

HOUSE OF REPRESENTATIVES

Friday, December 06, 2013

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received the following communication. The hon. Dr. Rupert Griffith, Member of Parliament for Toco/Sangre Grande, is currently out of the country and has asked to be excused from sittings of the House during the period December 01—07. The hon. Rudranath Indarsingh, Member of Parliament for Couva South, has also asked for leave during the period 03—10, and the hon. Stephen Cadiz, Member of Parliament for Chaguanas East, is currently out of the country and has asked to be excused from sittings of the House during the period December 06—13, 2013. The leave which the Members seek is granted.

Hon. Members, I would like to revert to this item, Announcements, just before we take our tea break at 4.30 p.m.

PAPERS LAID

1. Review of the award of scholarships by the Ministry of Community Development and Gender Affairs for the period 2003 to 2007. [*The Minister of Housing and the Environment (Hon. Dr. Roodal Monilal)*]
2. Report of the Special Prisons Committee - Proposals for Early Urgently Needed Action November 22, 2013. [*Hon. Dr. R. Moonilal*]
Work in Fishing Convention, 2007 (No. 188) adopted at the 96th Session of the International Labour Conference of the International Labour Organisation (ILO) held in Geneva, Switzerland from May 30

- to June 15, 2007. [*The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol Mc Leod)*]
3. Work in Fishing Recommendation, 2007 (No. 199) adopted at the 96th Session of the International Labour Conference of the International Labour Organisation (ILO) held in Geneva, Switzerland from May 30 to June 15, 2007. [*Hon. E. Mc Leod*]
 4. Ministerial Response to the Fourth Report of the Joint Select Committee established to inquire into and report to Parliament on Ministries (Group 1) and on Statutory Authorities and State Enterprises on the Administration and Methods of Functioning of the National Schools Dietary Services Limited. [*The Minister of Education (Dr. Tim Gopeesingh)*]
 5. Annual Report of the Police Service Commission for the period January 1, 2012 to December 31, 2012. [*The Deputy Speaker (Mrs. Nela Khan)*]
 6. Thirty-Fifth Annual Report of the Ombudsman for the period January 2012 to December 2012. [*Mrs. N. Khan*]
 7. Response of the Teaching Service Commission to the Ninth Report of the Joint Select Committee established to inquire into and report to Parliament on Municipal Corporations and Service Commissions [with the exception of the Judicial and Legal Service Commission] on a Review of the Teaching Service Commission. [*Mrs. N. Khan*]
 8. Report on Activities on Strengthening Parliamentary Practices in Trinidad and Tobago June 2013. [*Mrs. N. Khan*]
 9. Sessional Review of the Parliament of the Republic of Trinidad and Tobago for the Session 2012—2013. [*Mrs. N. Khan*]

**PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORTS
(Presentation)**

Mrs. Paula Gopee-Scoon (*Point Fortin*): Mr. Speaker, I wish to present the following reports:

**Public Accounts (Enterprises) Committee
Audited Financial Statements of the Estate Management and Business
Development Company Limited**

Third Report of the Public Accounts (Enterprises) Committee on the Audited Financial Statements of the Estate Management and Business Development Company Limited for the years ended September 30, 2007—2009.

**Public Accounts (Enterprises) Committee
Audited Financial Statements of the Education
Facilities Company Limited**

Fourth Report of the Public Accounts (Enterprises) Committee on the Audited Financial Statements of the Education Facilities Company Limited for the years ended September 30, 2008—2010.

ORAL ANSWER TO QUESTION

Mr. Speaker: The hon. Leader of the Opposition; question.

**Miami-Broward One Carnival Host Committee Inc.
(Assistance to)**

8. Dr. Keith Rowley (*Diego Martin West*) asked the hon. Minister of Foreign Affairs:

- a) Has the Government of Trinidad and Tobago through any of its agencies, consulates or embassies provided any assistance financially or otherwise towards the activities of the Miami-Broward One Carnival Host Committee Inc.?
- b) If the answer to part a) is in the affirmative, could the Minister indicate the details of such assistance for all the relevant years?

Mr. Speaker: The hon. Minister of Foreign Affairs.

The Minister of Foreign Affairs (Hon. Winston Dookeran): Thank you. Mr. Speaker, the records of the Republic of Trinidad and Tobago Consulate General in Miami indicate that two payments totalling the sum of US \$1,375 or TT\$8,854, were made to the Miami-Broward One Carnival Host Committee since the current administration came into office. The details are as follows in respect of the events hosted by the committee for the 2011 Miami Carnival.

One, in September 2011, US\$375 was made. This payment followed the request from the committee for assistance, by way of sponsorship, to meet the cost of providing liability insurance coverage for the 2011 Miami-Broward Junior Carnival.

Two, in June 2012, the sum of US\$1,000. This late payment represents the value of the financial sponsorship and in kind contributions made to the committee under contract for the 2011 Miami Carnival.

Mr. Speaker, the Miami-Broward One Carnival Host Committee is a non-profit organization dedicated to bringing a safe family festival in south Florida in outline areas, fostering community pride and civic involvement. The committee provides opportunities to the Caribbean people in south Florida to enable them to share in the Caribbean culture, promote cultural exchange and build economic cooperation in the multi-ethnic and multi-cultural environment of south Florida.

It is an organization formed with the representatives of two separate Caribbean carnival organizations. The Miami Carnival Incorporated, founded in 1999 and the Broward Caribbean Carnival Incorporated founded in 2005.

Miami carnival, an event that began in 1985, has been held at various locations in Miami-Dade County, every year since then; the Broward Carnival, which was held in various locations in Broward County every year, until 2008.

In 2009, the two organizations negotiated the management agreement which allowed one carnival to be held in Miami and Broward. There is also kiddie's carnival and this serves to ensure that all members of the family are invited in community building.

The two organizations came together under the name Miami-Broward One Carnival Host Committee, with four representatives from both organizations who were appointed to the board. Articles of incorporation for the new organizations were filed and by-laws were approved. So it is a legally recognized organization.

Following the 2011 carnival, it was agreed that all directors of the two umbrella organizations would be appointed to the board and it was also agreed that the name of the carnival will now be changed to the Miami-Broward Carnival.

Mr. Speaker: Hon. Leader of the Opposition.

Dr. Rowley: Mr. Speaker, just for clarification. Is the Minister aware of any public funds, of any kind, through the agencies other than the Ministry of Foreign Affairs and the office in [*Inaudible*], going to any of those Carnivals in your research? Did you find any public moneys going there?

Mr. Speaker: The hon. Minister of Foreign Affairs.

Hon. W. Dookeran: Mr. Speaker, I am not aware of any funds, other than what I have identified here for the Ministry of Foreign Affairs.

Mr. Speaker: Hon. Member for Chaguanas West.

DEFINITE URGENT MATTER
(“Hassle free” treatment of Jamaican nationals)

Mr. Jack Warner (*Chaguanas West*): Thank you. Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House at today’s sitting Friday December 06, 2013, for the purpose of discussing a definite matter of urgent public importance, namely the conflicting positions expressed by the Minister of National Security and the Minister of Foreign Affairs with regard to the agreement signed between the Minister of Foreign Affairs and the foreign Minister of Jamaica, on Wednesday, for “hassle free” treatment of Jamaican nationals by the Immigration Division at ports of entry of this country.

Mr. Speaker, the matter is definite as it pertains specifically to the two statements by the Ministers of Foreign Affairs and National Security of this country, where the Minister of Foreign Affairs stated on Wednesday of this week, that he and the foreign Minister of Jamaica have agreed on new immigration processes with respect to Jamaican nationals arriving in Trinidad and Tobago, but the Minister of National Security, subsequently on the same day, is reported to have stated that the position, with regard to the permission of entry of such visitors, has not changed.

1.45 p.m.

Mr. Speaker, the matter is urgent, because the conflicting positions of the two Ministers can lead to confusion for:

- (a) Jamaican nationals seeking to enter Trinidad and Tobago, are now uncertain as to whether there has been, in fact, any change in this country’s immigration policy and procedures; and
- (b) immigration officers who would face uncertainty on how to

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treat with arriving Jamaican nationals out of fear that the wrong decision on their part could either jeopardize their jobs or embroil them in any new tension between this country and Jamaica, should they have to turn back any Jamaican nationals.

Mr. Speaker, the matter is of public importance, because for as long as this matter is unclear it can lead to:

- (a) the recurrence of diplomatic tensions that occurred between this country and Jamaica last week, when 13 Jamaican nationals were turned back at the Piarco International Airport;
- (b) a recurrence of a threat to the trade relations between the two countries where investments by both Trinidad and Tobago and Jamaican citizens were placed in jeopardy as a result of last week's tensions;
- (c) international and regional embarrassment of this country if any immigration officer is forced to act in any way that is contrary to the agreement signed between the foreign Ministers; and
- (d) the perception that the tension between the two countries is not resolved or that Trinidad and Tobago is not abiding by the agreement.

I thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, this particular matter does not qualify under Standing Order 12, but the hon. Member for Chaguanas West is welcome to pursue the matter under Standing Order 11.

The hon. Minister of Gender, Youth and Child Development. [*Desk thumping*]

**CHILD PROTECTION TASK FORCE
(Appointment of)**

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The Minister of Gender, Youth and Child Development (Hon. Clifton

De Coteau): Thank you, Mr. Speaker. I wish to inform this honourable House that the hon. Prime Minister, Mrs. Kamla Persad-Bissessar SC and Member of Parliament for Siparia, has appointed a Child Protection Task Force with membership drawn from the disciplines of education, national security, health and medical, legal, non-governmental and state sectors to carry out an in-depth situation analysis of the factors which caused and increases the risk of crimes against children, and to make proposals on how legislation, state agencies, non-governmental organizations and all stakeholders including parents can better protect their children.

[Interruption]

Mr. Speaker, as a teacher it is good to ignore the direction of the sound. The need to establish the task force is riveted against the background that the Republic of Trinidad and Tobago as from the turn of the millennium experienced a continuous increase in crime and criminal activity on all fronts. In the midst of measures to counter the increase in crime children have increasingly become the targets and victims of all forms of crimes; from sexual assaults to physical and emotional abuse, and even murder. Following the tragic and mysterious death of Akiel Chambers in 1998; we had in 2009, Sean Luke Lum Fai; in 2006, we had Hope Aris-menen-dez—

[Interruption]

Dr. Browne: Arismendez.

Hon. C. De Coteau: In 2008 we had Daniel Guerra; we also had Tecia Henry and recently we had Keyana Cumberbatch.

Despite several legislative amendments and the coming into force of the Children's Authority of Trinidad and Tobago, crimes against children

continue to occur within a complex mix of criminal behaviour, dysfunctional families, longstanding poverty and poor living conditions and other factors. The Prime Minister, the hon. Kamla Persad-Bissessar SC, Member of Parliament for Siparia, in seeking a comprehensive solution to all forms of crime and criminal behaviour against children, moved to assemble this task force which will tackle this very serious national issue on all fronts, including early detection and protection of children at risk. What are the objectives of this task force? The objectives of the Child Protection Task Force shall be:

1. to commence and complete a comprehensive review of all provisions, regulations, legislation and public sector processes, focus on the care, health and protection of children;
2. to provide recommendations on the issues which influence and create risk situations for children, and how the State through policy intervention and partnership with non-governmental and community organizations can roll back these risks;
3. to provide recommendations on how the Children's Authority of Trinidad and Tobago can become fully empowered to fully carry out its mandate, including factors of budget allocations, staffing, approvals for organization-structured positions and decision making reporting accountability lines;
3. to provide recommendations on how the present child protection legislation can be improved and where necessary activated through proclamation;
4. to provide recommendations on how all services focused on child care and protection can be networked or to operate in a

seamless and highly efficient manner;

5. to provide recommendations on the specific risk areas which requires state intervention and remedy outside of the legislative action, including but not limited to family life, community development strategies and public information and awareness strategies;
6. to provide recommendations on how areas of legislation and policy which indirectly impact on the care and protection of children can be streamlined and improved;
7. to provide recommendations on areas where emergency responses can be widened, accelerated and structured in a manner to immediately respond to the needs of children at risk;
8. to provide recommendations on how early warning systems can be structured to provide for the detection of children who live in risk situations; and
9. to provide recommendations on sourcing and improving counselling and specialist care services for children who have been removed from high-risk situations.

The scope: The Child Protection Task Force shall report on its findings within six weeks. The recommendations will then be discussed at the level of Cabinet before being presented to the Parliament. The Child Protection Task Force is not formed as an alternative unit or a subset of any Ministry and shall be dissolved immediately upon delivery of its final report.

Constraints: The core constraints of the Child Protection Task Force are hinged on the fact that all members of the task force have non-executive and non-executing roles and therefore can only be expected to make

recommendations. Whereas policy and action measures are formed out of these recommendations, implementation will take place through the relevant Ministries and state agencies. The Child Protection Task Force, through the chairman or in his or her absence, the vice-chairman shall be empowered to request information relevant to the mandate of the task force only through line Ministers or their assigned representatives. The Child Protection Task Force is not empowered to summon or question any stakeholder or public service employee. Where the need arises for specific information to be obtained from any stakeholder or public service employee, requests shall be made on behalf of the task force by line Ministers.

Approach: The operations and functions of the Child Protection Task Force in the context of location and regularity of meeting deliverables and provisional responsibilities shall be prescribed by the chairman after discussion and agreement with the Prime Minister and the concurrence of the members of the task force.

Deliverables: The Child Protection Task Force will have achieved its mandate fully upon the presentation of a final report which fulfils all issues detailed in the purpose and objectives. If there exists any dissenting views that are not contained in the final report, these views together with the reasons for excluding it from the final report shall be provided as an addendum.

Assumptions: All arrangements needed for the meetings of the Child Protection Task Force will be provide by the Ministry of Gender, Youth and Child Development as necessary. The discussions, documentation of meetings, review and filing of policies and event information, storage and data related to the task force shall be kept private and confidential. No

member of the task force is empowered to make and engage public statements of its function or purpose, whether in writing, through media interviews or through discussions outside of the task force.

The members:

- Mrs. Diana Mahabir-Wyatt, chairman;
- Minister Clifton De Coteau, Ministry of Gender, Youth and Child Development, member;
- Sen. The Hon. Raziah Ahmed, Ministry of Gender, Youth and Child Development, member;
- Minister Vernella Alleyne-Toppin, Minister of State in the Ministry of the People and Social Development, member;
- Mrs. Sandra Jones, permanent secretary, Ministry of Gender, Youth and Child Development, member;
- Mrs. Stephanie Daley SC, chairman of the board of management of the Children's Authority;
- Mrs. Hazel Brown, special envoy on women and girls;
- Mrs. Margaret Sampson-Brown, former assistant commissioner of police and current manager of the Victim and Witness Support Unit;
- Mr. Gregory Sloane-Seale, programme co-ordinator, Citizen Security Programme;
- Mrs. Zena Ramatali, president National Parent Teachers Association;
- Pastor Clive Dottin;
- Mr. Ganga Persad, social welfare director, Ministry of

the People and Social Development;

- Mrs. Kathy Bharath, student support services, Ministry of Education;
- representative from the Attorney General's office;
- a medical practitioner with extensive experience in family medicine and public health.

A number of recommendations have already been made and shall form—

Mrs. Gopee-Scoon: No member of the Opposition.

Hon. C. De Coteau:—part of the review of the task force. These recommendations are:

Counselling support for parents, parenting skills, training, parent support groups, a programme of partnering and strengthening of community-based organizations, housing for a few very low income groups, Breaking the Silence initiative, respite centres, safe houses, child day care centres, nursery, policy and skills training for caregivers, expansion of Child Line services, prompt implementation of Child Line crisis, respond services, primary school, child supervision service, after school for parents who are in need, the identification of other safe spaces for this service, closer collaboration with schools and community police, information programmes for children to know when lines are being crossed with them and to speak out and not be afraid, establishment of a healing centre.

Mr. Speaker, I so present this to this honourable House. [*Desk thumping*]

Mr. Speaker: The hon. Minister of Land and Marine Resources. [*Desk thumping*]

MINISTRY OF LAND AND MARINE RESOURCES
(Distribution of Leases for the period 2010—2013)

The Minister of Land and Marine Resources (Hon. Jairam Seemungal):

Thank you, Mr. Speaker. Mr. Speaker, I have the distinct pleasure of reporting to this Parliament on the operation of the Ministry of Land and Marine Resources, and in particular, updating this Parliament on the distribution of leases for the period 2010—2013.

