the land they are now eligible for farming subsidies? This is why you are going to have an agricultural revolution, because of the policies [*Desk thumping*] of the PP Government in this country.

You talk about policies, how about the expanded GATE, as we develop the knowledge society? How about the computers we distributed in order to create knowledge competitiveness in a globally competitive world? How about the strong legislation on crime? How about the Member of Parliament, the Minister of Sport and Youth Affairs in his Sports Excellence Programme, in which he is developing the sporting community—how about that policy of giving to youths so that they can develop their sporting skills and excellence?

Mrs. McIntosh: Standing Order 36(1) relevance, Mr. Speaker, I am hearing about sports, I mean what is the relevance to the Bill, Mr. Speaker.

Mr. Speaker: That point of order is not sustained. Continue. [*Desk thumping*]

Hon. Dr. S. Rambachan: Thank you, Mr. Speaker, because the point I am making is that all these policies of the Government are meant to move the youth from the crime line to the line of jobs and to the line of potential [*Desk thumping*] development.

Mr. Speaker, the Member of Parliament for Arouca/Maloney in her contribution complained that two Bills were passed before this House despite the views of the Members opposite. But I want to say something to the Members opposite, when you were elected to come to this Parliament they elected you to sit here and under the most complex situations, and under the pressure you are getting from a unity Government, the People's Partnership Government, that you should sit here and you should debate, but not walk out of the doors and run away when the pressure was put back on you, like you did on that Friday. [*Desk thumping*] And you abandoned your duty to the people, and the people should not forgive you for it, like they did not forgive you on May 24 of last year, because you abandoned your duty by walking out of this Parliament—

Dr. Browne: Standing Orders 36(10). Nonsense! Nonsense!

Mr. Speaker: Not sustained! Continue! [*Desk thumping*]

Hon. Dr. S. Rambachan: Mr. Speaker, the hon. Member for Arouca/Maloney in her contribution in the *Hansard*, you said you agreed with the Member for St

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Augustine, that the Government will be judged for what it has actually done, I agree, I agree. And you said they will be judged for closing down SAUTT, but you did not say that SAUTT was an illegal organization; you did not say that it was an organization that created elitism, and an elite group and undervalued regular police officers. You did not say all of that. You said for cancelling the OPVs, but you did not say that we refused to buy lemons, and we refused to spend the money of this country on a boat that could not work, which soldiers coming back who have been trained there said that there were faults on that boat—from the horses' mouths themselves. You talked about—I can go on and on but I have made the point, a point to you this afternoon.

Mr. Speaker, it is from that PNM sense of neglect that the People's Partnership draws its strength and its resolve to protect the citizens of this country with the Bill we are debating here today. Suggesting that this Government is responsible for pauperizing the society, the Member for Arouca/Maloney said the public will judge us by what we do, and yes, she is correct. The population of Trinidad and Tobago will remember it was this Government that had the tenacity to hire a police commissioner when you did not do it for a long time.

Mr. Speaker, by the same token it will never forget, the people will never forget that the greatest resistance to the appointment came from Members opposite, yet they come here to say we are doing nothing about crime. Mr. Speaker, it is disheartening, just disheartening to listen to what they are saying. We talk about what is happening in this country; let us go back to what happened when you were in office, things that you do not want to hear; but things that have driven the people of this country, to want this Government and they are supporting this Government, when it comes to the matter of crime and fighting crime. I mean, Mr. Speaker, you know there was a series of articles in the *Trinidad Guardian*, and it was entitled “Express kidnappers—30 victims in two months”. Just listen to a description of one of the victims:

“Hands tied behind her back”—2007—“with duck tape plastered over her mouth and a pair of head phones over her ears, her daughter was raped by the three men who stood guard over her during captivity. The music was so loud in her ears that it helped distract her from the pain of the assault. She screamed in her head because she could not open her mouth.

She tried to concentrate on the music instead of focusing on the violation of her body, but her powers of concentration were no match for the brutality.

The duck tape was yanked off and she was forced to submit herself to every form of sexual abuse by her three kidnappers. It was degrading and humiliating, but the worse was yet to come.”

And I would not want to read—I have respect for the public but I tell you something—and this is what our people face, this is what our people face and this is why we have to make this kind of intervention, this strong intervention, in order to deal with these matters. Member for Point, Fortin since you are encouraging me to read, I will read for the benefit of the hon. Speaker of this House.

“She was spread-eagled on the floor, naked, belly down and sodomized by all three me. Taking turns, two of them stood on her hands while the third man raped her.”

This is from the newspaper, Mr. Speaker, this is what the situation is in our country, that is the situation and that is what they presided over for nine years, they presided over that, Mr. Speaker. [*Desk thumping*] The brutality of our women in the society, the brutality of our children that I read out to this honourable Parliament. And why should I not read it? The people of this country want a response to that, and it is this People’s Partnership Government that is going to give that response to them, [*Desk thumping*] and that is why we are here. This is our responsibility, Mr. Speaker, our responsibility we must not shirk from, we must not run from.

Mr. Speaker, there is a paragraph with which I wish to close my contribution this afternoon and the paragraph reads as follows:

When it boils down to it the death penalty has many more benefits than consequences. Capital punishment helps greatly aid the prevention of egregious crimes that permeates society. Where would we be without the death penalty? Where would we be? Do we really want to live with the fear of knowing that people who commit atrocious crimes will continue living, thus having the potential to kill again? Is that what we want? Is that what we want? Do we want that?

3.55 p.m.

Mr. Speaker, is that what we want? Mr. Speaker, they do not want to hear. They do not want to hear. But you know, I cannot avoid—just listen to this. I want to read one more. This is about a kidnapper and the experience of the person who suffered. Why do you not want to hear it? Why? This is what you presided over, this is what you did not fight. Member of Parliament for Port of Spain North/St. Ann’s East, you were not there, you were not there and I excuse you. You were not there, but this is what they presided over and this is what the people

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voted against when they had the opportunity to see that there was one woman in the society who had the courage to lead a partnership that will take us out of this demise we have been cast into. [*Desk thumping*]

Mr. Speaker, just listen to this:

He finished eating, and as the bag was being lowered over his face again he begged for some water, his pleas were ignored. The bag was tied, he cursed the men, telling them he was dying of thirst and needed something to drink. They ignored him and left—heinous. Later on that day some men visited. He was slapped and told that his father wanted to speak with him and that he had better tell him to pay the ransom—a flicker of hope. He said he was not talking to anyone, unless he got something to drink and was allowed to clean himself up. One of the men said, “look open your mouth and drink this”. He felt a warm burst of liquid on the bag it tasted funny, but he could not care less, it stopped and one of the men laughed and said “like he like the pee boy”.

Yes, that is what we have, that is the criminal mind and the criminal intent and I intend to shock this nation with reading these things into the reality that we must come together as a nation. If crime has to be beaten, we have to come together as a nation and my appeal this evening is that we come together as a nation in the name of even my eight-year-old constituent Daniel Guerra; young Daniel Guerra; that if anything must unite us as a nation against the criminal elements it must be the innocent blood of the children which has been shed on the sands of this land.

Mr. Speaker, they laughed. They laughed at the victim. They laughed! Is that what we want? Why do we want to forget all of that? Why do we not want to listen to this? Why do we not want to do that? Yes, Mr. Speaker, this is what is happening in this country, and this is what is going on in this country and this People's Partnership Government has taken on headlong, the fight against crime. Every single one that you see on this side is committed. Every single one of us has drawn the proverbial line in the sand between the good and the bad, the good and the evil, and the good is going to triumph, because truth always wins. We are a courageous Government, courageous enough to bring the legislation and to debate it, courageous enough to take the hard decisions that we need to take in the interest of this country.

Mr. Speaker, the number of people who have had to run from this country—the number of people who have had to run from this country when they should be enjoying their lives in this country have had to go. Why? We must stop that! We must stop that! I would like to remind my hon. colleagues on the other side that

the biggest number of persons leaving this country are between 18 and 35 years of age, the greatest number. Statistics show that we are losing—under your administration we were losing 11 per thousand, that is the net emigration rate out of Trinidad and Tobago, 18 to 35 represents your knowledge people, the people who are going to University and the people who have knowledge. The world in the future will compete on the basis of knowledge and if you lose your knowledge people because they are afraid of crime here, you lose your ability to compete and you lose your ability to be part of the future. Just like when the life of a child is snuffed out, they snuff out our future with the life of that child. We must fight. We must fight headlong for all of this. We must do that!

You know the Member for Arouca/Maloney said, we are doing nothing in this country. We are doing nothing in this country. I want to say that just today, my Prime Minister visited the Mount Hope Hospital—the Eric Williams Medical Complex—where Dr. Tabin, who is a world famous surgeon in terms of cataract surgery was training people. So that the 8,000 cataract—well I should say the people who have not gotten cataract surgeries who were left by your Government, the backlog of 8,000 will be reduced within the next seven to nine months, with the new methodology that they have brought in. [*Crosstalk*] But you should be happy. So you say we are not doing anything.

The Minister of Education has three schools to open. He has built a school in Charlieville; he is building one in Balmain, he is designing one for Riversdale in Gasparillo. Things are happening in this country, and you say things are not happening in this country? You deliberately do not want to see. [*Crosstalk*] Maybe you guys have cataract that you cannot see what is happening in this country. You know why you do not want to see it because you cannot believe that this People's Partnership Government will still be sitting here unified like this, working hard and standing strong, you had hope for something else? I am sorry if it did not happen! [*Desk thumping*] Sorry it did not happen to you.

Mr. Speaker, the hon. Member for Diego Martin Central took issue also with the democracy that prevails in the People's Partnership and he cited one statement by the Member for Chaguanas East saying, we should not return to the hangman while the Member for St. Joseph favours the process. Mr. Speaker, it would seem to me that thinking out of the box, and exercising a new dimension to the politics seems anathema to Members opposite. As I know, a fear resides deep within the PNM. One man in that party who never sits here to listen to the debates, such is the disrespect for the Parliament, he never sits here. He has been placed here—the Opposition leader he always goes somewhere else. He has been placed here by the

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people to come and listen and participate in the debate but he is never here. One man in that party opposed his political leader and he was fired by the Cabinet, called all sorts of names and was even scorned by some who sit with him in this very Parliament. You see, Mr. Speaker, we have a philosophy in this Government, that it is okay to express one's self, because it brings out the truth in us, but when it comes to a collective approach, when it comes to unity, when it comes to a People's Partnership, we know where our strength lies and Members opposite, remember what I am saying to you today, remember this unity that you see here only too well, it is here to stay and it will survive beyond.

Mr. Speaker, with all the rebranding and healing inside the PNM, the public handshaking and broad smiling, no Member opposite could do like us on this side and speak the truth of how they feel about certain issues within their party. No one opposite would dare openly criticize the political leader, no one would dare—he was fired. So, the Member for Diego Martin Central should not come here and waste our time on our business; our business is our business. What happens in this House stays inside this House. [*Crosstalk*]

Miss Thomas: Your business is our business.

Hon. Dr. S. Rambachan: Instead you should really come here Member for Diego Martin Central and apologize to the nation for your neglect in dealing with the criminals, that is what you should be doing. Having said that, Mr. Speaker, I hope somehow that we could introduce legislation, that would bring to justice those in authority, who for whatever reason would have failed to protect the lives of our citizens and those who visit our shores. Mr. Speaker, the punishment for such neglect must go beyond a removal from office. And subject to the legal prescriptions, I am suggesting that there should be some form of reprimand for those whose inaction have caused the deaths of others or the delay in bringing to justice those responsible for murders.

4.05 p.m.

Mr. Speaker, under this People's Partnership Government, we have created a Minister of Justice, we have an Attorney General, we have a Minister of Legal Affairs and we have one of the most brilliant lawyers in this country in the form of our Prime Minister of Trinidad and Tobago. [*Desk thumping*] We have that. Our Prime Minister saw the necessity to create a Ministry of Justice. We have a man who had the courage of his convictions that when this country needed him, he left his cushy job, where he could have been safe and retire with a fixed pension, but he came into the fray and contested a seat—he did not ask for a

senatorship—so that he could put his bucket down and do something with the skills he has for the sake of his fellow citizens of Trinidad and Tobago. That is the commitment that resides on this side in the fight against crime.

The creation of the Ministry of Justice was the brainchild of the Prime Minister of Trinidad and Tobago, and she reorganized in order to ensure that we could deal with crime in this country.

Miss Hospedales: That is not true.

Mr. Jeffrey: Mr. Speaker, Standing Order 36(5).

Mr. Speaker: Do you want to explain?

Mr. Jeffrey: Mr. Speaker, he is claiming that certain qualities reside on that side, he is imputing that we do not have those qualities here. [*Desk thumping*]

Mr. Speaker: The point of order is not sustained. [*Interruption*]

Hon. Dr. S. Rambachan: Mr. Speaker, there is a pretence for intellectualism that remains very vacuous in the society. [*Desk thumping*]

Mr. Peters: That is a statement of fact.

Hon. Dr. S. Rambachan: I had the opportunity and the good fortune of lecturing to my erstwhile friend, the Member of Parliament for La Brea, and he was a good student, but maybe I need to go back into the classroom and re-invite him so that I could lecture again in this regard.

Mr. Speaker, Members opposite could try and criticize as much as they want, but the fact remains that this Government is demonstrating that it is serious about solving crimes by bringing criminals to justice in the shortest possible time. We are serious! That is why I read to you the package of legislation that has already been brought to this Parliament. No government has in the face of eight and a half months brought a package of legislation like us. No government has done that, and you say that we are not doing anything! [*Interruption*] Whether you say it is PNM legislation or not, why did you not bring it? Why did you not do something with it? Why did you not implement it? The fact is we have brought it, we are debating it, you are part of the debate, you have a responsibility to debate and the country will call on you to be responsible in order to implement it, because the country comes first, and the country stands above all of us here in this Parliament. We are answerable to the country and we will do what the country requires us to do, in this case, and pass the legislation.

Capital Offences (Amdt.) Bill
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Mr. Speaker, in disrobing as I, perhaps, have done this evening—disrobing the PNM’s horrendous track record—we have exposed their dismal failure in crime fighting, all because of their complicit alliances.

Mr. Speaker, hon. Members opposite should have no difficulty in supporting this Bill. I am glad to hear that you support hanging. I am glad to hear that, because these measures will not discriminate, but rather secure your support. Your supporters want hanging in this country as much as our supporters, but you still intend to put blocks in the way of it happening.

The fact that the PNM has failed miserably in its crime fighting initiatives is the reason why they do not want to listen to the atrocities. That is why they do not want to listen to what their fellow citizens—the ones you say you love—went through in the era of kidnappings. That is why you do not want to listen to the horrendous experiences that people have had.

Mr. Speaker, Members opposite are duty bound to support this legislation. Close your eyes to the fact that it is not you proposing the workable measures. Do it for those whom you say you love; do it for those whom you say you care for. That is what you have to do.

Mr. Speaker, do we really want to live with the fear of knowing that persons who commit atrocious crimes would continue living thus having the potential to kill again? Do we want that? Do we really want that? The death penalty is a valuable aspect of society, but our legislation as we have proposed it, is going to apply the death penalty for the most heinous of crimes.

Mr. Speaker, when we question and bargain with the death penalty, we do a terrible thing, because we are questioning and bargaining with the safety and well-being of the society, and you must not do that. When you question and bargain with the death penalty, you are questioning and bargaining with the safety and well-being of the society. That is what you are doing.

Mr. Speaker: Hon. Member, you have four more minutes.

Hon. Dr. S. Rambachan: Mr. Speaker, with stricter laws and justice for the victims in place, it is hoped that though we cannot revive a Hope Arismendez; though we cannot bring back a Sean Luke; and though we cannot bring back Daniel Guerra—I am glad he has touched your heart. I saw you outside there standing in solidarity, and I compliment you. I compliment you for it. You showed that sense of nationalism and that is good. That nationalism should now cause you to walk over and come on this side where nationalism really resides. [Desk thumping] Mr. Speaker, we cannot bring back all those children.

We cannot compensate those who have suffered the pains as I have described in my contribution, but we can do one thing if we are true to our cause; if we are true to our consciousness; if we are true to the mandate and if we are true to the concept of representation, we can quietly restore the hope we have lost for our children in Trinidad and Tobago, and we can bring back a sense of stability and lawful activity in this country.

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

Miss Donna Cox (*Laventille East/Morvant*): Mr. Speaker, thank you very much. I am happy to contribute to the Constitution (Amdt.) (Capital Offences) Bill, 2011. This Bill seeks to amend the Constitution in relation to the implementation of the death penalty to categorize murder, supposedly to establish and define murder 1 as the category of murder that would be punishable by death.

Mr. Speaker, I will observe Standing order 36(1), I will try to be relevant. [*Desk thumping*] I am not going to stand here and try to talk out the time allotted to me if I have nothing relevant to say in relation to this Bill. [*Desk thumping*]

Mr. Speaker, the general opinion toward the death penalty is summarized by American Scholars Ellsworth and Gross and I quote:

“People feel strongly about the death penalty, know little about it, and feel no need to know more.”

However, it is the duty of the Members on this side to relay to the people of Trinidad and Tobago what this amendment truly entails.

Mr. Speaker, I think it is correct for me to say that history is again repeating itself as it concerns capital offences, and further applying the death penalty in our nation. It was in the year 2000, that this said issue came to the fore spearheaded by the then UNC government now a UNC coalition. The PNM was in Opposition then, and the effective Opposition we were then is the effective Opposition we are now [*Desk thumping*] ensuring that proper and effective legislation is passed; legislation that benefits the people of Trinidad and Tobago.

Mr. Speaker, this legislation will only make the possibility of hanging weaker. We on this side will ensure that all pieces of legislation are well put together in a legally constituted framework. From the outset, Mr. Speaker, I must state that we support the law of the land, and the law of the land says that everyone convicted of murder shall suffer death.

We cannot support this Bill in its current form. I would hope that Members opposite consider the points that are raised and suggestions offered during this debate. It

is the issue of murder that causes this debate, an offence that has ramifications beyond legal principles whether in Parliament or judicial settings, and it is an issue that affects many states within the Caribbean, the Commonwealth and the international community.

In examining the Bill, I want to pay special attention to specific clauses. Clause 6C(1)(a) states that subject to subsection (2) a person shall suffer death if he is convicted of murder 1. Murder committed in the following circumstances is murder 1, that is, the murder of members of the security forces, prison officers, judicial and legal officers acting in the execution of their duties.

I understand that a new National Intelligence Agency will begin operation on September 01, 2011. I would like to suggest that employees of this agency be included under clause 6C(1)(a). Additionally, the immediate family members of the security forces—prison officers, judicial and legal officers—in the National Intelligence Agency should be covered under this clause 6C(1)(a).

Mr. Speaker, SAUTT was dismantled and I hope that the Government knows what it is doing. SAUTT's original mandate was to focus on crimes of national significance like kidnapping, extortion, terrorism and serious organized crime. Gang-related homicide was added to its list of priorities in 2008, and SAUTT is a key agency in the fight against crime.

Mr. Speaker, what will happen to all the highly trained officers of SAUTT? There will be, of course, a significant loss of investment in manpower and human resources and low morale for those who would now have to be reabsorbed into the prison service, police service and defence force and so on, and they will be now working with a reduced income. I understand some may be on the breadline.

I am informed that over the past three years SAUTT has presented over 200 homicides. In one night alone, 10 potential homicides were prevented. Mr. Speaker, there are many gang leaders in prison because of the efficient work of SAUTT, and by disbanding SAUTT I hope all the investigators will return to give evidence against the gang members who are in custody. If they are released, there may be acts of retribution.

Mr. Speaker, I am concerned about the several pieces of sensitive information in SAUTT's database. We need to be careful that this information does not get into the hands of the criminal elements. I want this Government to reconsider the dismantling of SAUTT, because this will have a detrimental effect on the detection and murder rate in this country. [*Desk thumping*]

Mr. Speaker, in 6C(1)(b), it states that murder 1 can be categorized as:

“the murder of any person or the immediate family member...for any reason directly attributable to—

- (i) the status of that person as a witness or party in any pending or concluded criminal proceedings; or
- (ii) the service or past service of that person as a juror in any criminal trial;”

Mr. Speaker, the same protection offered by this paragraph for family members of witnesses and jurors should also apply to the immediate family members of the security forces as well.

Mr. Speaker, with regard to the definition of “immediate family”, I see that there are no provisions made for persons in cohabitational relationships also known as common-law relationships. I think this should be added to the definition because cohabitational relationships are recognized by the Cohabital Relationships Act, and there is a definition of “cohabitant” in that Act.

Mr. Speaker, at 6C(1)(c) it says:

“any murder committed by a person in the course or furtherance of an arrestable offence involving violence;”

is categorized as murder 1.

Mr. Speaker, the concept of arrestable offence with regard to murder 1 is too wide. Does this mean that every death as a result of domestic violence is murder 1? If you are a battered wife—is killing if you get a horn or you are a battered wife murder 1?

4.20 p.m.

Mr. Speaker, we must be careful to make sure the circumstances that mitigate the offence of murder are properly taken care of by legislation and not simply left to the exercise of someone’s discretion. Mr. Speaker, section 6C(1)(f) states and I quote:

“murder that is especially heinous, atrocious or cruel, manifesting exceptional depravity;”

is classed under murder 1.

Mr. Speaker, what does this mean? How is the DPP going to exercise this discretion? What is heinous to one person might not be to another so this can be considered subjective. Section 6C(1)(g) states that Murder 1 is:

“murder where the deceased was intentionally killed because of his race, religion, nationality or country or origin.”

We have no history of hate crimes in Trinidad and Tobago, Mr. Speaker. What are Members opposite trying to relay to the nationals of Trinidad and Tobago and to the international community? Mr. Speaker, each man, each woman, each boy, each girl has to be a part of a race, so if it is that a person is killed, then within legislative circles and given this subclause, a person who commits murder can be considered to commit murder in the category of murder 1.

Mr. Speaker, it may not be as easy to determine intention and as stated in the Bill before us particularly section 6B(2):

“A person shall suffer death if he is convicted of murder 1”.

Mr. Speaker, if Members opposite are aware that we have race and religious wars in Trinidad and Tobago, then they need to let us know because in my estimation our nation exists in perfect harmony, side by side, regardless of religion, race, country or origin. Our National Anthem says it best: “Every creed and race find an equal place”.

The provision for killings on the grounds of race, religion or gender would signal a wrong message to the international community. We are saying to them that we have problems of race and religion, and Trinidad and Tobago is a plural society. This clause, Mr. Speaker, does not reflect the culture and customs of the people of Trinidad and Tobago. So Members opposite, through you, Mr. Speaker, consider the effects and subliminal message you are sending to our nation and to the international community.

Mr. Speaker, the issue surrounding murder 2—section 6D(1) of this Bill states that:

“A person convicted of murder 2 shall suffer death only in the circumstances referred to in section 6E.”

The circumstances in section 6E state, and I quote:

“A person convicted of murder 2 shall be sentenced to death, if before a conviction of that murder he has been convicted in Trinidad and Tobago of another murder, whether or not done on a different occasion.”

For the purpose of this Bill, a person can be convicted of murder 2 if he or she commits manslaughter or by provocation, negligence and causing death by reckless driving. What is murder 2 in this Bill, Mr. Speaker? I am a bit confused. Is manslaughter now to be categorized as murder 2? Mr. Speaker, the concern that I therefore have is that the sole responsibility of discretion to prosecution pursuant to murder 2 is left to the Director of Public Prosecutions and this is found in section 6H(1)(a) as it states and I quote:

“having regard to the nature of the circumstances in which the killing took place,”—the DPP may—“himself determine”—or with the aid of a Judge—“in which category the offence falls.”

When I look at section 6H(1)(a) and I see the DPP has a discretion that is very wide, any discretion given to the DPP, Mr. Speaker, must be in a small area. It appears to me that if the DPP's discretion is so wide then what really is murder 1 since the DPP has the authority to overturn it. Mr. Speaker, if the DPP is to be given discretion to change the category of murder, it must be based on an objective list of criteria laid out in this Bill. With regard to section 6H(1)(b) and 6H(2), there will be a trial within a trial. Why must a DPP go to a judge to tell him how to charge an individual? If the DPP gets a narrow discretion, I do not think the judge should be involved, and if a judge is involved, there will definitely be a trial within a trial, Mr. Speaker. Are we opening a door to judicial review here?

In the criminal court it should be left up to the lawyer to make a submission whether the charge should be murder 1 or not, and then it should be left open to the trial judge to direct the jury accordingly. Mr. Speaker, section 6H(2) and (3) authorizes a mini trial and I strongly believe that the judge should be left out of the decision on how to prosecute. The judicial ramifications that will ensue is a cause for concern and therefore the time of execution of the death sentence on the accused may indeed be long-winded and in effect weaken the application of the death penalty. I therefore urge Members opposite to consider/reconsider these clauses. Mr. Speaker, in clause 5, (1B) states that:

“The President may, by instrument under the Public Seal, direct that there shall be time-limits within which an offender referred to in subsection (1)...”

I have no problem with the setting of time limits, Mr. Speaker, but if we are making time limits by subsidiary legislation, I would like to suggest that we go the normal route of affirmative or negative resolution, but I must ask the bigger question: if we are amending the Constitution, should we leave any part to be

worked out by regulations? Amendment of the Constitution is such a major step, that I suggest the completion of it should not be left to regulations.

Mr. Speaker, if it is the intent of the Members opposite to reintroduce hanging to curtail the alarming rise of our nation's murder rate, then they are indeed on the wrong path. This Bill is not one that will implement the death penalty but rather delay the process.

Mr. Speaker, I wish to speak briefly on the notion of deterrence. The theory of deterrence is based on the idea that the threat of punishment must be severe enough to counter the benefits or pleasure that the criminal would receive from the crime. In addition, the punishment must be administered swiftly so that potential criminals will see a clear cause and effect relationship between the crime and the punishment.

When punishment deters potential criminals from committing crime it is called general deterrence. Mr. Speaker, there is no doubt that capital punishment serves as a specific deterrent. The executed criminal will never kill again, however, experts and others have long debated whether capital punishment is a more effective general deterrent than life in prison. In the *Guardian* dated February 04, 2011, letter to the editor, I quote:

“The legal system does not always work right and we must make sure irrevocable mistakes cannot be made.”

Further the “Death penalty has never been a deterrent, as wrongdoers seldom consider the consequences of their actions.”

Given these remarks, Mr. Speaker, the Members opposite should be aware and should know that applying the death penalty to offending parties does not deter a crime and criminal activities. A criminal does not think about the death penalty when he commits a crime, all he thinks about is not being caught and that is why so much importance must be placed on catching the criminals. We are dealing with a Bill today which addresses the penalty for murder and we are all aware that one must first be apprehended and convicted of murder before he could be hung.

As the crime rate continues to escalate, it is important to note that serious crimes reported for January were 1,258 with just 156 being detected, and the murder rate in January alone was 46 with 7 detections. The murder rate stands today at 65. We therefore must depend on the efficient work of the hard-working men and woman of the police service before a person could be brought before the courts.

Mr. Speaker: Hon. Members, it is a good time for us to pause and have some tea. This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Miss D. Cox: Mr. Speaker, there are persons on the opposite side making statements that I misled the police and my people of Trinidad and Tobago, with regard to the police compensation package. How could I have misled them? The police are well aware of the existence of an enhanced package which was forwarded to the CPO, not only by the Ministry of National Security, but also by the Trinidad and Tobago Police Social and Welfare Association. [*Desk thumping*] They were a part of the formulation of this package. They were a part of the signatories to this package.

I heard the Member for D'Abadie/O'Meara making statements on two radio stations that I lied to the population about the compensation package. Mr. Speaker, this is the compensation package [*Miss Cox displays document*] with all the information, including the persons who are the signatories to it. One of the signatories—the person involved in the formulation of this package—is now the Deputy Commissioner of Police, Mr. Stephen Williams. The others were Corporal Emerald Bruce of the Police Service Social and Welfare Association, Inspector Steve Nancoo, Woman Police Constable Jacqueline Solomon, representing the Ministry of National Security, Mr. Keith Renaud, Mr. Curtis Belford and Miss Rohini Jaikissoon.

Mr. Speaker, this package was signed off in April; the date is on it. It was signed off in April and sent to the CPO. The signatories to this package are: the Permanent Secretary of the Ministry of National Security, the then Acting Commissioner of Police, Mr. James Philbert, and President of the Police Service Social and Welfare Association, Mr. Emerald Bruce.

When you are dealing with negotiations it does not come to Cabinet. Negotiations are between the organization and the CPO, and this is where it was and that was what I said. [*Desk thumping*] I said that the PNM Government of Trinidad and Tobago agreed with this package. [*Desk thumping*] Further, the Member for Oropouche East first stated that it did not exist; then I was told that I misled the public. That is not so.

I want to quote from the *Hansard* of the Member for Oropouche East, because the Member stated that the Public Sector Negotiating Committee did not support and, indeed, disagreed with the recommendation of that report. The Public Sector Negotiating Committee could not have supported or did not support it, because it never went to that committee. [*Laughter*] I would like the Member for Oropouche to produce the minutes of that meeting of the Public Sector Negotiating

Committee, because from my understanding, I was informed, it did not get to that committee. All these negotiations took place between the police, the association and the Ministry of National Security. A package was done and it was sent to the CPO. *[Interruption]*

Mr. Mc Leod: Would you say then that those proposals were supposed to have been considered in the process of negotiations by the CPO and the Police Service Social and Welfare Association?

Miss D. Cox: Yes. These were proposals that were supposed to be considered.

Mr. Mc Leod: Therefore, if the CPO had not been engaged in negotiations with the police union, so to speak, they remain proposals, they are not an agreement.

Miss D. Cox: Okay, let me explain. As I said before, the police, the Ministry of National Security and the association were in talks dealing with a compensation package for the police service, because of the fact that it was since about 2009 there was a problem concerning the police service compensation and we were trying to have them compensated in keeping with international standards; so all these negotiations were taking place. This was something new actually that was taking place.

When I spoke to them, the police association felt that what the CPO was measuring for their compensation package really was not in keeping with international standards for police throughout the world. This was something new. Actually, a consultant came in from Canada. A compensation expert came in to assist the association with this, which the government and the Ministry of National Security sanctioned. So at the time this package was agreed to by the Ministry of National Security, because they were involved in preparing the package with the association and it was then sent to the CPO for consideration.

This was signed off in April and it was sent to the CPO in May, and the general election came. So when I spoke about the compensation package and I asked them to look at it, it was at the CPO. That was what I said, that they should look at the package that was agreed to, by all parties involved, and come up with a better compensation for the police service. That was what I said. *[Interruption]*

Dr. Moonilal: Thank you Member for giving way. Just to confirm a piece of information. I am aware of the report; I am aware of the signatories. It was done at the Ministry of National Security.

I just want to confirm that the proposals sent to the CPO did not receive the support or was not brought to the Cabinet-appointed Public Sector Negotiating

Committee and those proposals coming in the report, were not proposals agreed to by the then government.

Miss D. Cox: This was agreed to. If it was agreed to by the Minister of National Security, that was also the Government of Trinidad and Tobago. It was agreed to; it did not reach the Public Service Negotiation Committee, because, in the first place there must be an agreement between the CPO and the police service; that is what happened. Then there was an election. This went in May and an election took place. All I ask is that we look at the compensation package and pay the police appropriately. That is all I ask for, basically. [*Interruption*]

Mr. Roberts: Member, one more question.

Miss D. Cox: The Government ought to take a closer look at compensating the police. Their pay must meet with international standards and they must be compensated adequately, because they play a key role in the fight against crime.

I have a problem because the Government seems to have money for everything else. "We cannot afford it," is their cry, but you could afford to pay an unqualified person in the SIA. I am saying to them, be very careful about overworking members of the Trinidad and Tobago Defence Force, because I know that they have a key role to play now too in the fight against crime. The defence force, unlike the police service, does not get overtime. Very soon they will be coming to ask for an increase in pay also and rightly so, because once the police are dealt with, you know other arms will come forward. I already heard that the prisons came forward asking for an increase.

Mr. Speaker, I will move from this area. [*Interruption*]

Mr. Roberts: Before you move, can I ask a question, please?

Miss D. Cox: Go ahead.

Mr. Roberts: Thanks very much, Member, for giving way.

You are absolutely correct in what you said. The question is not about what you said in the Parliament. Did you say, at any point in time, on I9.5 on Tony and Dale's morning programme, for the national public to hear, that one, the Cabinet of the Republic of Trinidad and Tobago had agreed to that proposal? Then you hung up and they then continued their discussion. They called you on your cellphone and asked you. You answered them, which they relayed to the population, that the Minister of Finance and the Cabinet had allocated money to pay that increase. Do you say it right here in this House that you did or did not state that?

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Miss D. Cox: Mr. Speaker, I was not aware this was question time. You get the records and check them. Get the records and check the records. I know what I said.

Mr. Roberts: Tell me what you said!

Miss D. Cox: I never said “Cabinet”. I will not go into that, because I do not want to be distracted.

I want to deal with the CCJ. The Government of Trinidad and Tobago needs to support the establishment of the Caribbean Court of Justice being our highest court of appeal. It is time for cases to come before a final Caribbean court familiar with the customs and realities of life in the streets of Trinidad and Tobago. It should not be left up to a court, remote from that reality, to make judgments about the sensitive matters covered in this Bill.

Sir David Simmons, the then Chief Justice of Barbados stated that:

“The independence of the states in the region will not be complete...when our constitutions entrench a foreign tribunal as our final Court of Appeal.”

He further went on to state that:

“It is an affront to our sovereignty and the sovereignty of independent nations.”

The CCJ is intended to serve as the court of last resort to determine appeals in both civil and criminal matters. This Government was fully supportive of the region’s movement towards the CCJ when they were last in government. The CCJ is by no means a hanging court. However, putting a person to death is serious business, because a law like this has underlying social conditions and people who are adjudicating on this must be familiar with these social conditions. The CCJ is one such institution. Additionally, I am sure that justice will be swifter if we move in the direction of the CCJ, instead of the Privy Council.

Mr. Speaker, murder is a crime against God who created man in his own image. Murder, therefore, manifests hatred of God’s image in the murder victim. Murder is, indeed, a crime against society, of which man is a part. The victim is, therefore, deprived of making his contribution to society. Murder is a crime against the family unit. The spouse is deprived of attention and support, financial, emotional and otherwise, and a vacuum is left that is oftentimes irreplaceable. Murder deprives children of maternal or paternal input and guidance. Many children of murder victims grow up with deep-seated bitterness against God and against society. Some even end up as murderers themselves.

Murder is a crime against the individual whose life is taken away and it cuts him off from his duties to both God and man. It seals his doom regarding eternal life, and as for those of us who believe in eternal life, he is deprived of the opportunity to make it right with his creator, while the murderer has all the time in prison to repent and make it to heaven. Taking the life of a fellow man is no small matter and must be dealt with seriously. Yes, we support the death penalty, life for life.

On the other hand, we really would not like to hang the wrong man. In certain countries where DNA came into being, it was revealed that innocent persons were hanged or sentenced to death, therefore, we must make sure that the proper DNA legislation is in place and operational to avoid this.

5.15 p.m.

Mr. Speaker, we have an imperfect justice system. We still rely on confession. I am not sure if interrogation is recorded. What goes on in the interrogation room? I understand that it is not routine to record interrogation as is done in other jurisdictions. It is unlikely that you can have a perfect system of justice but with regard to the death penalty we must, however, have a justice system that must be as fair as we can make it.

Given the low conviction rate as mentioned earlier, I agree that emphasis should be placed on improving the capacities of the police to detect and solve crimes and the implementation of means to tackle the root causes of crime. And this is what the PNM Government was doing by the implementation of many youth programmes in at-risk communities.

Mr. Speaker, the Member for Tabaquite mentioned, and he referred to the Member for Arouca, and asked if we know what multi-pronged approach is to crime? Mr. Speaker, I find that very insulting, very, very insulting because a lot of our security programmes, a lot of the programmes now, the multi-pronged approach to crime that they are talking now are the ones that we were using before. For example, the Citizens Security Programme; all our youth programmes, the two military-led programmes: MILAT and MYPART, the Citizens Security Programme, the Citizens Conservation Corps, Mr. Speaker, and there are a lot of other programmes in the other Ministries like; HYPE: MuST and the OJT and so on. These are some of our approaches to the youth in our community to keep them away from a life of crime. [*Desk thumping*]

And I find that that comment, you know, he should know better than that. Right now there is a Morvant/Laventille initiative that is taking place in Ministry

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of National Security and that programme started under the PNM. I was in charge of that programme, Mr. Speaker. [*Desk thumping*]

So, sometimes we come here and we stand and we get emotional and we bawl and we shout and I am really not sure what is the reason for that. I think we should come here and really talk facts because we need to let the public know that we are serious about crime. And also there was a point raised about people being happy about it; no one is happy about the crime situation. At the end of the day, it is only obvious that you would make a comment because of the fact that this Government came into office and one of their campaign was seriously based on crime and they said that they would fix. Okay? And we are willing to assist because it is all of us affected by crime. It is not one set of persons, it is not just the Government; the Opposition, it is everybody in Trinidad and Tobago affected by crime, Mr. Speaker.

Mr. Speaker, in the *Sunday Guardian* dated February 20, 2011 a recent poll commissioned by the ANSA McAl Psychological Research Centre showed that 72 per cent of the respondents supported the resumption of hangings. And we on this side, as I mentioned before, support the law of the land which states that everyone convicted of murder shall suffer death.

Mr. Speaker, the current form of this Bill leaves much to be desired. The UNC coalition is attempting to fool the people of Trinidad and Tobago into believing that this Bill will speed up the process of hanging which, in reality, Mr. Speaker, it will not. And I want to repeat: this Bill will not speed up the process of hanging. And this is the aspect of this Bill that we do not support.

We are indeed concerned about the nature and the brutality of criminal activities which exist in our land as crime continues to challenge our nation. We therefore cannot turn a blind eye to this horrific phenomenon that is plaguing our country, and I agree that we must all act and we must all act swiftly.

Mr. Speaker, this Bill is indeed a critical piece of legislation but it is fundamentally flawed and I urge Members opposite to take this Bill back and fix it. I urge them, take this Bill back and fix this Bill. Do not let the people of Trinidad and Tobago feel that we are not supporting this Bill. We support; we support the death penalty but we do not support the Bill in its current form because of the fact that people will not be hanged as quickly as we would like them to be. All right? So I am asking again take this Bill and fix it. And as the youth would say, "Wheel and come again".

I thank you Mr. Speaker.

The Minister of State in the Ministry of the People and Social Development (Hon. Dr. Lincoln Douglas): Mr. Speaker, I am happy to join this debate today on a topic that the consequence of which actually brings no delight to me or should not bring delight to anybody in Trinidad and Tobago because indeed we are talking about very grave things, we are talking about the death of people. All of us here in this House apparently, or most of us I would say, agree that the death penalty is needed, or is part of our Constitution and therefore we accept it as thus.

So, we come here to talk about the amendment to this Bill; an amendment that we hope would make this Bill more humane and something that would contribute to the civility and the civilization that we call Trinidad and Tobago. Indeed, we say the decision that capital punishment may be the appropriate sanction in extreme cases is an expression of our country's belief that certain crimes are themselves so grievous that they are an affront to humanity and the only adequate response may be the penalty of death.

That is the US Supreme Court of the United States saying that, actually killing somebody is such a drastic thing that it is kind of an affront to society. Of course, those of us who come from a Judeo Christian world view also derive our thinking about the death penalty from the Bible.

The story in the Bible goes like this: if you kill a man you have to run to the city of refuge. This was a special place that they had allocated for you to "breeze-off" whilst they dealt with the case. So if you killed somebody you were to run to the city of refuge. If you were found on the way running to the city of refuge, the family of the person killed could have exercised capital punishment on you. Whilst you are there, the case goes on and if you have family members or witnesses the case goes on. If you are freed you can come out; if not, they would exercise capital punishment on you. And the idea is that the society will take a stand and demonstrate that they were against people killing other people. They took a stand demonstrating that they believed in the sacredness of human life, they believed in justice, that at least justice needs to happen.

Those who are killed, if you do not exercise the punishment, it says the blood of the dead person remains as a spirit that stalks the land. In other words, how that translates in modernity is that there is a sense in which someone who dies, and there is no justice, it allows for a freedom of thinking that this is okay to do. And that is what the idea is that the spirit of a dead person goes about the land seeking justice and creates a bad spirit in the air. That is the idea.

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So, the idea of justice and capital punishment is nothing new. In a sense, capital punishment describes that. I guess “capital” comes from some old Latin word meaning your head and so if you decapitate somebody you take their head off. So capital punishment has to do with taking somebody’s head off, and in history that has been exercised in a variety of ways.

In our modern times, you could electrocute people; they poison people, they cut their head off; they hang them, they shoot them, they give the gas chamber, lethal injection they have had more horrific ones in the past: boiling people, cutting them in two, burning them at the stake, torn asunder, flaying them, taking off their skin, flaming them. Not too long ago in certain countries they were necklacing them: putting tyres around them and burning them and so forth.

5.25 p.m.

So the history of civilization has always demonstrated a sort of abhorrence to people taking people’s lives. Of course, this gets out of hand, and therefore there has to be a moderation that demonstrates civility and that we would not be ruled by mobs or by just emotionalism, as the case might be.

So the infliction of the death penalty on a person does require a judicial process and this process must demonstrate that as a society we are not wild, or crazy, or indifferent about human life. So, there are lots of crimes. The crimes that require the death penalty are capital crimes or crimes that require you to lose your head. Mr. Speaker, nobody should be killed without serious thought. We, as a society, would not accept killing our children; that is not acceptable, infanticide, and we would not accept killing our adults; homicide, that is not acceptable. We would not accept killing our senior citizens or older people, euthanasia; there are societies that practise this; we would not accept killing the unborn; we would not accept murder in general. All of these things, we are responsible for demonstrating our abhorrence to these kinds of behaviour.

So, today we are faced with this idea of capital punishment and I think it is at this juncture that the adjustment or the amendment in the law seeks to bring some civility to the process. The adjustment to the law is saying, look, we understand that killing at all, killing another human being is a serious thing. This kind of crime is a serious thing whether it is a murderer or whether it is the State, this is a serious thing that is going to happen and we must make all efforts to modernize or to civilize the process, and I think that is how the introduction of murder 1, 2 and 3 got into the process.

I think this is a civilizing process for all of us. In Trinidad and Tobago we have been gravely bothered by crimes. [*Interruption*] You have a question to ask Member for Arouca/Maloney? Go ahead. [*Hon. Dr. L. Douglas takes seat*]

Mr. Speaker: You may continue, hon. Member.

Hon. Dr. L. Douglas: Obviously, you have nothing to say that is of sense. [*Laughter*] So, it is in this civilizing process that the law tries to address whether someone was actually involved in a serious crime for trying to destroy the society.

If you kill a security officer or a police officer, the law is saying, this is a very serious thing; you are actually trying to destroy the fabric of our society. If you kill prison officers, legal officers, judges, jurors, people performing the functions that uphold the sanctity of the State or the civilization, then you are doing something that is so terrible that we cannot allow this kind of destructive element in the society to go on and that is the point of differentiating murder with murder 1. If you kill witnesses for a judicial process, if you kill family members—that has happened in Trinidad and Tobago so frequently in the past that witnesses have been silenced and their family members killed. The society cannot allow this, because this strikes at the heart of our judicial process, it strikes at the very foundation of our civilization that we must have justice, that justice must prevail and that there are people—our family members—who should carry out this process.

So, the introduction of this is saying that we would put a definite block saying that this person who performs these kinds of murder, violent crime—are on the way to commit a violent crime and you make it happen and you, you make it so, then you are committing murder 1. If you use a destructive device like a bomb, or explosive, or terroristic type of activities, this is not just by chance or it is not just as you were walking along the way. This means that you are striking at the heart of our civilization, you are causing mass murder and mayhem and trying to destroy the way of life, and the society in its civilizing process is taking a stand against that. It is saying that this type of thing will not be allowed in Trinidad and Tobago and you will die for this. The death penalty is absolutely critical and crucial.

So, if you decide to pay people to kill people—we do not do that kind of thing in Trinidad and Tobago. We do not support contract killing. This is against the very foundation of our civilization; it is against the very foundation of what we are trying to develop as a nation. These things have gone on unabated in Trinidad and Tobago; people carrying out these kinds of activities, paying to kill people. If

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you kill people because of their race, their religion, their ethnic orientation, their nationality; all of these things as you could see—I think the framers of the Constitution are saying, that you are striking at the very heart of our way of life. You are trying to destroy the society.

The only thing I have not seen included in this should be mass trafficking in drugs or something. So, this is murder 1 and it goes on to describe the difference between murder 1, murder 2 and murder 3 which comes down to involuntary manslaughter. Of course, I have known people who killed people and they really did not intend to. It could be driving; it could be in self-defence; it could be any number of things, but it was not their intention, there was no plan in their mind, there was no organization in doing it. I think this is important. I think this is critical. If we are going to enforce hanging or capital punishment as a part, and institutionalize it in Trinidad and Tobago, as we believe it should be here as a House, we have to find a way to differentiate.

Now, the question as argued by our friends right in front of me here, is would this speed up, would this increase, would this make the exercise of the law faster or slower? I think it would make it quicker, because we have now options to choose from. We are clarifying from the get-go where we are going and the direction we should take, so we could immediately eliminate a certain direction that would require a longer time and a lesser number of cases.

So my belief, Mr. Speaker, is that this is an attempt to clarify the system, one, so that we could address the issue in a specific way; two, it is an attempt to demonstrate to the national community that we take murder and the destruction of our civilization through murder as a serious thing and we lift up a certain standard there.

Thirdly, the idea of killing people is so serious, because it brings an end to everything about that person. Indeed, somebody said—let me see what they said here. I would just read it for you if I could find it right now: “Death is an experience that cannot be experienced and it ends all experience.”

Hon. Member: What?

Hon. Dr. L. Douglas: “Death is an experience”—if you listen you might learn something. “Death is an experience that cannot be experienced and it ends all experience.” I would say it again for those who are slow. “Because it is as unknown as it is certain, death is viewed as universally feared. The life of a man should be sacred to each other.”

We support the death penalty but we believe that life is sacred, and therefore we proceed cautiously. We take our time in doing this so that we do not make mistakes and yet we demonstrate to our people and to our civilization that murder and its extreme forms, the kind of murder that demonstrates heinous, atrocious, cruel manifestation, exceptional depravity and evil would not be tolerated in our society. For too long these kinds of things have gone on unabated in Trinidad and Tobago. Too many murders, too many killings, too many extreme heinous, atrocious, cruel manifestations of exceptional depravity have gone on in this nation of ours and I think it is time that we demonstrate to our society that we are clearly against this.

I hope that coming out of this Bill and coming out of the adjustment in this Bill, that we are able to address these kinds of issues very speedily and demonstrate to our nation that we really believe in the sanctity of life and we would not have it violated in Trinidad and Tobago.

I thank you, Mr. Speaker.

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Speaker. If I was concerned that the Members of the Government have no understanding of what they are doing, that was made certain to me by the contribution of the last speaker [*Laughter and desk thumping*] who was totally at sea, has no idea whatsoever of the intent, meaning, content and effect of the legislation before us.

Mr. Speaker, the—[*Interruption*]—but it is true and I will prove it. That was a very poor contribution.

Dr. Browne: What grade would you give him?

Mr. C. Imbert: Zero. [*Laughter*] Mr. Speaker, we are here today following a statement made by the Prime Minister in January of this year, and the important elements of that statement are as follows, and I am quoting:

“Mr. Deputy Speaker, the Privy Council ruled that the imposition of the death penalty was, in fact, mandatory and”—[*Interruption*]

Mr. Speaker, within less than a minute the echo is behind me.

Hon. Member: Yes. [*Crosstalk*]

Mr. Speaker: Member for Lopinot/Bon Air West, just keep it down! I am hearing you. I, myself, am hearing you, so just keep it down! Continue, Member for Diego Martin North/East.

Mr. C. Imbert: Thank you, Mr. Speaker. If you could hear him it had to be bad.

Dr. Douglas: He is not making “no” sense anyway.

Mr. Speaker: Please! Please! Please!

Mr. C. Imbert: You are talking to the Speaker? That was referred to the Speaker? *[Interruption]*

“Mr. Speaker, the Privy Council ruled that the imposition of the death penalty was, in fact, mandatory and constitutional, it was not discretionary. So the law of the land is that, if you are convicted of murder, the judge must impose a sentence of death. He has no discretion in the matter.”

Those were the words of the Prime Minister on January 14, 2011. The Prime Minister went on to say that the Government was heeding a desperate cry from the population for change and to this end, Mr. Speaker, the Government, “has decided to introduce a Bill to amend the Constitution to facilitate the implementation of the death penalty.”

The Prime Minister went on to speak about treating with murder in three categories, explaining that a special majority is required, and calling upon the Opposition to support the legislation. So we are here because of a statement made by the Prime Minister and legislation that was subsequently introduced into this Parliament. From the beginning, from the introduction of the legislation by the Attorney General, by the contribution today of the Member for Tabaquite, the hon. Minister of Foreign Affairs; each speaker on the Government side has demonstrated that they have no idea what they are doing. *[Interruption]*

5:40 p.m.

Mr. Speaker: Hon. Member, hon. Member, please! I would not want to evoke the Standing Order and ask you to be excused. So, please! Continue.

Mr. C. Imbert: Thank you, Mr. Speaker. The Member for Tabaquite reminded me of a Shakespearian play that I have had cause to refer to before, and that is Macbeth in particular, Act 5, Scene 5, and it is worth repeating. This is an extract from Act 5, Scene 5, Macbeth:

“Life is but a walking shadow, a poor player
That struts and frets his hour upon the stage
And then is heard no more: it is a tale
Told by an idiot, full of sound and fury,
Signifying nothing.” *[Desk thumping]*

I could not have described that passage from Macbeth; it is a perfect description of what we was treated to by the Member for Tabaquite. Because what the Member for Tabaquite does not know is that the legislation is bad, and what the hon. Members opposite do not understand is that it has been badly drafted. It will achieve the opposite effect of what the Prime Minister has told us the Government wants to achieve. It will achieve the opposite effect of what the Attorney General claims it will achieve. What this law will do if it is passed, and I can assure you it will not be, because I am saying from the outset that the Opposition cannot support this legislation, because it will effectively abolish the death penalty. [*Desk thumping*]

Mr. Speaker: You just quoted from Macbeth, and you sought to attribute that passage to the Member in terms of description, in terms of his contribution. I really want to remind Members that we cannot use quotations, either from a book or from a newspaper and then use those quotations to seek to describe a Member of this honourable House. So when Macbeth talked about idiot, and you attribute that passage to the Member you are imputing, unnecessarily, improper motives. I am cautioning you as well as all Members, because I would not want that to happen on the Government Bench in terms of Opposition Members. So I just caution you that we have to be very careful that we do not use these passages to impute improper motives or to raise the conduct of a Member or to bring his reputation into public ridicule and odium. I just want to guide you on that. Okay.

Mr. C. Imbert: I am so guided, Mr. Speaker. [*Interruption*] Mr. Speaker, he is at it again.

Mr. Speaker: Member, for Lopinot/Bon Air, could you kindly cooperate with the House? The House has asked you to observe Standing Order 40(b) and (c) respectively. This is the third time I am on my legs asking you to pay respect to the House. I would not want to go into it a fourth time. So could you be guided accordingly. Continue, hon. Member.

Mr. C. Imbert: Thank you, Mr. Speaker. Now, Mr. Speaker, in 2000 a Bill was passed in this House, Act No. 90 of 2000, an Act to amend the Offences Against the Person Act, and the Prime Minister did in fact refer to that fact, in her statement. And in the debate in the other place on that piece of legislation, Sen. Martin Daly had this to say. And if the Members opposite would do their homework, do proper research, take five minutes to look into the history of these matters, you will get all the information you require so that you will understand that what you are doing is a colossal waste of time.

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Sen. Martin Daly had this to say on Thursday October 19, 2000, with respect to an almost identical piece of legislation that sought to categorize murder and sought to do a number of things that are in the piece of legislation that is before us today. This is Sen. Martin Daly:

“Mr. Vice-President, may I begin with a prediction? If we pass this Bill today...we will be abolishing the death penalty in Trinidad and Tobago.”

Eleven years ago Sen. Martin Daly told the then UNC Government that.

Dr. Browne: They did not listen then and now.

Mr. C. Imbert: Yes they did not listen then, and they are not listening now. And he went on to explain why; he went on to explain why, very, very, very, simply. I would quote again from Sen. Martin Daly's *Hansard* of October 19, 2000; the charge of murder:

“...we are now making the question of whether you will face the death penalty at all. We are now introducing a discretion prior to the charge being brought. That seems to be where the difficulty lies, because every person who gets the benefit of a discretion to be charged with a lesser count of murder—and the range of discretion is quite terrifying listening to the Minister’s presentation....”

It is exactly the same range that is in the Bill before us, that the hon. Member behind me does not understand;

“would immediately say that he or she did not get benefit of the equality of treatment provisions under the fundamental rights part of the Constitution. It seems to me that we are introducing a substantial derogation of the rights of accused persons by conferring upon the prosecuting authorities this discretion... It is a very... far-reaching matter.”

So what Sen. Daly was pointing out, that from the time you change the mandatory death sentence and you introduce categories of murder and you give some person the authority to decide whether someone should be charged with murder 1, 2 or 3, then you open up the flood gates to judicial review and litigation. And he went on to put that in simple terms:

“Mr. Vice-President, may I make another prediction:”

Dr. Browne: He was speaking to the UNC.

Mr. C. Imbert: Yes he was speaking to the UNC Government then, as I am speaking to them now.

“...may I make another prediction:... every single person against whom the discretion is exercised, if they get charged with Murder 1, is going to file a constitutional motion and an application for judicial review, to review the decision that charged them. So we are now going to have not only a multiplicity of litigation after conviction, but also a multiplicity of litigation before conviction. There is no way that people are going to accept when the discretion is exercised against them.”

Said eleven years ago, and yet eleven years later the Government comes back with the identical provisions and the Attorney General in his introduction of this Bill, attempted to tell us that the categorization of murder will reduce the opportunity for litigation, will reduce the opportunity for delays, will reduce the opportunity for constitutional motions and appeals when it is going to do the exact opposite; opposite. [*Desk thumping*]

He goes on to say:

“We have now put in a category:

‘murder that is especially heinous, atrocious or cruel’....

Now, that is so wide and so elastic, how are you possibly going to make a decision based on this? Everyone might agree that a Westmoorings murder fits here, but how are you possibly going to decide prior to bringing a charge on this? This (must) be deleted; it is far too uncertain. It leaves far too much room for subjective evaluation of the people making the decision to prosecute.

What I see is a whole new growth industry in constitutional motions and judicial reviews, because if the Director of Public Prosecution decides this against me without the benefit of hearing what my potential defence is, I would say he decided it without giving me a chance to be heard.”

Straightforward, simple stuff—basic A, B, C. And he goes on to say:

“...this is a very complicated subject. If we make any mistakes the courts would be only too happy to say—it is not very easy to persuade them to uphold capital punishment. The courts will be only too happy to say that as a result of this Act, capital punishment is no longer lawful.”

5.50 p.m.

So 11 years ago a distinguished senior counsel advised the then UNC government that the very idea of categorizing murder is fraught with difficulty and will introduce multiple avenues for litigation, multiple avenues for delay and

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multiple opportunities for convicted murderers or persons accused of murder to escape the death penalty. But they come back with it 11 years later, word for word.

But that is not all. What is the learning on this matter? What have the courts told us? What has the highest court, the Privy Council, told us they will do if we tamper with the current laws that deal with the death penalty? And you know, not a single Member on any side—behind me or in front of me—except for the hon. Member for Port of Spain South, the hon. Member for Diego Martin Central and all of the PNM contributors—except for the PNM contributors, no one behind me and no one in front me has taken the time to understand the foolishness that this Government has brought into this House today. They also do not understand that there may be all sorts of subliminal and unconscious reasons why we are here today—and Freudian reasons.

I will read into the record an article written on Sunday July 11, 2004 by Mr. Anand Ramlogan, as he was then. The headline is: “Saying no to the death penalty.” This is that same person who is now the Attorney General, the same person who introduced this legislation and was full of sound and fury. That is the aspect of the passage from *Macbeth*. I agree with you that there are words in that passage that are not really parliamentary, and having said that, I do apologize for having repeated them, but I do not apologize for saying that the AG’s contribution and the contribution of the Member for Tabaquite was full of sound and fury, signifying nothing. I do not apologize for that, because I believe that.

But let us go now to what Mr. Anand Ramlogan had to say on July 11, 2004: “Saying no to the death penalty.”

“The Privy Council decision on the death penalty in the appeal of Charles Matthews has quite rightly generated much debate.

Reversing an earlier ruling in the case of Balkissoon Roodal in which it was held that the mandatory imposition of the death penalty was unconstitutional, the Privy Council by 5-4 majority held that this is, in fact, legal. What this means, is that once the jury returns a verdict of guilty of murder, the judge has no discretion in deciding what sentence to impose. The convicted person must automatically be sentenced to death.”

This is true. That part of this article, no problem. These are the facts. But look at what he goes on to say:

“I cannot support the death penalty...”

Hon. Members: No!

Mr. C. Imbert: Those are the words of the person who is now the hon. Attorney General—

Miss McDonald: Ah ha!

Mr. C. Imbert: —July 11, 2004. Let me repeat:

“I, Anand Ramlogan, cannot support the death penalty. Our criminal justice system is not perfect. A criminal trial is based on available evidence and this does not necessarily mean the truth.”

Hear what he had to say—and I am sure the Member for St. Joseph may take issue with this:

“Bribery of police officers, of judicial officers...”

I repeat that:

“Bribery of...judicial officers and the intimidation or execution of key witnesses are means by which one can manipulate criminal justice. I cannot say that it is impossible for an innocent man to be convicted.”

Anand Ramlogan in 2004. He goes on to say:

“Execution by the State for murder is not necessarily justifiable in every case. We should not rush to condemn to death everyone who is convicted for murder. History is replete with examples of man’s inhumanity to man. It also contains the occasional nugget of humanity. An eye for an eye”—he gets biblical here—“would, indeed, leave the entire world blind.”

What do you have to say to that, Member for Arima, that an eye for an eye would leave the entire world blind? That was the statement of Mr. Anand Ramlogan:

“The time has come for the Parliament to act. The State must recognize execution is wrong and consider alternative punishment lest one innocent man be wrongly executed in the name of retribution.”

So there you have it. The piloter of the Bill is vehemently and bitterly opposed to the mandatory death penalty. He is an abolitionist and he called on the Parliament in 2004 to amend the law and to recognize that execution is wrong. Mr. Speaker, I would not be surprised if somewhere in the unconscious mind of the Attorney General, buried deep in the recesses of his unconscious mind, lies the energy of someone who wants to abolish the death penalty. I can find no other explanation for the legislation before us. I am convinced and I would not be surprised if this legislation has been brought here because the Attorney General is unconsciously or consciously an abolitionist. When I read this article—

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

Mr. C. Imbert: That is not improper motive.

Mr. Roberts: He said unconsciously or consciously.

Mr. Speaker: I do not want you to insinuate. It could be an insinuation, so I ask you to be very guarded.

Mr. C. Imbert: Precisely, Mr. Speaker. That is why I say I would not be surprised.

Mr. Roberts: The word, “consciously”.

Mr. C. Imbert: It “doh” matter. I still would not be surprised.

Dr. Gopeesingh: So you are using that in every case now.

Mr. C. Imbert: That is right. But the point is, when one looks at the passion with which the now Attorney General wrote this article and declared his violent opposition to the death penalty and called upon the Parliament and the Government to abolish the death penalty, you do not have to be a rocket scientist to figure out why we are here today, with a piece of legislation that will effectively abolish the death penalty. [*Desk thumping*] You do not have to be a rocket scientist.

You know, it is very, very unfortunate that the Government has carried the nation through this national “pappyshow” with this piece of legislation, because they have brought a Bill which some of them—not all of them, some of them—know will not facilitate executions; it will prevent executions. Some of them know that, yet they have come here and made a “set” of noise. When you listen to the Member for Tabaquite fulminating and frothing about the heinous crimes and we must hang them in the square now—I mean, I am paraphrasing what the Member for Tabaquite said. Did the Member for Tabaquite know that what you are effectively promoting is the abolition of the death penalty? Did you know that? You did not know.

Dr. Rambachan: That is an opinion.

Mr. C. Imbert: Oh, really; it is an opinion? Well, let me go now to what the facts are. What does this Bill do? The Bill amends section 89 of the Constitution and the Bill is to be construed as altering the Constitution. I am reading from the Explanatory Note. So the legislation before us is intended to amend the Constitution and to alter the Constitution. And exactly what and how does it do that? How does it alter the Constitution? Well, if you go into the legislation which

my hon. friend from Lopinot/Bon Air West did not do, and my hon. friend from Tabaquite did not do, and the Attorney General did not do—if you go into the legislation, you will see that in clause 3 of the legislation it makes a statement that:

“This Act shall be construed as altering the Constitution.”

Then as we go through the legislation, one sees that the intent of the legislation is to avoid any reference to sections 4 and 5 of the Constitution, because the Bill repeats itself over and over. For example, let me go to section 6M (1), and this is the one that deals with the question of sections 4 and 5:

“The imposition of a sentence of death by a Court on a person in respect of a criminal offence under the law of Trinidad and Tobago of which he has been convicted or the execution of such a sentence shall not be held to be inconsistent with or in contravention of section 4 or 5.”

And it is repeated:

“(2) Without prejudice to the generality of subsection (1) and for the removal of doubts, the execution of a sentence of death referred to in subsection (1) shall not be held to be inconsistent with or in contravention of section 4 or 5 on any grounds whatsoever...”