But before I get into the details, I would like to share the vision of this newly formed Ministry of Land and Marine Resources with you, Mr. Speaker. Most developed countries have a Ministry of land which deals specifically with land matters. Recognizing the demand being made for land from both the private and public sector and understanding the importance of land as an asset to the country's growth and development, our Prime Minister in her wisdom saw the need for a similar Ministry for our nation to deal specifically with the management of land assets of the State. I am honoured to have been given the mandate to build this Ministry and to bring our Prime Minister's vision to reality.

Mr. Speaker, the amount of persons affected by this Ministry, in particular with relation to land matters are as follows: there are some 26,000 application under the Squatter Regularization Programme in relation to the State Land Regularization Act; there are some 17,000 farmers; some 67,000 application for the Land for the Landless Programme; they are some 5,000 application for commercial land;

Dr. Browne: Plural, plural.

Hon. J. Seemungal: There are some 6,000 application with residential lease—[*Interruption*]

Dr. Browne: “Sss.” Applications.

Hon. J. Seemungal:—there are some 8,000 former Caroni workers and just over 2,700 application with respect to the Caroni Spontaneous Regularization Programme and over 4,200 former cane farmers.

Mr. Speaker, the Ministry of Land and Marine Resources, at present, comprises the Commissioner of Lands office with Land Management Division, the Mapping and Survey Division and the Land and Administration Division—the state company—the Land Settlement Agency is also within this Ministry's portfolio.

2.00 p.m.

On viewing the activities of these divisions since taking office in October 2013 it became clear that having come from two separate Ministries there are logistical problems with respect to human resource that are required to be worked out. At this end, we are finalizing the organization chart for the Ministry, which will address the human resource needs, restructuring of the divisions, and to be more effective to ensure that the required skills are located within the relevant divisions.

Challenges we identified resulted mainly around the detail in providing leases. I recently brought a note to Cabinet on behalf of a gentleman who applied for a lease in 1975—and this was only approved on Thursday of this week.

Mr. Sharma: That was the year Marlene was born.

Hon. J. Seemungal: While not all situations are this bad, there are enough to be of concern. I can see no reason why a request for a lease cannot be done in a shorter time, and we are aiming for months and not years. No one, state enterprise or citizen of this country, should have to wait so long for a

lease to land which is developed and ready for occupation.

Hon. Member: Great.

Hon. J. Seemungal: It is important to understand that while we try to build the economic sector, delay in matters like the issuing of leases stymie the growth since the development; an individual, whether their businesses are big or small, cannot move forward without issues like financing until they have a valid lease in hand and can show security of tenure.

We intend to do our part in helping the nation attain food security. With global warming causing the weather to become more and more unpredictable, the importance of the agriculture sector, not only to provide for the local market, but also the region, becomes clear.

The Ministry is very aware of the challenges faced by farmers who are not able to access loans and services to improve the operation because their tenure is uncertain. Whereas the Ministry of Food Production has made laudable efforts in updating the financial incentives and making access to farmers easier, there is still a need to ensure that leases are granted in a timely manner so that farmers can implement their programme of development they continued, with a commitment of these lands made available to them.

To this end, the Ministry is seeking not only to ensure that leases are processed promptly, but we are also creating systems to ensure that agricultural lands are productively farmed and that both the Ministry and the farmers obtain value for money. We are developing an ICT data analysis system which will allow monitoring of activities related to parcels. This analytical system will allow us to identify, monitor and track leases, and so avoid delay currently experienced in processing the issuance and renewal of

leases.

In addition, the system will allow us to track the agriculture production of state lands, identify challenges and/or successes of farmers, and identify lands which can be leased for further development. We will also be partnering with agencies such as the Town and Country Planning Division, the Drainage Division, the Ministry of Energy and Energy Affairs, who all have similar systems to share data which will be beneficial to all of us.

Another initiative which we are developing is the Business Advisory and Liaison Unit which will assist farmers in accessing loans, learn about the marketing opportunities and managing their holdings to ensure greater productivity and effective use of land. Again, we will be investigating opportunities in collaboration with the relevant Ministries for identifying lands for business development and expanding our manufacturing sector.

To achieve this—*[Interruption]*

Mr. Warner: Very good point.

Hon. J. Seemungal:—it is necessary to restructure the Office of the Commissioner of State Lands and the Administration Division to create a more focused approach on the monitoring of land, the renewal and issuance of leases, and ensuring that lands are available for the purpose assigned. The Commissioner of State Lands, we identified, has five priority areas: agriculture, residential, industrial and commercial, Caroni lands and reclamation. Each of these will now be fully manned with legal officers assigned with a clear mandate for achieving its objective. A more robust enforcement system will also be put in place to deal with breaches of lease.

Mr. Speaker, programmes have also been put in place to provide

affordable housing in a cost effective manner and ensuring that everyone will be able to access lots which are serviced with good roads and drainage, electricity and water, and are safe and healthy. Notwithstanding the work being done by HDC to address the housing challenge, our record has shown that there are over 50,000 applications by citizens under the Land for the Landless Programme launched earlier in 2012. The Land for the Landless Programme is designed to do just that—to provide serviced lots for those who cannot afford to access the private and public housing sector.

Over the last decade, the provision of state-funded housing units has not adequately satisfied the overwhelming and increasing demand for houses. One of the reasons for this was the increasing cost of housing construction, which led to those persons who were in the greatest need being unable to access Government-funded houses. It is against this backdrop, that the Government introduced the Land for the Landless—Policy Residential Programme to supplement the existing housing solution.

The Land for the Landless Programme will achieve the following:

- produce residential lots at an affordable price;
- utilize state land resources on a sustainable basis giving economic viability and ensuring that social and ecological sustainability are given equal emphasis in the allocation of state lands;
- to promote orderly and planned development of the state land resources within an overall single development framework for development;
- to ensure that the land is allocated for non-residential community services use in accordance with the Town and Country Planning

Division's requirement;

- to ensure equitable distribution of lands where some developed lots would be set aside for allocation to persons who cannot purchase residential lands on the open market;
- to encourage and promote healthy lifestyles;
- to encourage both the private and public sector participation since the programme will be demand-driven and not supplied-led;
- greater opportunity for financing for lower income bracket by developing new innovative financial mechanism with the private sector;
- to encourage the construction of proper homes in safe environment;
- to address the concern for those seeking security of tenure who are not eligible for regularization under the State Land (Regularization of Tenure) Act, Chap. 57:05;
- to address the issue of tenure for those recipients who were allocated lots in previous state residential lots programme, but are yet to receive their leases;
- to encourage sustainable development in communities through supporting micro-enterprises initiatives; and most importantly
- to curb the desire for lawlessness in the form of squatting as affordable and accessible options are made available.

The programme is categorized in three main areas:

- The existing or Brownfield squatting sites which will encourage infill lots and expansion of the sites;
- Undeveloped state land parcels, which are the Greenfield sites;

and

- Consolidation of villages and expansion, ribbon development and developed consolidated communities.

Ever mindful of the less fortunate in our society, we have devised a special starter unit programme for those beneficiaries earning \$3,000 and less. This will take the form of the provision of a floor slab and sanitary facilities, which is the toilet and bath.

Our aim is to provide fully serviced residential lots which beneficiaries can build. Mr. Speaker, you will appreciate that it takes time to identify land, to procure services, to do the pre-construction activities such as the land use planning and engineering design to the standard required. Yet, we can boast that in just over one year when the programme was launched, the Land Settlement Agency has close to 1,000 lots ready for distribution. Tenders are being evaluated and infrastructure works will start on a further 2,000 lots by the end of February 2014. By the start of the financial year 2014/2015, we propose to develop another 2,000 of these lots.

To further assist our clientele, we have created a housing support centre within the Land Settlement Agency. This centre will lend support to persons who are constructing houses. These services include the provision of:

- Technical advice and oversight during housing construction, utilizing in-house expertise to advice residents in building their own home;
- Standard approved housing plans made available at subsidized prices;
- Guidance through the various approval stages during

construction;

- Quality control and infrastructure work;
- Technical advice on the use of environmentally-friendly and green solution.

The reason for the creation of this centre, Mr. Speaker, is that far too long we have all heard the cries of persons, especially the most vulnerable in society, who have been exploited by various persons working in the construction industry.

In a wider arena, the Ministry will be involved in research into various types of emergency housing solution, partnering with the housing agencies in other countries to discuss best practices for housing solution and use of traditional housing technology, and to research the solid waste disposal system. The Land Settlement Agency also has an aggressive plan for the regularization of squatters, who are so eligible under this State Land (Regularization of Tenure) Act, No. 25 of 1998, and helping them to develop into striving and contributing communities.

To date, the Land Settlement Agency has issued approximately 7,000 Certificate of Comfort to squatters who have been residents on land since 1998. In financial year 2013/2014, just over 3,414 additional files have been processed by the Land Settlement Agency. This resulted in another 615 Certificate of Comfort being issued.

Mr. Sharma: Well done. Well done.

Hon. J. Seemungal: A further 13,118 files are being processed and we project that all these will be processed within the next two months to prioritize Certificate of Comfort to persons who qualify under the 1998 Act.

2.15 p.m.

With respect to development and upgrading works, we are partnering with the IDB to develop 15 sites. [*Interruption*] Seven new construction sites will start in February 2014. These include La Phillipine, Gran Couva; La Savanne, Guayaguayare; Arena Road, Freeport;

Hon. Member: Very good!

Hon. J. Seemungal: Ponderosa, Golconda;

[*Continuous crosstalk*]

Hon. J. Seemungal: Ramlal Trace/Sunrees Penal;

Hon. Member: After you.

Hon. J. Seemungal: Kangalee Street, Valencia, and St. Mary's Village, Moruga. A further 14 sites are in the preconstruction phase and upgrade works will commence in June 2014. Planning briefs are also being done for another 33 sites for incremental upgrade works during the 2014/2015 period. Construction will start on these sites in February 2014.

We are also assiduously working on ensuring that the promise made to the Caroni VSEP workers is fulfilled. [*Desk thumping*]

Hon. Member: “This ent finish yet?”

Hon. J. Seemungal: Most recently, on Wednesday last, the distribution of 441 residential lots and agricultural leases to former Caroni workers as part of the VSEP package agreement was fulfilled. This brought the total number of leases distributed today to 2,350 agricultural leases [*Desk thumping and crosstalk*] and 1,626 residential leases; 2,350 agricultural leases and 1,626 residential leases. This represents a tangible development in keeping the promise—

Mr. Sharma: “What you all did before that?”

Hon. J. Seemungal:—to the former Caroni (1975) workers.

Mr. Sharma: How much you all did before that?

Hon. J. Seemungal: We are put measures in place, Mr. Speaker, to deliver the remaining 4,000-plus leases by the middle of 2015. [*Desk thumping*]

As indicated earlier, we are restructuring the Ministry to ensure that the various units can deliver as required. As a new Ministry, we have the opportunity to review the operation as they occurred in the past and develop the vision as to what we should be doing in the future. We will build the Ministry to meet the needs and the vision of our Prime Minister and to ensure that the services to be delivered to our citizens are met.

Finally, in reviewing the structure, it has become clear that there are insufficient persons to get the job done.

Hon. Member: Yeah, right!

Hon. J. Seemungal: To address this, we are developing a new organization chart which once approved by Cabinet, will allow us to hire the quantity of staff that is necessary to develop the services, and deliver the services to our clientele.

This is definitely the dawn of a new day in land management and we expect that we will all benefit from the changes being implemented. We look forward to partnering with our sister Ministries in delivering the mandate as articulated by our Prime Minister which is prosperity for all.

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

Hon. Member: Well said!

Dr. Browne: Sounding like Churchill!

Hon. J. Seemungal: “I will send ah copy for yuh.”

Sen. Ramlogan SC: He will not be able to read those—

BAIL (AMDT.) BILL, 2013

Order for second reading read.

The Attorney General (Sen. The Hon. Anand Ramlogan SC): [*Desk thumping*] Mr. Speaker, I beg to move:

That a Bill entitled an Act to amend the Bail Act, Chap. 4:60, be now read a second time.

Mr. Speaker, the Constitution of the Republic of Trinidad and Tobago is the supreme law of our land, and as the supreme law, it codifies the aspirations, the ambitions and the hopes of a young nation, and it is predicated on the fundamental assumption that certain rights, which are recognized by the State, would be codified, enshrined in the Constitution and recognized by the State. Those rights are rights which are given to each and every citizen regardless of race, origin, colour, religion or sex.

The most fundamental of these rights, the most important of them, is found in Section 4(a) of the Constitution which speaks to the right to life, liberty, security of the person and enjoyment of property. Right to life, liberty, security of the person and enjoyment of one's property and with those concepts in mind, the State has guaranteed to each and every citizen that it will protect that right of each citizen. To balance that, we also have rights which are given to persons who are accused of infringing our laws, and amongst those rights—the right to be brought before a judicial authority promptly, the right to a presumption of innocence, the right to a fair hearing, and, of course, the right to bail and the right not to be deprived thereof without just cause.

But significantly, Part IV of our Constitution in Chapter I gives Parliament the authority to pass laws which are inconsistent with those fundamental

rights with a three-fifths majority provided that those laws are reasonably justifiable in a society with proper respect for the rights and freedoms of individuals. The respect for rights of freedoms of individuals—the rights and freedoms of individuals, those rights and freedoms that we must have respect for, must be viewed from two perspectives. The first is, the right to respect freedoms of law-abiding citizens, and then there is the respect for those who may violate the law, find themselves on the wrong side of the law and would be entitled to a fair trial.

Mr. Speaker, for some time now, we have seen the lawless elements encroached further and further and pull the rug out from beneath the feet of the innocent law-abiding citizens in our country. Parliament has been slow to react and we have been very unresponsive to the cries, and the frustration and the desperation that has set into our population as a tiny handful of minority criminal elements in our society take root, grow and take hold of our communities.

One gang, once it is allowed to plant itself in a community, it infiltrates it; it penetrates it and it virtually becomes the alter ego of that community. It thereby becomes at one with the community. It becomes impenetrable to the police service because the information and intelligence about the criminal activity is secreted within the very bosom of the same community, and that is a reality that we must face up to in Trinidad and Tobago.

Hon. Member: Well said!

Sen. The Hon. A. Ramlogan SC: The law that we are proposing today to deal with bail is a law that will seek to address re-offenders. People who have been convicted of violent criminal offenses in a court of law and after

you have been convicted and you have served your time, if within the next 10 years, you re-offend and you are arrested and charged for another similar violent crime, then we say bail must be denied for a period of at least 120 days after which you can apply for bail and the Magistrate or judge can consider it. [*Interruption*]

Hon. Member: Somebody phone on!

Sen. The Hon. A. Ramlogan SC: Mr. Speaker, there is pervasive lawlessness in our land, and this is an attempt to recalibrate the scales of justice, to rebalance the constitutional scales of justice in favour of the decent law-abiding citizens. There are many jurisprudential theories, Mr. Speaker, about how one ideologically posits their legal system and how one, as a matter of legal philosophy, strikes the right balance in terms of protecting the citizenry and guaranteeing those fundamental human rights and freedoms. The libertarian view strives to achieve the maximum possible freedom for an individual citizen, but John Stuart Mill said that that kind of freedom must never be viewed in an absolute manner. There is no absolute freedom.

You have a right to freedom of movement, but that does not mean that you can drive your car down a one-way street. You have a right to freedom of expression but it does not mean that you can curse the Prime Minister or you can curse another citizen. There is nothing like an absolute fundamental human right, it always contextualized and posited against the backdrop of the greater good of society and what is in the interest of the public.

Mr. Speaker, we have been pushed back further and further by the criminal lawless elements. People recoil in fear, horror and terror at the kind of crimes we see committed on a daily basis. You are now forced to retreat

into your own homes as you gingerly peer from behind the barricaded walls of your home, from behind burglar proof and all sorts of security cameras. You have become a virtual prisoner in your own home whilst the bandits are the ones you are roaming freely. Your right to freedom of movement has been curtailed because after seven o'clock in the night, the streets belong to the bandits and you fear going out.

This Government is not about to do like the previous administration and bury its head in the sand. We confront the raw and harsh criminal reality and we confront it with tough legislative measures. [*Desk thumping*]

Miss McDonald: [*Inaudible*] Talk about the current.