And then they go to list certain particular grounds. And the Bill continues along this vein, because what this Bill is trying to do is to avoid section 4 and section 5 of our Constitution, in addition to attempting to limit the time for appeals. Now what do sections 4 and 5 say? Since the Attorney General did not tell us and he did not tell his Members, I need to tell them what section 4 says. Section 4 of the Constitution is the enshrined rights, and it goes on to say:

“It is hereby recognised and declared 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—

(a) the right of the individual to life,..”

And that is the problem, that in all this death penalty legislation, you are coming up squarely against section 4 of the Constitution which says that citizens of Trinidad and Tobago have a fundamental right to life, so that if you attempt to impose a mandatory sentence of death you are in conflict with section 4 of the Constitution. That is why, when you go through the Bill, it keeps saying that the imposition of a sentence of death and the execution of a person shall not be held to be in contravention of sections 4 and 5 of the Constitution.

Now, why is the Bill doing that? We have to go into the case law and there are three cases which I would ask all Members opposite to read in chronological order. The first one is the Privy Council Appeal, No. 10 of 1993, which is the case of *Earl Pratt and Ivan Morgan v the Attorney General of Jamaica*. That is the judgment of the Lords of the Judicial Committee of the Privy Council delivered on November 02, 1993. Read that first. Then I would suggest to Members opposite, if they really want to learn, that they would read Privy Council Appeal No. 18 of 2003 and that is the appeal of *Balkissoon Roodal v the State* from the Court of Appeal of Trinidad and Tobago delivered by the Privy Council on November 20, 2003. And having read *Balkissoon Roodal*, I then urge Members opposite to read *Charles Matthew v the State*, Privy Council Appeal, No. 12 of 2004, from the Court of Appeal delivered by the Privy Council on July 07, 2004. And read the dissenting judgments as well, because these are not unanimous decisions; these are majority decisions, and in some of them there was a very slim majority. In fact, in one of them there was a 5-4 decision and there were powerful dissenting judgments. This is particularly so with Roodal and Charles Matthew.

If the Members opposite would only read these decisions and try to understand them, they would understand why we are here today and they would understand why this Bill has nowhere to go. Now, if you go into the first case, *Earl Pratt and Ivan Morgan v the Attorney General for Jamaica*, the Privy Council made a very interesting statement right up front, on page 2. They stated as follows:

“The death penalty in the United Kingdom has always been carried out expeditiously after sentence, within a matter of weeks or in the event of an appeal even to the House of Lords within a matter of months. Delays in terms of years are unheard of.”

That is the gist of all these judgments flowing through Roodal, Matthew and all the other judgments in-between. The Privy Council also made the point in the *Pratt and Morgan* decision that in earlier times execution for murder, as opposed to other capital offences, followed immediately after conviction. So 200—300 years ago in Great Britain, execution was carried out immediately. So you would receive your sentence in the court now, and then they take you outside and the executioner would deal with you immediately. That is how it was in England.

6.05 p.m.

The problem is, because we do not do that, because it is not done in the Caribbean, because there is a long duration between the conviction and the sentence of death and the actual attempt to carry out the death penalty, the Privy

Council has come to the place where they are now, because from their own experience they were telling us that in the United Kingdom the death penalty was carried out within a matter of weeks after the sentence.

When you go through the *Pratt and Morgan* decision, there is a lot of the discussion of the question of delay, and what is right about a delay, and what is wrong about a delay, and very little right about delay, according to them. They spoke about the situation in Jamaica, and they said “delay of the character which has occurred in this case”—this is the *Pratt and Morgan* case of 1993—had never happened in Jamaica before independence.” And they went into some data that the Jamaican authorities had produced: “The time in Jamaica is never more than 18 months and usually considerably shorter”.

So prior to Jamaica achieving independence, the execution was carried out within 18 months of sentence, and quite often in a far shorter time. So the Privy Council was looking at it. They said in England it is within a matter of weeks or if you appeal to the House of Lords it is a matter of months; in olden times it was almost immediately. In Jamaica prior to independence it was within 18 months or less. They go on to say, and this gives you an insight into their thinking:

“It is difficult to envisage any circumstances in which in England a condemned man would have been kept in prison for years awaiting execution.”

So they could not even contemplate that—

“but if such a situation had been brought to the attention of the court, their Lordships do not doubt that the judges would have stayed the execution to enable the prerogative of mercy to be exercised and the sentence commuted to one of life imprisonment.”

So in that judgment of *Earl Pratt and Ivan Morgan*, the Privy Council was telling us exactly how they think, that it does not happen in England these long delays, one year, two years, five years, ten years, but if that happened they have no doubt that they would have commuted the sentence to life in prison. So they are telling you upfront that, look, we do not agree that there should be any substantial delay between the passing of the sentence and the execution and if you delay, then we consider that to be cruel and unusual punishment and they go on to say:

“In such a case,”—they were talking about a case of *Abbot v the Attorney General*—“which is without precedent and, in their Lordships’ view, would involve delays measured in years, rather than in months, it might be argued that the taking of the condemned man’s life was not ‘by due process of law’.”

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So what the Privy Council was telling us in 1993 was that firstly, they cannot even contemplate the idea that there would be a period of years between the imposition of the death sentence and the actual execution or attempt to execute the person; and further that the delay—a delay measured in years—would not be due process of law. They are telling us upfront how they are thinking. Then they went on to establish what they considered to be a reasonable time period which is the five-year period. And what is important about the five-year period is that they put certain caveats in which is very instructive for us. They indicated—and just by way of example they indicate that in India, the court in India held that a delay exceeding two years in the execution of a sentence of death, should be sufficient to entitle a person under sentence of death to demand the quashing of his sentence on the ground that it offended the Indians Constitution, which also gave Indian citizens the right to life.

So in India, the Indian court had held that if you delayed for two years that is sufficient to quash the death sentence. And they went on to say that in their Lordships' view a State that wishes to retain capital punishment must accept the responsibility of ensuring that execution follows as swiftly as practicable after sentence allowing a reasonable time for appeal and consideration of reprieve—and they gave some time frames. They were of the view that the matters could be disposed of—this is on page 25 of the judgment—that it should be possible to dispose of a matter within six months of the Court of Appeal hearing or within a further six months if there is to be a full hearing of the appeal and in this way it should be possible to complete the entire domestic appeal process within approximately two years.

So what the Privy Council was saying is that the domestic courts should be able to deal with a death penalty matter or murder case within two years, both the High Court and the Court of Appeal. And then they went on to the question of the Inter-American Court of Human Rights and they said:

It appears to their Lordships' that provided there is in further no unacceptable delay in the domestic proceeding complaints to the United Nations Human Rights Commission—they were talking about that as well—it should be possible for the committee to dispose of them with reasonable dispatch and at most within 18 months.

So what they were saying is that the local court should be able to sort out a murder case within two years, and that the international bodies should be able to come to a conclusion within 18 months. So that is three years and six months and they added another 18 months to cater for any unforeseen issues that might arise,

and they said these considerations lead their Lordships' to conclusion that in any case in which execution is to take place more than five years after sentence, there will be strong grounds for believing that delay is such to constitute inhumane or degrading punishment or other treatment.

So that is our law as it stands, in 1993 the Privy Council made this landmark decision and indicated that they felt that a period of five years was sufficient to go through the High Court, to go through the domestic court, to go to the Privy Council, to go to Inter-American Court of Human Rights. So that is where we are.

Now in 2003, Mr. Speaker, the Privy Council did a very, very strange thing. There was this gentleman, Mr. Roodal, who had been sentenced to death and he petitioned the Privy Council on the grounds that the death penalty should not be mandatory in Trinidad and Tobago, and the Privy Council came to a very, very strange conclusion, which is what caused my hon. friend the Attorney General to burst into rapture and to speak about his opposition to the death penalty; it was following the Roodal decision.

Dr. Rowley: What did he say?

Hon. C. Imbert: He said—you were not here? It is worth repeating because he is here now, the State must recognize that execution is wrong and must consider alternative punishment and he also said “I cannot support the death penalty” that was, Mr. Anand Ramloogan in 2004.

Dr. Rowley: That is why he saying to abolish it sideways.

Hon. C. Imbert: Correct. But in 2003, the Privy Council overturned the mandatory death sentence in Trinidad and Tobago for a conviction of murder. It did not last very long because in 2004, this was November 2003, so the rapture of the abolitionists only lasted for eight months, in July of 2004 they overturned it. But in 2003 the Privy Council came to the conclusion that based on the wording of our Constitution, based on the wording of the Offences Against the Person Act that the death penalty was no longer mandatory in Trinidad and Tobago. And as I said that lasted just for about eight or nine months and then in the *Charles Matthews* case they concluded that that decision was wrong. Not much more in the *Roodal* case that needs to be looked at the Privy Council simply looked at all the various laws that we have, looked at; sections 4 and 5 of the Constitution, looked at section 6 of the Constitution, looked at the Offences Against the Person Act and concluded that the death penalty was not mandatory, and that the courts should determine the sentence based on their appreciation of the circumstances of the case.

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But in July 2004, the Privy Council overruled themselves and went on to say:

“7. The effect of today’s decision is to overrule the recent case of *Roodal v the State of Trinidad and Tobago*...Henceforth the death sentence for murder will continue to be mandatory.”

So, for a little period between November 2003 and July 2004, our law was that the death sentence was not mandatory. But since July 2004 to the present day, as a result of the *Charles Matthews* decision, the death sentence is mandatory in Trinidad and Tobago.

6.15 p.m.

The reason I ask Members opposite to read this, is because the whole thing is based on the words in the laws, how clear they are, how unambiguous they are and whether Trinidad and Tobago has been so foolish and unwise to introduce into its laws discretion with respect to the imposition of the death sentence, discretion with respect to the categorization of murder. If you read *Charles Matthews*, you will see that is what the debate is all about.

They debated it: our law is so clear, that whether there was any space for them to get inside—because when you read *Pratt and Morgan*, *Balkissoon Roodal* and *Charles Matthews*, you would see virtually to a man, the Privy Council is declaring that as far it is concerned, the death penalty is cruel and unusual punishment and they do not support it. But the problem they found themselves in, in the *Charles Matthews* case is that they were unable to change our Constitution. They found themselves not having the authority or the ability to change the Constitution, and I would give you a clue into their mindset. This is from the *Charles Matthews* case, Chap. 2:

“The language and purpose of section 6(1) are so clear that whatever may be their Lordships’ views about the morality of efficacy of the death penalty, they are bound as a court of law to give effect to it.”

So as I said, if hon. Members opposite would take the time to read these cases, they would see that the Privy Council has made clear time and time again, that the majority of Privy Councillors do not support the death penalty and if they had their way, they would abolish the death penalty as the mandatory sentence for a conviction of murder in Trinidad and Tobago. What stymied them was section 6(1) of the Constitution. What does section 6(1) say? Again, the Attorney General failed to explain to this Parliament why we are here. Section 6(1) says:

“Nothing in sections 4 and 5”—of the Constitution—“shall invalidate—

(a) an existing law;”

And they had a huge argument about the meaning of the word “invalidate”. Could you imagine that? Nine Law Lords arguing what does “invalidate” mean, and they came down on the side of the common English meaning of “not to render void”. That is where they have finally arrived. But if you read Pratt and Morgan, you read *Balkissoon Roodal* and you read *Charles Matthews*, you would see tremendous confusion about what does the word “invalidate” mean and what does “section 6(1) of the Constitution” mean. But the majority of judges in the *Charles Matthews* case decided that what meant, is that all laws that existed prior to the Independence Constitution, the Constitution that came in 1976 and came in 1962 as well, that all of those laws had been saved by section 6 of our Constitution.

Now, what law are they talking about? Again, as I said, hon. Members opposite did not present this Bill. They are talking about the Offences Against the Person Act, and what does the Offences Against the Person Act tells us? Very simple, you know. Chap. 11:08, section 4 under the heading “Homicide”—section 4, you could not get it better than this:

“Every person convicted of murder shall suffer death.”

Unambiguous, conclusive, there is no room for interpretation in this sentence. Every person convicted of murder shall suffer death, and this is a law going back to 1925. It was Act No. 10 of 1925. It had been amended along the way, in 1939, in 1973, 1979, et cetera, but that particular clause that dealt with the death sentence has remained since 1925.

The Privy Council tried everything it possibly could, to interpret section 4 of the Offences Against the Person Act, and section 6 of the Constitution in order to give themselves some wiggle room to say—

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.

Hon. C. Imbert: Thank you very much, Mr. Speaker. As I said, the Privy Council tried its best—[*Interruption*]

Mr. Warner: Say thank you.

Mr. C. Imbert: Oh, thank you. I am so sorry. I thank, especially, the Member for Chaguanas West and all Members opposite, Members on this side and

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Members behind me including the Member—he is not there? Oh, I am so sorry. But I thank everybody who is present for extending my time.

As I said—and you need to understand this point—for years, the Privy Council has been trying to get inside our laws to be able to make a finding, that the death penalty is not automatic in Trinidad and Tobago. They managed to do it for a period of eight months, but good sense prevailed in this panel, in the *Charles Matthews* case, and they—I do not know if it is reluctantly or otherwise, because when you read it, they seemed very reluctant about the decision that they came to, very, very reluctant! But they came to that decision, and until this *Charles Matthews*' decision is overturned by then, which I doubt, I believe that finding is going to stand that section 4 of the Offences Against the Person Act is beyond interpretation. It clearly says that if you are convicted of murder the penalty is death, and section 6 of the Constitution makes it clear that no matter what you do, you cannot affect an existing law. That is only if you do not tamper with the Constitution.

There have been warnings, Mr. Speaker, and I go back to what Sen. Martin Daly said in the year 2000. It is instructive and I think Members need to listen to what he had so say again. Sen. Martin Daly said that:

“If we make any mistakes the courts would only be too happy to say—it is not very easy to persuade them to uphold capital punishment. The courts would only be too happy to say that as a result of this Act, capital punishment is no longer lawful.”

What better way to play into the hands of the courts, than to have categories of murder? Because once you have categories of murder, everybody and their uncle will say: “I should be charged for murder 2 or murder 3, and who are you to tell me that I should be convicted or accused of murder 1”. That is the first mistake this Government is making with this piece of legislation. If you had only bothered to read what Sen. Martin Daly had said 11 years ago; anytime you give anybody discretion, the Privy Council will exercise the discretion for you. Anytime you open a door, they will walk straight in and they will say, okay, you have now amended your Constitution, you have altered your Constitution, you have changed your laws, you have made the question of the automatic death sentence ambiguous, and we will now tell you that it is unlawful to impose the death sentence for murder in Trinidad and Tobago.

So this Bill that the Government has brought here is an aberration. Virtually every single clause in this Bill is going to create an avenue for the Privy Council to declare or to reaffirm the decision that they made in *Balkissoon Roodal v the*

State. Virtually every clause inside of here will give them the opportunity to come in and say, yes, we made the decision in *Charles Matthews* because at that time your law was unambiguous, your law was crystal clear, it was left without any doubt t that that is what you wanted. They are going to look at what we are talking about. That is why the contribution from the Member for Lopinot/Bon Air West was so irresponsible, because he is the one who introduced this idea of a civilized approach to the death penalty. That is where you bring in the ambiguity and that is where you just open the door and tell the Privy Council, come, we have changed our law and we are now introducing discretion. We have recognized that the death penalty is uncivilized. That is what they will get from what he said, and the whole effect of what we are doing here today, will be that you will no longer be able to hang a single person in Trinidad and Tobago.

Dr. Browne: Not one single person.

Mr. C. Imbert: Not one person can be hanged if this Bill is passed as it is. As a matter of fact, I have heard statements from the Government that they would like to amend the Bill, take out this clause and take out that clause. You are going to have to take out virtually every single clause, and what would be left?

Dr. Browne: The title.

Mr. C. Imbert: The short title? Because you are going to have to take out the categorization of murder, you are going to have to remove the discretion of the DPP, you are going to have to take out virtually everything, what would be left? Only the amendment to section 89 of the Constitution, clause 5; you will have to take out clauses 1, 2, 3 and 4.

Dr. Moonilal: Pass it quick.

Mr. C. Imbert: Ha, ha, very funny! Mr. Speaker, I am concerned at the flippant manner in the way the Government has approached this matter. What on earth is a time limit for appeals doing in section 89 of the Constitution? Why put it there? As I said, it is as if some sort of Freudian urge is driving someone to make mistakes with this legislation, because what is section 89 of the Constitution? What does it say?

“(1) Where an offender has been sentenced to death by any court for an offence against the law of Trinidad and Tobago, the Minister shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as the Minister may require, to be taken into consideration at a meeting of the Advisory Committee”—also known as the Mercy Committee.

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That is all section 89 is dealing with—Mercy Committee. The man has been convicted. He has exhausted his appeals, they are about to hang him, they take it for the final arbiter, the final panel, the Mercy Committee. Now why on earth is the Government introducing a new section into section 89, as follows:

“The President may by instrument under public Seal, direct that there shall be time limits within which an offender referred to in subsection (1) may appeal to, communicate with, consult, et cetera, any person or body of persons outside of Trinidad and Tobago.”

What does that have to do with the Mercy Committee? Nothing! We are not agreeing to this, but if we are going to agree to anything like this, it would have to be a separate clause. It cannot be an amendment to section 89 of the Constitution.

In fact, we have great difficulty in tampering with our Constitution at all. From the time you interfere with this thing—[*Desk thumping*] the Privy Council has told us in no uncertain terms, in judgment after judgment for the last 17 years, from the time we amend our Constitution, “crapaud smoke we pipe”. They will effectively abolish the death penalty in Trinidad and Tobago. That is what they will do. And as an aside, I heard the Attorney General in his presentation talking about the delays caused by all of these appeals to the Privy Council and appeals to the International Human Rights Commission, and then he introduced another layer of bureaucracy with respect to murder 1, 2 and 3 and expects that people will not appeal that and that will not create a further delay and take us straight outside the five-year time limit. It is irrational!

Mr. Speaker, this Bill is so badly drafted, that we on this side cannot support it, because when this Bill is passed you will not be able to hang a single person in Trinidad and Tobago, every again. Ever again!

6.30 p.m.

The first person who is charged or convicted under this new Bill will go straight to the Privy Council and have his conviction commuted to life imprisonment.

But before I conclude, Mr. Speaker, I was looking at some other issues as to this whole question of the death penalty and if it is right and if it is wrong. One of the injustices that this Government has done to us, they have not given us or given the population any time to reflect on this matter: whether the death penalty is just or whether the death penalty is unjust; whether the death penalty should be interfered with or whether it should be left alone; whether it is right to hang people for murder or whether it is wrong to hang people for murder. They have

given nobody in the Parliament the time to reflect on that and they have given nobody in the national community time to reflect on that and this debate is not about that. This debate cannot be about the rectitude or the propriety of the death penalty because that discussion has not even started.

This debate is whether this Bill is going to be effective. Is this Bill going to fundamentally interfere with our existing law so that people will escape the hangman's noose? That is what this debate is about. But I would have hoped, Mr. Speaker, that any self-respecting Government would have given this Parliament the opportunity to consult with members of the national community; given our MPs the opportunity to consult with our constituents; speak to interest groups; speak to the churches; speak to people who are for the death penalty; people who are against; something like this will take months. It cannot be done in a matter of days, Mr. Speaker.

Hon. Member: We had nine months.

Mr. C. Imbert: Oh, do not be silly! And, Mr. Speaker, there is another fallacy! There is another fallacy! The Prime Minister and the Attorney General has given the country the impression that as soon—I stand corrected. The Prime Minister and the Attorney General have given the country the impression that as soon as this Bill is passed, the next day they will be hanging somebody in Golden Grove. PR—Public Relations nonsense!

Even if this Bill were passed and even if we were able to negotiate the landmines that have been laid for the population in this legislation, and even if, somehow by some miracle, somebody had exhausted all of their appeals within the five-year period, the first time someone would be hanged with respect to this legislation, would be in the year 2016, five years from now. Five years from now! And this Bill will have no deterrent effect.

It is until people realize that they are going to be executed, that is when you have the concept of deterrence but simply passing legislation in this Parliament, the criminals will laugh at us. They are not going to stop murdering just because we pass a law in this Parliament. If you believe in the deterrent effect, if you believe—I am not saying I believe or do not believe—but if you believe, it is only a deterrent when it actually happens.

So that one would not see the effects of this legislation, if it were feasible, until the year 2016, five years from now. So that this whole death penalty debate, this frenzied two-day debate that has been hyped up in the media, is just a charade, it is a farce, Mr. Speaker, because it achieves nothing [*Desk thumping*]

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and to compound the injury, the Bill is just simply defective, unworkable and, as I said, I would not be surprised if there is some kind of subconscious or subliminal desire to abolish the death penalty that is driving this piece of legislation because that is exactly what it is about to do. How many more minutes do I have, Mr. Speaker?

Mr. Speaker: It is 6.51.

Mr. C. Imbert: 6.51, oh, I have plenty time.

Hon. Member: Talk, boy talk.

Mr. C. Imbert: Mr. Speaker, now that I have dealt with the legal side of this Bill, and I want to make it clear if you did not understand; we in the PNM will not participate in any legislative agenda that will have the effect of abolishing the death penalty. [*Desk thumping*] Until and unless we can consult with the population and the population will either reaffirm its present position—because any survey that you do, any survey that you do now, is 70 per cent, 75 per cent, 80 per cent, 85 per cent, whatever, 90 per cent of the population it is said support the death penalty. But you are now bringing legislation that will abolish the death penalty.

So that we are not going to support this until and unless we can go to the population and get them to reaffirm their current position or tell us whether their current position has changed. But we are not supporting you in any surreptitious, underhand or—I would not call it incompetent; nobody could be this incompetent. We are not supporting you with any underhand attempt to abolish the death penalty in Trinidad and Tobago. Not for public relations, no way! We are not doing that! This is a very, very serious matter!

If the Member for Tabaquite believed even 1 per cent of what he said in his heart, you cannot support this nonsense. If you believe even 1 per cent of the things you said, that we must deal with these criminals and these murderers, you cannot support this nonsense. You should vote against this Bill, Member for Tabaquite, because it is going to abolish the death penalty.

Before I take my seat, I think I would spend the next ten minutes or so, looking at the religious aspects of the death penalty. I am not going to “ramajay”, I am going to deal with the religious aspect of the death penalty because I know some people want to hear. I know the Member for Arima wants to hear and yes, I know you, too.

Mr. Speaker, there is a view that the Catholic Church—and I am a practising Catholic like the Member for Chaguanas East. Do not get up and say that I am

imputing improper motives—The Member for Chaguanas East is a regular churchgoer like myself. He goes to church.

Dr. Rowley: But what does he practise?

Mr. C. Imbert: He is a Catholic. Mr. Speaker, there is a view that the Catholic Church is opposed to the death penalty, and that view has come from a number of statements made by the Catholic Church, in particular, statements made by American Bishops. The American Bishops had a statement in 1980, entitled “Capital Punishment” and they stated their opposition to the death penalty on four grounds, Mr. Speaker, and I will read them. The first ground is that:

“...abolition”—of the death penalty—“sends a message that we can break the cycle of violence, that we need not take life for life, that we can envisage more humane and more hopeful and effective responses to the growth of violent crime.”

So that was the first plank that the Catholic Bishops in America said why the death penalty should be abolished.

The second plank:

“...abolition of capital punishment is also a manifestation of our belief in the unique worth and dignity of each person from the moment of conception.”

Thirdly, abolition of the death penalty is further testimony to our conviction, a conviction which we share with the Judaic and Islamic traditions, that God is indeed the Lord of life.”

And so human life in all its stages is sacred.

“Fourth, we believe that abolition of the death penalty is most consonant with the example of Jesus...”

Forgiveness, compassion, et cetera. So that is what the American Bishops had to say in 1980. And out of that statement, and other statement; a belief has been created among non-Catholics and Catholics that the Catholic Church is completely opposed to the death penalty. But let me now go to the *Catechism of the Catholic Church*, Second Edition, Chapter two, Article five, The Fifth Commandment.

Now, the *Catechism of the Catholic Church* tells us that the Fifth Commandment is:

“You shall not kill.

you have heard that it was said to the men of old, ‘you shall not kill: and whoever kills shall be liable to judgment.’ But I say to you that every one who is angry with his brother shall be liable to judgment.”

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Now, Mr. Speaker, non-Catholic Christian faiths derive their belief in the death penalty, some of them, from Genesis.

6.40 p.m.

Genesis 9:5 - 6:

“Whoever sheds the blood of man by man shall his blood to shed: for God made man in his own image.”

So that is the simplest passage in the *Bible* that speaks to the biblical support for the death penalty, Mr. Speaker. But that is in the Old Testament, and one of the problems in the Old Testament, Mr. Speaker, is that the Old Testament is contradictory. Because, whereas Genesis says:

“Whoever sheds the blood of man by man shall his blood be shed...” Ezekiel 33:11 which I am sure the Member for Chaguanas West may have been familiar with at one point in time, reads as follows:

“As I live says the Lord God, I swear I take no pleasure in the death of the wicked man; but rather in the wicked man’s conversion that he may live.”

Member for Arima, are you familiar with Ezekiel 33:11? It is all right. You see, Mr. Speaker, one of the points made in this article that I am reading from which is an analysis of the statement of the Catholic Bishops of 1980—

“The use of the Bible...”

And I believe this:

“trying to find a ‘proof text’ to affirm one’s point of view for or against the death penalty is inappropriate.”

Completely inappropriate, because as you go through the *Bible* you find passages in the Old Testament that support the death penalty, and you are able to find passages in the Old Testament that are against the death penalty. When you go to the New Testament, the entire, New Testament is all about forgiveness, it is all about compassion, it is all about mercy, which is most epitomized by the Sermon on the Mount, Mr. Speaker, when Jesus said turn the other cheek.

So that if you look at the Old Testament it talks about an eye for an eye, it talks about whoever sheds the blood of man, by man his blood shall be shed. Ezekiel gives you a contradictory statement and then you go to the New Testament and it is all about forgiveness, and peace and love and compassion, Mr. Speaker. And, therefore, I submit, Mr. Speaker, that the last place that one should

be looking to find proof of your belief with respect to the death penalty is the *Bible*. It is the last place that you should be looking, because of the contradictions—[*Interruption*] that is the teachings of the Catholic Church, that is not in the *Bible*, Sir. You see if one is a practising catholic, Mr. Speaker, and one goes along with the *Catechism of the Catholic Church*, that is what I am coming to, Mr. Speaker—the Catholic Church says this:

“If a man in self defence uses more than necessary violence, it will be unlawful, whereas if he repels force with moderation, his defence will be lawful.”

And they go on to say:

“assuming that the guilty party’s identity,”—they are talking about murder—
“and responsibility have been fully determined, the traditional teaching of the church does not exclude recourse to the death penalty.”

You heard that, Mr. Speaker?

“assuming that the guilty party’s identity and responsibility have been fully determined, the traditional teaching of the church,”—I am reading from catechism of the Catholic Church—“does not exclude recourse to the death penalty, if this is the only possible way of effectively defending human lives against the unjust aggressor.”

But the church goes on to say:

“If, however non-lethal means are sufficient to defend and protect people’s safety from the aggressor, authority will limit itself to such means...”

And they go on to say:

“Today as a consequence of the possibilities which the State has, for effectively preventing crime, by rendering one who has committed an offence incapable of doing harm, without definitely taking away from him the possibility of rendering or redeeming himself, the cases in which the execution of the offender is an absolute necessity are very rare if not practically nonexistent.”

So what the Catholic Church is telling us, if you have to defend yourself and the only recourse you have in defending yourself, is to take the life of the aggressor then that is permissible. But if the State convicts a man for murder and there are non-lethal means of keeping him away from society, then recourse should be

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made to the non-lethal means. Those are the teachings of the Catholic Church, Mr. Speaker. But we are not here today to debate the teachings of the Catholic Church, we are not—no, but I mean it is necessary to put these things into the record because it is—

Hon. Member: What about the teachings of John Paul?

M. C. Imbert: You could say what you want, these are things that people need to understand because you see, I heard the Member for Tabaquite quote from a statement made by a Pentecostal preacher, am I correct? I heard him.

Mrs McIntosh: And the *Bible*.

M. C. Imbert: And he quoted from the *Bible* and he used it as justification for the death penalty. [*Interruption*] The point I am making, Mr. Speaker, we could have a debate here about whether the death penalty is a good thing or a bad thing. We can have a debate here as to whether the *Bible* supports or does not support the death penalty. We could talk about the Old Testament, we could talk about the New Testament, that is not what this debate here is all about. [*Desk thumping*] If the Government had—you may rule me out of order here, Mr. Speaker, but if it was a Government built on moral and spiritual values—

Hon. Member: “Yuh want to go home early.”

M. C. Imbert:—what the Government would have done, it would have put this matter out for public debate. If you wanted us to be here today talking about whether the death penalty should be abolished or not, you should have put it out for public comment so that we would be informed [*Desk thumping*] by the sentiments of our constituents. But you did not do that. So this is not a public debate. There is no opportunity for members of the public to express their opinion; you have had referendum on this matter; you have not put this out to the vote; we do not know, we do not know how the public feels about this matter except the results of opinion surveys, Mr. Speaker. But we have had no opportunity to have meaningful dialogue with people in our society, and therefore, Mr. Speaker, what this debate is all about, is about the law that you have brought to this Parliament, the very, very bad law that [*Desk thumping*] you have brought to this Parliament. The law that will do the opposite of what you have said it will do.

It in fact is a very treacherous piece of legislation. It is a very deceitful piece of legislation. It is a very dishonest piece of legislation, because you have the Government trumpeting to the high heavens that when this legislation is passed, necks will be popping all over Port of Spain, criminals will be running for cover,

the death penalty will be enforced, when the opposite is true, Mr. Speaker. You are fooling the people all on the altar of public relations and we will have none of it, Mr. Speaker! [*Desk thumping*] We will have none of it! And therefore speaking on behalf of the Opposition, we call on the Government to withdraw this Bill. We will have nothing to do with it! I thank you, Mr. Speaker. [*Desk thumping*]

The Minister of Labour, Small and Micro Enterprise Development (Hon. Errol McLeod): Thank you very much, Mr. Speaker. Mr. Speaker, the Member for Diego Martin North/East said that the criminals will laugh at us; I want to suggest that the criminals are laughing at us, and they have been laughing at us for the past nine years. [*Desk thumping*] I find Members opposite, not all of them, to be very opportunistic. The death penalty as has been determined by the Privy Council is mandatory, it has been so for however many years, we have been aware of *Pratt v Morgan*, we know about *Roodal* and *Matthews* and all of them and the positions that the Privy Council had taken and I thank God that they did not have the authority to rewrite the Constitution of sovereign Trinidad and Tobago. [*Desk thumping*] Neither do we have the authority to just willy-nilly rewrite that Constitution [*Desk thumping*]

Mr. Sharma: Well said.

Hon. E. McLeod: And all of the conditions that exist now were conditions about which they were fully aware and they did nothing. They wanted a debate so that they will get a view as to where the population's head might be on this question, and then they will just fall in line and opportunistically support that, rather than giving leadership as we are attempting to give leadership today. [*Desk thumping*] But I will come back to that, Mr. Speaker.

6.50p.m.

The Member for Laventille East/Morvant, introduced in this debate a matter that has to do with remuneration packages for members of the protective services and by extension, members of the—which one is it, protective? Police is protective, and the army is—I cannot remember how they are categorized. [*Interruption*] Defence, that is right. Thank you.

This House has been told, that proposals were developed, agreed upon by officials in the Ministry of National Security and by representatives of the Trinidad and Tobago Police Service Social and Welfare Association and forwarded to the CPO. The impression given, however—and I would like us to recognize this, and be truthful about it—outside there and the expressions in here,

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sort of substantiate that impression that the police service and by extension the rest of the protective services are supposed to be in receipt of a compensation package that had been agreed upon by the Government.

That is the impression out there, and that is wrong, that is erroneous. If the Cabinet had done that, then the Cabinet would have gone against the conventions that it supported at the International Labour Organization and that were ratified here, that is the convention that speaks to the collective bargaining process. And since these officers about whom we speak do not fall under the purview of the Salaries Review Commission, then the Cabinet was wrong, and it would have been unlawful and contrary to good industrial relations practice for the Cabinet to have decided on a remuneration package that ought to have been dispensed to the police. And I suspect that you agree with me on that. Yes?

Now we are told that this package was sent to the CPO in April 2010. The general election was on May 24, 2010, and the period over which we are talking about the remuneration for members of the protective services is January 2008 to December 2010. So, 2008, 2009, nothing was done for these officers. On the eve, the eleventh hour before the general election, a package which has since been advertised, that package representing what was thought to be highly beneficial to members of the protective services went to the CPO. *[Interruption]* Yes, certainly.

Miss Cox: Thank you very much. I am not sure that you should say that nothing was done. The police association was still involved in negotiations with the package, it took them a while; they were aware of that, it was not that; the Government kept them back. They were comfortable dealing with the negotiations because remember I told you that they brought—an expert came in and gave them advice, so that delayed the process and they were involved in the negotiations.

Hon. E. McLeod: Okay, but it does not take me away from the point that I am making. The point I am making, Mr. Speaker, and hon. Members of this House, is that what was done can be considered to be blackmail. *[Desk thumping]* And it must be condemned. Now let me be the first to say that especially because of where I come from.

I will advocate the best terms and conditions of employment for every worker, including Members of this Parliament, who work. *[Crosstalk]* I said every Member of this Parliament.

Mr. Sharma: He does not understand. Forgive him.

Mr. Warner: Who work!

Mr. Imbert: What about Mr. Speaker?

Hon. E. McLeod: You see, there is a measure of immorality in what was done, Mr. Speaker, and I am constrained to say this. In 2015, would it be correct for this Government before the election to build a number of proposals, supposedly supportive of workers in whichever sector they might belong, and send that to the authorities that we would have appointed to negotiate on behalf of these people, whoever they are? What would be said about that? I know that they would not take that lightly. And I think that it is important and I know that insofar as the industrial relations thing might be concerned the Member for Laventille East/Morvant might be quite inexperienced and it might be useful, considering the circumstances that attend us these days, it might be useful for a more comprehensive statement to be made about what happened. I think we are playing, really, with security of the State. [*Interruption*]

Miss Cox: Member for Point-a-Pierre, I am not sure if you understand. Based on what you saying I do not think you understand.

Mr. Sharma: Nonsense!

Hon. E. McLeod: I think I understand it.

Miss Cox: No. You spoke as though it was done for spite. It was a process that was taking place.

Hon. E. McLeod: No. I did not say that it was done for spite. And this is why I talked about the inexperience of people. That is why I talked about the inexperience.

Miss Cox: Because you still do not understand what took place, that is why you think so.

Hon. E. McLeod: Okay, well then perhaps, it was done on the basis of the profound experience of those who did it. It is still wrong. [*Crosstalk*] I think that a word to the wise is sufficient.

Mr. Speaker, I listened to the comments by the other side and, except for the expressions of the Member for Port of Spain South, and I say this with respect, I do not intend to adversely affect anybody: with the exception of the Member for Port of Spain South, we have heard very little—[*Crosstalk*]

Mr. Warner: Nothing.

Hon. E. McLeod: —that I consider to be serious contributions to this debate and attempts to enlighten.

7:00 p.m.

I will not attempt to deal with the law as much as we are lawmakers. I am not going to argue law with confirmed and certified lawyers, nor will I attempt to

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argue law with those who are learning law. Where has he gone? I would not attempt that. I know that engineering is a more exact science than law, and if you have engineers who are not good engineers and are pretending to be lawyers, you could be in plenty, plenty trouble. I am not imputing improper motives to anyone.

I think the debate is really about the implementation of the death penalty, which is the law in this jurisdiction. I am advised that this law is on our statute books which we as a sovereign State must insist that it remain as our sole determination; our sole authority to change. So when those who used to be in control of us send their representatives down here—how many years after Marlborough House?—and suggest to us that we are barbarous, and that they have abolished the death penalty and we should, perhaps, be thinking in those terms and following suit, we also have those who would point to the abolitionist movements and so on about the place, and then say to us that this is what we must do and that civilized societies have abolished this thing, but then they are leaving the United States of America among those who are still very uncivilized, perhaps, because there is capital punishment in the United States of America, and they talk about leading the world in all aspects of civilized life.

Mrs. McIntosh: It is only in a few states.

Hon. E. McLeod: It is in the United States of America. If it is in San Fernando, it is in Trinidad and Tobago. It is in the United States of America, my dear friend. So, Mr. Speaker, I was attempting to make the point that except for the able and amiable Member for Port of Spain South, nobody on the Opposition Bench—and I say this with respect—spoke with relevance to the matter before this honourable House. [*Desk thumping*] I did not ask for any protection. I know you will be the first to jump to my protection.

Mr. Speaker, where an attempt was made, such as in the case of the Member for Laventille West, the contribution at best was confused and at times unintelligible. I say that too with respect. I do not intend to offend anybody, but that is the truth.

Mr. Warner: He spoke nonsense!

Hon. E. McLeod: We heard about unemployment, education—or the lack of it—inflation, and I think I heard the Member for Laventille West say “PTD”, but I understood him to want to say “GDP”.

Mr. Hypolite: I did not say that.

Hon. E. McLeod: I thought you said that. I thought I heard you say that when you were “explashiating” on inflationary trends and so on. He also cited poor upbringing as one of the four causes of crime and murder. If I misquote you, I am

sorry, but I thought I heard that. In my view, that was a suggestion that is subject to much conjecture, and let me explain a point I wish to make here. Mr. Speaker, high unemployment, lack of resources and no education, in my view, equal poverty and it might be the worst form of poverty. The lack of education is, perhaps, the worst form of poverty. I suggest that you cannot take unemployment or poverty in itself by itself, and say that is a cause of crime. [*Crosstalk*] We say poverty is a sin.

I recall the Vienna Convention in 1973 when OPEC came into being and they formed their cartel and moved to institute their boycott of the developed world. In 1973 in Trinidad and Tobago we were receiving just below \$3 per barrel for our oil. That was 11 years after we hoisted the red, white and black and lowered the Union Jack. We were very much on our own, but I think we had leadership in all spheres of the society, and yet unemployment was at 17 per cent or higher; inflation was at 23 per cent.

We had a literacy rate—perhaps the Member for Port of Spain North/St. Ann’s West will help me in this regard—in the 90 per cent range, and do you know why? Our poor people realized that education was the tool to rescue them to some extent from the throes of serious poverty. We did not have the spate of murders that we were to realize in later years when money, by that time, ceased to be a problem. In this regard, I must point to a matter that was raised by the Member for Laventille West, and I support it, and that is we started to realize degradation in family life in the upbringing of our offspring and so on, and we started to develop a different culture, and then we came to know about barrel children. Some of us were leaving our children in poor Trinidad and Tobago and going up to the “land of milk and honey” to see about other people’s children. Now, I do not know that we who are here are to be blamed for that. I would suggest that the leadership in that time then ought to be blamed for that. The Member for La Brea agrees with me.

Mr. Speaker, unemployment and inflation in 1973 to 1984 were so high that they influenced in very large measure, that gem of a calypso done by Slinger Francisco, the Mighty Sparrow, “*Capitalism Gone Mad*—\$10,000 for the undertakers and even dying today isn’t easy.” Do you remember that? So, I am suggesting that the problem is really a combination of issues which have had a deleterious effect on the integrity of our institutions and the moral fabric of the society. Who is to be blamed for this sordid state of affairs? Again, we could say, “it is not me”.

Mr. Warner: The PNM!

Hon. E. McLeod: The Member for Port of Spain South asked whether we have consulted anyone on the measure brought before the House on the amendment to the Constitution insofar as capital offences are concerned. I wish only to refer to the 1990 Commission of Enquiry into the Retention of the Death Penalty. I am suggesting that the discussion, the debate and the consultation started then, and it has continued up to today. I do not know that we need to have any specially organized consultation on whether or not to effect the death penalty. I think that we should be discussing here, when do we begin to effect the death penalty. [*Desk thumping*]

This Prescott Commission was the first national attempt at examining the issues that touch and concern the retention of the mandatory death penalty. Since then, the discussions and the debates have continued unabated with much sympathy it seems for the villain being given more public voice than protection of the victims of heinous criminal action.

I want to suggest that the death penalty is without doubt a deterrent for the perpetrator of the particular criminal offence. It prevents that perpetrator from ever committing that crime or any other crime again. It is a deterrent, and it is the only sure means of preventing recidivism in respect of murder convicts. The taking of a life—and am not going to argue about religion either. There are two things that I would advise people to stay away from arguing and they are religion and law.

Mrs. McIntosh: And politics.

Hon. E. McLeod: No, we live politics every day, so we will argue politics.

And we would go back to the times when we used to be arguing politics on the block before “all yuh” send the police and so on to mash it up and to begin to peddle drugs on the block. You were not there, my dear. [*Crosstalk*]

7.15 p.m.

The taking of a life by another disrupts the natural equilibrium of society and the balance of justice is disturbed. That is what we are talking about. A just society requires the death penalty for the taking of a life. And from time immemorial, societies around the world have sanctioned the use of the death penalty as appropriate punishment for those who commit extremely heinous crimes. This is evidenced, Mr. Speaker, by the fact that the world’s major religions, which I am not going to argue about, have in fact sanctioned the death penalty as a part of the establishment of a justice system.

You have in Judaism, the official teachings of Judaism approve of the death penalty in principle but the standard of proof required for the application of the death penalty is extremely stringent. Islam—scholars of Islam hold that the implementation of the death penalty is permissible but the victim or the family of the victim has the right to pardon, and Christianity which encompasses that which the Member for Diego Martin North/East spoke about—Christianity in the Old Testament, which forms the origins of Christianity, endorses the use of capital punishment. [*Interruption*] I said I would not argue it, but I can say a word or two about it.

Mr. Speaker, the position really as I understand it, is that the discretion that is being argued about; the discretion I understand to be with the judge; the discretion I understand to be with the DPP, I do not know the discretion to be with the police in whom we are expressing some skepticism about the thing remaining independent and just, but perhaps I can be advised on that because section 6H(1) of the Bill says:

“Notwithstanding anything in this Act or in any other law, in exercising his discretion to prosecute for a category of the offence of murder under sections 6B to 6F the Director of Public Prosecutions may—

- (a) having regard to the nature of the circumstances in which the killing took place, himself determine in which category the offence falls,”

So that the investigating officer investigates that a crime has been committed and he goes to the DPP for instructions as to how to charge and on the basis of the evidence provided, the DPP will determine in which category but I said already, that I am prepared to be advised on that. I am not even pretending to be a lawyer.

Now we also heard criticisms against positions that are purported to have been held previously by some as against positions that are being projected today. Mr. Speaker, that I used to be in opposition to the death penalty. In 2007, there was a programme that I believe you would have heard and other Members of this House would have heard, it was a programme that went Mondays, Wednesdays, Fridays, it used to be on 95.5 then it went to 102.1 and then finally before I retired it was Wack Radio in San Fernando, “The OWTU Speaks”. Did you ever hear it, Mr. Speaker? [*Crosstalk*] Thank you very much. It used to be a very good programme, thanks for the endorsement.

Mr. Speaker, something happened on January 30, 2007 and this thing happened as the last straw, in my case, that broke the camel’s back. I mean, the criminals were doing whatever they wanted and the criminals became more emboldened after the Crowne Plaza convention that they had. [*Crosstalk*] Yes, the

accord? It ended in an accord and I had become a bit afraid of the “cords” in our Caribbean experiences, Mr. Speaker. You know what I am talking about. So that accord frightened me. You would recall a very dastardly act taking place against two grandparents who were babysitting twin toddlers. Am I saying it properly? [*Interruption*—I listened when you spoke. [*Crosstalk*]

Mr. Speaker, I said enough was enough. That was something else and that shocked me into a new consciousness that you had to abandon this armchair academic treatment of the death penalty effected by the State, which is itself a heinous act and I do not know that you should feed criminals with ice cream and sponge cake. It is the same way that a “corbeau” does not eat sponge cake.

So I did a piece, Mr. Speaker, and with your permission I would like to read it into the record and I hope I can do it in quite the way that I did it then. I did it on the 31st, the day after this crime was committed.

“We have had enough talk! It’s time for action—decisive action! Cut off the tail—it can’t be allowed to so brazenly continue to wag the dog. It shouldn’t be allowed.

Good evening and welcome to the OWTU speaks!

Tough times demand tough action. The pendulum has swung too far. It is time to end the debate. There has been enough vacillation on the issues. Enough of the vituperative and vacuous old talk. We demand action now! We did not subscribe to capital punishment neither did we envision that this place would become a “Town without pity”. There is no respect anymore for God nor man—it seems. Hang them high! The murderers’ lives are worth zilch anyway and more compellingly—they do not value the lives of the decent and law-abiding citizen nor even the innocent and defenceless babies who have been made witnesses to many heinous crimes in our most recent experience.”

7.25 p.m.

“Could it be explained? What could Clyde and Denise Commissiong have done to be so heartlessly and cruelly bludgeoned to death? What did they owe anybody—if at all they owed anybody—what did they owe to have commissioned such animalistic assault on their physical beings? Their bloody annihilation and brutally executed expulsion from this life were bad enough. One might still however, conclude that they have been—by their death—spared continuing pain inflicted by our own, now become law-of-the-jungle, town without pity.

But what damage was done to the babies who witnessed the spilling of their grandparents' blood and crept in that blood oblivious in their innocence, no doubt, to the extreme consequences of the barbarism which they witnessed? These babies cannot explain nor can the relevant social scientists measure with any accuracy how many times they may have died and transported back again into this hell town of life where men have lost their souls and a philosophy underpinned by devil take the hindmost.

We have come a long way from the teachings of the innocents being biblically washed in the purifying blood of the lamb to the criminal experience of babies being made to creep in the blood of their butchered and bludgeoned forebears."

When the police went there these two toddlers were creeping around in the blood of their grandparents.

"The criminal and other miscreants who wrought mayhem on the law-abiding, and their controllers who dress in cloaks of respectability have had too long a reign over the hitherto peaceful tranquility which we enjoyed.

The pendulum has indeed swung too far. If necks are broken there will be fewer repeat offenders and the probability of new ones being deterred.

Time for action. Hang the tried and condemned. And hang them high!

I am Errol McLeod for the OWTU Speaks!"

Mr. Speaker, I have no doubt that if on both sides of this House we are conscious of the threat that faces civilized society in this country, we can come together and iron out those differences that we have and put in place, not just legislation, but an action plan that will see us moving swiftly to clean up Trinidad and Tobago, before we reach that point of no return, before we reach the point at which we may be considered to be beyond redemption.

Thank you.

Mrs. Paula Gopee-Scoon (*Point Fortin*): Mr. Speaker, may I begin by offering my personal and sincerest condolences to the families of Daniel Guerra and Rasheed Khan who have lost their loved ones only recently. I know that I speak on behalf of my colleagues and, of course, on behalf of the members of the PNM as well.

Mr. Speaker, the country cries at the state of lawlessness in the land and the inability of this Government to do anything about it, as it has only worsened under their charge. I cannot help but look at the hypocrisy of this Government in dealing with crime. [*Interruption*]

Mr. Sharma: You and your foolishness.

Mrs. P. Gopee-Scoon: Cry for this country, Mr. Speaker—the country is weeping—crocodile tears by the Government. The whole country weeps at the state of crime in this country, yet the hypocrisy of this Government to bring to this Parliament, once again, some hopelessly flawed legislation. The question I want to ask the Government is: What mischief were they hoping to cure by bringing this piece of legislation? Is it that they were seeking to expedite hangings—because the Member of Port of Spain South has clearly shown that is not the case—or were they seeking to present a case for the abolishing of the death penalty?

After the presentation of this piece of legislation, the perpetrators of very heinous crimes causing death, perhaps in the most brutal way, and all of the children spoken of by the Member for Tabagite, can we be assured that these perpetrators will be caught and convicted expeditiously, especially given the state of the justice system under this Government and our terrible detection and conviction rates? Or is it that these wrongdoers, these lawbreakers, would be allowed further protection from going to the gallows or, perhaps, not at all, given the proposals in this Bill?

Mr. Speaker, I want to sincerely thank my colleagues, and especially the Member for Port of Spain South, for her very strong and in-depth, professional contribution on the Bill before us, responding to the Attorney General, and in highlighting to this nation the very defective legislation before us.

Perhaps I can be accused of blowing our trumpet, but I think the Opposition has done very well on this Bill and we are continuing to do better. [*Desk thumping*] The population, I am sure, is agreeing with us that we are doing very well in keeping a check on this Government. I am sure that we are now a credible alternative and it will not be long before we see ourselves on the other side. [*Laughter*]

Hon. Members: Aaaaah! [*Crosstalk*] That is wishful thinking!

Mrs. P. Gopee-Scoon: I want to touch on the legislative agenda or, in fact, the lack thereof, of a legislative agenda by the Government, because their performance has been poor to date. The first session, abysmal, really lamentable, because I think only seven pieces of legislation were passed in the last session. And someone on that side had the nerve to call us lazy. Performance beats “ol’ talk” and the performance by the Chief Whip and the rest of us on this side is certainly no “ol’ talk”; the “ol’ talk” is on the other side as we have had this evening.

So we continue with this tale of bad legislation, because that is, indeed, what it has been since we have come to this House, a tale of woefully bad legislation and particularly so on very, very sensitive matters; matters of security, the Bail (Amdt.) Bill and the anti-gang legislation were brought. They were our pieces of legislation and they both had to be sent to joint select committees, and from what I understand, all the recommendations given by the Opposition were, in fact, taken on board. It took the Opposition, on this occasion, to once again highlight the poor work of the Government on that side.

Mr. Speaker, the Bill before us would have had to pass through a process. Cabinet in the first place would have had to agree on a policy. The Attorney General's Office would have prepared the Bill. This is the only Bill, I think, that they have prepared 100 per cent. No old explanation again, and after it had been agreed on for policy by Cabinet, it would have gone to the Legislative Review Committee. Had I not known of the good work by the public servants in the Ministry of the Attorney General, I would have had to say that there was sabotage on the part of someone, because I cannot believe that this is the poor work coming from the Government.

After the LRC, this again would have gone back to Cabinet and passed through the eyes of the Attorney General, the Member for Siparia, who is an attorney, the Member for Oropouche East, the Leader of Government Business, who is an attorney and also the Member for St. Joseph, who is also an attorney and a former judge. All attorneys, and this piece of legislation passed right under their noses and no one picked up the deficiencies and shortcomings. It took the Opposition to highlight this to the nation.

The person who I am most disappointed in is the Minister of Justice, that he let this piece of legislation pass. He is responsible for justice reform in this country, and to date we do not know what is the plan emanating from his Ministry. What exactly is the blueprint? What are the projects you have planned and how are you intending to transform the criminal justice system? That is what we should have been enlightened on, instead of trying to pass this legislation through the House.

I am saying very early, this is very irresponsible on the part of the Government. This Bill has to be returned to them. It has to go back. It is their responsibility. It has to be returned to them.

Then there were other Bills, a whole lot of other matters on privacy. This Government does not care a bit about the privacy of individuals. So it began with privacy, the big scoop, with the Member for Siparia exposing the exposé on the

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SIA, which has since snowballed into something. I was using the word “mushroomed,” but then I could not find a verb to be associated with fungus, mold and so on. [*Crosstalk*] That has turned into one of the biggest gas by the Government, now in office for nine months. One-fifth of their term is gone, and there is nothing, nothing of substance coming from this Government. [*Desk thumping*]

In fact, Mr. Speaker, this Government has turned out to be a miscalculation, because nothing adds up and, indeed, the population is in disbelief about this Government. I add that to what the Member for Port of Spain South had highlighted in her contribution about the misprint on the promise to the senior citizens, and the misunderstanding about the \$2 million prize money, and the misstep on the Reshmi Ramnarine affair.

All it is, after nine months, this Government has had a miscarriage. They carried this country for nine months and at the end of it, stillbirth. When we thought we would have had a bouncing T&T at this time, that is not the case, stillbirth. This country is in a state of stillbirth. People were excited on May 24, 2010. People were in jubilation because a new government was conceived and everybody loves a new baby, regardless of the circumstances of birth. But this was no real conception at all. In fact, it may have been artificial conception. In fact, it is backfiring on the population of this country.

People are now beginning to realize the mistake they have made. It is all over the press; people are talking about it. This Government got help from abroad; help locally. They got an understanding electorate; everybody was excited. They got a nurturing and supportive media and everything was going quite hunky-dory. [*Interruption*]

Mr. Seemungal: Point of order, Mr. Speaker, relevance, Standing Order 36(1).

Mr. Speaker: I am monitoring her very closely on this matter. She has now started. I have been giving her a little space. I am hoping that the Member for Point Fortin, very, very shortly, would refer to the Bill and make the connection. [*Crosstalk*]

Mrs. P. Gopee-Scoon: Thank you, Mr. Speaker.

What was expected by this Government was change, but after nine months change has not come. In fact, we expected change for the better, but we have had change for the worse. I do not know on whose recommendation that this Government decided to lie flat on their backs and put their feet up for the last nine

months, but this is what they did. I do not know who recommended bed rest for this Government, but this is what they have done for the last nine months. At the end of it, a stillbirth, no bouncing T&T as everyone expected; very, very disappointing; very, very disappointing.

Expectations unfulfilled; failure on somebody's part and good faith question. Just look at the quality of this legislation before us; very, very poor. [*Crosstalk*] I will return to this whole question of failure after, because the Member for Tabaquite raised the question of failure.

We were speaking of the quality of legislation, like the one before us—I am connecting, Mr. Speaker—and, of course, matters of privacy. I make reference to two other pieces of legislation before, which were corralled and passed by this Government, in the absence of the Opposition, and made very bad law, and, again, something we will have to attend to when we get back into office. That is not happening here tonight, because we are not passing this piece of legislation. [*Crosstalk*]

7.40 p.m.

I am referring to the legislation the Data Processing Bill and the Electronic Transactions Bill because there were very, very strong appeals by this side; very, very, strong appeals by this side that it should have been redressed and remedied and brought again because there was no consultation and so on.

But sadly, Mr. Speaker, the Government in its usual highhandedness and its overbearing self-absorbing manner, its continuing disregard for the public, passed this legislation and passed this very ill-prepared and porous law which we will have to attend to.

Mr. Speaker, like the Bill before us, the Capital Offences Bill, any Bill that is ambiguous, like the one before us, any bill that is misleading, like the one before us—and it is so even to their supporters—should not be passed. So it is, we say, that this Bill will not be passed tonight. That is governance that is over-hasty and governance that is impetuous. It is “harum-scarum” legislation that is before us, Mr. Speaker.

And so we continue with the tale of bad laws. The Constitution (Amdt.) Capital Offences Bill, 2010, Mr. Speaker, what does this Bill really seek to do? And the first thing it has sought to do is to amend our Constitution. Mr. Speaker, section (2) of the Constitution of the Republic of Trinidad and Tobago says that:

“This Constitution is the supreme law of Trinidad and Tobago...”

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And it must be followed by all President and citizens alike and it sets the standard for other laws to follow and it is the basis for the rule of law.

And here we are this Government is seeking to amend our Constitution, and somebody earlier spoke about willy-nilly amendment, willy-nilly altering the Constitution, I believe it was the Member for Point-a-Pierre. Here we are the Government attempting to willy-nilly amend the Constitution for bad legislation, Mr. Speaker. And we are not the only ones saying that this legislation is fundamentally flawed. Indeed I heard only a few days ago over the airwaves Diana Mahabir-Wyatt expressing similar sentiments. Also, Dana Seetahal; I have it here, Mr. Speaker, in the *Saturday Express* 19 February, 2011 and the headline of her article is "Problems in the Death penalty law" and she was speaking to the fact that the effect of this law will be that:

“There is no longer any manslaughter since what is now manslaughter would be designated murder 2 and 3.”

And she is going on again and says:

“There are myriads of other problems with this Bill such as the fact that involuntary manslaughter does not include provocation...” et cetera.

But the point is this is a very, very well known lawyer, a former Independent Senator and she was commenting on the myriad of problems with the Bill. And indeed she goes on to highlight—and this is the background of the recent legislation, anti-gang legislation, which had been passed. She says that in other words:

“If a gang member shoots and kills a rival gang member intending to kill him what type of murder is this?”

Because in this case, the killer, the gang member, would have had the mental intention to kill, he would have committed the act, yet still under this piece of legislation brought by the Government, there is no room for him. In other words, there is no accommodation for a gang member killing another gang member under murder 1 or even the murder 2 that causes a penalty of death.

So it is fundamentally flawed, Mr. Speaker, and we have some very renowned people speaking about it. I considered it and they said it, somebody else said it, it was a very flippant approach by the Government—and I said flippant?—because I really questioned whether it was the intention of the Government to expedite hangings at all. Yet, they came to the Chamber and presented a case and in their supporting cast was the Minister of the People and Social Development, the

Member for Caroni Central, lamenting, Mr. Speaker—here we are altering the Constitution of the land of Trinidad and Tobago and the Minister of the People and Social Development was talking about hampers. The fact that we did not pick up our hampers and so on. A very serious amendment, Mr. Speaker, and that is the response we are getting from the other side.

The Minister of Legal Affairs opening his contribution by saying that this is a very emotional and sensitive matter. And this is not an emotional and sensitive matter, Mr. Speaker, because the Opposition has agreed that the death penalty is the law of land. So there is nothing emotional or sensitive about it, but what you were seeking to do, what the Government was seeking to do was, on the one hand, say they are expediting but, on the other hand, introducing a layer of delays into the legislation, Mr. Speaker. That is what they were doing. So there is no question of sensitivity or emotion here at all.

So they were amending the Constitution, yes, and they said they were attempting to expedite hangings. But the question is, how serious were they? And I like to listen to what other people say you know, and not necessarily hang on to our own version of things. I looked at an article by—this is since August 23, 2010—by Michael Harris. And he was responding to the whole question of the death penalty which had been introduced by the Member for Chaguanas West. As far back as then he had introduced this whole question of the death penalty. Mr. Harris raised the question of the detection and conviction rates. He spoke, and I am not sure his figures are right, but I am quoting:

“So that if only 30 per cent of all the murders committed result in arrests and of those arrests only five per cent result in conviction, what we are in fact dealing with when we pose the question of whether to hang or not is a miniscule 1.5 per cent of the murderers in the country.”

You see, Mr. Speaker, the point about it is, there are other things this Government need to deal with than merely bringing forward flawed legislation. They need to deal with the justice system, Mr. Speaker, because the legislation alone will not have any impact. It is the justice system that needs to be amended.

Mr. Speaker, I want to highlight at this point what we were doing in terms of this multifaceted approach spoken about earlier. Indeed the PNM had had a very multi-faceted approach, Mr. Speaker, and we had done all of our studies and implementation of the recommendation—of the SIA and of the SSA and SAUTT. We had invested in coastal patrol vessels, the FPC craft and I am so happy that the six FPC craft, the fast patrol vessels had arrived before this Government came into power because that contract too may have been severed.

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I am very pleased that we were introducing that as well as the radar systems, the 360 degree radar system. And you know we were having success, indeed the public knows we were having success especially in the area of kidnapping because that had reduced altogether, in fact it had gone down. But then, Mr. Speaker, in May 2010 this UNC/COP coalition came into being with the promise—their promise was to address crime. And the fact is that there was no such plan by the Government. There was absolutely no plan by the Government. If there was a plan at all, there was a plan to dismantle all of the National Security structures that were in place. That was the plan of this Government. In fact, they had a diabolical plan to expose this country to further crime. That was their plan, Mr. Speaker. That was the only plan that we that knew about.

Mr. Speaker, those were the comments by Michael Harris and I want to go to an article introduced by the Member for Tabaquite as well. He spoke about an article in *The Economist*. It was a story titled “In the Shadow of the Gallows Trinidad debates the death penalty” February 10, 2011. And indeed he quoted the beginning of the article which said:

“WE NEED the death penalty...that is the word of God.”

That was said by Benjamin Agard.”

PROCEDURAL MOTION

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, pursuant to Standing Order 10(11), I beg to move that this House continue to sit until the completion of the matter currently before the House.

Question put and agreed to.

7.50 p.m.

CONSTITUTION (AMDT.) (CAPITAL OFFENCES) BILL

Mrs. P. Gopee-Scoon: Thank you, Mr. Speaker, as I was referring to the article in *The Economist* which the Member for Tabaquite had highlighted, that the words of Benjamin Agard at the funeral sermon for Cecil Carrington the retired police officer were: “WE NEED the death penalty...that is the word of God.”

Mr. Speaker, I wish he had gone on to paragraph 6 of the same article, but he stopped right there at paragraph 1 when he should have gone on to 6. What that said is, and it refers to the Government:

“If they really wanted to stem the violence, politicians would do better to try to stem the trade in illegal guns, which are plentiful and cheap. Trinidad and

Tobago's foreign minister"—the very Member for Tabaquite—"noted last month that many arrive on drug boats from South America."

And we are speaking here about stemming the trade in illegal guns, but I also include in that, stemming the flow of drugs:

"But his government in September cancelled an order for three 90-metre patrol boats, which with planned helicopter support and an existing fleet of smaller boats and coastal radar might have staunched the flow."

I think this is very, very important and I am happy that this is somebody else commenting on the lack of foresight by the Government to keep the OPVs, because had I raised that you would have said that I could not say that in this session, but, here we are, other people have commented on it. What the Member for Tabaquite said was in fact true, about guns coming in by boat and it is consistent with what we took into account when we were in fact designing our crime prevention plan. Because you cannot weigh the cost of the OPVs with the cost of lives lost to date under the watch of this Government. *[Interruption]* Businesses have suffered, productivity has suffered, the social fabric of Trinidad and Tobago is seriously damaged, and indeed, Minister Rambachan's admission about the source of guns coming into this country exposes the lack of factual basis for the Prime Minister's statement, "the fight is not on the sea and it is on the land."

Mr. Speaker, this is a statement which should be swallowed by the Government because the point about it is the fight is not only on the land, it is on the sea as well, and it is in the air. *[Desk thumping]* But the point about it is the manifesto of the People's Partnership coalition, or whatever you call it, never ever mentioned hanging. It never ever mentioned hanging, and what they spoke about instead was a multi-pronged approach to the political economic social, technological and managerial dimensions of security. Punitive sanctions alone they had said would not solve the problem, the manifesto declared.