Sen. The Hon. A. Ramlogan SC: Mr. Speaker—[*Interruption*]

Dr. Moonilal: Everybody ha current. [*Laughter*]

Sen. The Hon. A. Ramlogan SC: [*Laughter*] Yes. Mr. Speaker, when someone passes through the legal system, the criminal justice system, they have had the benefit of bail, they have had the benefit of due process and they also have had the benefit of the very slow pace of justice in our criminal justice system. It takes, on average, in some cases, five to 10 years for a trial to be completed; in a Magistrates' Court, it may be three to five years. But from the time the police "ketch yuh and charge yuh", you have all that time until a court of competent jurisdiction convicts you and sentences you. You then go to prison and you spend time. And after all of that, when you come outside, if instead of turning over a new leaf with all of that experience, valuable life experience, you decide to go and repeat and be a repeat offender and commit a violent crime against an innocent citizen, well, we say "Enough is enough, no bail in such a case. [*Desk thumping*] One strike and you are out!" That is the position of this Government.

Mr. Speaker, we must take note of what is happening in our country. Look at the recent robbery involving the security guard from Sentinel. A father—[*Interruption*]

Hon. Member: Yes.

Sen. The Hon. A. Ramlogan SC:—close to retirement murdered in cold blood in the most premeditated of robberies. Cement stacked to stabilize the vehicle from the impact. The kind of things you would see in movies and it is happening right here in Trinidad and Tobago.

Mr. Speaker, the Bail Act has been altered, modified and amended on several occasions in recognition of this problem, but in the same way as we play a tit-for-tat game with the criminals, we must be always vigilant to ensure that they do not outmanoeuvre this Parliament, and right now, this law is extremely necessary.

2.30 p.m.

Permit me to quote from my colleague on Friday, July 18, 2008, the Member for Diego Martin North/East, who was in fact contributing to a debate to amend the Bail Act in 2008 and he said:

“The point is we intend to vote on this Bill today and we intend to pass this Bill because there is proof, and it is proof now, that this Bill is justified that if we do not pass this Bill, we run the risk of repeat offenders coming back out on bail and committing serious offences.”

These amendments to the Bail Act are borne out of the Bail Act are borne out of a recognition of the fact that the repeat offenders are at the very core of the problem in our society. They are at the very core.

Mr. Speaker, it is no secret that there is an extremely high rate of recidivism in the criminal underworld. When we see the crimes statistics,

and we see a hundred robberies, that does not necessarily mean “it have ah hundred robbers, yuh know”, because it may be five men, five bandits who “puying down all dah wuk”. Five men may be committing all that robbery—[*Interruption*]

Hon. Member: Or two.

Sen. The Hon. A. Ramlogan SC:—or even less. You see, that is why, Mr. Speaker, the issue of bail has become a very ultrasensitive matter. It is a matter of a rather delicate constitution that must be addressed by the Constitution and by this Parliament. It is delicate and sensitive because no one wants to take the bull by the horn to say what in fact the raw unvarnished truth is when a man gets bail.

When a man gets bail, there are some who are innocent and they await their trial and they relax. But then there are others—there are others, who use that as a window of opportunity and they milk it and they exploit it to the detriment, destruction, ruin and death of innocent law-abiding citizens in this country. There are some—let us be frank—who go out to commit even further robberies, so that they can hire the most expensive lawyer to defend them. There are some who go, and the minute they get out on bail, the first thing they do is to analyze the prosecution’s case, and to target the witnesses for the prosecution. There is harassment, intimidation, and even death of the witnesses for the prosecution.

Mr. Speaker, we need to own up to these realities in our country. And therefore, I think it is out of that kind of social reality that the Bail Act has been one of the most amended pieces of legislation in our country’s legislative history. The Bail Act came into being in 1994, after we sought to

have a consolidated version of all the disparate elements in our laws, that governed the grant of bail.

And in 1994, by virtue of Act 18 of 1994, the concept of strikes was introduced. The concept was three strikes and you are out. So for certain offences, which were felt to be sufficiently serious, in 1994, this Parliament said three strikes, and if you are charged a fourth time, you are out. Mr. Speaker, the problem is that law did not go far enough. It did not take into account the delay in the justice system; it did not take into account the clever and innovative nature of criminal enterprise in the society.

So that, by the time you “ketch ah man” and convict him three times—three times, for the first time “yuh” catch him and convict him, he would be sentenced, because it is serious, violent crime. The second time he comes out, he reoffends, “yuh” sentence him again, and then there is a third time. By the time that happens, the man should be really collecting pension—realistically. But what bothers us, and what should trouble us, what should prick and shock the conscience of this nation is the fact that, by the time the man is thrice convicted and sentenced—by the time he is thrice convicted and sentenced—in the intervening gaps, that man may have committed so much more crime before he was detected, tried and convicted, that innocent citizens would have paid a dear price.

Mr. Speaker, it was not until 11 years had elapsed, in 2005, from 1994, that there was an attempt to deal with the reality by making a further amendment to the Bail Act. And in 2005, in the height of what was the worst epidemic of kidnapping imaginable in this country, this Parliament moved to deal with that situation by passing the Bail (Amendment) (No. 2)

Act, 2005, to make certain violent offences, and the offence of kidnapping for ransom non bailable, in certain circumstances.

We created two categories of crimes—“Specified Offences” and “Violent Offences”. And we introduced a new concept. From three convictions in 10 years, we went down to two in 15. So from three strikes in 10 years, and you are out, we went down to two strikes in 15, and you are out. The Specified Offences continued to have the three strikes and you are out, and they included matters such as:

“trafficking in narcotics or possession of narcotics for the purpose of trafficking;
possession of imitation firearms in pursuance of any criminal offence;
larceny of motor vehicle;
perverting...the course of...justice;
arson;”

And of course—

“receiving stolen goods.”

The “Violent Offences”, with the two in 15, two convictions in 15 years included:

“manslaughter;
possession and use of firearms with intent to injure;
rape;
grievous sexual assault;
sexual intercourse with” a “female under fourteen; ...
buggery;...
incest;...”

and other serious crimes.

Mr. Speaker, the Bail Act was further amended in 2006, 2007, twice in 2007, but—three times—sorry—in 2007, and then again in 2011. All of those amendments, really, were centred around the kidnapping scourge. They had to treat with the problem of kidnapping and the only way the Parliament was able to assist the police was to address it frontally, by denying bail to persons who were accused of kidnapping.

Act No. 11 of 2011, under this Administration, further amended the Bail Act. We recognized that there was a problem with the firearm offences, the commission of crimes involving the use of a firearm, and we moved swiftly to treat with that. We had also passed the Anti-Gang Act, 2011 and we moved to put those offences on the same footing where, for 120 days you will get no bail and thereafter, if the prosecution has not commenced its case, you can apply for bail.

Mr. Speaker, permit me to illustrate the extent of the problem. You see, it is easy to cry down the police service, it is easy to beat up on the police. Police officers risk life, limb and property every single day in this country, to protect and serve innocent, law-abiding citizens. In fact, they even have to protect and serve the not so law-abiding citizens. They have families. They have wife, they have children, and they have the grocery bill, and the mortgage to meet, at the end of the month, like all of us. And we, as a Parliament, we as a Government, we are duty-bound to give the police the tools and the equipment, the legislative tools and equipment they need, to be able to effectively deal with the crime problem, and to go into combat with the criminal elements in our society. Because, make no mistake about it, this country is in a state of war with the criminal elements in our society.

And what do the statistics show? I asked the police service why this measure was so necessary, because this matter arose out of a meeting we had with the police service some time ago, and I had asked the question: well, what can we do to help you with the crime problem? And they said well, you know, if we had a law with one strike and you are out, and the man could be denied bail, that would help. And I said it is something for us to consider, but I am not giving the police the full monty. I am not going the full distance. It is not that one strike and you are out, you are going to be denied bail forever. It one strike and you are out, you are going to be denied bail for 120 days; thereafter, you can apply for bail.

But why is that necessary? I asked the police. And the Crime and Problem Analysis Branch of the Trinidad and Tobago Police Service provided me with some potent examples of why it is necessary. I would have loved to have been able to call these people's name. The people who I am about to refer to, I would have loved to have been able to call their actual names, to show the country the extent of the problem, but I cannot do that because they have some pending matters. But I want to tell my colleagues, on the Opposition Bench, I have the actual document from the police service crime analysis branch, and I am prepared to share it with you in the strictest of confidence, so that you will see for yourself—because I know that you are receptive and open to suasion—and I want to share it with you so that you can see for yourself, the names of these people, that they are real, they exist in our society, and in the strictest of confidence, I am prepared to share it with my colleagues.

The first one, I will call Mr. S. Mr. S was convicted in March of 1991 for robbery with aggravation. “He wait he time for he trial”—get charged,

convicted and sentenced. After he completes his sentence, in August of 1997, he is charged with receiving stolen goods, he gets bail. This is a man convicted for robbery with aggravation, he comes out, he gets charged for receiving stolen goods, and he immediately gets bail.

While on bail, he commits a further crime, shop breaking and larceny. That is in May, 1999. He then commits, while on bail, factory break-in, and larceny. While on bail, in June of 2000, he is convicted of trying to obtain \$86,500 by false pretences. He completes that sentence, for trying to obtain the money by false pretences. And then he is charged for possession of a drug for the purpose of trafficking in December, 2002. He gets bail again.

While on bail, he is charged again, charged with drugs for the purpose of trafficking. While on bail for that charge, he is given bail again, and he is charged for possession of cocaine for the purpose of trafficking in August, 2005. And whilst he is granted bail again, on the charge for possession of cocaine for trafficking, he is then, in November, 2007, charged yet again, possession of marijuana and possession of ammunition, in 2007.

“You know what?” He gets bail again. In August, 2009, he is charged for malicious wounding. He gets bail again. In September, 2009, he is charged for unlawful possession. In September, 2009, he is charged for larceny. He gets bail again, Mr. Speaker. In May of 2010, he is charged for possession of cocaine again, for the purpose of trafficking. And believe it or not, inherently incredible, as it is, he gets bail again.

Mr. Speaker, while on bail, in August, 2011, a year later, the man is charged again, for possession of cocaine for the purpose of trafficking. And believe it or not, this gentleman gets bail again. Mr. Speaker, in total—in sum total, 11 charges, some for which he has been convicted, but it is a

running ball by ball commentary, and the man continues to get bail over and over and over. He gets bail and he reoffends. You give him bail again. He goes outside, he commits a further offence. You give him bail again. That happens—repeatedly.

Mr. Speaker, I turn to Mr. B. Mr. B, convicted fraudster, and in September, 1988, obtaining goods by false pretences. After that first conviction, this man is convicted a further six times for receiving goods by false pretences. That makes it seven convictions for receiving goods by false pretences. After he serves those sentences, in October, 2001, he is charged with possession of cocaine and marijuana, for the purpose of trafficking. That is in October, 2001. You would like to think that a man who is convicted of obtaining goods by false pretences on seven occasions, that if he is now charged with possession of marijuana and cocaine for the purpose of trafficking, that they would not give him bail.

2.45p.m.

Mr. Speaker, he gets bail. And goes down the road, he is charged for fraudulent conversion in 2005; credit card fraud in 2006; fraudulent conversion again in 2006; 2007, fraudulent conversion, false pretenses; you go down the road, again; 11 charges and on each occasion this gentleman gets bail. Every time he gets bail he goes out and he commits offences.

Dr. Rambachan: “He have a Godfather or what?”

Sen. The Hon. A. Ramlogan SC: I turn now to the third example, there are many others, Mr.R. Mr. R was charged with robbery with aggravation in 1994. Whilst on bail—[*Interruption*]

Mr. Sharma: That is not Rowley.

Sen. The Hon. A. Ramlogan SC: No, no, **Sharim** Ramlogan, not Rowley.

Whilst on bail he is charged with possession of a firearm.

Hon. Member: “Must be Ramadharsingh.”

Sen. The Hon. A. Ramlogan SC: Whilst on bail, that is 1994, he is charged with obtaining property valued under false pretenses. That is March 2003. He gets bail again. You know, you go down the road from larceny of a motor vehicle, wasteful employment of police time, failing to produce a driver’s permit—11 charges in all and on each occasion the man gets bail.

Now I have the document I received from the police service. I am prepared to share it with my colleagues in the Opposition because if I have to stand here and read all “dem people with dem long rap sheet with this endless list” of charges and the consecutive grants of bail to illustrate the problem, it will take us—we will be here all evening.

Dr. Moonilal: Give them it. “They may be at Balisier House.”

Sen. The Hon. A. Ramlogan SC: And you see, Mr. Speaker, the point is this may just be the tip of the iceberg because what about the persons who the police “eh ketch”?

Hon. Member: Anna Deonarine.

Sen. The Hon. A. Ramlogan SC: What about the people who, you know, are just in the system and on the second occasion?

You see, Mr. Speaker, as one police officer put it to me, he said: “Is like cockroach, yuh see one in yuh house, bet yuh bottom dollar it have plenty more.” And that is what is taking place. The criminal justice system is being manipulated by these bandits.

Mr. Speaker, I have—in researching for today’s debate—looked at the amendments to the Bail Act that preceded this particular Bill which we are debating today and I found a comment from the former Attorney General,

Mr. John Jeremie, which he made on March 20, 2007—[*Interruption*]

Dr. Moonilal: The one who lock up Sharma?

Sen. The Hon. A. Ramlogan SC: —during the debate on the Bail (Amdt.) Bill, 2007 and this is what the then Attorney General, my colleague, Mr. Jeremie had to say and I quote. He says:

“There are persons, magistrates and judges, in this country, who would allow individuals out on bail in respect of very, very, serious offences. They”—(Chief Justices)—“talk to their troops about the need for granting bail in a uniformed fashion but this does not happen because these are individuals and that is why there is a need, in this time of crisis, for us to legislate.”

I believe, in fairness to the former administration, they too recognize this problem, that the grant of bail is done in a certain—it is sometimes done in a manner that is, perhaps, a little too lackadaisical and there is too much latitude. But there is no uniformity and it is creating a problem and that is why Parliament must now guide the judicial arm of the State by providing an appropriate legislative framework that will govern and house the exercise of judicial discretion when considering the question of the grant of bail.

Mr. Speaker, I ask also if we go down from—it was three in 10, it went down to two in 15 and we now have two parallel streams, three in ten and two in 15 for certain offences. I asked the police to provide me with, as far as is humanly possible, the statistics to show how this law would impact. If this Bill became law in the morning, what would be the impact? And these are the figures. These figures are provided by the Crime and Problem Analysis Branch of the Trinidad and Tobago Police Service. I would compare the current position under the law as it is, as compared to what it

will be when we pass this measure, because I have every confidence that with the collective will and responsibility of Parliament, in this case, will rise to the occasion to pass this measure.

Possession of firearm or ammunition without licence; persons who have two previous convictions with one similar matter pending, 255. If we pass this measure that number goes up 472; from 255, it will jump to 472 because you will net a further 217 persons at minimum. So it will be 255 plus 217. It is 255 at present. That represents an increase of 472. Sorry, 472 would be the total figure, 255 plus 217; robbery, persons who have two convictions for robbery and one further pending matter for yet another robbery, they number just 37 only 37. Mr. Speaker, we passed this measure. That figure will be, for a person now who has been convicted of a robbery and they are now charged on another occasion for robbery again. You have a conviction for robbery and you are charged again for robbery, that figure jumps from 37 to 286.

Hon. Member: Wow!

Sen. The Hon. A. Ramlogan SC: A jump of 672 per cent; larceny of a motor vehicle, two convictions and one matter pending, only eight persons. We pass thist measure, that figure jumps from 8 to 27, 237 per cent increase. We will net at least 19 more. Possession of a dangerous drug for the purpose of trafficking: drug trafficking is inextricably intertwined into the criminal elements in the society because many of the repeat offenders are themselves drug addicts and if we cannot solve the problem of drug trafficking by clamping down very hard on drug traffickers in this country, then we will perpetuate the problem down the road. It has a disproportionate impact and effect on the crimes. Possession of dangerous drug for the

purpose of trafficking: two convictions, one charge pending in court, only 35 persons.

If we lower the bar to say one conviction and one matter pending, in other words you are convicted of drug trafficking and you then get charged a second time for drug trafficking, “yuh convicted, yuh serve yuh time, yuh come outside and yuh gone back selling drugs to the young children on the streets, yuh gone back peddling drugs to the children in the school”, the number jumps from 35 to 232, an increase of 562 percent. We will net a further 197 persons accused of drug trafficking. These statistics demonstrate the dire need for this measure. It shows that the two strikes in 15 years, clearly did not go far enough and we need to widen the net. We need to widen the net. We need to give the police service the legislative tool and equipment that they need to combat the criminal elements in society. This Bill is about that. We say one strike and “yuh out”, no bail.