Mr. Speaker, but where is the multifaceted approach? To date, we do not know what the multifaceted approach is and I really would invite a comprehensive plan from the Government on this multifaceted approach for dealing with the criminal justice system instead of the poor legislation which was brought before us. And indeed, the Member for Siparia came to this House, I believe, it was in January 2011 to make a statement on the Constitution (Amdt.) (Capital Offences) Bill. It seemed to be a statement in anticipation of this Bill which is before us and which sought to impress the Government's commitment to

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addressing frontally the challenge to fighting crime. That is what the address by the Member for Siparia sought to do and re-inforcing that this is what the population wants. Mr. Speaker, I have no doubt about it, this is what the population of Trinidad and Tobago wants and I refer to the *Trinidad Guardian* opinion poll conducted by UWI psychological research centre, “Bring back hangings” and it is that 72 per cent of the population support the resumption of hangings in Trinidad and Tobago, and indeed, the PNM supports it as well and this is what the PNM wants.

For them it is not just about that, it is always more about politics and PR, et cetera, and in the statement on page 8 in the address by the Member for Siparia, it was a bit of PR once again. Here is the Government attempting to make a very serious statement and there we are, a paragraph with a headline, “Decline in serious crime 2010” and the Government is saying that the decline in crime was particularly in the second half of 2010. What are they trying to say, that crime declined under their watch? That is not so at all. In fact, the people do not agree at all with that.

If you look at the very same polls on “Bring back hangings”, the question put to the population was, “How do you rate the Government’s handling of the crime situation?” Contrary to what they believe this is what the public had to say: excellent—2 per cent; good—12 per cent; and then we get down to fair; I consider fair to be below good: below average—32 per cent, below standard; poor—33 per cent; extremely poor—21 per cent; 86 per cent of population has said that they do not agree with the way the Government has been handling the crime situation. [*Desk thumping*]

I can only say that the only correct statement in this piece of document that was brought by Prime Minister was that the PNM supports the death penalty. That was the only correct statement and what it was by them was just a commitment in words only, bad legislation and that really is what is before us once again. Then of course, up comes the Attorney General, and what did he say four years ago? That he does not support the death penalty. But he came here, in presenting the Bill last Friday and as usual, always appearing to be rather heroic, always on some act of chivalry; he was the lion-hearted coming before us, ready to save the country from the shackles of crime; and he said on page 4, that the Bill is about implementation and I quote:

“The fact of the matter the delay in implementing the death penalty is in fact invariably caused”—and he goes through the whole set of processes—“by the convicted murderer exercising rights of appeal to the Court of Appeal, the

Privy Council, the United Nations Commission on Human Rights, the Inter-American Court on Human Rights and then to the Mercy Committee.”

So he outlines the entire process of the convicted killer exercising his right of appeal. Mr. Speaker, then he outlines this process and what does he seek to do? He then seeks to insert another layer of further delays into the prisoners’ rights to save himself from the hanging.

Then we go on to page 8 of that very document brought by the Attorney General, and he says that:

“The Privy Council said that the capital appeal process should be heard within one year of conviction, the entire domestic appeal process should be completed within approximately two years and applications to international bodies completed within 18 months.”

Well, Mr. Speaker, this was the recommendation that came from the *Pratt and Morgan* case and this is what, in fact, the Government should be seeking to put in place, these recommendations of the *Pratt and Morgan case*.

He goes to the heart of the matter and he outlines the guidance—that is the Attorney General—to complete the process, but he misses the point completely that what this says in a nutshell is that the Government needs to manage the criminal justice process, and that I believe is the job of the Member for St. Joseph—a job which is not yet begun. So, whilst I acknowledge that the delay is out there; I know that the delay is out there, I would acknowledge that, the Inter-American Commission on Human Rights, their objective is not to hang. So, therefore, it is really our local process that needs to be harnessed and it is our local process that needs to be dealt with. So it therefore falls on the Minister of National Security, the Attorney General and the Minister of Justice to bring about the required reform and to do so very, very quickly. That is what they should have done, Mr. Speaker.

What they should have brought before the House was the appropriate legislation to put this in place. All of the recommended necessary time limits, that is what they should have brought before the House; “the time limits to be imposed on the international bodies”. This Government has to make it very clear that we are the makers of the law of this land, and therefore, we are the ones—the Government and the Opposition are the ones to dictate what is the precise period that these international bodies need to take with their hearings which have been forwarded to them.

[MR. DEPUTY SPEAKER *in the Chair*]

That is the legislation that should have been brought to this House and not by amending the Constitution. That is the legislation that should have been sent to us before we go ahead with the execution of a killer.

I would not go into the *Pratt and Morgan* case. I have outlined the recommendations by them. The Member for Port of Spain South has done so; the Member for Diego Martin North/East as well has done so. And the long and short of it is if capital punishment is to be retained it must be carried out with all possible expedition, Mr. Deputy Speaker. So this insertion into the legislation of another level of delays is quite preposterous, what the Attorney General is attempting to do. *Pratt and Morgan* spoke about inordinate delays, and in that case it amounted to cruel, inhuman and degrading treatment, so it therefore falls to the Government to put in place all of those measures that would in fact not amount to cruel, inhuman and degrading treatment. If capital punishment is to be retained at all it must be carried out with all possible expedition.

What do we do with this piece of counterproductive legislation which is before us? What are we to do with it? The matter of the flawed Part IIA housing the categories of murder; that, Mr. Deputy Speaker, must go. The Member for Port of Spain South clearly outlined that in her contribution when she asked the question—

Hon. Member: Read the amendment.

Mrs. P. Gopee-Scoon: No! First, the Member for Port of Spain South had questioned whether the categorization of murder into 1, 2 and 3 would expedite the hanging process in Trinidad and Tobago. And clearly the answer to that is “no”.

So, if we go to the actual legislation 6B and 6C which seek to detail all of the categories of murder, the list is there: murder of a member of the security forces, murder of a prison officer, judicial officer, et cetera, all of this has to be deleted. Mr. Deputy Speaker, if you want to look at how enormous the flaws are, you look at section 6C(f), and it speaks about murder that is essentially heinous, atrocious or cruel, and that is a piece of very subjective legislation, especially heinous. What is heinous? Again, it just has to go.

Mr. Deputy Speaker, even so, you look at section 6H, which deals with the Director of Public Prosecutions to determine in which category the offence falls. We are not in agreement, and then of course, after it falls on him to decide which category it falls, under 6H(1)(b), then it is taken further where the DPP could, in

the interest of justice, apply to a judge to determine where the indictment should lie. As again indicated by the Member for Port of Spain South, before you even begin you are going to be set with a number of pretrial challenges, and our suggestion is that this area of categorization be completely excised as all it serves to do is to impede the progress of a case rather than to accelerate it when the convicted killer, may, in fact, be sent to the gallows.

So, delete Part IIA, delete 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, 6J, 6K, all of this because these clauses will not deliver on the promise made by this Government to the people of Trinidad and Tobago.

We come now to 6M and we are of view that 6M also should be eliminated. [Interruption] Essentially, what it says is that the execution of a sentence of death shall not be held to be inconsistent or in contravention of section 4 or 5 on any grounds whatsoever, including—and of course it lists these in the Bill, including a delay in the hearing of determination of a charge for a capital offence and a delay in executing the sentence of death, the conditions or arrangements under which the person is held in prison. All this is attempting to do, Mr. Deputy Speaker, is in fact, oust the ruling in *Pratt and Morgan*, when these are the very things that the Government should be dealing with in terms of improving its prison conditions, and, of course, improving the justice system as well.

8.05 p.m.

These are the things the Government should be doing, eliminating delays in the local courts, making the domestic appellate system more functional and upgrading the prison conditions as well, Mr. Deputy Speaker. This is what should really be happening. So I say delete this as well, there is no need to legislate on this.

Mr. Deputy Speaker, again this is just another excuse for the Government not adopting the so-called multifaceted approach as it had promise to deal with under their manifesto. So they are attempting to do it here—just another excuse by the Minister of Justice for not having started the work to which he is assigned under his Ministry. So that goes as well. That goes as well. Mr. Deputy Speaker, 6M(4), of course is of no use. Basically what it says is that: “This section applies to a person on whom the death sentence is imposed or after the coming into operation of the Constitution (Amdt.) Act, 2011.” In other words, this is not retroactive, does not affect any prisoner who is on death row right now. In fact, it is futuristic and it applies only to the new offender, that is, the new offender when and if detected, when and if convicted and if, having passed through all the layers

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of appeals, Mr. Deputy Speaker, including the new one inserted by this—attempted to be inserted by this piece of legislation. In other words, this country would not see a hanging for a very long time to come; so 6M(4) is of absolutely no use and that too should go.

Clause 5, is a new clause inserted amending in section 89 of the Constitution. And I have a problem again with this harum scarum way of amending the Constitution. If it is not necessary I say, do not do it. I am sure that the Opposition is in agreement with me. Clause 5(1A)(b) really details procedure as to what takes place and the offender is entitled to before the final meeting of the advisory committee. And that is detailed in the Bill and really, since it does not help with expediting hangings at all, I say why bother with amending the Constitution at all? Does not make sense and I would say let us delete that as well.

Section 5(1B) gives the power to the President, the discretionary power, to impose time limits for the offender, to consult with any person or body or persons outside of Trinidad and Tobago and after the expiration of such time limits, the Minister and the advisory committee may proceed to exercise their functions related to the offenders notwithstanding the appeal.

So we are again proposing that that be in fact withdrawn, and that the Government should come with appropriate legislation. There is no need to amend the Constitution. They can come with separate legislation even if that legislation requires more—requires a three-quarters majority or so, requires the assistance of the Government, we will be prepared to listen. The point about it is, it needs to be amended and we must dictate, as I said before, the period of time that these outside bodies are allowed to look at our matters, Mr. Deputy Speaker. So the Government may come with that appropriate legislation and that is imposing those time limits, and therefore, that is what we are expecting. In support of this, I will not go into it, but the Member for Port of Spain South had, in fact, quoted a Caribbean Court of Justice Appeal case, Mr. Deputy Speaker.

So in fact what I have said is that this Bill is of no use to us and really should go. We will not be supporting it. It has to go back. This is as good a time as any, Mr. Deputy Speaker, that this Government should have a relook at its commitment to the Caribbean Court of Justice in its appellate jurisdiction. As you know, Mr. Deputy Speaker, it is under this UNC Government that a decision was taken by—no doubt at the Cabinet level sometime in 2001, and I believe it was Valentine's Day if I am not mistaken in 2001, when this Government signed on to the agreement establishing the Caribbean Court of Justice. It was signed in

Barbados for and on behalf of Trinidad and Tobago by the Prime Minister of Trinidad and Tobago and political leader of the UNC, Mr. Basdeo Panday, and the Member for Siparia was part of that Cabinet and would have contributed to that decision.

Therefore, I think we really need to look at the role of the Caribbean Court of Justice as the final appellate court for Trinidad and Tobago. And indeed this has been receiving tremendous discussion because of Jamaica's recent considerations regarding the importance of delinking from the Judicial Committee of the Privy Council. There were several calls in that country, for a referendum and, in fact, we should be going to the people of Trinidad and Tobago at this time. That is the kind of discussion that we should be engaging with the public now. Do we go with the Caribbean Court of Justice as the final appellate court for us? I know that there are some concerns which will prevent the Government from thinking of them and whether or not there is political manipulation or so, with regard to whether the judges under the CCJ would be vulnerable to political manipulation. The answer to that is, no, because all of these judges are chosen by the Regional Judicial and Legal Services Commission and not at all by Ministers of countries and that kind of thing; and whether or not there will be corruption or so under the CCJ. Again the answer, is no. I think that the CCJ is well insulated from corruption and so on, having a diversity of judges from different jurisdictions and so on.

As to the question of cost, Mr. Deputy Speaker, they fought for it. The UNC fought for it. It is headquartered in Trinidad and Tobago. I remember the then Member for Tabaquite actually locating a building, the Winsure Building, and putting a sign on it, "Home of the Caribbean Court of Justice" before it was even agreed on. Such was the excitement of it then, but that had changed sadly, when we came into office and I am asking that the Government relook at it again. We have invested considerably into it. All of the money has been put forward initially and of course the court is being run on the interest held by the trust fund.

Mr. Deputy Speaker, the interesting thing that he will want to look at is that the court has been in operation for at least four years. That is Barbados, to Guyana and more recently to Belize who has joined. The thing is whether or not the justice is dispensed with in a quick manner of time. If the Government can in fact look at the reports, some of the things that are before it, some of the work that has been done on this. There has been some discussion on the appellate caseload, the time standards and the case processing performance of the Caribbean Court of Justice and the Government will need to look at that. *[Interruption]*

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

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

Question put and agreed to.

Mrs. P. Gopee-Scoon: Thank you, Mr. Deputy Speaker, and thank you to my colleagues and I would not be much longer, but again reemphasizing the fact that we must look at the CCJ. In 2012, this country will be celebrating its 50th anniversary of Independence and here we are still hanging on to the coattails of the Privy Council. Mr. Deputy Speaker, along with a few Commonwealth countries and a few Caribbean countries. Countries like Tonga and so on, with a population of 10,000 and under. Those are the persons that are still holding on to the Privy Council, Mr. Deputy Speaker, and we are still bound after 50 years, or after almost 50 years we are still bound, by decisions emanating from the Privy Council when they are not really all that willing to entertain us.

8.15 p.m.

I want to begin to close and I really must say that the Government must withdraw this Bill; it makes no sense. What they need to do is to come back with new legislation regarding time limits with regard to the offender's right of appeal to certain international bodies. I have no problem with that. Come back to us. As I said, if you need support in terms of votes, we can discuss it then, but certainly not tonight in the form as it is.

We must leave the Constitution as it is. It is sacred and it really should not be tampered with unnecessarily and in a willy-nilly manner, just to use your words as well. The Government should, in fact, be looking at reforming its criminal justice processes and the police service as well. Bring your multifaceted approach, your so-called multifaceted approach which is in your manifesto, bring that in detail to this population. What I beg of you is that you do not try to save face tonight—that is what I expect—by insisting on the amendments. I know what you are trying to do is to cover yourself. We will not support it. I am telling you from now, this Opposition will not support it, because you have failed us on this piece of legislation.

It was the Member for Tabaquite who brought up this whole notion of failure—speaking of failure—and I want him to know that this Government has, in fact, put this country under watch as a failed State. Really, what is a failed State? That is characterized by social, economic and political failure and that is

where you all fall. And there are very, very common characteristics which can be identified with this Government—very common characteristics of failure that can be identified with this Government. I am talking about a very weak and ineffective central government, a government where the public service is not functioning, where I cannot get the services that I am supposed to be getting. There is widespread criminality; the police service is not functioning as well; there is widespread economic failure and, indeed, this Government can be accused of failure.

There is a lack of governance; there are blunders and errors, in addition to which, this Government does not enjoy good international relations with many places. I am talking about Caricom; I am talking about the UK and the US, as well. You have failed us on that as well. Crime is out of control. There is a weakened intelligence system in place; lack of experience around the table for the national security. With regard to national economic failure, we left this Government in a good place in terms of the economy—

Hon. Members: “Nah, nah, nah.” [*Desk thumping*]

Mrs. P. Gopee-Scoon: And what has happened while the Government rested for the first nine months is that there has been nothing more than stagnation, and I want to say, more than stagnation; there has been income inequality and I am speaking about the income inequality arising out of decisions taken in the URP and in CEPEP. That has caused income inequality. There is significant discrimination in the labour market and the latest being the cleansing in ADB as well. That is another time we will talk about. Generally, this is a politically unstable Government with very large cracks in the coalition. We are not happy about this, but the population will dictate the pace very soon. As we continue after Carnival, they will show you where they stand on it.

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

The Minister of Works and Transport (Hon. Jack Warner): [*Desk thumping*] Mr. Deputy Speaker, since the beginning of the session of this Parliament, efforts have been made by you and the Speaker to lift the bar in terms of the debate in this Chamber. The intention of my colleagues on this side and those behind—our intention has been and continues to be to lift the quality of the debate in this House. I must confess that it seems that we alone are able to do it.

I came here like my colleagues, expecting intelligent debate, expecting to find from the debate a solution to the crime problem in this country. What I have

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gotten is the complete opposite, especially and disappointingly so from the last speaker, but I will leave you for last.

Let us go to the Member for Port of Spain South. There was some food in her contribution—the Chief Whip—but in the food that we got from the Member, was scattered some misinformation and, therefore, it was difficult for us to really understand what the Member for Port of Spain South was trying to say. I must confess that she did put some effort into her preparation, unlike the last speaker who fumbled and mumbled—I will come to you just now. You could see that some effort was put into her contribution. Even if she did not get everything correct, we have to commend her—the Member for Port of Spain South—because, after all, we are all human and she tried, if even she failed. In fact, as I sat here and listened to the Member for Port of Spain South, I asked myself if it would not have been “less bad” to have made her the Minister of National Security in your last government than, of course, the hon. Martin Joseph. She may have done you all some good. But the fact is, I was happy to see that she was adequately dealt with by the Member for St. Augustine, so I will not say much more than that about her and I will go straight to the Member for Laventille East/Morvant.

In fact, before I reach there, you will see I have bypassed the Member for Laventille West. He said nothing. You will see I have bypassed the Member for Arouca/Maloney; ditto, she said nothing. Before I go to the Member for Laventille East/Morvant, let me go to the Member for Diego Martin Central, who comes here and gives the illusion of scholarly propriety and we know the opposite is the case. He comes here with the same speech over and over. Rain fall, same speech; sun shine, same speech; whatever happens, same speech. The same “ra-ra”; That is what we get here; the same speech, bereft of ideas, and as I say, giving the illusion that it is something of substance.

The Member for Diego Martin Central was a complete and total disappointment. He spoke all over the place, hither, thither and yon. His few points did not connect. His sentences did not even flow one after the other. He rambled on for more than an hour and we stayed here and we took that. If there is anyone in this House who trivialized this issue, it was the Member for Diego Martin Central. Mr. Deputy Speaker, I listened to the Member and I asked myself four questions. I asked myself: what version of reality is he living in today? I asked myself: what version of reality was he living in between 2007 and 2010? I asked myself: What did he do when he was a government Minister to arrest the crime problem in the country? I asked myself: what version of reality was he living in before 2007 when the office of Ken Valley was kidnapped? What world was he living in? I asked myself.

Listening to the Member for Diego Martin Central, he seemed totally disconnected, because, you see, everything is to make cheap, political points. If you take the Member for Diego Martin Central seriously, you will believe that crime in this country only got out of hand in the last nine months. Before that, you had no crime at all.

Mrs. McIntosh: It is way out of hand.

Hon. J. Warner: I am coming to you. You “eh even talking, self.” You will believe that for the nine years of the PNM there was no crime problem in this country. You will get the impression, listening to the other side, that the police had all the vehicles they wanted and needed; all the manpower they needed. And you and I know, Mr. Deputy Speaker, they did not. Big joke; giggle, laugh: “He, he, he, he”. Everything is a joke. “Hug up Obama, is a joke.” Because, you see, that is how the country was being run. I am coming to you last. Wait!

On January 03, 2008 a *Newsday* article reported: Teen bludgeoned to death. Fifteen year old Brandon Calica was beaten to death with a cricket bat by a relative. Moments before he died his mother was at the Sangre Grande police station begging the police to go to her home and to intervene to stop the beating. The police response was: “We have no vehicles.”

Where were you all then? “We have no vehicles”, they said in 2008, and you come now to pontificate and to behave as if you are God’s gift to crime. The death of a minor; yet for all, though the police had no vehicles, one year later they could have got all the vehicles for a summit. All for a summit! That is their emphasis on crime. And you come here to do what? And you talk about, of course, mitigating circumstances and you would not support the Bill. I am coming to you.

Studies commissioned by the PNM showed the police service was understaffed by over 1,500 officers during their time. And you come here to talk? Mr. Deputy Speaker, we have been accused of having a PR campaign. Well, let me tell you about the PR campaign, because they do not seem to understand what PR means. We do not need a PR campaign on this side, you know; 29/12; nine months have gone; look at our track record. What PR campaign do we need? Our PR campaign is in our record. Look at the report given by—give me “dem big name again; dem big fellas overseas gih yuh some report”—

Mr. Dookeran: Standard and Poor’s.

Hon. J. Warner: Standard and Poor’s. Look at the report; “dem big fellas overseas. Yuh want to see what is happening?” We are PR-ing in our deeds. By our deeds they will judge us. But I am coming to you; I am leaving you for last.

In the *Newsday* of June 11, 2005, the headline was—listen to me good, particularly the Member for Point Fortin. I know you are close to the Member for San Fernando East, physically. The *Newsday*, June 11, 2005, the headline reads:

“Manning: Hangings not a political game.”

Let me quote him now from that article:

“Prime Minister Patrick Manning yesterday scoffed at suggestions that Government's move to resume hangings was all a ‘political game’. He also disagreed with those persons who felt that hanging was not a deterrent to potential murderers.”

Where were you then? Where “yuh come from?” Manning said he disagreed with those persons who said that hangings were not a deterrent to potential murderers. I continue:

“Probed by journalists, Manning replied ‘Well, as you know, the Government has unveiled a new strategy for dealing with this whole crime situation...’”

Another Mastrofski, you see. He continues:

“‘From time to time we have unveiled various strategies and those strategies have had varying levels of success, and some of them have not been able to actually affect the level of crime,’ he acknowledged.”

8.30 p.m.

“‘But what we do,’”—he continued—“‘we constantly look for new ways of addressing the crime situation, so that—we will be able to bring it under the level of control that we would like’”. Listen to him good he continues. “‘The latest strategy is the one that introduces the deterrent factor’,—Manning added—“‘And a lot of people would tell you that, sorry, there are those who will say that hanging is not a deterrent to crime; with respect, I disagree!’”—I Patrick Manning disagree! he says along with hanging the Government was also moving to resume flogging in prison.”

Where were you then?

“He asserted that when Parliament convenes next Monday or Wednesday, “we will have the amendment to the legislation that will remove the time restriction”—hear well—Patrick Manning says that he—“will remove the time restriction for the application of hanging. By those two mechanisms, we will have two deterrents to put back into the system and we will see what effect those two things have, (hanging and flogging)... And that is the policy of the Government of Trinidad and Tobago!””.

Whom did he consult? Whom did he consult when he said so?

Mr. Sharma: Shame on you all.

Hon. J. Warner: What did you all say when he said so? Not even “boo” you said. Consultation, whom did he consult? Because, that was the era the Prime Minister has spoken”, and you know, Member for Point Fortin, when “the Prime Minister has spoken”, nobody else “brays”. But now you are telling us about consultation, about talking, about committee, and so on. Where were you then? When he said he wants hanging and flogging, where were you then? When he said he wants no time restrictions, he wants them to be removed, where were you then? But like the political chameleon, the political chameleon—I know that is a big word for lizard, “twenty-four hours” [*Interruption*] you come here to blow a different tune. We on this side remain unimpressed.

So in 2005, it was good for the PNM to introduce the policy of hangings and floggings as deterrents, but in 2011, it is bad for the People’s Partnership. Who is playing political games then? What PR? And I say to the Member for Deigo Martin Central, how convenient! He can forget! Only when it is done on this side it is PR but when it is done on that side it is not PR it is not red herring.

Mr. Sharma: Shamelessness!

Hon. J. Warner: Same speech over and over, singalong.

On May 2007 as if of course, Prime Minister Manning wanted to emphasize it, two years later on May 2007 in the *Newsday* again, he says—May 07, 2007, in the *Newsday*:

“During a walkabout in Barrackpore the then Prime Minister reaffirmed his position on the death penalty and spoke of the Privy Council as an obstacle to the death penalty.”

Where were you then? You were not even around because you were the third choice for Point Fortin.

Mr. Sharma: And the last one.

Hon. J. Warner: And the last one, that is right. You have three terms here, first, last and never again.

Mr. Deputy Speaker, during this time the Member for Deigo Martin Central was not even a PNM representative in this Parliament. He was not here as yet, but he came some months after, after Ken Valley was removed, unceremoniously, and

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what did he do? Mr. Deputy Speaker, he joined San Fernando East, joined the government and the government said it was pro-hanging. Did anybody say anything on this side? The Member for Deigo Martin Central, the illusion of scholarly propriety, did he say anything? No, because whatever Patrick Manning said then was government policy; that was it you know, “no dog bark.”

Mr. Sharma: You will make a good shoe shiner.

Hon. J. Warner: And coming here to talk to us now about government policy! Where were the Members conscience then? Did anybody tell Patrick Manning that they would not support the Bill? Anybody?

As if to reconfirm for a third time, in January 2008, the Member for San Fernando East said—at this time the Member of Deigo Martin Central was in the Cabinet—in the *Newsday*, January 16, 2008—so 2005, 2007, 2008, the same government, the same Prime Minister “nobody barked”; so January 16, 2008 headline: Death for killers in the *Newsday* “San Fernando East unveiled his new crime plan at the Trinidad and Tobago Chamber of Commerce’s ‘Lunch with the Prime Minister’... at the Hyatt Regency for \$750. per plate. You even charged money for people to eat with you to tell them that you are doing hanging. You hanged them for their \$750.

Mr. Sharma: What a shame!

Hon. J. Warner: And coming here to talk about hanging, Patrick Manning “vowed that he was heading to Parliament with legislation to resume hangings”—2005, 2007, 2008 where were you all? But now as Patrick Manning is number 12 everybody get strong and today they are talking to us about consultation and talking to us about Jesus and God—I am coming to the Member to Deigo Martin North/East—and who is Catholic and who is not Catholic, you see.

Mr. Deputy Speaker, while all this was going on, the Prime Minister who was talking about hangings and so on, fired the police from protecting his home and his family. He fired them and he had private security guards. What did they say? Nothing! Private security guards to guard his official residence, his home, his family—75 guards he had, salaries ranging from \$10,000 to \$12,000 per month, as high as \$25,000 per month. And you know what that meant? It meant that he had no confidence in the police service. And now we have a new Prime Minister, what is the first thing she did? She disbanded the private security and she showed confidence in the police service; she brought them back within the pale of law, so

to speak, of security, and what is the first thing they did her? At 4.30 in the morning they left her alone. I said before and I say again, I have no aspirations whatsoever in this world or the next to be Prime Minister, but if I were ever the Prime Minister, those guys who were sick at 4.30a.m. would be permanently sick. I said so. But she is soft-hearted lady, kind in fact, that is why I am here.

So, Mr. Deputy Speaker, I want to make one more point again before I move on to my dear friend. In the *Newsday* of May 6, 2007, the Director of Public Prosecutions, Jeffrey Henderson said, I quote Jeffrey Henderson:

“...between 1998 and 2002, murder rates rose by approximately 75 per cent”—the DPP saying so—“At the same time, the number of committals for persons on murder charges before the Magistrates’ Courts fell sharply from 65 in 1998 to 28 in 2002, representing a 57 per cent decline.”

He continued:

“For the period 2004-2005 alone, the DPP’s offices received 109 murder files. Of these, 77 were completed by the end of the period, but only 55”—about half, he said—“went on to move from the magisterial stage to the Assizes. Of the others, 33 were left or less ‘pending’, three failed on their own merits and the remaining 33 were derailed by problems with witnesses, including the fleeing of some and the retraction of evidence by others.”

8.40 p.m.

In not so many words, he was complaining about the intimidation of witnesses. In the Court of Appeal on the same day, Justice Paula Mae-Weeks agreed with him on this point and I quote:

“There was a ‘big problem’ of a shortage of administrative staff for the new initiatives in the Judiciary.”

So, Mr. Deputy Speaker, I ask you: in what world were they living?

Look at the prison service. On May 05, 2007, reported in the *Newsday* of May 06: Prison Commissioner John Rougier, described prison conditions by saying “there is darkness”.

On April 27, 2007, Justice Carol Gobin and a battery of lawyers toured the Port of Spain prison and when they went there, I quote:

“They saw one prison guard with 300 inmates, small, dark, unlit, unsanitary and overcrowded cells.”

We were told that we have to improve the prison conditions and we have to have the cases tried more expeditiously, and that is what this Bill is about.

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Mr. Deputy Speaker, I go to the Member for Laventille East/Morvant. The Member for Laventille East/Morvant asked what the amendment entails. She said that we support the death penalty, but we cannot support the Bill in its present form. "People would not be hanged as quickly as we believe." But I ask the Member, if you cannot support it in its present form, in what form can you support it? You have not said so for 45 minutes. You have not said so for another 30 minutes. In what form can you support it? The answer is no form, because you are bereft of ideas.

The Member for Laventille East/Morvant went further to say that she does not agree with the categorization of murders and, yet for all, she asked for additional categories to be added on. How inconsistent of her!

Mr. Sharma: That sounds more like stupidity.

Hon. J. Warner: She said the death penalty has never been a deterrent, and I want to ask the question here: how do you know, Member for Laventille East/Morvant? The last death penalty that was carried out in this country was 16 years ago, Dole Chadee. What evidence do you have? What empirical data do you have that will tell you it is not a deterrent? But you are mouthing vacuous phrases which you hear from other people because it is convenient. So you will support the death penalty, but it is not a deterrent. [*Interruption*]

Hon. Member: Eleven years.

Hon. J. Warner: Eleven years. Thank you. You see collective effort. That is collective effort. Thank you, guys. Eleven years ago. What empirical data do you have?

Mr. Deputy Speaker, I now go to the Member for Diego Martin North/East and I have to go fast because I have not started yet. Just to go quickly, he was short on facts, short on common sense and short on everything. He said of the *Pratt and Morgan*—it says that the death penalty is to be carried out expeditiously, and made the point that the first mistake we are making is to give the Privy Council a discretion and they have a discretion based on this Bill that we have here. He says that the Bill is ambiguous and moreover that the public has not been given any chance to reflect on the Bill. He said, furthermore, that we gave the impression that if the Bill is passed, the next day there will be hangings.

He failed to understand; we made the point clearly that the Bill is not retroactive. It is not retroactive. We never said that, Mr. Deputy Speaker, and there is nothing that they can say to make us say that. He went further to say that

there is a view that the Catholic Church is against the death penalty. I want to tell him, Mr. Deputy Speaker, that I am a Catholic as much as he is, if not better, and my Catholic Church never told me anything about the death penalty, how to vote or not to vote; never guided me. But I know in the Old Testament there is a saying, “an eye for an eye and a tooth for a tooth and if your right hand offend you cut it off.” So I do not buy the argument that he has given.

In any case, I do not think that I was prepared to come here and let religion be a factor in the discussion here today, and I thank the Member for Point-a-Pierre. I am not going to come here to do that. I go straight to Point Fortin now.
[*Interruption*]

Mr. Sharma: What were you doing there?

Hon. J. Warner: On Monday, I was in Point Fortin. I made a mistake and I accept that. The question was asked: can we be assured that the perpetrators of crime will be caught and tried expeditiously? For the last nine years, did you catch them?

Hon. Member: No!

Hon. J. Warner: For the last nine years, did you try them expeditiously?

Hon. Members: No!

Hon. J. Warner: For the last nine years what did you do?

Hon. Members: Nothing!

Hon. J. Warner: And you are coming here in nine months to ask us here about trying crime. Mr. Deputy Speaker, it is convenient to say “we support the death penalty”, and I am saying, because they want to give the public the impression that they believe in the principle of hanging, all the crocodile tears that are being shed now—because of the Bill that we have, we are told that it will make it more difficult for us to have hanging. Then the point was made by the Member for Point Fortin, that the Government’s performance to date is poor. I would have passed everything else, but I cannot pass that—the Government’s performance today is poor. On crime only, I would remind her of what this Government has done, because apparently there are too many persons on that side with short memories.

Mrs. Persad-Bissessar: Mischief!

Hon. J. Warner: Mischief! This Government appointed a substantive holder to the office of Commissioner of Police. This Government appointed qualified

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officers to the offices of Deputy Commissioner of Police. This Government established a Ministry of Justice to enhance the access to and delivery of justice, and to clear up the backlog of 90,000 cases that have clogged our court system. This Government has increased the fines for several offences, especially the traffic offences, to deal with lawlessness. Just last week, the ban for the use of cellphones while driving became law, so when you drive today everybody has something in their ear, and that, of course, is to arrest the carnage on the roads.

In the 2011 budget presentation, this Government committed itself to the increase in police manpower. This Government said that we shall refurbish and upgrade police stations throughout the country. This Government passed the amendments to the Prevention of Corruption Act. This Government passed the Bail Bill. This Government passed the Anti-Gang Bill and this Government passed the Evidence Bill. What more do you want me to tell you? In nine months! They say that we are poor—[*Crosstalk*] We are poor on performance.

Mr. Deputy Speaker, the Member was quoted as saying that under the PNM, the Bill would have had to pass through a process. I say this is not true. There is no process. Under Patrick Manning, what was the process? The process was Patrick Manning. He was alpha and omega. There is no process, who are you fooling? In fact, when the Member said that we did nothing in nine months—I was in Point Fortin on Monday, Member for Fyzabad—[*Interruption*]

Mr. Sharma: You apologized?

Hon. J. Warner: I have apologized already—and I was told by His Worship the Mayor, that for four years nothing was done in Point Fortin. He knows that we were in Point Fortin, this Government, and things shall be done. You were there when he said so. [*Desk thumping*] You were there.

Mrs. Gopee-Scoon: Let me just clarify. What the Mayor said, was not that nothing was done in Point Fortin in four years, he was speaking in particular about his view of the water taxi service. That is what he was saying and he was wrong. He was not a member of the government. That is wrong. You came into office and you know the work that was done by the Ministry of Works and Transport, and NEDCO, with regard to the water taxi system. You met a well-functioning water taxi system to San Fernando.

Hon. J. Warner: Do you know that is why nobody takes you seriously? That is why nobody takes you seriously! Our Prime Minister went to Jamaica and sang reggae, and you quarrelled and “cuss” because she did not sing chutney. She came back to Trinidad with a \$2 million prize for chutney, for steel band, for kaiso and for soca—she gave you everything—you quarrelled. Who would be taking you

seriously? I was in Point Fortin when the Mayor said that for four years nothing was done, and you are saying that he did not say that. You were there! It came over—[*Crosstalk*]

You know something, you accused us of misprint, misstep, misunderstanding, miscarriage, and I say to you, mistake. Mistake!

Mrs. Gopee-Scoon: The people did not say that.

Hon. J. Warner: Nothing has been said about the Bill. “Change for the worse!” I want to say to the Member for Point Fortin and to the Members all over there, that when we speak on this side, we speak for people like Leslie Ann Girod and her seven-month old baby Gregg who were chopped to death at Wallerfield. James Girod, husband and father had his throat slit, but miraculously, he crawled out on the main road and was rescued. For seven years he could not speak because his throat was damaged, but he survived.

Lincoln Guerra and Brian Wallen were sentenced to death, but they were saved by *Pratt and Morgan* judgment. Wallen died in jail and Guerra, who is a recipient of *Pratt and Morgan*, now preaches at Carrera Island Prison. We here, are talking for people like the Girods. We on this side are talking for people like those three persons in Cascade on July 14, 2004.

Maggie Lee, Lynette Pearson and John Cropper were brutally chopped and murdered. Lester Pitman and Daniel Agard were sentenced to death by Justice Herbert Volney—He is not listening to me at all. I am giving you a few kudos. You sent two people to the gallows. “Lester Pitman and Daniel Agard were sentenced to death by Justice Herbert Volney”, my colleague, the Member for St. Joseph. “They both won the retrials, but Pitman was convicted a second time”—justice, so you were right the first time—“and he is appealing the case.” Why? On the merit that he has a very low IQ. That is right. His appeal is on the ground that he has a low IQ—[*Interruption*]

Mr. Roberts: Like the PNM? [*Laughter and desk thumping*]

Hon. J. Warner:—and that is why we are here talking. I would not talk about Akiel Chambers, an 11-year-old boy whose murderer is still outside. That is why we are talking here. Right here in Parliament, the son of the Member for Naparima, Ashmead Baksh, was kidnapped on May 14, 2004. I would not say much more because it is painful for you. I would stop, but this is why we are here.

In 1992, Anthony “Tooks” Greenidge and Stephen “Bull Sandy” were found buried in a rice field in Caroni. Their intestines were dug out and they were

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chopped all over. The man charged and convicted was Narace Boodram, brother of Dole Chadee, but he was never hanged. He too, was a recipient of *Pratt and Morgan*, and you are telling us about support the death penalty and so on. I would not talk about Clint Huggins, but the list goes on and on, and that is why we are here and that is why we are talking. So I am saying to you, therefore, do not support the Bill, Member for Point Fortin, and let the blood of this nation's children be on your hands, on the hands of all of you.

Mrs. Gopee-Scoon: The law is there!

Hon. J. Warner: Do not support the Bill, Member for Point Fortin, and let your first and last term in this Parliament be one where you have made history, by going against the Bill to stop crime in this country, and do not believe by saying that the PNM support the death penalty it will get you off the hook.

8.55 p.m.

When we talk here tonight, Member for Point Fortin, we talk here for those people I just called. I want to say to the Member for Point Fortin that when she accused us of PR by saying that crime declined in 2010, that was not PR, that is the fact. We never said anything about a decrease in the increase. When we did not say that? Crime declined and we said so.

And therefore, I am making the point that we are doing the best we can. We did not rent a building on Ramsaran Street for four years, for five years; \$110,000 a month for five years and you have not even put a chair in the building. Six million dollars and you fighting crime? Six million dollars on Ramsaran Street, it still empty, it still empty today and you are talking about fighting crime! Point Fortin, Point Fortin, you see this side leave us alone. If I were you, I would not talk much. Leave us alone.

Mr. Sharma: She does not say much in any case.

Hon. J. Warner: Now having said so, I want to make the point, Mr. Deputy Speaker, that we recall that it took the last Minister of National Security, Martin Joseph, almost five years to acknowledge that there was a link between URP and crime. He said so in the *Newsday* on March 27, 2008, Mr. Deputy Speaker:

“The Small Arms Survey confirmed the link between the criminal gangs and the URP.”

And those were the gangs which campaigned for the PNM and were given big URP contracts and so on.

Mr. Deputy Speaker, you recall Mark Guerra, known gangleader and murderer. He was made Special Projects Supervisor for the Morvant/Laventille area under the PNM in 2002. That is what they did. And I am saying therefore, that my intention is not to come here to engage in finger-pointing but the fact is, I am saying, do not come here and posture and play that, of course, you support the death penalty when we know that you have other motives.

Mr. Deputy Speaker, in this country, crime is one of our most pressing problems. There are thousands of victims of crime out there. We have, of course, also secondary victims as well: widows and widowers who are left to fend for themselves. We have children, who are deprived of the love, attention and support of their parents. Mr. Deputy Speaker, we have grieving parents—and the Member for Tabaquite will tell you—we have grieving parents whose children were stolen and who have buried their children. We have relatives, friends and workers and loved ones, all of whom today are crying for help. And while we here on this side are doing our best to arrest crime, our friends on the other side are making a joke of it.

We cannot accept that we stand here to speak for those who cannot speak for themselves. We stand here to speak for those who will never speak again. We stand here, Mr. Deputy Speaker, because of the trail of blood and anguish and ruined lives we have in this country. We stand here to speak for the dead and the violated. We seek justice for the living. We seek to prevent the living from becoming victims and, in some cases, victims yet again.

Mr. Deputy Speaker, crime is destroying our country. Crime is destroying this slice of paradise. Our people, our citizens are traumatized and, therefore, we have to act. This Government's role is to protect its citizens; we have to protect our citizens. This, of course, is the social compact we have made with the people. And therefore, we make no apology for doing so.

Mr. Deputy Speaker, George Washington said and I quote:

“The administration of justice is the firmest pillar of Government.”

And therefore, what he is saying is that the justice system must work.

The law, he says, must work, it must work, and therefore this is why we are here.

Mr. Deputy Speaker, the purpose of this Bill is not about abolition or un-abolition of the death penalty; that is not the purpose of this Bill. The purpose of this Bill is not about the ethical issues of execution; that is not about this Bill. As

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a civilized people, we have to implement the death penalty and our purpose here, Mr. Deputy Speaker, is about the effective implementation of the law. Our purpose here is about the effective implementation of the law. We have, therefore, to remove the obstacles which fail to make the law function and therefore, I say tonight, that anything that obstructs the function of the law, undermines the law; and that is why we are here.

Mr. Deputy Speaker, I want to make the point—in fact, before I say so, let me see Christine Kangaloo, the former Minister of Legal Affairs; you know her? Hear what she says, because you all tend to forget. She says and I quote:

“One of the noted problems plaguing the administration of justice in this country is judicial delay.

We all know that justice delayed is justice denied.”

That is the *Hansard* of August 24, 2005 when she was talking on the Indictable Offences (Amdt.) Bill.

Justice Alice Yorke-Soo on November 08, 2006, said:

“Justice was under siege”.

She said:

“Justice cannot be done.”

November 08, 2006.

“Stick break in all yuh ears? All yuh eh hearing what people saying? All you eh hearing what people saying? And you sit down and say, “We support the death penalty. But what are you doing about it? Nothing! I tell, you leave here tonight and do not vote and go out and tell your people that you have frustrated the Bill and you have refused to join us, to, of course, make hanging less difficult.

You tell them that you have failed to join us in implementing the law. You tell them that you have failed to join us to remove the obstacles in this law. And you go outside there and slap yourself on the chest and say, Yes, I am PNM, *prevalebit*; it will prevail. Go and tell them so!

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

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

Question put and agreed to.

Hon. J. Warner: I thank you my colleagues on this side and at the back of you.

Mr. Deputy Speaker, the current law is not void of compassion. The current law caters for extenuating circumstances, and therefore, the current law makes provision for diminished responsibility. So if a mentally ill person commits murder, he would not be put to hang. The law makes for provocation; the law makes provision for manslaughter; the law makes provision for excusable homicide and so on. I am saying therefore, that all of these mitigated factors and defences remain protected in the new law. Therefore, Mr. Deputy Speaker, the debate today is not about what is the law on murder; the debate today is not about what is the law on murder; the debate today is removing the obstacles to the law, whatever the law may be or say.

Mr. Deputy Speaker, what are the obstacles to the law? The obstacles to the law, by *Pratt and Morgan*, is one that, of course, the law must be done within five years, execution. And after five years, it is inhuman and degrading. Mr. Deputy Speaker, *Pratt and Morgan* never said to abolish the death penalty.

What they did say was that execution should follow as swiftly as is practicable after sentence, and that is what this law is about. What they said is that, of course, the appellate procedure must not involve any prolonged delay. That is what this law is about, Mr. Deputy Speaker. What they said is that the time waiting for special leave to the Privy Council and all these commissions, must be counted into the delay period, and that is what this law is about.

9.05 p.m.

Mr. Deputy Speaker, they said also that prison conditions must improve. One of the convicted murderers in the Dole Chadee gang tried unsuccessfully to claim that because he was not given toothpaste, and sweet soap in prison, he should not be hanged; one did not get shampoo; another one complained that he did not get cornflakes; well I do not get cornflakes either and I am outside. And that is what you all are encouraging. So we have to look at prison conditions, we have to look at judicial delays and we have to make sure, Mr. Deputy Speaker, these things are improved.

Mr. Deputy Speaker, in January 1994; I want to say this to you slowly, in January 1994, 42 killers had their death sentences commuted based on *Pratt and Morgan*. In 2004, 10 years later, 86 killers had their death sentences commuted to

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life because of *Pratt and Morgan*. So therefore, between 1994 and 2004 death row was cleared twice, what you had of course 128 persons in all, cleared death row. Those persons—[*Interruption*] yes, who murdered people, we cleared them, Mr. Deputy Speaker. And we cleared them because of judicial delay. I say to you today, in death row, there are currently 32 persons; seven of them were convicted more than five years ago, so they would be free, they would be commuted to life; 10 of them—in fact I should say that the prison service record showed that in the last 10 years, 65 killers escaped the death sentence; all 65 were commuted to life, because they spent more than five years in prison.

Mr. Deputy Speaker, in the last 10 years there have been 3,500 murders in this country, but only a handful of convictions. And of those convictions few as they have been, Mr. Deputy Speaker, every single killer escaped. Of those convictions, colleagues, every single killer escaped. I ask you tonight, if the biggest offence in the land is murder, for which there is capital punishment and if there is no penalty for it, how would people respect the other laws you have in the land? How will they? How can they? They will thumb their nose at you; they could not care less.

Mr. Deputy Speaker, of the 32 persons on death row, five of them are nearing or just past the five-year period; all five will get away. There is one person today on death row who has been there for the last six years and his local appeal has not been exhausted as yet; and Mr. Deputy Speaker, this person who has been there for six years, do you know what he did? Listen to what he did. This person who has been there for six years and whose local appeal is still pending, is convicted of strangling a 77-year-old woman. He went into her bedroom when she was asleep, “his foot hit a biscuit tin and she was awakened.” The *Newsday* report of June 1, 2006 said I quote:

“The woman screamed when she saw him. (He) blindfolded the elderly woman, tied her up and then strangled her.

Her semi-nude body was discovered on a bed on November 10, (2001). And the woman was blindfolded, her underwear stuffed into her mouth and a bed sheet tied around her neck.”

And that man is still in the prison after six years, the local appeal is still pending. God, God, what more can we ask? What more can we do? And the Members here all of you here, say “we support the death penalty”, but you do not like the Bill. Then do not do it! Go ahead do not support the Bill!

Dr. Moonilal: They support the killers.

Hon. J. Warner: Yes, support the killers! Support the killers and let that be on your conscience!

Mr. Deputy Speaker, there is another killer who was convicted in 1994, his sentence was affirmed by the Privy Council in 2001. Today, 11 years later he is still on death row, he is still on death row. Of course, yes, his sentence shall be commuted. And the list goes on and on. The point I am making, Mr. Deputy Speaker, of the 32 persons on death row, not a single killer shall be hanged at this time. Not one! Is that the record you want to have? Is that the legacy you want to leave for your children; your children's children? What we have here, therefore, is a law which is impotent, and what we are doing here today is to correct it, right.

Mrs. Gopee-Scoon: It has to be corrected.

Hon. J. Warner: Well then correct it then. In other words, Mr. Deputy Speaker, I am saying again for the most serious criminal act, the most serious criminal act is the killing of a human being, and for that the law is a toothless bulldog, and this Bill here is to correct that. What this is saying, therefore; where we are today it is saying, that if you murder, you have no cause to worry, but what the Bill is saying that if you murder based on the murder that was committed, you will be hanged, it makes no joke of the law. And, therefore, I am saying one more time, there will be no respect by anyone for any law in this country when the law which concerns the gravest crime of all is a joke. And you ask why the crime; why lawlessness? The gravest crime of all, the law is a joke, and that is why we are where we are today.

When the law works effectively and efficiently, Mr. Deputy Speaker, it functions because it punishes the wrongdoers and it acts as a deterrent. If hanging is not a deterrent, then of course let us get to a foolish conclusion—jailing them for rape, what makes that a deterrent? Why jail them for rape? Because that is also not a deterrent, and you can carry this argument to a foolish conclusion, Mr. Deputy Speaker. We on this side are saying that we must change the perception of the justice system and we have begun by having a Ministry of Justice. [*Desk thumping*]

Criminals must know that crime does not pay, and under the People's Partnership crime will not pay, crime will not pay, you can do what you want, justice will be served according to the law, and for that we make no apologies. The message we must send here tonight is that if you want to be part of this society, you have to abide with the law, and for that, again I say, we make no apologies. Criminals must know that the consequence of their criminal action—they must know what they are before they commit their crimes; they must know if they commit murder they will be hanged. And they must know that is the consequence of their action, Mr. Deputy Speaker, because when justice is not

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served it undermines justice—I am no expert but you are the expert. When justice is not served it undermines justice, when the law is not upheld or enforced it undermines the law.

9.15 p.m.

And that is what causes a tendency for lawlessness. You could say what you want and believe that you are sounding sanctimonious, “we uphold the death penalty”. That is all you doing. But for nine years you upheld it, for nine years you upheld it. What have you done? Eleven years, not one hanging, what have you done? Support the death penalty, yes. Benjamin Franklin said, “without justice courage is weak”. And therefore, the time has come for us to take some hard decisions and for that we on this side make no apologies for whatsoever. None whatsoever! You could appeal to external bodies if you want to. Go where you want, but we are saying here on this side that the madness and disorder in this country, must come to an end and must begin tonight, and if you do not want to vote, do not vote for it, it is all right! Do not vote for it!

The disrespect for this country, laws, the disrespect for our justice system must come to an end tonight. And therefore, I make the point, that as far as we are concerned, tonight is the night, tonight is the bongo night. [*Crosstalk*]

Dr. Moonilal: It is a good night for hanging.

Hon. J. Warner: You could vote for it, support it, or not. Mr. Deputy Speaker, I have two quick points and then I will take my seat. Because I want to tell you, we were told by the Member for Diego Martin Central, that we would of course, “be wrong to abolish SAUTT, and how SAUTT did this and that”, and so on. [*Crosstalk*]

Dr. Moonilal: And all sorts of “stupidness”.

Hon. J. Warner: He said that SAUTT was able to arrest kidnapping in the country. I want to correct that piece of misinformation. Mr. Deputy Speaker, I want to say, first of all, that SAUTT had been around a very long time, had been very costly and it is wrong for the Member for Diego Martin Central to say, that SAUTT is responsible for a drop in kidnappings from 2005. Because, Mr. Deputy Speaker, while SAUTT may have been around, with its high paying foreign local officers, it was that local homicide bureau and the FBI who were able to come together to arrest kidnapping in this country. SAUTT may have helped minimal, and I will tell you why. [*Interruption*]

Mrs. Persad-Bissessar: They do not know.

Hon. J. Warner: Yes, Prime Minister, they do not know. And I have here the transcript from the Washington Federal Court, dated June 16, 2009. It is here, from the court. And the federal court—the transcript here tells you, the role the FBI played and local homicide bureau—and I will tell you briefly what the whole issue is, Mr. Deputy Speaker; briefly.

Mr. Deputy Speaker, there were numerous kidnappings in 2005, but it all ended in October 2005 when Winston Gittens was arrested for receiving a stolen car. As if his conscience was bothering him he asked for Corporal Wendell Lucas, of the homicide bureau to talk to him, and he spilled his beans on the kidnapping of the US war veteran, Balram Balo Maharaj. Mr. Deputy Speaker, Maharaj was kidnapped from the Samaan Tree Bar in Aranguez on April 5, 2005. And up to October 2005 he was not seen nor heard of. Mr. Speaker, Winston Gittens gave Corporal Lucas the names of all the persons who were involved in the kidnapping of the US war veteran, and I say that is the transcript I have here.

They went before Judge John Bates in the Washington Federal Court on June 16, 2009. Gittens, in his evidence, admitted his role in the kidnapping of Dexter Jagdeo. He said that he played a part in the kidnapping of Dexter Jagdeo, Robin Ramadar and Sita Ragoonanan in 2005. He revealed that several soldiers were involved in kidnappings of a number of citizens, he called the soldiers' name. He said despite speaking to Corporal Lucas in October 2005, nothing happened. He said when spoke to the FBI officers in January 2006, then a breakthrough was realized. He said he did not go to the local police because he found out that the police assisted in the kidnappings. It is in the transcript. And by the way let me say this quickly, not all of the police bad. Do not for one moment believe that all the police in this country are bad, not even half of them, not even three-quarters of them; but too many of them are bad. He said he did not go to them because he was afraid, because he said they gave me handcuffs, and so on.

Maharaj's body was found in two containers in a Santa Cruz forest. Gittens' evidence, was incorporated by former soldier Jason Percival. He said they are the ones who negotiated for the ransom from Maharaj's family, and all other kidnap victims. They went to the Washington Federal Court and nowhere in the transcript in the Washington Federal Court, nowhere in these transcripts, anything is said about SAUTT; they said the local homicide bureau and the FBI. And they arrested all the men in the defence force. They took all of them to Washington, 15 persons were arrested; 12 of them, all soldiers were sent to the US and kidnappings nosedived. Member for Diego Martin Central, kidnapping nosedived. So to give

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the public the impression that because the Prime Minister and her Cabinet took a decision to abolish SAUTT that crime will get out of hand and the sky would cave in and so on, is to fool the people. It is the FBI! Public mischief!

Mr. Deputy Speaker, my last point; I want to say that those who have myopia, a case of short-sightedness, those who have short-sightedness will pay. This year is 2011, not 2001. This nation voted convincingly, on May 24, for this Government. You could say what you want, do what you want. I have told the Member for Diego Martin West to pace himself, there is long way to go. He behaves as though election is next month, and if it is next month you would not be there. So pace himself, we have four and a half years to go. I repeat, by our deeds, you shall know us. This Bill more than anything else is one such deed. I thank you.

The Minister of Sport and Youth Affairs (Hon. Anil Roberts): Thank you, Mr. Deputy Speaker, before I start, I thought this was a very critical, serious Bill. We are in the Parliament because citizens voted for each and every one of us. Twenty-nine on this side including the Back Bench over there and the 12 Members on that side. The population voted for parliamentarians to do a job, to serve the people, to take Bills seriously. Here we are discussing punishment for the most heinous of crimes that could ever be perpetrated on families and citizens. And being from TV, I ask my brother up there who is in charge of the camera, just to film, to let the population know on this side everybody is sitting down here debating, discussing, listening, and on that side, look at what is going on. There can be nothing more disrespectful to the Parliament of Trinidad and Tobago, to have two out of twelve Members sitting here, when we are debating a Bill to protect our citizens, our children from murderers and rapists. Shame!

But it is all right, because like the proverbial boy from the village who owns the only cricket bat—like in Chuchawan Trace—he is the only one with the bat; “all the villagers come out and game going good. He walks in to bat and he get out, he take he bat and he gone home. He done. He doh care bout de game. He doh care bout nobody else”. That is what the PNM is showing, “yuh get vote out, so you doh care”, about the citizens out there. But they now know what it is really going on here. It is totally disgraceful that in the Parliament of Trinidad and Tobago this is what has to go on, but no problem, “I will talk to the people outside dey.”

9.25 p.m.

Now, Mr. Deputy Speaker, very interestingly, the Member for Diego Martin North/East quoted from *Macbeth*, but there is another quote from *Macbeth*—but I

would not use it—that describes someone who is supposed to be intelligent or who is intelligent and misuses and abuses his or her intelligence to climb on the backs of persons who are less intelligent. This sounds like what is going on over on that Opposition side. I am going to summarize the quotation. I am going to quote a term made famous by the Member for Diego Martin West—“The half ah leader of the PNM—Dey playing smart with foolishness.” Every single one of them over there said, “We support the death penalty, we support the law of the land, but we do not support the Bill.”

Now, I want the population to understand that we brought a Bill here, and I am going to defend every single clause as we go ahead. On top of that, because we require the support of responsible parliamentarians on that side, since it is a three-quarter majority, we need them to support the Bill, and they made some spurious arguments. They were very childish. They stand and say, “They are not voting for it”, but we need to protect our citizens!”

So what do we do? We say, “What do you want?” We circulated some amendments and said, “Okay, even though we disagree with all yuh, we take it out. Yuh want clause 2 out, we take it out; yuh want to delete clause 6L, we deleted it and in a new clause they want us to renumber—” Ladies and gentlemen, people at home, we do not agree with one argument that they made. I am going to show you why we do not agree. We want to protect our children, our wives, our aunties, our “tanties”, our brothers, our sisters, our nurses and our citizens, and we gave in to their ludicrous request but, do you know what happened after we did all this? The Member for Point Fortin got up and said, “No matter what all yuh do, we not voting for it.” So, they are playing smart with foolishness. That is okay, because the population is looking and seeing that nobody is there and you all do not care. You cannot fool them! That is all right.

[MR. SPEAKER *in the Chair*]

We bent over backwards, because all our citizens need support. We bow and humble ourselves to you all. What more do you want? You all are still not supporting the Bill. Well, take your cricket bat and go! We are going to protect our citizens with or without your help through the Ministry of Justice, the Ministry of National Security and the Prime Minister. [*Desk thumping*] “We will support and protect our citizens, and all yuh must remain on that side.” Let us go ahead now.

A few of them got up to attempt to debate on the Bill. The Member for Arouca/Maloney got up. Well, let us move to the Member for Laventille West. The Member for Laventille West was totally confused and out of his depth. He

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claimed four reasons for crime: education, inflation, poor upbringing and poverty. He said that poverty creates crime, but maybe he was not in the past government. They claimed they had reduced poverty from 34 per cent to 17 per cent, but crime went up 400 per cent. I am very confused, Member for Laventille West. Where is he?

We then went on to the Member for Diego Martin Central. The people who are looking at the *Parliament Channel*, we are left with one soldier on the Opposition—the Member for Point Fortin has gone now. Member for Port of Spain South, I tap the table for you [*Desk thumping*] at least you are serious. You are one Member of Parliament on the Opposition side that is taking this matter seriously. I am not being sarcastic, and I commend the Member for that, and the people will commend you. “Cameraman, film the Member for Port of Spain South.”

We then went on to the Member for Diego Martin Central who, in this Carnival season, reminds me—“Because ah love meh Soca and ting, yuh know, ‘Localize it’—of one of Benjai’s songs, “Ah fed up ah de same thing, over and over.” The Member for Diego Martin Central comes with the same thing. He buttons up his jacket and says, “This Bill can only be described as...” and he gives you an adjective, and then goes on to whatever Bill we are talking about: “Yuh dismantle the SSA, the SIA and the OPV.” When he is finished, “All yuh is about PR.” That is all the Member for Diego Martin Central ever talks about.

When the Member for Tabaquite was dealing with him in a serious way, he asked him, “What did you do? You were in the government for nine years and you were the Minister of Social Development for two and a half years, where is the Children’s Authority legislation?” Do you know what the Member said? “It almost come, he brought it.” It was not enacted, but he brought it. So, he almost brought it to be enacted. Well, Ravi B almost won the Chutney Soca Monarch too. The Member for Diego Martin West is almost the leader of the PNM. The Member for Diego Martin Central was almost here to help his party fight the local government election. He was almost here! “Almost” and “nothing” is the same thing, just like what we are seeing over there on those benches, so leave our People’s Partnership alone. All the Ministers with hectic schedules, Members of Parliament and, on top of that, with families, friends and children are sitting here to debate this critical legislation to protect our people, and look what is going on there!

Now, we move to Point Fortin. All I could say, and the people have been asking me, is: “When would you do that? When in the Parliament would you do it?”

After your contribution, Member for Point Fortin, all I could say is, “Whaaaat!” Member for Point Fortin, you are most amazing. The Member got the circulated amendments, and these amendments were circulated 22 minutes before the Member for Point Fortin got up to speak. Do you know that the Member debated as though these amendments never existed? She went on to read from a paper and ignored the amendments totally.

Mrs. Gopee-Scoon: They are to be ignored.

Hon. A. Roberts: I know they are to be ignored, because you all are not serious about dealing with crime. For nine years you did not do anything. The Member for Chaguanas West showed you all the killers and rapists who were allowed to live, have cellphones and carried out hits from inside the prison when you all were in charge. We know you all are not taking it seriously. [*Desk thumping*]

We move right on to the Member for Laventille East/Morvant. Now, the Member never really entered the debate. The Member read out from a balisier thesis why many in the PNM believe that no matter how thorough their failure is, it is their divine right to rule our beloved country. That is all the Member for Laventille East/Morvant did. I did not even bother to use the Standing Orders. Instead of the Parliament, she should go to NALIS and read for some young children.

Just on a point of clarification. I am putting it in the *Hansard* that the Member for Laventille East/Morvant, a former Minister in the Ministry of National Security, when asked a question by Tony and Dale on the morning show on i95, stated, and I quote: “The Cabinet had approved the proposal”, she then hung up. Tony Lee and Dale continued the discussion, “If Cabinet approved it and so forth, where did the money come from?” They then got her on her cellphone, not live, and she answered the direct question. They asked her, “What was the position?” And she said, “Cabinet had approved it and money had been allocated.”

Now, I want the population to understand how serious this is, because in this Parliament today and in January, she said that there was a proposal. Some consultants came down, some Canadians, and they gave a proposal and the Police Service Social and Welfare Association, who is the negotiating body, got a copy and they sent it to the CPO so they had two proposals. No position, no argument, no Cabinet decision. They had two proposals to begin negotiations, and yet a

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former Minister in the Ministry of National Security sent out a message loud and clear to our beloved police officers that we, the PNM, were going to give you 60 per cent, corporals 21 per cent and somebody else 91 per cent. That was a total fabrication which precipitated a few officers to be upset, because I would be upset too. If my salary is \$6,000 and I am getting a 60 per cent increase, that is going to put my salary up to \$10,000, and then the People's Partnership is saying that it is starting off with 5 per cent, I would be very upset. What they did not understand is that it was not the truth. There is no Cabinet decision of the former government to approve any proposal for any 40 per cent increase for the police. No money was allocated by the Minister of Finance.

Imagine the Member for Laventille East/Morvant told this Parliament that the Minister of National Security approved it. The Minister of National Security cannot buy a dinner mint from "Sprangalang" without getting an allocation from the Minister of Finance, so do not come in this Parliament and start that. That is it for the Member for Laventille East/Morvant.

I am going now to the master of mischief, the Member for Diego Martin North/East, the pseudo-attorney. The Member for Diego Martin North/East said that under this legislation, the first person will be hung in 2016. First and foremost, if that is true, and I disagree, then why in 2002 they did not do it, because they could have been hanging since 2007? Why in 2003 they did not do it, because they could have been hanging since 2008? Why in 2004 they did not do it, because they could have been doing it since 2009? You all are saying that you are for the law, and you are supporting the death penalty for murder and so on, but you are really taking the position of your pseudo-leader, the Member for Diego Martin West, and playing smart with foolishness.