Mr. Speaker, the Government is aware of its responsibilities, and, of course, the obvious concern will be: Well all these persons in jail what is happening?” Mr. Speaker, there has been a lot of talk recently about the conditions in jail and, of course, that has been a problem that has plagued out society for some. We have had the Professor Ramesh Deosaran Committee. We have had the report. Cabinet has accepted all of their recommendations, save one that had to deal with the appointment of a commission of enquiry and, therefore, the question of the conditions in jail is a matter that is being addressed.

But I want to say, in defence of the prison administration and the prison officers in this country, that if you want to change your life, the taxpayers of this country finance enough programmes in prison to give you a

genuine chance to turn around.

Hon. Member: Quite true.

Sen. The Hon. A. Ramlogan SC: Let me tell you what some of the services they offer in the prison service are like.

Hon. Member: Well done.

Sen. The Hon. A. Ramlogan SC: They have firstly religious and spiritual programmes. You have pastors and persons from the Pentecostal faith, the Raj Yoga Centre, the Islamic faith, the Catholic faith, the Hindu faith, even for the Jehovah Witnesses.

You have persons from all religious denominations who are there to counsel and guide, provide spiritual guidance in the prison service. You have psychological services available to you. You have medical services available to you and the medical services are to meet the needs of inmates in the field of general health care, dental, psychiatry and other specialist areas. Conflict resolution: the Port of Spain Prison, Pastor Anthony, identified the causes of conflict, they defined conflict, their responses and they have a conflict resolution system within the prison.

Drug rehabilitation: At MSP the National Alcohol and Drug Prevention Programme, we have some wonderful individuals, Mr. Francis Bassin, Jerry Collymore, Lester Basseratt, Rasheed. They provide the guidance and counselling required for persons who are addicted to any kind of drug. Drug addicts, substance abusers, you are given that facility.

In addition to that, you have individual counselling. All prison facilities by prison facilitators, personal development assessment and coping with traumatic events. You are given individual counselling if it is required. You also have an adolescent development programme; YTC to teach life

skills, self-esteem, parenting values, literacy work and counselling. You know we always hear about those who come “outta de jail and only bad talking the prison service.” We do not hear enough about those who come out reformed, wrote their CXC subjects and come out with a full certificate. We do not hear about those who wrote A’ levels inside the jail and come out with full passes. But there persons like that.

You have football competitions, basketball competitions—

Dr. Browne: “Call their names nah.”

Sen. The Hon. A. Ramlogan SC: I will call them. Football competitions at MSP, Golden Grove, Carrera, and Remand.

Dr. Browne: You have A ‘levels?

Sen. The Hon. A. Ramlogan SC: Basketball: YTC, Golden Grove and Remand; badminton: YTC; dominoes: Carrera Prison, Remand, Golden Grove Prison; rugby: YTC; annual inmates chutney competition; adult literacy. Every single prisoner has available to him adult literacy; electrical installation: we have had some of the best electricians coming out as qualified electricians from the jail; Women’s Prison, MSP, YTC and Golden Grove Prison all have. They have one of the best courses that they run, the be training programmes for electrical installation; masonry and tile laying, Golden Grove Prison, MSP. You could come out as a first-class mason. You have classes, lessons and so on in CXC Mathematics, English, Social Studies, Principles of Accounts, Principles of Business and Office Administration.

Mr. Speaker, “yuh could drag de animal to de water but you could never make it drink.” At every step in our society, we have given to those citizens who may have run afoul of the law, the opportunity to change their

life. Those are programmes within the prison.

Outside the prison, we have spent, as taxpayers, hundreds of millions of dollars to cater for this segment in our society. You have the Civilian Conversation Corps. Under this administration and the distinguished Minister of Sport you have the Life Sport Programme. You have the MYPART, you have the HYPE, you have the MYLATT, you have YTEPP.

Mrs. Mc Intosh: PNM.

Sen. The Hon. A. Ramlogan SC: You have the Hoops of Life. You have every conceivable programme that you can think about if you want to change your life and be away from a life of crime.

3.00p.m.

So I do not accept for a minute, the idea that poverty is an excuse for violent crime of the kinds we have in this society. This is not a case of “ah man tiefin ah hops bread to earn ah living”. The man who rapes “ah young child in her dying moments, that man, doh come” and tell me poverty is an excuse for that crime. Poverty is no excuse for that. That is a different kind of evil. It is sinister and it is ominous.

Mr. Speaker, I take you to the proposed legislation. We as a Parliament rose to the occasion when we jointly and collectively after a joint select committee that I had the pleasure to Chair, passed the Anti-Gang Act. In that Act we adopted a formula of 120 days, no bail. After that you can apply for bail and in appropriate cases the magistrate may consider it and grant—or the judge may consider it and grant bail, that is what we had done in the Anti-Gang Act, Mr. Speaker.

Now, in this present Bill, what we are trying to do, is to do away with the three strikes and the two strikes. In Trinidad and Tobago we “doh play

baseball. We eh know nuttin 'bout strikes.” In Trinidad and Tobago we know “‘bout” Brian Lara and Shivnarine Chanderpaul. We know about cricket, and in cricket, one strike, and “yuh out”. So today, we intend to change that from baseball, “we moving to cricket”. It is one strike and “yuh out”.

Mr. Speaker, when the law-abiding citizens of this country cry out in terror, when they are being terrorized, we must rise to the occasion to respond to their cries for help. Mr. Speaker, this measure we have actually taken into account the need to have the pendulum not swing to far, and that is why when I was drafting this particular law, I asked that we do two things: that we not deny bail out right, so it is only for 120 days; and the second thing I did is, I said I did not want to give “ah dog ah” bad name and hang him for the rest of his life. I did not want that a young person who may be genuinely interested in turning around, that they should be discouraged because the law brands them a criminal for life and will deny them bail. So what did I do?

I have asked in this Bill that we have proposed, that if you are convicted of a serious violent crime, and within 10 years after you have been released from prison, when you have completed your sentence, if within the next 10 years you reoffend, this provision will kick in and you will not get bail for 120 days. But if, for example for the next 10 years you are clean, then you have nothing to worry—the provision will not bite. I have catered for that 10-year period to give a young man some hope to realize well, look, “yuh” know, you are 16, for example, “yuh have” 10 years that this law will cater for. It will not be for the rest of your lifetime. It is for a 10-year limited period, because we felt if we went for the rest of a man’s life, it may

be disproportionate when compared to the aims and objectives of the Act, and that kind of disproportionate effect we have to avoid. In other words, we have taken into account the law that has developed with respect to constitutionality in legislation, and insofar as there may be a disproportionate implication to the law if we carry it beyond the ten-year period, we have whittled it down to just one 10-year period.

Another safeguard in the law, we have the 10-year period. So it is one strike and “yuh” out, but it is for within the next 10 years after you have completed your sentence. The second safeguard is that it is not an outright denial of bail, but rather for a limited period of 120 days. At the end of that 120-day period, you will have the right to apply for bail and it can be considered by a judge in chambers as the case may be.

Now, Mr. Speaker, the right to bail in the Constitution is not an absolute one. It has to be weighed in the balance against the rights of citizens to life, liberty and security of the person, and to be able to enjoy their property freely. You must weigh the right to bail against that. If you have been tried and convicted of a violent criminal offence, and you reoffend and you have been charged again, there must be a reasonable assessment of your rights, and we must do a comparative analysis of what your rights are at this stage, as compared to the rights of the law-abiding, innocent citizen who may have been the victim of your crime. We must put two ounces on either side of the scales of justice. For far too long we have been focusing on the rights of the accused and the rights of the criminals, and we have been focusing less on the rights of the decent law-abiding citizens who work eight to four in this country every day to build a better society for future generations to come.

Parliament is given the right by the very Constitution to make laws that are inconsistent with the fundamental rights provision in our Constitution. We have to strike the right balance and the Privy Council, as well as our Court of Appeal; they have confirmed and reaffirmed the right of Parliament to make such laws on numerous occasions.

Mr. Speaker, in one such case, the Privy Council indicated—this was in the case of *Woods v. Minister of Justice, Legal and Parliamentary Affairs* in 1994, and the court said, Chief Justice Gubbay said:

“What is reasonably justifiable in a democratic society is an elusive concept. It is one that defies precise definition by the Courts. There is no legal yardstick, save that the quality of reasonableness of the provision under attack is to be adjudged on whether it arbitrarily or excessively invades the enjoyment of the guaranteed right according to the standards of a society that has proper respect for the rights and freedoms of the individual.”

Mr. Speaker, the quality of reasonableness of this Bill is one that cannot be doubted. It is reasonable in our social circumstances and given our social reality. We must not only think about the rights of the criminals and the bandits, but we must think about the rights of the victims and the rights of the decent, innocent, law-abiding citizens.

I have no doubt in my mind whatsoever, as has been recognized by this Parliament and my friends on the Opposition Bench before today, when they themselves brought similar legislation to modify the Bail Act, to make exceptions they themselves advanced the same justification to say let us rise as a Parliament to the occasion, and let us, in fact, give the police and give the Judiciary some tools that they can use in the fight against crime. And

that is why when they amended the Bail Act in 1994—when the Bail Act came into being in 1994, they created the concept of three strikes and “yuh” out for certain offences. And then it was modified to two in 15 years, from three in 10, they created another category, two in 15 years. So they recognized that you cannot have an absolute right to bail and they recognized that the manner in which bail was being granted, was a cause for social concern. The repeat offenders to whom I referred with rap sheets “long like yuh arm, and dey still gettin bail, and dey going out dey and committing more crime”.

Mr. Speaker, the learned Chief Justice continued:—he expressed the view that when deciding whether a limitation is arbitrarily excessive, the court should consider three factors:

one, “the legislative objective was sufficiently important to justify limiting a fundamental right.”

The legislative object here, is to give the police a tool that they can use in the fight against crime. It is to keep people behind bars because they have been convicted of a criminal offence, and they have been arrested a second time, and because of that demonstrated propensity towards violent crime, you have forfeited your right to be outside. It is also to give the prosecution some breathing space, to give the community and the victim some breathing space. It is to give the police also a little cooling-off period. Witnesses will not be intimidated and harassed before the police could even get “de statement” from them:

Secondly, “the measures designed to meet the legislative objective”,—were—“rationally connected to it.”

I believe it clearly is.

And three, that:

“...the means used to impair the right or freedom was no more than was necessary to accomplish the objective.”

I say that it is no more than is reasonably necessary, because we have limited it to 10 years, and we have not gone for outright denial of bail. We have limited it to just 120 days, after which you still have your right to apply for bail.

Mr. Speaker, I come now to the actual Bill itself. It is a very short sport amendment. Essentially in clause 4, we say:

Persons who have been convicted within the last 10 years and you have been charged again, no bail for 120 days.

We have preserved the position in the Anti-Gang Act where a parent or person in *loco parentis* of a gang member or a gang leader as the case may be, theirs is only 60 days, not 120 days. We have preserved that because of the peculiar position of the mothers and aunts and grandmothers, and so on. So that is already there in the Anti-Gang Act. We have preserved that.

What are the offences that we are looking at? Possession of imitation firearm in the pursuance of any criminal offence; larceny of a motor vehicle; perverting the course of public justice; arson; receiving stolen goods; gang membership; coercing or encouraging gang membership; preventing a gang member from leaving a gang; participation in criminal activity; in association with a gang; possession of a bullet proof vest; firearm or ammunition for the benefit of a gang; harbouring or concealing a gang member; recruiting gang members; threatening to publish with intent to extort; demanding money with menaces; manslaughter; shooting or wounding with

intend to do grievous bodily harm; unlawful wounding; robbery; robbery with aggravation; and robbery with violence; assault occasioning actual bodily harm; possession and use of firearm or ammunition with intent to endanger life; possession of a firearm or ammunition without licence, certificate or permit; drug trafficking; rape; grievous sexual assault; buggery; sexual intercourse with a mentally subnormal person; incest; kidnapping; kidnapping for ransom; knowingly negotiating to obtain a ransom; any offence punishable by imprisonment for a term of 10 years or more and any attempt to commit an offence listed in the Schedule.

Mr. Speaker, after we had drafted that Bill, we came across two points, and I will be circulating a short amendment to deal with those two points. The first is simply this: when you say within 10 years from the date of conviction, that might be a little misleading, because if a man is convicted, he is to be sentenced, and the sentence would not be 10 years, it may be less than 10 years. But the point is the whole idea is to deal—you want to target the person who will re-offend when he is outside of jail. He really cannot commit an offence against someone when he is in the jail, he can do it against a prisoner, but that is not the intension, that is not the mischief we are trying to prevent here. So we are amending it—to just clarifying the point, it is not 10 years from the date of conviction, but rather 10 years after the completion of the sentence. All right? “Yuh happy with dat?” Good.

3.15 p.m.

And the second point has to do with including on the Schedule, offences against children.

Mr. Speaker, we will be amending the Schedule to include: “any

indictable or sexual offence where a child or a young person is a victim”.

Mr. Speaker, we believe the protection of the children in our country is of paramount importance. Recent events have demonstrated that there is a clear and present danger in our country to the welfare of our young innocent children and there is a need for the Parliament and the law to send the strongest possible signal to those who will exploit, abuse and take advantage of young innocent children, and therefore, we intend to add to the Schedule: “any indictable or sexual offence where a child or a young person is a victim”.

Mr. Speaker, we feel that this is necessary because in recent times there has been a conspicuous upsurge in violent crime against or involving young children. These are not crimes, perhaps, that a police officer inside every family home and bedroom could be present to detect. It cannot! And therefore, when you have a situation where someone is a friend of a family, or someone becomes a family member and that person is the perpetrator of a criminal offence against a child, the persons who can monitor and detect that are the persons who live inside that house, the persons who are the members of that family and the persons who are living in the neighbourhood.

We have to go back to the days where it takes a village to raise a child. Because if we are not our brother's and our neighbour's keeper then the child pays the price and we are only crying and bawling and wailing and screaming and shouting when it is too late. We must speak the truth and we must say that the time for keeping secrets within the bosom of communities has to stop. The time has come for us to speak, scream, shout and storm, if necessary, those areas and those communities where those secrets are being kept in the blood veins of the community. And we must stand up and speak

and say, “I know what was going on there and I too must accept blame for it”, and it is not unique to any one community; it is across the board.

Because, Mr. Speaker, Dane Andrews was 12 years old and on February 01, 2006 they fished him out of a pond close to his home, but when they did the autopsy it was not just that the child drowned, you know, he was sexually assaulted and then they probably drowned him. Sean Luke, we all know what happened; Amy Emily Anamunthodo, just four years old, raped, buggered, beaten and suffocated to death; Lily Seepersad, seven years old, on June 18, 2006, she was forced to drink grammozone by her own father; Nishan Lall, two days old, body found stuffed in a bag floating in Sangre Grande River. Two days old! And our little darling Keyana Cumberbatch, six years old, and the body found in a shipping container in the apartment.

Hon. Member: Wow.

Sen. The Hon. A. Ramlogan SC: Jacob Munroe, one year old, found dead in an outhouse after being senselessly murdered; Jabari Hernandez, three years old, died as a result of blunt force trauma to his little body.

Dr. Browne: Daniel Guerra.

Sen. The Hon. A. Ramlogan SC: Daniel Guerra—and the list goes on. Radha Pixie Lakhan, Daniel Guerra, Akiel Chambers; the names can go on and on, and that is why this Government has said today, let us take a strong stand and let us include sex crimes against children in this Bill, one strike and “yuh out”, no bail.

Hon. Member: Agreed.

Sen. The Hon. A. Ramlogan SC: No bail! Quite frankly, if the Opposition will cooperate with us, we will put it no bail for one.

Mr. Imbert: For one what?

Sen. The Hon. A. Ramlogan SC: First time you are charged, no bail. Make it non-bailable, sex crimes against children if you want.

Mr. Imbert: First time?

Hon. Member: “Yeah, yeah.”

Sen. The Hon. A. Ramlogan SC: But we cannot do that without their support.

Mr. Imbert: Please—[*Inaudible*]

Sen. The Hon. A. Ramlogan SC: So, Mr. Speaker, we have also tried to capture the serious offences so we have put a provision. We have said “any offence punishable by imprisonment for a term of 10 years or more.” That would capture the serious offences.

So every time a defendant who has one conviction comes up before a magistrate or a judge, if they had a conviction for a serious criminal offence, they will have to consider this law and they will have to remand them. No bail at least for 120 days.

You know, Mr. Speaker, I remember a mother coming to see me, and she said—she was desperate—her young daughter had been seduced into a gang and the daughter would not listen to the mother, and the mother was so frustrated and fed up, she did not know what to do. She had come to see me as a lawyer. She said, “You know, Mr. Ramlogan, I do not understand, you know they arrest this man. This man is with my daughter. He with me daughter, a big man like he, and you know they arrest him and they give him bail and is five time now he get arrested and he out on bail and every time he get arrested is the only night I does sleep a good night on meh bed.” She said, “because the minute he come back out everybody is in fear”—she

said—“I wish, I doh know wha kind ah law we ha; I doh know wha kind ah lawyer, judge, police and magistrate we have that we cannot even keep dem fellas inside so that we could breathe freely for one day.”

I will never forget those words. She wanted to breathe freely for one day. This will at least give her 120 days. Let the communities take a breath of fresh air, because when the pastors go into those communities, they collide with the gangsters who chase them out. It is time to lock them up and put them behind bars so that the people who are doing the social work in this country and who want to gain access to some of those areas where the bandits have taken hold and taken root and the grip is so firm, that we can give them a chance to hope and a chance to breathe.

Mr. Speaker, the crimes that we have targeted by virtue of this measure are criminal offences that the statistics show, are the ones that are the highest among the crimes that are being committed against innocent citizens. We have not sought to lock up anybody and deny them bail because they did not pay tax. We have not sought to lock up and deny bail to anybody because they were convicted of some minor offence, a cuss case. We have not sought to do that! What we have sought to do is to target the violent, serious crimes and drug trafficking—violent crime, drug trafficking and sex crimes against both adults and children. That is the thrust; it is the pith and substance of the legislation. And, Mr. Speaker, without this, without this, I dare say, our society will continue to be giving the upper hand to the criminals. Let us for once give the right tool to the right people for the right reason.

Mr. Speaker, in our society, there comes a time when the Parliament has a sense of higher responsibility and moral and social duty to respond to

the cries of our citizenry. The citizenry is crying. The Government has heard that cry. We have heard their pleas for help and we would not turn a deaf ear. That is why today we have brought this measure to say, one strike and you are out, and I urge my colleagues on the Opposition Bench to give us the support we need so that we can pass this measure. This measure is not new to my friends. We have been having the joint anti-crime discussions for months now, and at the very first meeting we had, the team led by my colleague from Port of Spain South—Member for Port of Spain South, I put this on the table and I gave them a draft of this Bill months ago, and I said, “This is a legislative measure that I intend to bring to the Parliament, let me have your position.”

Unfortunately, I have not had the benefit of their response to know what their position is, but they have had that bill for many months now and I announced it at the very first joint anti-crime discussion we had. I remember former Sen. Fitzgerald Hinds and I had a lively discussion about it. [*Interruption*] But this measure is one that is absolutely necessary in our society, and I hope that my colleagues on the opposite side will give this measure their full and unswerving commitment and support in the public interest and rise to the occasion to do the right thing by giving the right tool to the right people so that the wrong people can be put behind bars.

I thank you and I beg to move.

Hon. Member: Very good. [*Desk thumping*]

Question proposed.

Mr. Speaker: The hon. Member for Diego Martin North/East. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Speaker.

The statements made by the Attorney General, the inaccurate statements made by the Attorney General were so numerous in number, it is difficult to identify all of the misleading remarks that the hon. Attorney General made, but I would start immediately by stating that I was present at one of the “anti-crime discussions” where the Attorney General told us that it was the intention of the Government to introduce legislation to—limit bail in situations where persons had one previous conviction, and we told him clearly, unambiguously, emphatically, in unison that we would not support this legislation.

Hon. Ramlogan SC: Really?

Mr. C. Imbert: That is so, hon. Attorney General, through you, Mr. Speaker. I was there and myself, the Member for Port of Spain South and former Sen. Hinds said that categorically that we will not support this amendment to the bail legislation. [*Desk thumping*] So, I am correcting the record, and that is not today, that is months ago. Months ago!

Hon. Ramlogan SC: The media will show the reports, “eh”.

Mr. C. Imbert: You could say what you want! Now, let us go into all of the issues that the AG has sought to address. The first thing I would like to read is the Manifesto of the People’s Partnership of 2010, and on page 26, the TOP/COP/UNC pledged [*Laughter*] that with respect to re-socializing away from crime, with respect to—[*Interruption*]—this is the TOP/COP/UNC manifesto.

Hon. Member: MSJ.

Mr. Warner: I was in that, boy?

Mr. C. Imbert: Your manifesto.

Mr. Warner: I was in that?

Mr. C. Imbert: Yes, yes. [*Laughter*] With respect to “recidivism”—
[*Interruption*—these are the words:

“The prison system is replete with young offenders and more seasoned offenders who keep passing through a revolving door.”

Miss Mc Donald: That is right.

Mr. C. Imbert: And then on page 27, with respect to “Overhauling Criminal Justice” the TOP/COP/UNC promised to:

“Overhaul the penal system so that prisoners will have a real opportunity to turn around their lives reducing the revolving door syndrome of repeat offenders.”

That is was the pledge of the TOP/COP/UNC in 2010. And here we have a Bill which destroys that pledge and creates an even larger and faster revolving door.

I noticed that the Attorney General attempted to deal with some of the problems in our nation’s prisons, but he not only misled the Parliament and misled the country with respect to those programmes within the prison, but he also did not deal with the issues. Let me deal with the misleading element of his presentation with respect to what is happening in our prisons. The Attorney General spoke at length about all of these wonderful programmes within our penal system that are intended to reform prisoners. But this Bill, Mr. Speaker, does not deal with convicted persons. [*Interruption*] And one of the most disappointing aspects of the Attorney General’s presentation was its lack of intellectual content, its lack of philosophy and its lack of reasoned argument and its lack of truth.

3.30p.m.

Because this Bill is not for people who have been convicted and are

...serving time in prison; this Bill is to put people in the remand prison where they are awaiting trial. So all of these things he is talking about, that when the people are serving their time and they will learn a trade, and they will learn masonry, and they will do CXC, all entirely irrelevant and have nothing to do with what we are here about today.

What this Bill is going to do is to increase the population in the remand prison—

Miss Mc Donald: That is right.

Mr. C. Imbert:—where persons are awaiting trial.

Miss Mc Donald: Yes.

Mr. C. Imbert: They are not guilty. Under our Constitution they are presumed to be innocent, but they are in remand because they cannot make bail for one reason or another, either they cannot meet the conditions for bail, or the judicial officer has decided that they should not be granted bail, or there is some law that prevents them from getting bail. That is how they end up in the remand prison, and it is in the remand prison where the conditions are most abominable, Mr. Speaker.

I refer now to an article in the *Newsday* dated November 13, 2013. This is just last week, and it is entitled: “Deosaran pleased Cabinet accepts prison recommendations.” But one of the things that struck me in this article is that Prof. Deosaran was talking about what will be done to deal with the problems in our prisons, or what he hopes will be done to deal with the problems in our prisons. But he made the point that the goal—he asked for a commission of inquiry, and he said:

“...the goals of the Commission of Inquiry were to have a different bail arrangement for inmates at Remand Yard and mechanisms for

more expeditious trials. He stressed that some of these inmates were on remand for up to 13 years and ‘that is not an appropriate situation’.”

So you have persons under the existing system who are on remand for 13 years, awaiting trial.

Mr. Warner: No trial.

Mr. C. Imbert: No trial! And now you want to add to the prison population. And now, what is it you want to add to, Mr. Speaker? Let us look at some of the comments made.

Newsday, March 2013: “Prisons officers: MSPrison can’t take in more inmates.”

This is not now, you know; this is not last week when they were rioting in the prison; this is March; this is almost eight months ago, Mr. Speaker.

“Government’s decision to close down Carrera island prison and transfer its 350 inmates to the Maximum Security Prison...is being viewed with a mixture of support and scepticism by the Prison Officers Association.

‘We understand the Government’s decision to close down the Island Prison...

However, I am hoping that they understand that before they move the prisoners to the Maximum Security Prison, there is a lot of work which needs to be done at that prison to accommodate the influx of new prisoners’.

He said”—the prison—“was not properly outfitted for its current prison population...

‘...in its present condition (it cannot) accommodate any more

prisoners than it already has;.”

So that is what the prison officers are telling us about overcrowding in our prisons, Mr. Speaker.

Here we have an article from 2011, stating that a member of the Prisons Association said there were now more than 1,400 inmates at the remand prison which only has a capacity to accommodate 1,100 inmates. So in 2011, the remand prison was already overcrowded by some 300 prisoners, or 300 accused persons awaiting trial—2011. It is much, much worse now, Mr. Speaker.

Newsday, Wednesday, June 12, 2013:

“Prisons Commissioner Martin Martinez yesterday lamented the general overcrowding at the Remand Yard section of the Golden Grove Prisons in Arouca saying that this overcrowding played a part in prisoner Aimard Placid Lima being beaten to death, as he could not be housed elsewhere.

Martinez confirmed that Lima was placed in a cell at Remand Yard with ten other prisoners because of the problem of overcrowding. Lima was beaten to death by other inmates shortly after 11...pm on Sunday.

Yesterday, the Prisons Commissioner said that the Remand Yard houses 1,156 inmates although it is built to accommodate 655 persons.”

Now, Mr. Speaker, this is the reality of life in Trinidad and Tobago, “yuh know, not that nancy story” we heard from the Attorney General about this wonderful situation in the prison where yuh could do spiritual—lessons in spiritual guidance and CXC, and masonry.

Mr. Warner: “Say yuh prayers.”

Mr. C. Imbert: In the remand yard, Mr. Speaker? You could do that in the remand yard?

Hon. Member: No. No way.

Mr. C. Imbert: And this is our Attorney General. This is what I am saying, that his arguments were devoid of intellectual content—
[Interruption]

Hon. Member: And honesty.

Mr. C. Imbert:—and were untrue! Because this Bill is going to incarcerate people who are accused of a crime—not guilty. And, Mr. Speaker, he even revealed the own conflicts in his own mind because throughout his presentation he spoke about this Bill being necessary to deal with people who commit crimes—throughout! He had a recurring theme: “We have to deal with these fellas because they are convicted; they come out and they commit another crime!”

I know that the hon. Member for St. Augustine, opposite me, knows that when you are charged, you are presumed to be innocent. You have not committed any crime. So the entire argument of the Attorney General is completely unfounded, specious, Mr. Speaker.

Hon. Member: He did not prepare.

Mr. C. Imbert: He did not prepare. He did not prepare for this debate—
[Interruption]

Mr. Warner: As always.

Mr. C. Imbert:—because we are not dealing with the question of people who have been convicted and then go and commit another crime. We are dealing with people who have been accused of committing a crime.

You see, let me just deal with all of the misleading statements made by the Attorney General, Mr. Speaker. One of the things he said was that the previous Government did nothing to deal with the problem of persons who should not be granted bail. That is what he said. The previous Government did nothing, and this Government is going to do something.

He then contradicted himself by referring to a statement made by me—out of context, of course—in the debate on the amendment of the Bail Act in 2008. So how is it possible that there was a Bail (Amdt.) Act in 2008, Act No. 17 of 2008, which put restrictions on the granting of bail under the previous PNM administration, and yet the previous PNM administration did nothing? That is what he told us. And even the Parliament has very kindly given us something called “Bill Essentials”—I must compliment the Parliament for this. It was emailed. And, Mr. Speaker, this Bill Essentials document gives the previous amendments to the Bail Act: Act No. 19 of 2005, Mr. Speaker, under the previous PNM administration, which placed restrictions on persons’ right to bail; Act No. 32 of 2005, Mr. Speaker, which went further and placed further restrictions for offences such as kidnapping for ransom and so on; Act No. 30 of 2006; Act No. 10 of 2007; Act No. 15 of 2007; Act No. 25 of 2007; Act No. 17 of 2008. All of these things were done by the previous administration grappling with this whole question of repeat offenders and the whole question of bail.

I just called about 10 pieces of legislation under the previous PNM administration, grappling with this thorny concept of the right to liberty and the whole question of putting conditions on the grant of bail, and yet the Attorney General will tell the country that the previous PNM administration did nothing, even quoting a statement made by me in one of these “nothing”

debates, Mr. Speaker.

Let me put on the record that the PNM administration was able to pass these laws with the help of the COP because we did not have the required majority between the 2002—2007 period. But the COP had split out from the UNC and we were able to get the requisite special majority with the assistance of the then COP.

Hon. Member: Lucky and Ramadhar.

Mr. C. Imbert: Yes, former MP Lucky. Mr. Ramadhar was nowhere around at the time; former Fuad Khan, Mr. Dookeran and so on. But the UNC resisted every single Bail (Amdt.) Act brought to this Parliament by the former PNM administration. And that is the hypocrisy!

Hon. Member: Um hmm.

Mr. C. Imbert: Every single attempt we made to deal with bail, it was supported by the COP and sometimes even by honourable gentleman when he was part of Ramjack G—

Mr. Warner: Behind you.

Mr. C. Imbert: The honourable gentleman behind me.

Mr. Warner: Those were the days.

Mr. C. Imbert: Yes. But every time we sought to grapple with the question of bail, we had to get the support of the COP or members of the Ramjack G. But the UNC opposed every single legislative matter dealing with bail on the grounds that we were attacking a person's right to liberty. That was their argument, that the right to liberty is sacrosanct; that the right to liberty is profound; that you must not tamper with somebody's right to liberty, and that they would not agree to any infringement of the constitutional right to bail, Mr. Speaker.

That was their argument. That was yesterday, now today, all this noise and sound and fury and not addressing the issues. We have a situation in the prisons, Mr. Speaker, if I read from the *Guardian* of November 20:

“Prison Hit List.

The trouble within the prison system escalated to another level yesterday after a list of names, addresses and telephone numbers of several prisons officers was found hidden inside the wall of a cell at the Maximum Security Prison in Arouca.”

And it goes on to say:

“...the list contained personal information on both first and second division officers at the prison. Officers claimed Andy Rogers, the officer whose brutal murder on November 7 sparked protests from his colleagues, was among officers named on the list...

In a radio interview yesterday, Richards”—this is a spokesman for the prison officers—“revealed that prisoners at the MSP were able to open the doors to prison cells on Monday night. He said officers had raised concerned [*sic*] about the compromised security at the”—prison—“before, but were unaware prisoners actually had the ability to control doors until Monday night, when they...saw it for the first time as the prisoners opened cell doors during a riot situation.”

That is what is going on in our prison, Mr. Speaker, prisoners opening cells at will, walking out, rioting, beating prison officers. There is an article here in the *Guardian*, that same article, which shows the head of a prison officer beaten by a piece of iron by a prisoner in a riot in the prison, Mr. Speaker. And this is when? November 20, two weeks ago.

So this is the problem that we have in our prisons: massive

overcrowding; unsanitary conditions where 10 men are put in a cell designed for three; no running water; no proper sanitary facilities. And you even have someone as experienced as Prof. Deosaran, a criminologist of note, who has published many things about prisons, saying that he was shocked, surprised, saddened and angered at what they saw in our prisons. He spoke of a dozen men being cramped inside a cell made to house three.

“Cells are ‘congested and unsanitary’...buckets being used to defecate with no running water. ‘Inhuman conditions is too mild a way to describe what we have seen’...Deosaran also called on the Judiciary to visit the prisons and see the facilities they are sending the individuals to. He called it a ‘gross injustice’.”

Mr. Speaker, this is November 21, two weeks ago! But I have to listen to my Attorney General tell me the prison is such a wonderful place: “Yuh go learn a trade; yuh go get spiritual guidance” and so on, Mr. Speaker.

Mr. Speaker, the Government is disconnected from reality—
[Interruption]

Hon. Ramlogan SC: Jail is not the Hyatt, “yuh know”.

Mr. C. Imbert: They are disconnected from reality, Mr. Speaker—disconnected from reality. I heard that outburst from the Attorney General just now, Mr. Speaker, through you. We are not talking here about an acceptable situation; we are not talking about people being incarcerated and being deprived of their liberty, we are talking about prison overcrowding; we are talking about prisoners smuggling in weapons.

3.45 p.m.

If you go to one of these articles, Mr. Speaker, the special prisons committee reported on November 22:

We saw over 1,000 weapons and other prohibited items captured from the cells within one night during a search. This is frightening from all sides in terms of injuries to prisoners and violence against prison officers.

They even went on to talk about the smuggling of contraband. The cost of some of the contraband items: \$30 for a cigarette, \$600 for a pack of cigarettes, \$20 for a ball of marijuana, and so on. All of this is going on inside our prisons.