The Member for Diego Martin North/East, the magician that he is—I must at this juncture apologize to the former Sen. Martin Daly, because the Member pulled out Act No. 90 of 2000 and waved it. He said we do not read, and we do not prepare. He read from the *Hansard* that Sen. Martin Daly stated that because of this legislation, where we are putting in the categories for murder, it would delay the system, and we cannot do it and the Privy Council would disagree. What the Member failed to tell the population is that Act No. 90 of 2000 was simply an Act to amend a previous law. This Bill that we are debating amends the Constitution and, therefore, they are two totally separate things, and the argument cannot be used from the 2000 debate with Sen. Martin Daly and this piece of legislation. It was rather mischievous and misleading for the Member for Diego Martin North/East. He knows better.

This Act which is Act No. 90 of 2000 to amend the Offences Against the Person Act, if you go to *Charles Matthews*, as my learned Member for Port of Spain South said, when you sum it up, basically the existing law could not be abrogated by amending another law. Okay, that is why Act No. 90 of 2000 could not come through. But we are not bringing Act No. 90 of 2000. We are bringing the Constitution (Amdt.) Bill, and the Member for Diego Martin North/East is full of mischief; he tried to mislead the people. But unfortunately—we on this side take time to research and read a little—we might not be as bright as some of the Members on that side, but we try our best.

Member for Diego Martin North/East—now, this is what worries me, because for years I have been questioning and wondering, why does the People’s National Movement, the party with the longest history in Trinidad and Tobago [*Interruption*] of which I was a member yes—proud, born a PNM, but would not “dead” a PNM in stupidity. That is the difference between me and you. [*Desk thumping*] That is the point I am making. I know more about the PNM than even you all. Why would the PNM who has governed this country for so many years—if you add it up, it might be about 40-something years.

9.40 p.m.

Hon. Ramlogan: Close to 50 years, almost half a century.

Hon. A. Roberts: Right—why would they continuously disrespect our locals? Why do they disrespect our local contractors? Our local experts—they want foreigners to run the port, they want foreigners for crime plan, they want foreigners for water plan, foreigner for electricity plan, Scotland Yard, some old bobbies with baton come down to say, well they know thing; put them in nice million-dollar apartment and now talking about the police—“we love them and we were going to give them that”. Why you did not take the money you pay all them retired Englishmen and pay the police when you had oil at US \$147 a barrel and gas at US \$13.91 per mmbtu?

When you all were flushed with money you did not care about the police, the Minister of Finance is now trying to squeeze, not only your Clico thing, but you all had \$ 2.3 billion for Summit but you did not study police, all of a sudden you studying police, when your former Prime Minister spit out the police and get foreigners and then a real police see the foreigners driving wild around the savannah and somehow he was fired because your former Prime Minister was going to the gym at three o’clock in the morning.

I coached George Bovell III and we trained real hard. Right now we are ranked fourth in the world; in July we will win world championship gold and we never go in the gym at three o'clock. But your former Prime Minister was going around the savannah to go to the gym at three o'clock in the morning.

Mrs. Gopee-Scoon: What is wrong with that?

Hon. A. Roberts: What is wrong with that? I do not know, you tell me. I am just saying that Olympic athletes do not go there but if he is fitter than them and he “badder” than them well okay, no problem. But anyway, I wondered why this PNM Government that claimed to be the Government of Trinidad and Tobago, that had the former Prime Minister, Dr. Eric Eustace Williams, who took us to Independence, why do they always focus on all these foreigners to do everything for us? But I got the answer from the Member for Diego Martin North/East today, when he said, “the Privy Council told us what they will do in Trinidad and Tobago”. Now let that soak in a bit.

The Member for Diego Martin North/East opened up his jacket and said: the privy council, a bunch of old English men, have no “Trini” passport, never eat a doubles, do not know what a roti, pelau— nothing is—they do not know where Carapo is. They told us what they will do? That is the difference between this side and that side in this debate.

We understand that the people—422,000 people—voted for the Prime Minister, voted for this Government, voted for us to rule and govern and protect their rights and therefore we will do that, whereas when you all get voted for, you think that some old men in England have a mandate to run this country? You are totally wrong! The people of Trinidad and Tobago through their Parliament, through their representatives are in charge of this country, or else, according to the Member for Diego Martin North/East, we would have to unwind the flag that was put up outside this Red House in 1962 and hoist back the Union Jack.

So it is rather depressing to know that a man who served so long in Government would state so excitedly, energetically, passionately, that “the Privy Council told us”. The Privy Council cannot tell us in this Parliament anything. We, altogether here, are the Government of Trinidad and Tobago. Then the Member for Diego Martin North/East went on to quote from an article written by the now Attorney General, when he was a mere lawyer and a columnist in the *Guardian*. He quoted extensively. In fact, when his new found best friend, the Member for Diego Martin West returned, the Member for Diego Martin West asked him to read it back. It seems like love is in the air there. Two “hug in

Sando”, one “hug in Diego” and “all yuh” going good. So he said that Anand Ramlogan, the Attorney General, said that he is against the death penalty, and so he is! Anand Ramlogan, the individual, is against the death penalty. The Prime Minister, Kamala Persad-Bissessar in her individual capacity, is against the death penalty, she has done many cases on it—it is on public record. However, when you become a Member of Parliament and when you form a government your individual beliefs and preferences become secondary to the public good and that is why this Attorney General, this Prime Minister and others have put aside their personal beliefs for what is best for the people.

You all have quoted: The Member for Port of Spain South said 85 per cent of the people want the death penalty—85 per cent in the *Hansard*. The Member for Point Fortin and others quoted—ANSA McA1—72 per cent. So the Attorney General cannot put himself above 72 to 85 per cent of the population; he has to represent the people first and foremost, not himself. So it shows the class and character of this Government, that we could put aside our individual preference for the greater public good. [*Desk thumping*]

Then he went on and he quoted extensively, pseudo-lawyer, the Member for Diego Martin North/East, *Pratt and Morgan, Roodal v The State* and the *Charles Matthews* case, and every time he quoted, he quoted with such authority that they are so superior to us, that they are in charge of us, that they could do what they want to us, we tell him, no! We are the sovereign Republic of Trinidad and Tobago with local intelligent, respected people in every sphere and every field; whether it comes from sport, culture, literature, science, medicine, politics, anything, and we say that we shall chart our destiny and not depend on any foreigners to tell us what to do, when to do it, where to do it. Nobody voted for the Privy Council. The Privy Councillors “doh not know Daniel Guerra, they do not know Faith, they doh not know anybody”; we have to deal and protect our citizens because of the oath we took. [*Crosstalk*]—Moving right along. Why you do not go back to the airport and hug up Obama? [*Interruption*]

Mr. Speaker: [*Inaudible*]

Hon. A. Roberts: Thank you, Mr. Speaker, you know I like it, you do not have to protect me, but I appreciate it, Sir. The whole idea and essence of this Bill—and remember, Mr. Speaker, we came with the Bill it is a totally different Bill in essence from the Act 90 of 2000, because we are coming to amend the Constitution; we understood that there were problems there, but somehow we cannot please the Opposition at all. We need the Opposition’s help to help save our people, to help enact and implement the law but they refuse to. We said we

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brought to the Bill, we listened to them, we begged them, the AG said: what you all want, anything they wanted, even though we disagreed he gave them. The Opposition is still saying they are not supporting; well do not support and deal with the people, deal with the citizens who are suffering because everybody in this Parliament has family or friends who have been hit by the painful blow of murder, of losing a loved one, and that is not a nice feeling at all.

So now, this Bill is about taking back our country. It is our Constitution, it is our Parliament, Mr. Speaker, it is our President, it is our people who elected our Prime Minister, who elected our Government which includes the Opposition as part of the Government. They elected our Opposition to govern our democracy, but foreigners without portfolio, without responsibility, without accountability, without allegiance, without love have been controlling our society and our lives. This Bill says no more. We are charged with the responsibility to chart our destiny protect our citizens and uphold the most fundamental right enshrined in our Constitution—their right to life.

Now, it is a fallacy to suggest, as the Member for Diego Martin North/East attempted to that the right to life must be equally applied regardless of an individual's decisions or choices, could never be true. Not everybody's right to life is maintained the same throughout the course of your life, it is determined by your decisions. For example, we have freedom of speech, but it is not—[*Interruption*—What I am talking about? If you would listen a bit you would understand. Thank you. We have freedom of speech but can I—[*Crosstalk*].

If you would listen a bit, then you would make a better contribution and you would not get a “What?” in Parliament again.

9.50 p.m.

We have freedom of speech, but “ah cyar get in de Parliament here and cuss down de place, can I?” So it is limited. I cannot go on television and get on; I cannot do it, so the freedom of speech is limited. We have freedom of assembly, yet while Parliament is in session we cannot assemble and disturb the Parliament. If we want to do a march, we have to apply; we have to do it properly. It is limited; it is not just a carte blanche freedom.

We have freedom of religion, but I cannot join a cult and decide that I just want to blow up the Parliament, no. So we have freedom of religion, but it is limited. Similarly, we have a right to life, but it is limited in this way: If I make a choice to premeditatedly go and heinously murder an individual or two police

officers, banker, anybody; premeditated, vicious murder—then my right to life is subservient to the victim’s right to life, and this is where the argument begins. But you cannot take a utopian, unrealistic position that anybody and everybody’s right to life remains the same, no matter what you do. It cannot be; it is not so. By the choices you make, you determine how your right to life is limited.

We heard a lot from the Member for Port of Spain South. [*Interruption*]
[*Minister Roberts wipes forehead*]

Mr. Speaker, sorry about this, but only one air-condition unit is working.

Lawyers are brilliant, unlike geologists; they could find a hole in anything. This Bill seeks to make legislators—that is us—brighter than lawyers. So over the years the lawyers have found ways to curtail, to remove the intent of the law, the punishment, the deterrent, the retribution, through skillful argument, and to reach a stage where the law and the penalty are incongruous, because there is no hanging.

“Dey say dey believe in hanging. What hanging? Who get hang? De last hanging was 1999.” [*Interruption*] Well, if it is 2016, at least we starting now; so if you all say that is when it will happen, that is sooner than if the PNM was in government and did nothing.” It will never happen under you all; so 2016 is better than Vision 2020.

Clearly, the agenda has been determined by the lawyers; very brilliant, well paid, very intelligent. They created delays in hearings. They created delays in executing death sentences. They created poor conditions for the murderer and all; brilliant arguments. They have obviously thwarted the intent of the law, which was to punish like with like. But we are changing the paradigm with this Bill. Lawyers can argue anything at any time. The Member for Port of Spain South could even argue that a piano man and a raging bull now love each other after one staged low hip hug, possibly carefully choreographed by the Member for Point Fortin. So after that nice low hip hug, the Member for Port of Spain South, as an attorney, could get up and try to make an argument that “de piano man and de raging bull love each other.”

Mrs. Gopee-Scoon: What is the relevance?

Hon. A. Roberts: What is the relevance? The relevance is that we are here, because “intelligent” lawyers have brought us to this point, where our laws mean nothing, where the punishment means nothing, where we cannot dole out the punishment. The Minister of Works and Transport, the Member for Chaguanas West, just went through the list of people who committed heinous crimes, and you did not listen.

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“Please, as yuh down on dis side, start to listen a bit, because he just went through it.”

I must congratulate, however, the Member for Port of Spain South. “Give her a little tap on de table dey.” [*Desk thumping*]

Hon. Ramlogan: “De” only person who spoke sense.

Hon. A. Roberts: She has done what the Member for Diego Martin West could not do and cannot do. She has unified the Opposition forces, because everybody who got up to speak on the Opposition side said that the Member for Port of Spain South was “brilliant”, therefore, her arguments represented those of the Opposition. So congratulations, Member for Port of Spain South. However, that is where the “nicety done”, because your arguments, unfortunately, were flawed, they were weak and I shall now show you why.

You started off, first of all, by congratulating the AG and you said, “The death penalty is good law.” You said, “Yes, AG, we agree with dat.” “Yes, but yuh playing smart. The Opposition playing smart with foolishness, because we playing politics with de people’s lives. Nine years, yuh believe in good law, but you did absolutely nothing for nine years. Now yuh saying, ‘hang them high.’”

But now you will not support the Bill. We amended it, even though we disagreed with you, and you say “yuh” not supporting the amended Bill, so that was not very truthful. You said, point one, that this Bill would bring or add more delays in the particular system. There was a lot of desk thumping.

“The position of the PNM”—said the Member for Port of Spain South—“is that we support the law of the land and the law of the land is in Section IV of the Offences Against a Person Act which says ‘every person convicted of murder shall suffer death’”

Well, clearly we have shown that this is not the reality, because everybody convicted of murder, since 1999, not one has suffered the punishment of death; not one has suffered the punishment. So the status quo remains.

The Member for Port of Spain South continued:

“The Government’s position is to rush this piece of legislation through in order to fulfil their campaign promise...”

Yes, of course. That is what we are here to do.

We promised it; we asked people to vote for us and, now that they have voted for us, we are fulfilling the promise, we are keeping the promise.

The reason I have lost my voice is because it seems to be a concept that the Opposition cannot come to terms with, they cannot understand.

Yes, Member for Port of Spain South, we agree that is true. We have come here to fulfil our promise to the people. I think that you as politicians on that side, the Opposition, should understand that or else you are destined to stay there for a very long time.

Secondly, the Member for Port of Spain said:

“...I ask the Government this evening, who have you consulted before bringing this Bill to this House this afternoon?”

Then, well, she started to advantage the stage:

“Did you consult the Criminal Bar Association?”—and the chorus went—“No! Did you consult the Law Association? No! Did you consult with the Southern Assembly of Attorneys? No!”—advantage de stage in de Parliament; it sound good, but then the Member for Port of Spain South went on to immediately contradict herself, and I quote:

“Mr. Speaker, the last statistics that I know is that at least 85 per cent of the population wants the death penalty. This Opposition Bench is included in that 85 per cent.”

“Now, Port of Spain South advantage de stage. Who we consult? Nobody, nobody, nobody—but knows that 85 per cent of the population want de death penalty.” Consultation on this topic, discussion, argument, has been going on since time immemorial. The Member for Chaguanas West went through it with you. “PNM—your former Prime Minister who, somehow—I know why he is not here, because he does not understand or agree with the position taken by his colleagues today and, at least, I respect him for that. He could not sit there and listen to it.

He went through 2005, 2007, 2008, 2009; that the former Prime Minister was of the obliquely opposite position as this present PNM. So we consulted, we have taken notes. Even the PNM consultation—because the PNM held a consultation does not mean the consultation was bad. So we do not have to discard consultations that you carried out, still good, because you get people’s opinions, you read and you move on.

The Member for Port of Spain South continued:

“Mr. Speaker, we have been a very responsible Opposition. We have collaborated with the Government over the past nine months on critical pieces of legislation.”

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Well, I thank you for that. This is the first time a Member of the Opposition has admitted that in nine months we have brought critical pieces of legislation. So thank you, Member for Port of Spain South.

“Let me remind the national community”—says the Member for Port of Spain South—“and this honourable House of those pieces of legislation: the Procurement Bill; we voted for the 2011 budget; the Anti-Gang Bill; the Bail (Amdt.) Bill; the Interception of Communications Bill.”

“It look like de People’s Partnership bring a lot of Bills that would impact upon the lives of people.” Thank you, Member for Port of Spain South, but clearly it shows—the PNM on December 24, 2001 came into government based on moral and spiritual values, claiming that they would bring immediately procurement legislation to this Parliament. Nine years later, they did absolutely nothing. It is the People’s Partnership Government that brought procurement legislation.

The PNM Government did not bring the Anti-Gang Bill or the Bail (Amdt.) Bill; they did not enact it. It is this Government that is going to do it. So, clearly, the PNM is better in Opposition than it is in government, but do not worry, we believe in meritocracy. Since you are performing so much better over there, we go leave “all yuh day” for a very, very long time. [*Laughter*]

The Member for Port of Spain South continued:

“Mr. Speaker, I would expect that this very Bill promises one thing. It promises that we are going to remove delays. It promises that the hangings would be resumed in this country, and I am saying, when I am finished with my contribution no such thing will occur...

During the 1980s, there was a virtual moratorium on executions in the Commonwealth Caribbean, and most sentences were commuted to life imprisonment. The moratorium arose because of the many Constitutional Motions, exactly what the Attorney General said, filed by condemned prisoners citing various breaches of their human rights. The execution of the death penalty has to be stayed again and again, pending hearing of these Motions.”

Then she went on about *Pratt and Morgan*.

The Member for Point Fortin was a bit disingenuous. She quoted from an article in the Saturday *Express* of February 19, by Senior Counsel Dana Seetahal. You see, when you quote piecemeal, you could give a different picture. Senior Counsel Dana Seetahal went into some problems in the death penalty law, in

detail, as a senior counsel would do, and little things that could be thrashed out in the implementation and flowing through with little definitions. The crux of her article—and I have to quote it, so please bear with me, because the Member for Point Fortin quoted from it, but somehow she managed to miss out this salient point that Dana Seetahal SC said in the column that:

“The Bill is itself an amendment to the Constitution. It is not the usual type of law that has effect although its provisions are ‘inconsistent with the Constitution’. This is provided for in section 13 of the Constitution. In the case of laws of the latter kind, where the Constitution itself is not altered, it is possible to argue that law even if passed with the requisite special majority of votes...still ‘not reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual’ as stated in section 13(1)....

The rationale must be that in such a case no one can argue that it is in breach of fundamental human rights or that it is not reasonably justifiable in this society, given that it is an actual alteration of the Constitution.”

In those two paragraphs, learned Senior Counsel Dana Seetahal negated the arguments of the Members for Diego Martin North/East and Port of Spain South who claimed, that if we brought this legislation, just like Act 90 of 2000, the Privy Council would uphold that this new law could not replace the existing law and, therefore, it would remain. Really a flawed argument, because what we are doing is altering. If you read the Bill, then you would have a little more oomph. We are altering the Constitution, so that argument in moot.

10.05 p.m.

Miss Seetahal also said:

“If the Constitution (Amdt.) Capital Offences Bill, 2011 becomes law, TT will possibly be the only country in the Commonwealth Caribbean with a mandatory death penalty given that the Barbados Government announced its intention since 2009 to abolish their law in that regard. The T&T Bill, set for debate yesterday, is said to be one of the means by which this Government hopes to control violent crime. Whether that hope will be realized does not detract from the fact that the Bill may succeed in having the death penalty effected...”

Yet, everybody over there—none of whom are senior counsel—is saying that this legislation is to abolish the death penalty and making all sorts of spurious arguments. Here it is, Senior Counsel, former Independent Senator, is stating that

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the Bill may have that effect. There are other things of course, that have to go along with it; some of my colleagues have alluded to that, but that dealt adequately with the Member for Port of Spain South's *Pratt and Morgan* argument.

And you can also quote 6M but we would not go through that, since we want to amend and so on. Let us move on.

The Member for Port of Spain South, who is the flagship speaker for the entire Opposition—everyone, except the Member for Port of Spain North/East, recognizes the Member for Port of Spain South as being brilliant.

“The appeal in this case”—talking about Balkissoon Roodal—went all the way to the Privy Council. The issue before the Privy Council was whether the penalty for murder is mandatory or discretionary? Well, if you read the Bill you would see that section 6A to 6L before we decided to try to appease you all and amend it, it corrects that. It goes through distinct, precise—

Mr. Chairman: The speaking time of the hon. Member for D’Abadie/O’Meara has expired.

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

Question put and agreed to.

Hon. A. Roberts: Thank you, Mr. Speaker, and thank you to my colleagues. And I welcome back some of the colleagues on the other side from the Opposition; at least you have five out of 12 now.

As I was saying, this Bill when read properly and understood deals with each and every situation that lawyers have created. Section 6A to L when you read it, the definition, murder 1 is mandatory death sentence, murder 2, discretionary and so on. Now, to suggest that because of that there would be delays because the DPP has to determine what charge to lay. The DDP does that every day of life in every charge that is laid, the DPP gets evidence reported by the police, goes through the evidence and determines a charge. So what is the new, big responsibility? That is the DPP’s job. Now, we will not call the DPP “our” DPP like Diego Martin Central said in his contribution. I do not understand what “our” DPP means? As far as I know, the DPP is independent, constitutionally independent and it is not our or anybody’s DPP but maybe Diego Martin Central knows more than me?

And moving right along, I will fast-forward a bit, but you all get the gist that the Member for Port of Spain South while she did an excellent job at presenting an argument lawyers could present argument on anything. The Member for Port of Spain South continued:

“Based on the aforementioned objectives of the Government I want to ask you this afternoon the following questions: First, would the categorization of murder into murder 1, 2, and 3 expedite the hanging process in Trinidad and Tobago?” Asked and answered, yes.

Secondly: “Does the categorization of murder change the death penalty in Trinidad and Tobago from being automatic and mandatory to being discretionary?”

You know the best way I can explain this is to give a few examples. We had a situation recently with Soca Chutney artiste of Trinidad and Tobago former champion Ravi B. Ravi B entered a competition, he tried his best, unfortunately, he lost by about 8,000 votes on the text system. He then congratulated the winner, saw the winner receive his PR cheque—from the Prime Minister and the Minister of Arts and Multiculturalism. He then went off stage, the stage was cleared, he put on other clothes and came out to perform because his band Karma was performing. He performed for about 45 minutes and then at the end of this performance he began to tell each one of the members to come off the stage. Nobody knew what he talking about, he said come off the stage. He walked to the side of the stage, took the microphone and then said to the patrons, “Anybody who disagrees with the judges, throw something on the stage, pelt something on the stage”, and people started to throw things. So there was a period of approximately an hour and six minutes where Mr. Ravi B had time to assess, assimilate, think and then act.

Is that the same sort of offence—I am not talking criminal, I am not getting into that—can that offence, let us say indiscipline; can that indiscipline be characterized as the same thing, when four years ago Miss Destra Garcia was performing down at Bowen Marine in Chaguaramas, she was in full flight, and some citizen, who obviously imbibed too much, threw a glow stick, while she was singing and hit her straight in face, and she immediately blurted out a profanity?

I think that those two cases can be viewed in a different way and the law and this Bill says that. And the person to determine that when all the evidence comes in, is the DPP.

Let me give you a second example. Who should be held more accountable? A former Minister of Integrated Planning and Development who was also a parliamentarian for, let us say, twenty years, who held the portfolio of Integrated

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Planning and Development which means that he understood the laws of the Environmental Management Act and so on, that was brought here to this august House in the year 2000—If this former Minister wanted to create a sheep farm and somehow did not know, remember, recall or bother to seek the requisite certificate of environmental clearance which is the law. He did not bother he just started to build pens; pens went from six to eight to eleven and started to pull in sheep for breeding purposes—The Environmental Act states quite clearly, I would not go into it, but it is here, that breeding of animals requires a certificate of environmental clearance.

If that person was a Minister, a parliamentarian who was involved in making the laws and so on and forgot about it, did not remember it, did not do it, and proceeded illegally to start a going concern, is that person more culpable or less culpable than a farmer in Valencia who, unfortunately, did not pass through primary school, who just wants to raise some sheep, breed some sheep to make money, who cannot read and cannot write? Which person is more culpable? I think the DPP will take the preponderance of the evidence and be able to charge accordingly. So to state that the DPP is being given this added responsibility of determining a charge is, in a word, ludicrous. That is what the DPP does every day. That is the skill of the DPP. That is his job. And just to let you know that I have all the information here. So, I will be passing on this information to fixing T&T—Mr. Kirk Waite, because Mr. Kirk Waite has been going around getting petitions—nothing is wrong with that—about the Nizam Mohammed issue. I do not have all the facts, but I have listened to some of the Members opposite who purported to read out a report.

10.15 p.m.

If the facts are like that and any one of us, even you, Mr. Speaker did not, while you are driving—I know your driver drives, but if he has a backache and you happen to drive and a policeman tells you to turn left and you turn right, I mean, you understand, all of us are below the law—so they brought up Nizam Mohammed and they are collecting signatures, no problem, right or wrong, great, because it was stated that somebody in high office should not use their position to escape.

Dr. Rowley, the Member for Diego Martin West, even brought a Motion.

“Mr. Speaker, thank you. I would rather not be doing this Motion. I take no pleasure in having to raise this Motion, but out of a sense of duty, I must.

Mr. Speaker, we the people of Trinidad and Tobago would do well to take note of the fact that, notwithstanding what we may work for, what our expectations are and what the potential of this country holds for us, if we do not suffer the pain or the pleasures of building institutions and, instead, pander to individuals over institutions, we will never make the kind of progress that we anticipated.”

Serious statements: I agree with them you know. I think he is making sense. The Member for Diego Martin West continues:

“If this country is to go anywhere, that kind of individual behaviour must not only be a thing of the past, but it must be a thing of the prehistoric past of Trinidad and Tobago.”

Strong words; we agree.

“Who else in this country could have found himself or herself in that situation where you are accused to have disobeyed a lawful instruction from a police officer and you could determine that the matter can now be settled by mediation.”

Well, I would like to ask the Member for Diego Martin West a question: this letter from the EMA: [*Shows letter*] dated August 13, 2009 to Dr. Keith Rowley, P.O. Box “bam, bam, bam”—“Take notice that the Environmental Management Authority, EMA, (or the authority), reasonably believes that you are in violation of environmental requirement as defined by section 62(f)”—and it goes on and on.

This was 2009. We are now in 2011—there were two or three visits, pens were seen, action was going on, no certificate of environmental clearance, and they are still mediating to get a consent order. I would like to know if any other citizen out there who was in breach of the Environmental Management Authority Act, who was in breach and did not apply for a certificate of environmental clearance, if they could get two or three years to negotiate and discuss a consent agreement after having broken the law by beginning a project without getting the legal authority to do so—because these are strong statements, not my words. It is the Member for Diego Martin West who said that. So I now call on Fixin’ TT; I would give them all of the information. Maybe they have another petition to get signed, because that is the Leader of the Opposition, a serious office, as serious as Nizam Mohammed’s office; serious, important office in the governance structure of Trinidad and Tobago.

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So moving right along—I did not want to go too long on that, but I have it there. [*Interruption*] That is serious stuff, “ah” telling you. I know Kirk Waite is listening so I would ask him when he reads through it, if he gets out there and would do a petition.

Now, another argument that was made—[*Wipes forehead*]—sorry, Mr. Speaker, it is rather hot. We are hearing back and forth, “Is the death penalty a deterrent or is it not a deterrent?” But that cannot even enter this debate, because the death penalty does not exist in Trinidad and Tobago. It has not for over 12 years! So how can something that has not been applied, does not exist, how can you have an argument whether it is a deterrent or not?

Secondly, if the argument from the Opposition is that the death penalty is not a deterrent, well, then, why is the Port of Spain Mayor of the PNM raising fines to \$1,300 to tow people’s cars to stop them from parking illegally? Because if you raise the fine it would not be a deterrent, so what are you doing? Why did we see a drastic change in our cultural behaviour, our culture with the breathalyzer and the increased fines? People changed their behaviour. They searched out, sought out designated drivers. In fact, Muslims, my friends, they got more friends, because Muslims do not touch alcohol at all, so they are the best, ask the Member for Naparima, they are the best—they do not like to lime much, but you could always call them to pick you up when you are ready.

So, why have a breathalyzer? Why have increased fines? Why have any laws with penalties, if these are not deterrents? The argument just makes no sense. However, I understand it coming from the Opposition, because it was right in this place a former Minister of Finance and Member for D’Adabie/O’Meara, stated in a budget presentation that she was going to increase revenue by increasing fines. [*Laughter*] Remember that? So, it is not that they were increasing fines so that people would curtail the illegal behaviour. [*Interruption*] She calculated that they would generate \$40million by increasing the fine by 80 per cent and so on, and I was shocked.

Hon. Member: Yes.

Hon. A. Roberts: But that is illogical, and how can you calculate that into a budget presentation.

Hon. Ramlogan: Taxation by penalization.

Hon. A. Roberts: Taxation by penalization, and I now understand, because all of the Members over there do not see that punishment is a deterrent. “If yuh

know yuh daddy going to beat yuh bad if you doh come home by six o'clock and you stay sweating in the park till seven, yuh know is licks yuh going to get. Yuh coming home—yuh bussing it with pace, tired or not tired yuh reaching home before he reach.” And I am talking from experience, yes, most definitely.

Now, as I wrap up, there is some psychological impact that the Opposition did not even speak about. You know it sounds as if they are more interested in the killers, in the murderers; what about the victims? What about the psychological impact on a mother whose child is murdered, and a grandmother? There is no way to quantify that pain, you know. That pain goes on with you till the grave, till your heart stops beating and your mind stops functioning. So there are psychological victims. We have to think about the victims. The victims require justice; it eases their pain, it does not eliminate it; but it eases it. It makes life maybe worth living. It gives them closure. They know that that episode is closed. The mind and body created by the creator is an amazing thing, if there is closure you could somehow move on, and then, of course, it is retribution and every one of us here knows that there is some sort of solace to be held by retribution, plain and simple.

Mr. Speaker, how much time do I have—about five minutes or 10 minutes?

Mr. Speaker: Fourteen.

Hon. A. Roberts: All right, I would be finished before that. Now, I do not normally—and the Attorney General is right here, the Minister of Legal Affairs and the Member for St. Joseph—and would not want to discuss an Independent Senator but, unfortunately, I am forced to do so.

Mr. Speaker: No!

Hon. A. Roberts: Her comments, or not to comment?

Mr. Speaker: Just take your seat!

Hon. A. Roberts: Guide me please?

Mr. Speaker: Yes. We do not want to discuss any Member who is not in this House and is a Member of Parliament, in this instance, an Independent Senator. So, I would ask you to refrain from that and, as I am on my legs, let me just advise the Member for D'Adabie/O'Meara, you read out a letter as it relates to the EMA, as it concerns the conduct of a Member of this honourable Parliament. I want to advise you that that is—when you reflect on the personal conduct of a Member of Parliament or you raise his conduct in any capacity, it is really running afoul of the Standing Orders. And I want to advise Members very strongly that they must not go in that direction.

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I keep saying over and over, we should play the ball and not the person, and there were some offensive remarks as it relates to the Leader of the Opposition. And I really would like to guide you in terms of the future and I would want to look at the record of the *Hansard* to determine which words should be expunged from the record. I think it is unfair to any Member in this particular regard. So, I want to guide Members about personal reflections as they relate to any Member of this honourable Parliament and raising a Member's conduct outside a substantive motion, and 36(10) speaks to that and 36(5) also speaks to that.

So, I just want to advise the Member for D'Adabie/O'Meara, be very careful on the issue of personal reflections as well as raising one's conduct, a Member's conduct, of this honourable House. I would look at the *Hansard* record and determine what I would deal with in terms of expunging from the record. Continue.

Hon. A. Roberts: Thank you, Mr. Speaker. No problem, any offensive remarks I would expunge and withdraw. Thank you for your guidance.

It upsets me to know that the hon. Prime Minister was attacked in an unfortunate way by an individual who stated that she was sick and tired of politicians going to places where they were victims and then saying that they are motivated to act. I am putting it on this record that the Prime Minister, the hon. Member for Siparia, as is wellknown to everyone in this country, absolutely adores, loves children and there is no pretending about that. [*Desk thumping*] If she felt the pain which she obviously did, as many of us did, and saw it fit to go to offer some sort of solace to the family, I say, we applaud the Prime Minister for taking the time to show the care and love for people.