Our prisons are in total shambles, Mr. Speaker, and yet, the Attorney General knowing that remand yard is overcrowded by some 50 per cent, the remand yard is compromised, that it was built for 650 prisoners, it has over 1,000 prisoners in it right now—knowing that—wants to pass a law. And using his own statistics, what did he tell us? That there was some category where 255 persons had two convictions and, therefore, were exposed to a non-bailable situation before, but with this Bill it will go to 472, and then robbery will go from 37 to 286 and drugs will go from 35 to 232. He obviously did not read out the rest of the offences. You are talking about thousands of new—*[Interruption]*

Miss Cox: Thaaw-sands.

Mr. C. Imbert: Thousands, Mr. Speaker. Thousands!

Hon. Member: Where will they put them?

Mr. C. Imbert: Where are you going to put these people? “Dey beating prison officers in de jail; the prisoners walking out de jail; riot in de place; dey smuggling weapon; dey selling drugs in de prison right now.” These are the facts, Mr. Speaker.

Mr. Roberts: *[Inaudible]*

Mr. C. Imbert: You know everything is a joke for you characters. These are the facts, Mr. Speaker, and they want to have a situation where they want to increase our prison population, and that is not the problem in Trinidad and Tobago. The problem in Trinidad and Tobago is the poor detection rate of crimes. That is the problem. This does not deal with that.

In some instances, just 10 per cent of violent crimes are detected. It is obvious that this thing is a knee-jerk reaction to the problems that the Government is facing. It is obvious.

Hon. Member: Why did you not all support it when you all brought it?

Mr. C. Imbert: I will deal with that in due course. You see, Mr. Speaker, since the Attorney General gave us no philosophical basis for this legislation, I will have to deal with the philosophy behind the setting of conditions for the granting of bail or not as the case may be, because this is what the debate is all about. “The Government just cyar come and tell us that dey think, that because a man has been convicted of a crime once, dat he is ah risk”. Because that is what this debate is all about.

Sen. Ramlogan SC: It is about violent and dangerous crime, you know.

Mr. C. Imbert: This debate is all about prediction, probability and risk—
[*Interruption*]

Hon. Member: Correct.

Mr. C. Imbert:—and the Government has declared, henceforth—they have given us no research, Mr. Speaker—[*Interruption*]

Sen. Ramlogan SC: Oh, come on.

Mr. C. Imbert:—they have given us no basis. Why not just say, “No convictions”.

You know, as you look at this whole thing, the arguments are so

absurd, Mr. Speaker. They are so absurd. You heard the Attorney General telling us for a particular category of crime you should have no convictions at all. Once you are charged, “dey doh mind if yuh get set-up, dey doh mind if it is mistaken identity, dey doh mind if it is false”—[*Interruption*]

Mr. Ramadhar: Allegations.

Mr. C. Imbert:—“allegations. None ah dem thing.”

Mr. Ramadhar: Murder.

Mr. C. Imbert: No, murder is a capital offence. There are certain distinctions with respect to certain particular offences recognized all over the world.

All over the world in developed societies and in societies that have a respect for the rights and freedoms of individuals, Mr. Speaker, all of us, all of the countries, all of the developed countries and all of the free countries in the world—democratic countries—subscribe to certain individual rights and freedoms. And in the vast majority of these countries, once you are charged for murder, you are not given bail. That is an exception to the rule. But the AG is telling us, that for a whole string of offences, not capital offences, that once you are charged, no bail. That is what he wants, Mr. Speaker. That is what he wants.

How does this deal with the problems that we are facing in Trinidad and Tobago? How does it deal with the corruption in the prisons? How does it deal with the fact that they are selling drugs in the prisons, they are trading in marijuana, they are trading in cigarettes and all sorts of things in the prisons? The prisoners are opening the cell at will. How does all of this deal with that?

Sen. Ramlogan SC: But this Bill is not to address that.

Mr. C. Imbert: Mr. Speaker, precisely. You see, they do not understand. This Government has just lost its moorings. You have a crisis in the prisons; everybody in Trinidad, down to the smallest child, knows our prisons are overcrowded; everybody knows that our prisons are antiquated; even the new Minister of Justice when he rises out of his befuddlement tells us that that these prisons are outdated, archaic and antiquated, not built properly, constructed in ad hoc manner. You have prisons here 100 years old, Mr. Speaker. You have the Carrera prison; you have what they used to call the Royal Goal on Frederick Street. These things are over 100 years old. We have aging prisons, antiquated prisons bursting at the seams, poor infrastructure, inadequate security, poor sanitation, overcrowding. All of this is going on in our penal system, but the Attorney General tells me this Bill is not designed to deal with that. What this Bill is designed to do is to put more inside, into these inhuman and inhumane conditions.

Now—[*Interruption*] Yes, and it is 10 years from the time you get released from prison. So you could have served a sentence of 10 years, you get a next 10, so it is 20 years since you were convicted of the original crime. Twenty years after you are convicted of a crime, if you are charged, not found guilty, no bail for you, Mr. Speaker.

Now, Mr. Speaker, let us look at what was done in the past. In Act No. 19 of 2005, the police were given the right to appeal the grant of bail to a person convicted of a summary offence punishable within imprisonment. So this is 2005. That was the first amendment to the Bail Act, that if a magistrate granted bail, the police were now being given the right to appeal the grant of bail by the magistrate. “Nothing wrong with dat.” So it means that the court gets involved and the court determines whether the magistrate

was right to grant the bail or not. So that was the amendment to the Bail Act in 2005, and the person also, if they refused bail, they had the right to go to the Court of Appeal. So that is all due process. That is a due process improvement to the law. Then because of the issue of kidnaping, Mr. Speaker, in 2005 the offence of kidnaping for ransom was made a non-bailable offence.

Then in 2007, a series of violent offences such as possession of a firearm, trafficking in a dangerous drug, assault occasioning grievous bodily harm and so on, the law was amended that if you had been convicted on two prior occasions for any of those offences, then you are liable to have bail refused. And so, it went 2007 and on so. Those are simply extensions of the previous law.

We come now to 2008, Mr. Speaker. In 2008, the offences of kidnaping for ransom, negotiating to obtain a ransom were made non-bailable offences for a period of 60 days; violent offences, possessions of a firearm, trafficking in a dangerous drug, assault occasioning bodily harm, et cetera, where a person had been convicted on two prior occasions for any of those offences and so on, Mr. Speaker.

Then we come to the time of the present Government, and what did they do in 2011? They amended the law to deal specifically with gang members who had one previous conviction and two pending charges for certain offences listed in the Schedule. That is what they did. Now they have come to the stage where they are saying one conviction, inside. I would like the Attorney General to tell me, since a man is on remand for 13 years—this is what we have been told. Some prisoners have been on remand for 13 days—you are now introducing a provision that if the trial

begin within 120 days, no bail?

I would like an explanation for that because we have received no explanations for any of this. All we have received is hysteria. So you tell a man, one conviction, a charge for a similar offence 10 years after “he come out” from prison, and then if they start the trial in 120 days, no bail. You stay inside there until they finish the trial, Mr. Speaker. Explain that! What is the thinking behind that? How does that deal with prison overcrowded? How does that deal with the problems in the prison? Because this Bill not only reduces the number of convictions, but it also incarcerates people permanently once they have brought them to court to start the trial.

Now, what I would have liked the Attorney General to tell me—because we have a constitutional right to bail. In section 5(2)(f)(iii), the Constitution gives us the following rights.

“...Parliament may not—

deprive a person charged with a criminal offence of the right—

(iii) to reasonable bail without just cause;”

So it is a fundamental constitutional right of every citizen of Trinidad and Tobago, that Parliament may not pass a law to deprive someone of the right to reasonable bail without just cause.

So, Mr. Speaker, what is the just cause? [*Interruption*]

Hon. Member: That is right.

Mr. C. Imbert: You see, what the Attorney General is doing, he is introducing legislation which is in serious danger of being struck down by the courts as failing the test of proportionality which he did not deal with properly, and failing the test that is prescribed in section 13 of the Constitution whether it is reasonably justifiable in our society, in a society

that has regard for rights and freedoms of individuals.

I warned the Member for Tunapuna that this Government had a habit of bringing legislation that was over the line in terms of infringing people's constitutional rights and the separation of powers, Mr. Speaker. I warned the Member for Tunapuna in the debate on the Central Bank Act, which is now the subject of a court decision, where a judge has decided that the Central Bank Act interfered with the separation of powers because it ousted the court with respect to matters dealing with Colonial Life and claims against Clico Investment Bank and so on. I told the Government this will happen, but, you know, "stick break in dey ears". They did not understand that when they brought that draconian legislation which we objected to, that they were going too far in terms of interfering with the separation of powers and the inherent jurisdiction of our court. And you see this, [*Member thumps desk*] this will be strike three or strike two as the case may be.

They already have one previous conviction. Now they are going to get another one because I cannot see any court accepting that this legislation passes the test of proportionality, at least, certainly not based on what the Attorney General has told us. Because you see, Mr. Speaker, there is a very interesting decision made by the Canadian Supreme Court, and that decision is a decision with respect to the denial of bail to an accused person—someone was actually accused of drug trafficking, one, Mr. Morales.

It is a leading case decided by the Supreme Court of Canada, and the court found that the public interest basis for pretrial detention violated the Canadian charter of rights and freedoms, the right not to be denied reasonable bail as it authorized detention on vague and imprecise grounds. I think those Members opposite, who are interested—because there are some

who have no interest. They just like to drag things out and then it goes to court and they lose—I think that it would make interesting reading if you can get a copy of *R v Morales*, a decision of the Canadian Supreme Court, because they looked at the issues that are involved in a decision to grant bail, Mr. Speaker.

4.00 p.m.

In any society, whether it is Trinidad and Tobago, whether it is Canada, whether it is England, the principles remain the same. The principles remain the same and the court had this to say, that section 515 of the Criminal Code—this is of Canada—sets out a liberal and lightened system of pre-trial release under which an accused must normally be granted bail. There are only two grounds under which pre-trial detention of an accused is justified. The primary ground is that:

“...detention is necessary to ensure”—the accused—“attendance in court...”

That is the first ground; make sure the man come to court. The second ground:

“...detention is necessary”—in the public interest or—“for the protection or safety of the public...having regard to all the circumstances including any substantial likelihood that the accused will, if”—he is—“released from custody, commit a criminal offence or interfere with the administration of justice;”

So those are the two principles on which the Supreme Court of Canada deliberated to establish whether Mr. Morales’ right not to be denied reasonable bail was infringed. They looked at the likelihood that the accused will come back to court and attend court for his trial, and they look

at the likelihood whether if it is necessary to detain him in the public interest for the protection or safety of the public having regard to all of the circumstances that whether he is released, he will commit another criminal offence or interfere with the administration of justice such as threatening a witness or trying to bribe a judicial officer or anything like that.

The Supreme Court, the Chief Justice, goes through all of the issues in great detail, Mr. Speaker, it makes very good reading, but there is a particular section that I think it is necessary for hon. Members opposite, who if they have any interest in this sort of thing at all—what the Attorney General is telling this Parliament and is telling the country and is telling the court, because the Attorney General has declared no confidence in the Supreme Court of Trinidad and Tobago. You see, when he read out all of those anecdotal—give us all those anecdotal evidence about Mr. S and Mr. B and Mr. X and Mr. R and Y and Z who get bail over and over and over again. Who granted them bail? “Ah magistrate or ah judge?”

The message that the Attorney General is sending to us is that the magistrates and the judges in Trinidad and Tobago are not competent to deal with the issue of bail, Mr. Speaker, because what this legislation is doing and this is why it is infringing on the separation of powers, it is taking away the discretion of the court to establish whether, one, the person is a flight risk and whether they will attend court or not if they are given bail—that is plank one and it is so in our jurisdiction as well—or two, whether, if the person is let out on bail, whether they will commit another offence or they will try to intimidate a witness or otherwise pervert the administration of justice. These are matters that, in most developed societies, are left to the discretion of judicial officers—magistrates and judges.

But, in reading out the story of Mr. B and the story of Mr. X, and Mr. R, what the Attorney General is telling us is that he has no confidence in the collective ability of magistrates and judges in Trinidad and Tobago to assess this, Mr. Speaker. To assess whether, having regard to all the circumstances, there is a likelihood that the accused will, if he is released from custody, commit a criminal offence or interfere with the administration of justice. Because if the Attorney General had confidence in our magistrates, and had confidence in our judges, with respect to the granting or refusal of bail, then we would not have this law before us, but what this law is doing is taking away judicial discretion, and that is why one of the final statements of the Attorney General was such an absurdity, Mr. Speaker—[*Interruption*]

Hon. Member: Encroaching on the—[*Inaudible*]

Mr. C. Imbert:—that I had—yes, encroaching, way beyond encroachment on the separation of powers—[*Interruption*]

Miss Mc Donald: That is right.

Mr. C. Imbert:—and the discretion of the court. Listen to what the Attorney General is telling us: Parliament must now guide the Judiciary when exercising its discretion to grant bail.

Miss Mc Donald: Madness!

Hon. Member: What?

Hon. Member: That is madness!

Mr. C. Imbert: What madness!

Miss Mc Donald: Yes.

Mr. C. Imbert: How the Parliament could guide the Judiciary when exercising its discretion to grant bail?

Miss Cox: Separation of powers.

Miss Mc Donald: [*Inaudible*]—separation of powers.

Mr. C. Imbert: That is a complete misunderstanding of the separation of powers. [*Crosstalk*] The Parliament “cyah” guide the Judiciary.

Hon. Member: Shut up and listen! [*Continuous crosstalk*]

Mr. C. Imbert: What is happening here is that—[*Crosstalk*] That is okay, I will come to that. What is happening here is Parliament is not guiding anybody—[*Interruption*]

Miss Mc Donald: Exactly!

Mr. C. Imbert:—Parliament is removing the inherent jurisdiction of the court [*Crosstalk*] and remove—Mr. Speaker, could you quieten down the people on that side please?

Mr. Speaker: You have my protection, you continue, please.

Mr. C. Imbert: Thank you. [*Crosstalk*] “And yuh start back talking?”

Mr. Speaker: Please!

Mr. Sharma: “He is ah waste ah time!”

Mr. C. Imbert: So, Mr. Speaker, what Parliament is doing here and what he is trying to do, what they are trying to do, is to remove the discretion of court, not to guide anybody, to take it away! Because what this law says is if you have one conviction, gone inside, “yuh serve yuh 10 years or whatever it is, yuh come outside, yuh ha to wait ah next 10 years before yuh fall prey to this law, but if yuh” within that 10-year window after you have been released from prison and you are charged—you are not guilty, “eh”, Mr. Speaker, because throughout the Attorney General’s discourse, he kept calling accused people criminals—people who are accused of “ah” crime, they are charged, he said “they commit ah crime”. He kept saying it over and over, Mr. Speaker, I took it down, about 10 times, that “dey commit ah

crime, dey come outside and dey commit ah crime again. That is the reason why we doing this”. So you are talking about a situation where you are telling the court it is incompetent. It is incompetent to determine all the circumstances and determine whether “ah fella is ah flight risk or whether ah fella is likely to commit ah crime while on bail”.

The other thing about the Attorney General’s presentation that was so disappointing, Mr. Speaker, when he spoke about Mr. R. [*Laughter*] “Ah have to say R because ah know if ah doh say R”, the honourable gentleman behind me—[*Interruption*]

Mr. Warner: “Yuh must say R. Yuh must say R.”

Mr. C. Imbert:—will demand that I say R. But I really took notes with respect to Mr. S and Mr. B. Listen to Mr. S. Mr. S was convicted on multiple occasions. Mr. S was charged on multiple occasions and therefore, Mr. S falls within the Bail (Amdt.) Act of 2011. “Ah totally irrelevant example relying on hysteria and emotion to make ah non-point.” Mr. S would have been caught by the previous amendments to the bail legislation and so would Mr. B. He was convicted seven times! “Mr. B not convicted once, he not convicted twice”, three times—seven times, Mr. Speaker. “Mr. B would ah geh ketch too!”

But, in his haste to bramble this Parliament and to tell us that we need this law to deal with people like Mr. B and Mr. S, he forgot to tell this Parliament that B and S were convicted on multiple occasions, not once, and therefore, it is a false analogy, it is a completely imperfect example, wholly irrelevant, baseless, vacuous argument that the Attorney General has presented here with Mr. S and Mr. B. They have no relevance at all to what is happening here.

Mrs. Mc Intosh: So “bs”.

Mr. Hypolite: We have Mr. S, we have Mr. B so you have “bs”!
[Laughter]

Mr. C. Imbert: *[Laughter]* “Bs” you say? *[Laughter]* Mr. Speaker, let us—*[Interruption]*

Dr. Moonilal: St. Augustine will educate you.

Mr. C. Imbert: “Yeah, I cyah educate me.”