Hon. Ramlogan: “Them never visit the home of a single victim ah crime.” Not once!

Hon. A. Roberts: But I can also say that I did not hear that individual, when a young girl, Tecia Henry, was brutally murdered and her body was found under a house in a garbage bag and a former Prime Minister went in a party convention and told all the faithful, “you see that story about little girl, that doh worry with that, it have more in that story”—I did not hear that same individual say a word.

Hon. Ramlogan: Stain the child's name.

Hon. A. Roberts: But, so be it. Furthermore, I must commend my Cabinet colleagues and the Senators, who, on learning of the information on the plight of a two-year-old baby, was brought to the Senate's attention, was suffering, possibly dying, during the contribution of a Member—I must commend my colleagues for

moving swiftly, including the Member for Caroni Central, Sen. The Hon. Mary King, Sen. The Hon. Subhas Panday and others, on learning that information, to immediately try to effect change in that child's life.

I would just like to ask the question: the person who made that report to the Senate during a contribution, did they get a text on their BBM while they were on their feet that alerted them to that situation in Laventille with the two-year-old baby? Was it that they were on their feet like me here, get a BBM and I say, "aah, there is a two-year-old up in Laventille we have to see bout." Was it that situation? Did the person find out five minutes before, a day before, a week before, or two weeks before? If they did not find out on their BBM when they were on their feet—is a contribution in Parliament and making a point more important than saving a baby's life? As Senators, as Government officials, Opposition, Ministers, we are here to serve the people. If a situation arises that the institutions are failing and a child is dying, then we must act.

10.30 p.m.

We must pick up the phone, we must text, we must call, we must leave a message here at the Parliament, for somebody to get that information to act. But to keep that information a secret and then come out and perform in the Parliament, I think that leaves a lot to desired. [*Interruption*]

Dr. Khan: Like "Mr. Big".

Hon. A. Roberts: I really feel that leaves a lot to be desired. So I asked that question, exactly when was that information about the sick dying child recurred? When did the person learn about it? Because if I learn about a sick dying child now, I know the first person I am texting is the Minister of Health, then Social Development, calling making sure to try and get something done, even if we have to get the driver to pick up the child, we have to move. I cannot keep that situation going on just to come in the Parliament to make a point.

So, Mr. Speaker, a few of my colleagues have faith in the Opposition that due to circulation of amendments, which is all the amendments they wanted, everything they wanted. They wanted an "i" removed, a "t" crossed every single thing. They want to move out the categorization of murder which will make it simpler, more efficient, more effective, will reduce the number of loopholes that lawyers could "wine to the side" on, because if you give a lawyer a little gap they "wine to the side", they "wine to the side" and they open up the whole gap and then we cannot hang anybody. But we have given them everything the Opposition

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asked for. Even though, as I showed, their arguments, while they tried to make them and repeat them, did not hold much water, but because we require the Opposition's support to save lives in this country, to carry out the law of the land, we have bent over backwards.

The Attorney General has bent over backwards, given a whole page of amendments. He may believe, and other colleagues may believe, that the opposition will get a bit reasonable and understand; understand how important this is to protecting our citizens and to the country and be patriotic, localize it and understand that this is not politics this is serious business about our children's lives, wives, husbands, friends, family. I hope that the Attorney General and others are correct and that I am wrong, because I can say to myself that I know that the PNM Opposition is taking their bat and going home; that they will not support the Bill. But the population, the people will judge you. Your constituents will judge you. But I am beseeching you with all these—imagine that! We disagree with all these amendments because we have shown arguments from the Members for Diego Martin North/East to Port of Spain South, arguments that could not hold water. But we said, listen, since they are so determined not to support, look take all the amendments and “you still not supporting”. Well great is the PNM. Great is the PNM. *[Interruption]*

Dr. Khan: And there shall they stay.

Hon. A. Roberts: And there shall you stay! Thank you very much, Mr. Speaker.

The Minister of Justice (Hon. Herbert Volney): Thank you, Mr. Speaker. Late is the hour, Mr. Speaker, but I shall try to be as focused as possible at this time in the contribution that I feel greatly honoured to make on this Bill to amend the Constitution, in order to allow for the carrying out of the death penalty as the sentence for murder.

Mr. Speaker, for many years I had great honour to serve my country as a Supreme Court Judge. And for many of those years, I have had to impose the penalty of death as a judge upon persons who have taken and spilled human blood. Too many, too many, for me to now recall. Perhaps many more than any other one has done, but when it reached the stage in the decade just after the turn of the millennium when persons who were sentenced to death in walking out could look at me as the judge and tell me, “Good try, I am not going to be hanged”, and look with confidence at their supporters and say, “Do not cry for me

there is no way that I will hang”, they said that with confidence, and I can tell you that undermined confidence in the administration of the criminal justice.

From the bench of the Supreme Court I spoke of it. I spoke of the neglect of the Government during this period of time between 2002—2010, to bring about any sort of change that was required to make it possible, that a sentence prescribed by law could be carried out in order to act as a deterrent which is the very basis of sentencing for criminal convictions.

Not only had the Government failed to provide the Judiciary with the tools to carry on the administration of criminal justice by failing to increase the number of courts in a timely way, and also to bring about meaningful changes in the processes of the court through legislation, but there was just total neglect and as a result, Mr. Speaker, the backlog of cases built up, built up, built up, until it had reached crisis proportions. May I ask my colleague, the Member for La Horquetta/Talparo, not to engage in talk with the undisciplined Member for Point Fortin, because I shall have to ask the Whip, to crack the whip. [*Interruption*]

Mrs. Gopee-Scoon: Mr. Speaker, this—[*Interruption*] Thank you.

Mr. Speaker: I do not think it is proper for any Member to describe another Member as indisciplined. Leave that for the Chair, please! So, Member for St. Joseph and hon. Minister of Justice, I would not like that to be repeated in those circumstances. So you may continue, but be guided.

Hon. H. Volney: I thank you. May I ask the hon. Member for Port of Spain South to crack your whip, so that we can continue with the business of the House without disturbance and assist the, hon. Speaker. [*Crosstalk*]

Mr. Speaker, the Bill in its original form served to bring about a transformation in the way that murderers would be treated in the future when convicted. It was and still is, perhaps because there is always the chance that those opposite can see the error in their thinking. Until such time as they say "nay" they have to take into account that the people who voted for them as well, would like to see them do—that is Members opposite—the right thing here tonight.

10.40 p.m.

I can speak from one who has been in the trenches, who understands what these measures are intended to bring about, the change that is necessary, the change that our judges have been asking for, for many years, to be disrespected by those opposite on spurious grounds, while it is, or as we say in the law, frivolous and vexatious grounds. I listened attentively to the hon. Member for Port of Spain

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South, who I always—and those of us here always enjoy listening to her, because she prepares her work; she thinks before she speaks, the only one. I do not know what she is doing on that side. She should really be with us—[*Desk thumping*]—and I have no doubt before the end of our first five-year term she may very well be on this side.

So, Mr. Speaker, what this measure sought to do was to provide a scheme whereby the jury ultimately would decide on proper directions from the trial judge, what is the justice of a case. There are times when, very reluctantly, as a sitting judge I had to impose the punishment of death, because it was the law, and the jury being true to their own oath, had no choice but to return a verdict of what would be murder 1, when otherwise, had they had the legislation that we sought and we brought before the House, they may have returned the verdict more favourable; murder nonetheless, but more favourable to the prisoner in the dock.

These are progressive approaches that have been followed throughout the English-speaking Caribbean. They have been asked for; they provide help to the system. When we heard the hon. Member for Port of Spain South speak of her concerns of the DPP going before a judge in order to get assistance or his opinion as to what degree of murder would be the appropriate charge—quite correctly, she expressed some concern—she was cerebrating like a lawyer does. But, that, I have not heard anywhere, not even echoed on the other side. I mean no disservice to other Members, but I like to wake them up to the reality that they have obviously not studied the legislation as they ought to have and they should do like the hon. Member for La Brea. If you have nothing intelligent to say, say nothing, because this Bill would have been passed already and we would not be here bothering you, Mr. Speaker, when you would have preferred to be in my constituency where you live, enjoying the free air of Aranguez. Unfortunately, that has not happened and you are delayed, as we all are. But at the end of the day we do not want it to be all in vain; we want to feel that we have worked together as a team for the nation.

The legislation, when it was brought in its original form, having been scrutinized by those opposite, may not have come in the perfect form, and that is why there is a debate, so that those opposite can make a contribution. They cannot stand and say that “We are for the death penalty”, that “We are for hanging”, and then come afterwards and say “nay”. That is nothing short of hypocritical; nothing short of that. It is saying one thing and doing another.

That is why I stand here and I make this appeal to those Members opposite that, let us not go home tonight after toiling here, that there is no fruit of our hard

work here today. We have taken into account the concerns of the loyal Opposition; loyal to the State. We have taken into account those concerns. We feel, quite clearly, that they are unfounded, but at the end of the day we both want the same thing, which is to ensure that the death penalty is carried out as the sentence for murder.

And how is this done? There can be no doubt about it that at the moment we are confined to the five-year period of *Pratt and Morgan*. We either complete the process within the five-year period or we lose the opportunity to carry out the sentence. What has been happening—and I can speak without fear of contradiction—is that over the years of the rule of the last government, that is the Government of the People’s National Movement, a culture has developed in our appellate system whereby, by the Government doing nothing, not even whispering into the ears of the other estates, two years, three years have been taken up in awaiting the very first stage of the appellate process. That is a fact. I know of it. Most of the people who were convicted of murder in the last five years were sentenced by me—most—m-o-s-t. I have gone from that estate and I have come here and I can speak without fear of contradiction that those cases over which I had presided then, although the record of appeal had been completed years ago, have not even been heard yet.

But you see, we do not want to have to legislate, and the only thing that we can continue to do is to hope to provide more judges, to provide more Courts of Appeal, to do what is necessary to grease, to oil—I do not want to use the word, “grease”; to oil the wheels of justice, so that those who are responsible for that first leg of the appellate process in the other estate can do the appeals as quickly as possible.

It would mean that if that happens, the judicial committee of the Privy Council can take their year and there would still be some time to go. That is not the case; that is not what has been happening, and, as a result, while we do not want to go there as an Executive, because we respect that estate, we can only help them, facilitate that estate in order to hear the appeals in a timely way. We have to protect the public interest by ensuring that at the end of it all, that people who are not part of the strictly judicial process, that is the Inter-American Human Rights body who have a say on the issue of clemency for murderers, that they do not frustrate everything that has been done to prevent hanging by taking their cool time, because they sit twice a year. These are important months for the carrying out of the mandatory death penalty, and if you miss the first sitting, there is no assurance that your matter—because of the build-up of others—will get heard on the second occasion. And that is it.

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After all the work of the investigators, after the country is going through the trauma of yet another killing and blood spilling, you have international bodies far removed from the criminal justice system, both in their attitude towards the death penalty—because the evidence suggests that in most cases they will say, “Grant clemency, grant clemency”. That is the history; that is the culture of this organization. But we are bound by treaty to respect it. So what can we do in order to ensure that we preserve our right to swing by the neck those guilty of heinous crimes? It is the law of the land. We, as a Government, must protect our law. And what do we do?

The loyal Opposition of the country has signalled, one by one, that they will not support the measure in the form that it came. In fact, I wish to quote from the *Hansard* of February 18, and the sterling contribution of the hon. Member for Port of Spain South. She said, and I quote:

“Mr. Speaker, the Government has control over what we do to improve our criminal justice system in Trinidad and Tobago. A possible solution is that the Government could bring legislation to this House, in keeping with the *Pratt and Morgan* ruling, that where the time taken in processing a condemned man’s petition before an international body exceeds 18 months, the excess should be disregarded in the computation of time for the purpose of applying the decision in *Pratt and Morgan*.”

And there was desk thumping recorded in *Hansard*; desk thumping. That was what the hon. Member, and by acclamation, the loyal Opposition, wanted. What did we do? In the interest of the nation we swallowed what pride we had for what we wanted and we said we will compromise; we will give the loyal Opposition what they suggested. And in speedy, speedy, time, the right hon. Attorney General and his team of hard-working legal officers came up with the necessary amendment. They came up with the amendment, and that is what has been circulated.

Without even reading the amendment, the hon. Member for Point Fortin stood up—Mr. Speaker, I do not want to run afoul of the Speaker’s Chair by what I want to say, but all I can say is that the hon. Member is a very confused Member of Parliament. She spoke, and she spoke, and she spoke, and she spoke, and she spoke, and afterwards, everybody in this Parliament was reading papers or doing something else. She was speaking to herself.

10.55 p.m.

She was off the Bill. She failed to realize that events had overtaken the original Bill and why, because she did not take the time to look at what was

circulated, and she put this country through wasted time and this honourable House, through wasted time. Even her colleagues must have known and not one of them told her, hon. Member, you are speaking about what the Government is no longer pursuing. And we had to go through—she was criticizing this and criticizing that. Did she criticize the fact that for two weeks in total, there were two big cruise ships parked up on the wharf, empty? I have no doubt, from what I hear, that would have cost the country at least \$100,000,000 for those two cruise ships during the conferences.

What have the conferences brought to us? Absolutely nothing! That is the only so-called achievement that the hon. Minister as the former Foreign Affairs Minister could boast of, that is the degree of the performance of the PNM. That is what they boast of, these kinds of things. Has that helped the poor man on the street? It has done no such thing. And that is why the Member of Chaguanas West alludes to what his Worship the Mayor of Point Fortin had to say. I tell you, Mr. Speaker, when this Government passes the recall law, the first constituency where the people are going to recall their Member of Parliament is Point Fortin, [*Desk thumping*] because if the people of Point Fortin were listening tonight, they would have bent their heads in shame, utter shame. And I have had to sit here and take that and listen to it. You know the hon. Prime Minister—is the hon. Member for Point Fortin not aware of the presence of the persons of parliamentary experience of the hon. Member for Point Fortin, sorry Pointe-a-Pierre? [*Interruption*] I beg your pardon, I should not mix the two, oil and water do not mix. [*Laughter and desk thumping*] Was she not aware of the presence in the House of the hon. Member for Tunapuna, the Member for Fyzabad, the Member for Oropouche East who have been here for years, the former speaker of the House, the hon. Member for Toco/Sangre Grande? All I was seeing flying over here—I had to put a shield—was vitriol, you know.

I do not want to say “tabanca” but that political “tabanca”. It is a failure to realize that on May 24, this Government rejected the PNM, the country rejected the PNM convincingly and the country is quite prepared to give us the time to take check of the mess in which the country knows the PNM left us, through neglect—and I do not know what kind of parrot seed the hon. Member eats before she comes here, but she cannot listen and be a good MP in accordance with the Standing Orders.

So the Government has brought this measure, this is but one of a compendium of measures going to be hitting this House. It is like a jigsaw, you do not see the picture until the different parts all fit together. And what has happened is that

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there has been so much inaction by the last government over the last eight years, that they think that we are like them, those opposite but we are not. In one year we would have achieved more than they had done for eight years, and that is what they cannot come to terms with.

Very soon the next stage, the Preliminary Enquiry Abolition Bill will be before the House. I could attest to that because the Ministry of Justice has signed off on it. It is with the draftsmen. It is at an advanced stage. It is going to revolutionize the way things are done before trial. We are going to build courthouses, the hon. Member for Tunapuna will find the money, because he has said once we have cut out the corruption, the money will be there. There will be no corruption in this Government, the word “corruption” does not go with People’s Partnership it goes with PNM. [*Desk thumping*] So the money will be there.

Mr. Speaker, the hon. Member for Port of Spain South in her sterling contribution, asked why the Government, with the resources, with the numbers it has, why not bring an appropriate bit of law? We have. And this is what she says:

“I have found support for this recommendation—I will lend it to the AG; he might know about it—in a Bajan case before the Caribbean Court of Justice. It is between the Attorney General, Jeffrey Joseph, and Lennox Ricardo. It is CCJ Appeal No. CV2 of 2005.

This is an appeal to the CCJ from the Court of Appeal of Barbados wherein one of the issues being argued was whether the Court of Appeal was obliged to await the outcome of the Inter-American Commission on Human Rights. At page 57, paragraph 126, this is what the judges had to say, Mr. Justice de la Bastide and Justice Saunders”

Now understand, Mr. Speaker, that the hon. Mr. Justice de Labastide is himself a Privy Councillor . So this is Privy Council judgement, you might say by parity of reasoning.

“Where Pratt and Morgan is applicable, as it was in Barbados for these respondents, we would have been inclined to the view if the issue of the five-year time limit was still alive before us that where the time taken in processing a condemned man’s petition before an international body, exceeds 18 months, the excess should be disregarded in the computation of time with the purpose of applying the decision in Pratt. In any event protracted delay on the part of the international body in disposing of the proceedings initiated before it by a condemned person could justify the State,

notwithstanding the existence of the condemned man's legitimate expectation proceeding to carry out an execution before completion of the international process."

We are in the debt of the hon. Member for Port of Spain South; we listened. The idea of a debate is that those of us on this side will see the wisdom from yonder. The loyal Opposition hopes and aspires to be the Government one day, and in issues of crime, in issues of law and order, in issues dealing with children, one would expect that the minds would come together. And that is why I am dead serious, Mr. Speaker, when I say in all honesty and sincerity, that I cannot perceive tonight the hon. Member for Port of Spain South voting nay; I cannot perceive the hon. Member for Deigo Martin West voting nay; I cannot perceive the hon. Member for Laventille West voting nay; I cannot perceive the hon. Member for Port of Spain North/St. Ann's West voting nay; I know and I expect that the hon. Member for La Brea will vote yea and I expect the hon. Member for Deigo Martin Central, despite all he has said, will do the right thing at the end of the day. We have brought what the hon. Chief Whip on the Opposition has asked for, we have brought it. And in this way, what that measure serves to do, is to put to rest the international organizations dealing with issues of clemency, from frustrating the carrying out of the death penalty.

11.05 p.m.

We have given up everything else in this measure and we have maintained that if it is done as is in the recommended amendment, that I have no doubt will come at the committee stage, that we on this side and that side will see ad idem on a matter in the nation's interest. That is why I say that, I expect full well, that this measure will be passed tonight. I do not anticipate that there should be any fear in this measure as is at this time. It is not what we wanted, but we will settle for it in all humility because we know at the end of the day, that the death penalty will be carried out and no one will frustrate our sovereign interest of ensuring that the sentence of death be carried out for the heinous crime of murder.

Mr. Speaker, I came prepared to speak on the entire Bill, but I do not want to delay it further. I do not want to have to show the other side the error of their thinking with respect to the original Bill. I just ask that the loyal Opposition of the State of Trinidad and Tobago will see that it is their duty that the law of the land be carried out, by allowing the Government, through its agencies, to carry out the death penalty as the sentence for the killing and the spilling of blood by malice aforethought. There is nothing for this country to fear in this Bill as is. There is absolutely nothing! It is not what I would have wanted. It is not what I left the

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other estate to come here to produce here tonight, but I will go along with it and pray that the Opposition will see the wisdom of doing the same.

This is not a political issue at this time. There is no politics in this amendment. It is giving the Opposition what they asked for, and if they are sincere—*sincera*—about what they have said, then they will say, yea, when put to the vote.

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

Mr. Speaker: The last time I got in some trouble when I looked to the Opposition, nobody rose. So I am taking the opportunity to rise and ask if there are any Members of the Opposition who would like to speak.

Mr. Imbert: Excellent!

Mr. Speaker: “You close off?”

Mr. Imbert: Excellent!

Mr. Speaker: That is recorded. The hon. Attorney General.

The Attorney General (Sen. The Hon. Anand Ramlogan): Thank you very much, Mr. Speaker. There are some occasions when the obstacle course that presents itself before a nation requires that we run a two-legged race, not hopping on one foot, but together. This is one such occasion, because the obstacle course that we face as we leave this Parliament to go home, as the people who are working here leave to go home, and the obstacle course that presents itself for every single citizen, young, old, in-between, everyone, we are living in fear and we are not sure whether we will make it home alive or safe.

Mr. Speaker, we had perhaps the most powerful and poignant reminder of this in the middle of this debate, with a little child vanishing into thin air, a mere 20 minutes after the child left home to go a mere 20 feet away to a “parlour” to buy an energy soft drink. That most powerful reminder came into the middle of a debate that had to do with the protection of our society.

This is one of those races that we cannot run, hopping on one foot at a time. This is like a two-legged race. We have to bind and strap our right foot to theirs, and we must bind together to run this two-legged race by hugging and running, like when you are running a two-legged race. We need the Opposition’s support to pass this Constitutional (Amdt.) (Capital Offences) Bill, and because I came here in the knowledge that we need their support, I listened attentively and I took copious notes of what was being said.

The hon. Member for Port of Spain South led the crusade and made a very good contribution. I complimented her privately and congratulated her afterwards. It was very out of character with what we have grown accustomed to from that side. But having listened and having ensured that I kept my mind open to suasion, bearing in mind the objective is not cheap politicking, not partisan politics, but remembering that I wear on my jacket when I come to this nation's Parliament, not a rising sun, not any other party symbol for anyone of my colleagues who sit for the People's Partnership, but remembering at all times that I wear proudly a Trinidad and Tobago flag. [*Desk thumping*] This was the first gift I received when I was appointed as Attorney General and we all received from the hon. Prime Minister, the Member for Siparia, this Trinidad and Tobago flag.

It is for that reason I kept my eye on the finish line, and for every excuse or every problem that was raised by the Opposition, I drew up a column and I put a solution for that problem. Whether they proposed it or not I took note of the problem, and where they even hinted at a solution, I put it in the next column. So I took the hard-working members of staff of Chief Parliamentary Counsel's office, sat and drafted amendment after amendment, listening to them, and then circulated a list of amendments in the full expectation and hope that if we gave them what they wanted, if we conceded to their demands, even if we did not fully agree with that position, that we would have arrived at some consensus and would have been able to run that two-legged race, hugging each other, but reaching the finish line and bursting through the red, black and white, Trinidad and Tobago flag. That is what I had hoped.

Mr. Speaker, the most important point made by the hon. Member for Port of Spain South is that we were taking away what was a mandatory death penalty and introducing a measure of discretion, by introducing categories of murder. That is, in fact, the bulk of this Bill. Why was it put there? That was put there because there was an unproclaimed Bill which was passed without any objection with the support of the PNM. That unproclaimed law, I thought that if that was the party's position, it would assist the Government to hold true and hold firm to a position that had obtained in the past that would meet with the approval of the Opposition, and we included it in this Constitution (Amdt.) (Capital Offences) Bill. Lo and behold, we learned during the course of this debate that the Opposition resiled from that position. They changed their position, even though they had supported it without opposition, they supported it then and, now that they have a chance to make it law, they have resiled from that position without offering any credible or rational explanation to the Parliament and the people.

Mr. Warner: Shame!

Sen. The Hon. A. Ramlogan: It is beyond me! It is like a man who is after a woman. He desires her; he wants it; he is chasing it; but when he gets it; he does not know what to do. That is the position here today. They have gotten everything they wanted. Every conceivable recommendation and suggestion they wanted, we have put it in this Bill, circulated a list of amendments and all they are concerned with is cheap politics, not the country's interest, cheap politics to say, bring back another Bill, come back with something else. If they can tell us any suggestion that they have made that is not already embodied and codified in this list of amendments, then I will defer.

But, Mr. Speaker, this is about form and not substance. The substance and effect of the amendments that we have circulated are such that we meet every single one of the concerns they have raised.

Dr. Browne: CCJ, right?

Sen. The Hon. A. Ramlogan: Notwithstanding the fact that we thought that the categorization of murder was a good thing and a step in the right direction for this country, notwithstanding the fact that we knew that even now there are juries that when they have regard to the special facts and circumstances, extenuating circumstances, they sometimes in their own verdict, return a verdict of not guilty for murder, but guilty for manslaughter or some other lesser crime because they do not want to find guilty for murder, so that the death penalty would apply—although sometimes if they acquit. But even in the system as we speak, there is an inherent recognition and acceptance, that the multitude of circumstances and the various permutations that can confront a court of law as to when murder could occur, is such that you should have some discretion.

I read from the dissenting judgment of the Privy Council in *Matthews*, where four Law Lords said that this was the way to go, that there should be some discretion in the court, and that is why I introduced the categories of murder. They said that is an attempt to hoodwink the population and an attempt to water down and dilute the death penalty. I say, okay, brother, if that is the way you see it, no problem. I have wiped out and deleted from this Bill, all the clauses that dealt with the categorization of murder.

So, Mr. Speaker, I have come back to meet them, not halfway, not three-quarter way, I meet them by the finish line dragging them with me. I say, look, here it is you wanted to say a murder is a murder, there should be no discretion. Whether a man reaches home after a hard day's work and is confronted with a

situation of infidelity and he is in a mad fit of rage and murder someone, you want to say that is on par with the gang leader who tortures and murder, okay. I do not agree!

11.20 p.m.

But in the interest of Trinidad and Tobago, given the terrifying crime crisis that has engulfed this nation, I say I will meet you halfway because I need your support, this is a two-legged race where I must strap my foot onto yours and we must hug up and run towards the finish line. [*Desk thumping*] But instead, whilst in good faith, I am putting on the straps and I am hugging them, they are trying to put their left hand around my shoulder to choke this Government and to choke the people so that we will drop down before we reach the finish line.

What they are doing here today, they are not choking just this Government, they are not just being obstructionist and irrational in their legislative position here. What they are doing is they are suffocating and frustrating the very nation and the people that elected them to sit there and serve. [*Desk thumping*]

When they enjoy their tax free cars and when they enjoy the meals in Parliament, when they enjoy all the perks, it is the people that we are trying to protect that vote to put them there; those are the people they are failing here tonight. Because we are giving them every single amendment to meet them and we are giving up one of the main policy positions of the Government.

Mr. Speaker, our policy position is, for the record, that there should be some discretion for the court because endless are the permutations where murder can occur and you cannot have one, all or nothing. In the Americas, you have murder in the first degree; murder in the second degree; murder in the third degree; it is a recognized and accepted fact.

And, Mr. Speaker, that policy position which was so strongly held, that view, because it was a progressive step in the right direction in our view, we have now said, "Listen, if you feel so strongly, if that is what it will take to get your support, for you to hold me and let us reach the finish line, I will remove that from the Bill." We have, therefore, capitulated on a major policy position simply to accommodate the position of the Opposition in the interest of Trinidad and Tobago because we want to have these murderers hanged. [*Desk thumping*] We want to put an end to the murder and mayhem and the bloodletting that is taking place. Mr. Speaker, we therefore, have come to meet them. When they recommended that we should take a look at the timeline for the international bodies, Mr. Speaker, I have met them on that too. Mr. Speaker, they say—

Mr. Speaker: Let us cool the temperature. Continue.

Sen. The Hon. A. Ramlogan: Thank you, Mr. Speaker. When they say the international bodies, I want the nation to understand, we came here with a position. We say let them take their time, go to the international body, the Privy Council; we wanted a simple law and the simplicity of the law was take how long you want but understand, the longest rope has an end. However long you take, when you finish that journey, the hangman's noose is waiting to be tightened around your neck. That is the simplicity we wanted. Take how long you want, brotherman, we do not care, we are not stopping you; we are not depriving you of any rights, take how long you want but when your journey comes to an end, the sentence of death imposed on you, by a court of competent jurisdiction could be carried out. Whether it is five years, ten years, that was the simplicity. Barbados has that. We were following the Bajan model.

They say no to that. They say that is ridiculous, that it will take too long and so on. They say impose a fixed timeline on the international appeals and petitions process and they say we should do that within the *Pratt and Morgan* 18-month deadline. Mr. Speaker, I may not agree with it because I feel that people should be able to carry on with their appeals and so on but if that is the position of the hon. Leader of the Opposition, Member for Diego Martin West, if that is what the Member for Diego Martin West wants, I say okay. I consulted with the hon. Prime Minister and the hon. Leader of Government Business.

Dr. Rowley: I talked to you?

Sen. The Hon. A. Ramlogan: Mr. Speaker, after we consulted, we came up with a proposal that, look, we will give in to that as well. So, Mr. Speaker, I cannot for the life of me understand after I gave in to that and I said take how long you want, we have come to a position now where we say "Okay, we will give you 18 months, *Pratt and Morgan*, we will say then that you have that time period and whether you complete the appeal or not, you are liable to be executed. We have given in on that as well, Mr. Speaker.

Mr. Speaker, no matter how many holes one can poke into their arguments, I decided to overlook them. I could have come here and pointed out all the fundamental flaws and irrationalities in the arguments raised; the illogic of some of the arguments.

Mr. Speaker, just by way of example, when the hon. Member for Port of Spain South pointed out that the DPP could have the right to decide under which

category of murder he decides to proffer the charge, she made a point that if you do that and if the DPP feels in the public interest, he could apply to a judge to determine that. The Member for Port of Spain South said, “Well look, the people could judicially review the decision of the DPP or the decision the judge, on what category to charge and that could lead to delay and that could lead to an incursion on the *Pratt and Morgan* timeline.”

Mr. Speaker, let me just deal with it. Murder is a non-bailable offence. Which defendant behind bars who cannot get bail, will go and judicially review the DPP's decision to charge under a particular category knowing that by so doing, he is delaying the start of his own murder trial? And if he does that, he remains behind bars, it is a non-bailable offence and he is delaying the start of his own trial. He is stultifying; his actions lead to stultification of his own journey to be freed. It makes no sense!

Furthermore, it leads to no incursion on the *Pratt and Morgan* five-year timeline because this is—when you are judicially reviewing, the decision to lay the charge under which category for murder, the *Pratt and Morgan* timeline applies post-conviction. That is post-conviction! And you are talking about judicially reviewing the DPP's decision to lay the charge, that means the trial has not started yet. It makes no sense! But, you see, even then, I have given in.

Mr. Speaker, it is almost 11.30 p.m. and I want to put this debate in its proper context and framework for the nation to understand the kind of political trickery. *[Interruption]* Yes, the kind of political trickery, hypocrisy and deception that is taking place here in this debate and I therefore at this stage will reserve the rest for Monday. Thank you very much. *[Desk thumping]*

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 Friday, February 25, 2011 at 1.30 p.m. That day is, of course, Private Members' Day and maybe the Chief Whip would like to indicate to the Parliament the business on Friday.

Miss Mc Donald: Mr. Speaker, I wish to inform the Government that on Private Members' Day, Friday, February 25, 2011, we will be debating Motion No. 1 on the Order Paper. Thank you.

Hon. Dr. R. Moonilal: Mr. Speaker, before the adjournment, I also want to indicate to the Members of the House that it is the intention of the Government to resume the debate and conclude this matter on Monday at 1.30 p.m.

Adjournment

Wednesday, February 23, 2011

[HON. DR. R. MOONILAL]

So we will adjourn the debate on the Constitution (Amdt.) (Capital Offences) Bill to the coming Monday at 1.30 p.m. And the amendments will be circulated to allow Members—I think they have already been circulated. Members will have sufficient time to consider those amendments thoroughly.

Mr. Speaker, I beg to move that we adjourn to Friday, February 25, 2011 at 1.30 p.m.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.30 p.m.