Mr. Ramadhar: “Yuh saying yuh cannot be taught!”

Mr. C. Imbert: “Cyah educate me, Mr. Speaker.”

Mrs. Mc Intosh: You “cyah” educate him! *[Inaudible]*

Mr. C. Imbert: Mr. Speaker, you know, every single one of them over there has a problem of his own. Telling me that the Member for St Augustine will educate me, he is more concerned about his own position as leader of the moribund COP.

Hon. Member: Corpse!

Mr. C. Imbert: But let me—yes, he is. *[Laughter]* Quite right! More concerned about his position as the leader of moribund COP. “He cyah lecture—he cyah tell us anything in this Parliament.” *[Continuous crosstalk]*

Hon. Member: Moribund COP!

Mr. C. Imbert: But, Mr. Speaker, let us look at what the judges had to say about the whole of question of recidivism and the whole question as to whether you can predict—*[Crosstalk]* “Yeah, yeah.” Well, I have a lot more to say. *[Continuous crosstalk]* Mr. Speaker, could you get the hon. Members opposite to stop making all of these foolish remarks and disturbing this Parliament? *[Continuous crosstalk]*

Mr. Speaker, in the decision of *R. v Morales*, if individuals commit crimes while on bail, one objective of the entire system of criminal justice is to stop criminal behaviour. The bail system releases individuals who have been accused but not convicted of criminal conduct, but in order to achieve the objective of stopping criminal behaviour, such release must be on condition that the accused will not engage in criminal activity pending trial.

Mr. Speaker—[*Interruption*]

Mr. Speaker: Hon. Member.

Mr. C. Imbert: Sure.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Diego Martin North/East 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.

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

Mr. C. Imbert: Thank you, Mr. Speaker. [*Desk thumping*] You see, every time the Government comes to this Parliament, it relies on hysteria, emotion, incorrect information, untruths, misleading information, fallacious arguments [*Desk thumping*] specious arguments—[*Interruption*]

Mr. Sharma: Nonsense.

Mr. C. Imbert:—and nonsense—I agree. [*Laughter*]—to try and confuse the population into believing that it is correct. Yes, thank you, Member for Fyzabad. [*Continuous crosstalk*]

Dr. Browne: Best thing he has said so far.

Mr. C. Imbert: But, Mr. Speaker, in this judgment of the Supreme Court of Canada, reference was made to a number of studies as to whether potential

recidivism can be predicted, and they cited studies from Prof. Landreville of the École de criminologie, Université de Montréal and a number of studies from the United States. The studies demonstrated that the art of predicting recidivism and future dangerousness is at the very least a somewhat inexact process. [*Continuous crosstalk*] This entire section of the judgment revolved around the likelihood—[*Crosstalk*] Mr. Speaker, what is going on there?

Mr. Speaker: You are seeking my protection?

Mr. C. Imbert: Yes.

Mr. Speaker: Okay, you have my protection, “yeah” continue, hon. Member. Continue.

Mr. C. Imbert: “Ah know they doh want to hear, yuh know,” because this is the—[*Interruption*]

Mr. Speaker: No, no, no, you have—[*Inaudible*]

Mr. C. Imbert: Mr. Speaker, this is the fundamental point. No, them, “they doh want to hear”.

Mr. Speaker: Give the hon. Member your full attention. Thank you.

Mr. C. Imbert: This is my cheering section on that side but they do not want to hear.

Mr. Speaker, what this judgment looked at is the likelihood of [*Crosstalk*] specified future conduct, Mr. Speaker—[*Interruption*]

Mr. Speaker: Please!

Mr. C. Imbert:—and the bail system has always made an effort to assess the likelihood of future dangerousness while recognizing that the exact predictions of future behaviour are impossible. [*Crosstalk*] So throughout this judgment, several pages of this judgment are devoted to the fact that it is

virtually impossible to predict the future behaviour of ex-convicts. It is impossible. There have been studies—numerous studies on this and it has concluded this is an entirely inexact process, and it is virtually impossible to determine, based on someone's record, based on the number of convictions that they have, based on the number of pending charges they have, et cetera. It is virtually impossible to predict whether that person will engage in recidivism and whether that person will continue with a life of crime.

But the Attorney General, who has presented no evidence to this House, who has presented no findings of fact, who has not given us the benefit of any study of anything in Trinidad and Tobago—*[Interruption]*

Dr. Rowley: Screamed and stamped!

Mr. C. Imbert:—screamed and shouted and stamped at the top of his voice while giving us false analogies and misleading arguments that he and his Government have decided that once you commit a crime once, you are going to commit it again, and as a result, once you commit a crime once, no bail for you.

4.15 p.m.

Now, let us go back to the UNC Manifesto, Mr. Speaker, because I think it is important that we look at what they said about the revolving door syndrome, Mr. Speaker.

Hon. Member: Page 27.

Mr. C. Imbert: Yes. I will find it. I think it is very, very important that we look at what they said, what they told the nation, on page 27 of their manifesto. They were going to:

“Overhaul the penal system so that prisoners have a real opportunity to turn...their lives”—around—“reducing the revolving door syndrome of repeat offenders.”

But, all that out the window now, Mr. Speaker. All this is just—“all ah this” was just talk—[*Interruption*]

Hon. Member: Put more and more and more.

Mr. C. Imbert:—and now they are saying put more and more people inside, and keep the door revolving, and revolving, and revolving because the intention of this Government, the intention of the justice system is not to reintegrate prisoners into the society, is not to rehabilitate prisoners, “none ah dat! All ah dem fancy ting gone!” The intention of this Government is just put more and more people inside the prison, without any justification whatsoever, Mr. Speaker, [*Crosstalk*] taking away a person’s right to liberty, Mr. Speaker.

Hon. Member: So what is the purpose of the Deosaran Report?

Mr. C. Imbert: And exactly—what is the purpose of what Professor Deosaran is doing now?

Hon. Member: And the Committee.

Mr. C. Imbert: What is the purpose of what the Committee is doing? What is the purpose of all the things we have heard about for all the years in terms of dealing with repeat offenders? What about the repeat offenders programme that the PNM had established, that they have abandoned and closed down?

Hon. Member: They closed it down.

Miss Mc Donald: Everything they closed down.

Mr. C. Imbert: Shamefully closed down the repeat offenders programme, Mr. Speaker.

Mr. Hypolite: And it was doing an excellent job.

Mr. C. Imbert: So, what this Government is doing—*[Interruption]*

Hon. Member: That is why they closed it down.

Mr. C. Imbert:—instead of focusing on convicted persons in order to rehabilitate them, in order to reintegrate them into society, in order to make sure they are no longer a threat to society, in order to make sure they are productive and that they add to the country of Trinidad and Tobago, instead of focusing on that, which every progressive country in the world is trying to do, this Government is focusing on convicted prisoners and targeting them, and saying that you see you, you commit a crime once, you are a criminal, you are likely to commit a crime again, back in jail for you, no matter what the circumstances are, Mr. Speaker.

Hon. Member: Except their own colleagues.

Mr. C. Imbert: And, Mr. Speaker, when you look at every country in the world, this kind of approach to the denial of liberty has been denounced, Mr. Speaker. In England, when we had the problem with 7/11, Mr. Speaker—not 7/11—the Twin Towers, Mr. Speaker.

Hon. Member: 9/11.

Mrs. Gopee-Scoon: 9/11.

Mr. C. Imbert: 9/11. Not 7/11, Mr. Speaker. Yes, when we had the problem with 7/11, Mr. Speaker—sorry—*[Interruption]*

Hon. Member: 9/11.

Mr. C. Imbert: 7, 9, 8—“doh matter”. *[Laughter]* Mr. Speaker, one of the things that happened—

“The Anti-Terrorism Crime and Security Act was passed within weeks of the Twin Towers atrocity.”

Anti-Terrorism, Crime and Security Act 2001 was passed in the United Kingdom.

“Part 4 of the Act provided that any foreign national who was suspected of being a terrorist (but not convicted or even charged)…”

Just suspected.

“...could be indefinitely detained without charge or trial if he or she could not be deported.

The”—British—“Government acknowledged this measure breached the right to liberty, but sought to derogate from its obligations under the”—European Human Rights—“Convention.”

This was a challenge brought by way of the European Human Rights Convention.

“The House of Lords held...the derogation was invalid as the Government could not show that the measure was strictly required, particularly as it only applied to foreign nationals and not UK suspects.

The House of Lords held that this measure was a clear breach of the right to liberty and was discriminatory. The Law Lords upheld the fundamental nature of the right to liberty noting that indefinite detention without trial wholly negates the right to liberty for an indefinite period.

The House of Lords made a declaration of incompatibility...the law was repealed in response.”

So, in England, in response to a problem, the Government passed a law allowing them to detain persons, without bail, without trial, for an indefinite period, and it was struck down by the House of Lords because it violated the fundamental right to liberty, Mr. Speaker.

Hon. Member: The key word is indefinite.

Mr. C. Imbert: Yes, it is okay. That is okay. That is okay. Mr. Speaker, what the hon. Members opposite do not understand is that what is happening here is that if the trial begins within four months, the person is denied bail indefinitely. You see, I realize hon. Members opposite, they do not read anything.

Hon. Member: “Dey limited.”

Mr. C. Imbert: They do not understand anything. The Legislation Review Committee of this Government is in a shambles. Things come to this Parliament and then fundamental changes are made, just on the floor.

Miss Mc Donald: That is right.

Mr. C. Imbert: As an example, the change that the Attorney General has announced, that it is no longer ten years from the time of conviction, it is ten years from the time of release from prison. Just out of the blue like that, Mr. Speaker, no philosophy behind it, no justification. Did that go through LRC? I doubt it, Mr. Speaker. I am sure they do not even have meetings and discuss the merits and demerits of legislation, Mr. Speaker. [*Crosstalk*] But the fact of the matter is, Mr. Speaker, the fact of the matter is that when courts are looking at legislation like this, Mr. Speaker, they are going to look at proportionality, Mr. Speaker.

The Attorney General, he spoke about the emerging principle of proportionality, Mr. Speaker. But how has the Attorney General told us that

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this measure will meet its objective? What is the objective? What is the overriding objective of this legislation? What is it? Public relations? Knee-jerk reaction to your inability to deal with the crime problem in this country? [Crosstalk] The fact that for this year we have crossed 300 murders for 2013 already, Mr. Speaker?

Dr. Rowley: Three seventy-seven.

Mr. C. Imbert: Three seventy-seven, my God!

Hon. Member: Nearly 400.

Mr. C. Imbert: Nearly 400?

Hon. Members: Five fifty.

Mr. C. Imbert: Mr. Speaker—[*Interruption*]

Mr. Roberts: Five fifty-eight.

Mr. Sharma: What a shame.

Mr. C. Imbert: Mr. Speaker, the Attorney General and the Government have not told us what is the overriding objective of this legislation? [Crosstalk] All right, all right [Crosstalk]

Mr. Speaker: Hon. Members, I would like to hear the hon. Member for Diego Martin North/East, please.

Hon. Member: I too.

Mr. Speaker: Yes. Hon. Member, please.

Mr. C. Imbert: I actually want to hear “mehself” too. And you see, Mr. Speaker, there are three—Mr. Speaker, there are three tests for proportionality. There are three tests when you are looking at legislation to determine whether it is proportionate. In other words, legislation is disproportionate when it takes away individual rights and liberties at the—in favour of the public interest to the extent that you infringe on fundamental

rights and freedoms, Mr. Speaker, because you are always balancing the public interest and individual rights and freedoms.

And you are always walking a tight rope because when you are taking away fundamental rights because you want to protect the public interest, you have to be mindful that you do not go too far and encroach on individuals' fundamental rights to freedom and liberty, Mr. Speaker. And therefore, in these situations, Mr. Speaker, in these situations, when you are passing this kind "ah" draconian law, you have to state your objectives. The Government has not told us what the objective of this legislation is. What is it? To increase the prison population?

Hon. Member: That is it.

Mr. C. Imbert: To cause more overcrowding in the Remand Yard?

Dr. Moonilal: To protect us.

Mr. C. Imbert: How? If only 10 or 15 per cent of crimes are detected—Mr. Speaker, if only 10 or 15 per cent of crimes are detected, how does placing a man who committed a crime 10, 20, 30 years ago, Mr. Speaker—well it has to be more than 10, because it is 10 from the time you are released—so how does putting a man in the Remand Yard, who committed a crime 15, 20, 30 years ago, one crime, one, how does that protect the society, Mr. Speaker? How does that deal with the 90 per cent of robberies, kidnappings—*[Interruption]*

Hon. Member: *[Inaudible]*

Mr. C. Imbert:—murders, manslaughter, wounding, shooting, drug trafficking, and all these other things that go undetected in this country, Mr. Speaker? By putting away this group of people who have been convicted once, Mr. Speaker, how does that protect the society? How does it protect

the society? The Government needs to tell us: what research do you have? What evidence do you have, that if a man, Mr. S and Mr. B commit crimes seven times—*[Interruption]*

Hon. Member: Mr. R.

Mr. C. Imbert:—“Mr. R commit crime nine time.” What evidence you have that a fella who has been convicted for one crime, is going to commit that crime again. What evidence do you have of that, Mr. Speaker?

Hon. Member: None, none, none.

Mr. C. Imbert: And that is why you are going to fail the test of proportionality with this legislation. You are going to fail it, Mr. Speaker. And I—you know, what I have noticed with this Government, I go back to that Bill, the Central Bank Act which ousted the jurisdiction of the court with respect to claims against CLICO and so on. And we warned them—*[Interruption]*

Miss Mc Donald: Yes.

Mr. C. Imbert:—we warned them that the court takes a very dim view of ouster clauses—*[Interruption]*

Miss Mc Donald: Yes.

Mr. C. Imbert:—and if you did not know it already, this is an ouster clause—*[Interruption]*

Hon. Member: *[Inaudible]*—letting you know.

Mr. C. Imbert:—because you are ousting the jurisdiction of the court—*[Interruption]*

Miss Mc Donald: That is right.

Mr. C. Imbert:—the discretion of the court, to make a determination whether a man's right to liberty should be taken away from him and to come

now to the point that the Leader of Government Business keeps screaming at me, about what the PNM did, which is in complete contradiction to what the Attorney General said, because he said we did nothing. But the Leader of Government Business said we did the same thing. It has to be one. It has to be one or the other. Either we did something, or we did nothing. But let us say we did something, because I know we did.

When we were debating those bail amendment Acts, Mr. Speaker, we were very mindful of the fact that there was a probability, a serious probability, and there was likelihood that if an accused person went to court, on a constitutional motion and challenged that legislation, on the grounds that it was disproportionate, that their rights to liberty were being infringed and that the law was unreasonable, and it was not justified, in a society that has respect for rights and freedoms, we were mindful of the fact, as we amended the bail legislation, that we were coming perilously close to a situation where a court could and would decide that this legislation was disproportionate and that it would be struck down, Mr. Speaker. All the time we were amending the bail legislation, Mr. Speaker.

And we have come to a situation now where we on this side are certain that this legislation is now disproportionate. Because there is no—there is no evidence being presented to this Parliament. There certainly would be no evidence presented to the court that the Government can justify its belief that if a person has committed a crime once, has been convicted, that within a 10-year period of his release, he would commit that crime again, and as a consequence, he must be denied his liberty, Mr. Speaker. There is no justification here whatsoever.

In fact, the Attorney General went to the extreme absurdity of saying there are certain crimes, sexual offences, “where once a man get charge”, he is supposed to be inside, without any bail and he wants the Opposition support on that, Mr. Speaker, and putting up the emotional argument all the time, raising the spectre of emotion, “Oh, these crimes, you know, there are certain crimes, sexual offences and so on, we will expect the Opposition to support us if we make them non-bailable on the first time that you are charged, and you have no convictions at all.”

Hon. Member: I wonder what the goat would say about that?

Mr. C. Imbert: Pardon?

Hon. Member: Oh, gosh.

Hon. Member: What did the goat say about that?

Mr. C. Imbert: Oh, God, well Lord. Well, Mr. Speaker, all I will say is that in the Caribbean, all the other countries recognize that the right to bail is sacred. In the United States, Mr. Speaker, in the Eighth Amendment, I believe, the Eighth Amendment to the United States Constitution provides that excessive bail shall not be required. And over the years, the courts in the United States have interpreted this provision to mean, that persons in all the states have interpreted this to mean, and have passed laws to that effect, that persons have a general right to bail, Mr. Speaker. That is the situation in the United States.

It is the judge who decides in the United States whether you are a flight risk or not; whether you should be granted bail; what the amount of the bail should be; whether you are a threat to society; whether you are a risk; whether you would go and interfere with the administration of justice; whether you will attempt to pervert the course of justice; whether you will

attend court; whether you should be granted bail or not, Mr. Speaker. That is how it is done in the United States. It is the judge that decides that.

And in most situations in England, it is the judge or the magistrate that decides whether you should be granted bail or not, Mr. Speaker. Throughout the eastern Caribbean, that is how it is. In most of the world, Mr. Speaker, that is how it is. The right to bail is left to the competence of the Judiciary, Mr. Speaker. I cannot support legislation like this—[*Interruption*]

Hon. Member: Um hmm.

Mr. C. Imbert:—that is so disproportionate, that it has declared the Judiciary of Trinidad and Tobago to be incompetent to determine matters of bail, Mr. Speaker.

Hon. Member: That is right.

Mr. C. Imbert: The Government has provided no justification for this. They have not told us what the objectives are; [*Crosstalk*] and we are not supporting this legislation, Mr. Speaker. [*Desk thumping*]

Mr. Speaker: I was now about to ask the hon. Member for Diego Martin North/East, seeing that you have 11 more minutes, whether you were going to take five more minutes, but I realize that you have concluded your contribution. Hon. Members, this is a good time for us to pause, and take tea.

Hon. Member: Thank you.

Mr. Speaker: This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended*

5.01p.m.: *Siting resumed.*

Mr. Speaker: The hon. Minister of Legal Affairs and Member of Parliament for St. Augustine. [*Desk thumping*]

Mr. Sharma: Listen to some intelligence now.

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Mr. Speaker, I once again thank you for the opportunity to enter into this debate. But before I get into the substance of this matter before us, I want to reflect that yesterday this world, this earth, lost a leading light; a man of overwhelming moral authority, a man, fearfully, who is on the horizon no one to possibly replace.

Yesterday also marked, Mr. Speaker, the death of the daughter of a dear friend, Sunil Gopaul-Gosine, and his wife Allison of their 15-year-old child, Sarah and today marks the 26th anniversary of the death of my grandfather, Mr. Ramadhar. The reason I refer these persons is that when persons of such personality and character spoke, when they acted, they acted with total forthrightness, honesty and decency.

Mr. Speaker, I had to listen to listen to “meh” friend from Diego Martin North/East and if one is not careful, one could be seduced into believing for a moment that he fell into the category of honest, decent and forthright. He spoke with such fervour—*[Interruption]*

Mr. Sharma: False.

Hon. P. Ramadhar:—but totally stained with falsehood.

Mr. Sharma: A false prophet.

Hon. P. Ramadhar: Let me just give you one prime example of what he did. This whole debate is really about the bail amendment and he moved—he was able, by sleight of words—from a position where a person who had been convicted of a serious offence and this new law says that if you have been convicted and after you have served your sentence, if for 10 years within that, you are charged for another one of these listed offences, then the

application of the law will take place. But he moved from a position where you were charged and convicted, without reminding this population that you needed to be charged a second time, at least before this section triggers. The significance of that is simply this, before a person could be charged, there must be reasonable cause upon which the police or the prosecution will act, having now a conviction.

And he went to town using the worse of adjectives to describe the learned Attorney General. Having been convicted of a criminal offence, in the eyes of the common man and in the eyes of the courts and in the eyes of the general population, you are a criminal. But he holds on to that and says because you are charged, sorry because you are now subject to the second part, this new amendment that we want, that you are deemed a criminal. You are already deemed a criminal because you were convicted of a criminal offence.

Hon. Member: Exactly.

Hon. P. Ramadhar: So let us start on that basis. He went to town on this lack, according to him, of a philosophical basis upon which this legislation is based and attacked it severely, that this is an atrocious attack on the separation of powers.

Let me put things in context, Mr. Speaker. Before the Bail Act of 1994 in this country, we were guided by the commonlaw, in relation to the provision of bail and you will go before a court and it was left up to the discretion of that court to apply whatever criteria they wished, within certain parameters, to grant bail or to not grant bail. So that when the Bail Act came into force in this nation, the discretion that had been given to the court was interfered with. So this separation, this great wall that supposedly defines

the limits of the Executive, Legislature and of the Judiciary, had been breached, if at all it had been breached, since 1994 by new legislation to curtail the discretion of the courts, to put criteria upon which a court may act to grant or to not grant bail. It is not for me to call people hypocrites but I know when you say one thing and do another, knowing it to be so, then there is a definition for that. It is called hypocrisy.

Mr. Speaker, let me just read, with your permission:

“They are always looking for excuses; playing games with people’s lives, hoping that if this legislation is not successful, that persons perpetrating crime would be out on the streets and the crime statistics would escalate and cause chaos. For some reason, the Members ...believe that will be good for their election chances. How politically immature! The country is long past that stage of political immaturity where a political party withdraws support for a critical piece of legislation in the national interest or hopes and thinks or believes...”—[*Interruption*]

Dr. Rowley: Mr. Speaker, the Member is imputing improper motives to Members on this side and I object.

Mr. Sharma: Nonsense. What Standing Order?

Dr. Rowley: Mr. Speaker, imputing improper motives.

Mr. Sharma: What Standing Order?

Hon. P. Ramadhar: And—thank you.

Mr. Speaker: He was quoting from—is it the *Hansard* that you are quoting from?

Hon. P. Ramadhar: Yes, thank you.

Mr. Speaker: “Yeah”, well allow him to continue, please.

Hon. Member: From the *Hansard*?

Hon. P. Ramadhar: Well if it is imputing improper motives, well then it is shocking because maybe it is about time I indicate from whose lips these words fell—[*Interruption*]

Mr. Sharma: What a shame!

Hon. P. Ramadhar:—in this Chamber, dated Friday, June 15, 2007, the hon. Member for Diego Martin North/East, on a bail amendment debate.

So you see, Mr. Speaker, when, on the one hand in this sacred House, you could articulate those words, then certainly it appears that yesterday was yesterday and today is today and hypocrisy does not end there.

I have heard Member Diego Martin North/East attempting to beguile us into the belief that he has a philosophical mooring and that he was passionate in that effort by saying: “Look at what is happening in the prisons, overcrowded, terribly overcrowded, to the extent that prisoners, persons who may be serving time on remand, are attacking and beating on prisons officers.” Now understand what that means; that in the face of authority, within a confined space there are persons there who are willing to do violence onto those who we, the people of Trinidad and Tobago, give authority to control, to protect and they are willing to do violence on them. Is it then the simple equation for Members on the other side, by refusing to support this legislation, that listen “yuh doh” have enough space so leave them outside; these very evil, wicked, dangerous, violent persons; so that they will wreak their havoc on our citizens? That is the basic philosophy I am hearing from the other side, because of the overcrowding. Now, we know as a fact overcrowding has been with us for decades, I imagine, and it is not one of the things I enjoy doing to say: But what did you do? When

was the last prison built in this nation, knowing full well that there was overcrowding a decade or two decades ago? But yet, this Government is attacked on the basis of bringing legislation that may very well increase the number of persons who are on remand awaiting trial. Well, it would be blatantly dishonest if he did not honestly know that this Government, the “People’s Administration Government”, opened a facility called the Santa Rosa Detention Centre with a capacity for over 1,500 persons—
[*Interruption*]

Dr. Rowley: “And nobody dey now.”

Hon. P. Ramadhar:—and that is why they will talk about who not there and who there. But it is really bitter in the mouth of anyone who wishes to be honest with this nation to suggest that they did the things necessary. Their inaction speaks louder than anything that they could speak to now. But it is this Government that has now created the capacity of 1,500 or more and I know—and maybe the Minister of Justice and the Minister of National Security will tell us more even in this House or in the public domain—of the other efforts to increase the capacity of the prisons. But let me just remind you what their equation is. Their equation is you do not have space, do not protect the people, let the criminals who have been convicted of serious offences out.

Mr. Speaker, it is obvious, as I return to the issue of the separation of powers, there was debate in this House in 1994, as I had spoken to before, but the former administration returned to this House with Act No. 32 of 2005, where no:

“...person who is charged with an offence listed in Part III of the First Schedule and has been convicted on two occasions arising out of

separate transactions—

of any offence; or

any combination of offences listed in that Part,” within the last 15 years; almost a decade-old law.

They returned, Act No. 30 of 2006 and returned Act No. 10 of 2007. So, to hear “meh” friends on the other side speak as if they are the great protectors of the democracy by preserving the independence of the Judiciary, nothing could be further from the truth. It was they who introduced this whole concept, this whole philosophical shift, from taking the discretion from the courts and put it into legislation but nothing is wrong with that because, Sir, with all due respect, it is as simple as this. The courts do not decide what is an offence. There are commonlaw offences and there are legislated offences—[*Interruption*]

Dr. Moonilal: Correct, correct.

Hon. P. Ramadhar:—where the people’s Parliament, representing the will of the people decide, from time to time, what act or acts or omissions will be deemed an offence against the law and put it into law and the function of the court—[*Desk thumping*]

Mr. Sharma: That is right.

Dr. Moonilal: Good point man.

Hon. P. Ramadhar:—is simply to exercise its juridical efforts in determining whether the offence has been committed or not.

Mr. Speaker, it is really painful to stand here, to have to speak to these matters of such simplicity—[*Interruption*] Yes and clarity, Sir, Leader of the Opposition. Do you know we must never ever look at any one thing in happy isolation? I remember as a practising lawyer up to 2010, the shortage

of DPP officers, prosecutors, was overwhelming.

5.15p.m.

This Government took a decision and the latest addition to that number—I think we approved 35 new positions for the Office of the Director of Public Prosecutions. That is not all. That is not all. Because we have to very careful, because I want tell you that the presumption of innocence is very dear to me as it is the all of those who care about rights like Mandela, like my grandfather, but the presumption of innocence is not a sterile concept. Here you have a person, this new legislation, well, it is not really new because it has been reflected, it is on our books already, it is just a question of degree of change from three to two, and now to one previous conviction, and that is what it is. That is what it is.

Now, to hear my friend from Diego Martin North/East speak with, I am sure, envious ambitions of what is happening in Canada, a totally different environment where crime is the rarity and not the rule. Where, in fact, many citizens in this nation sometimes wish they could migrate to that country, because of the expectation of an improved social network and the variety of the criminality is negligible, and use that as an example as to the jurisprudence that should be exercised here really is a total disconnect, a philosophical chasm between the understanding of our reality in Trinidad and Tobago and other places.

But you know, Mr. Speaker, another very evolved society, we would like to believe; the United Kingdom. And this was passed to me just today, [*Member takes out a document*] and if I may be permitted to just read the headline, and this is from the Internet apparently from the

Express, United Kingdom *Express*:

“EXCLUSIVE”—and it is dated today, it as hot off the press as one could imagine:

“EXCLUSIVE: 94,000 cases of rape and murder are committed by suspects freed on bail”—in the United Kingdom.

Do we need to suggest for a moment—[*Interruption*]

Mr. Speaker: Hon. Member.

Hon. P. Ramadhar: Sorry.

Mr. Speaker: I did ask the House earlier on, that I would revert to the item announcements. So you could just pause for a moment whilst I deal with a particular matter under that item, and you shall resume where you would have left off at 5.16.

CONDOLENCES (NELSON ‘MADIBA’ MANDELA)

Hon. Members, today we mourn the passing and celebrate the life of a remarkable world icon, legend, hero of the anti-apartheid struggle, and a 21st Century titan. The first black President of South Africa, Nelson Mandela died yesterday, Thursday, at his home in South Africa at 95 years. Hon. Members at this time I am sure the Government would like to pay respect, and make a contribution in tribute to this world icon. I now call on the hon. Prime Minister to do it. [*Desk thumping*]

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you, Mr. Speaker. It is with profound sadness and respect I rise to place on record in this honourable House on behalf of the Government and people of Trinidad and Tobago, the sad passing yesterday of a towering, colossal

and beloved world figure, Nelson Mandela.

The nation of South Africa has lost its great son. The nations thought out the world including us in Trinidad and Tobago, have lost one of the most powerful and influential beings of hope, spirituality and moral guidance we have been privileged to have had amongst us. Many in this House and citizens throughout our nation, we remember when he made his historic visit to Trinidad and Tobago in 2009. Several of our citizens had the experience of actually meeting him at the official State function, and would forever remember the sheer calm and humility, but the unmistakable charisma and magnetism which he exuded even for that brief period when he was greeted.

His life story is well known and has now become a fabled legend. He was born in 1918, the son of a tribal chief. From early he demonstrated a dignified, royal bearing which became a hallmark that saw him literally standing tall amongst his fellowmen. He would soon earn the endearing, affectionate term "Madiba" signalling that he was one of us; he was one close to us, but also recognizing that he was one above us.

The people of South Africa and throughout the world saw an utterly complex man, but who at the same time was an incredible, simple human being. He was a unique mixture of seriousness, intense study, calculated action, steely resolve, committed to his unshakable cause of equality and justice for all people, possessing innate almost divine wisdom, yet at the same time he was a human being, a man of God, of deep reverence, of love for humanity, of compassion, of fair play, of unity.

Mr. Mandela recalled that in his two decades spent in jail he learned to look at himself this was a central underpinning of how he tried to fashion a post-apartheid South Africa. When I first saw the movie *Invictus*, Mr. Speaker, in which this black president of a still bitterly divided post-apartheid South Africa successfully against criticisms and deep odds, brought the entire country around the white South African rugby team, I recommended its viewing to every Member of our Government and of the Cabinet, and indeed not only did I recommend it, I summoned them to dinner and we all sat together and watched *Invictus*. It was most inspiring.

Mr. Mandela's personal appearance on the field in the new South African colours to congratulate the white South African rugby team, which was once the symbol of the hated regime, brought the massive crowd to its feet cheering his inspiring leadership. This was one of his signal overtures among many, in his attempts to create a united South Africa despite the decades of his own personal suffering, and incarceration he personally endured at the hands of a white regime in his own country. At the same time his enormous moral strength even as a prisoner gave him the leverage to craft the drama of his own release, on his own terms and on his own schedule, masterminding the calculated beginning of a new all-embracing South Africa. Nelson Mandela is not merely to be deeply admired and revered, he is to be studied and emulated indeed. His pertinent lessons encompassing so many spheres of life must be preserved and taught for generations.

Mr. Speaker, in this regard, I am pleased to announce that I have

agreed that a date in early next year will be declared "Mandela Day" in Trinidad and Tobago, [*Desk thumping*] and with the cooperation of leading scholars, historians and relevant historians, we will organize a public symposium on the life and lessons of Nelson Mandela.

This morning we had discussions with Prof. Ken Ramchand who has agreed to contribute his expertise to this effort. We will present unique and potent messages of this great world leader through presentations, enactments, video clips, photographs and have all of this material, including a specially compiled booklet recording and preserved available for posterity and study particularly by our younger politicians, students and teachers.

Nelson Mandela astute being regarded as an icon, but his sheer gratefulness places him in a unique and very selective pantheon of really great world figures. We in Trinidad and Tobago mourn his loss. We offer our condolences to his family, to his loved ones and to all the people of the nation he fought valiantly to fashion. He is a loss to the world, but his life will remain a living lesson to all those of us who remain.

Mr. Speaker, our condolences to his family and to the people of South Africa.

I thank you very much. [*Desk thumping*]

Mr. Speaker: The hon. Leader of the Opposition. [*Desk thumping*]

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, I rise to associate myself and those of us on this side with the sentiments expressed on behalf of the people of Trinidad and Tobago by the hon. Prime Minister.

Mr. Speaker, there are some times in your life when things happen and

that the occasion is so monumental that it is virtually indelible, like the day when JFK was killed, one can remember exactly—at least I know I can remember where I was standing when I received the news on the radio. And today I can tell you I feel the same way about receiving the news of the passing of Nelson Mandela.

Humanity, Mr. Speaker, has been around for a long time, and every so often, one human being rises to the occasion to lift the rest of us to a level beyond even our own expectation. You have the likes of Gandhi, Martin Luther King, Churchill, and now Nelson Mandela. And it is against that background, Mr. Speaker, that we note today the passing of this great man. A man who must have been driven by his own personal revulsion of apartheid—at the personal level, experiencing all aspects of that management of his country, and must have rejected it personally, and angrily decried it.

But then, Mr. Speaker, represented not only himself in this rejection, but rejected it on behalf of his community, the trans sky, and later on understood that he had to be rejected at the national level and that a South Africa without apartheid was possible. Mr. Speaker, in our lifetime that rejection and that human spirit of lifting all of us, lifted the world when apartheid was broken, and Nelson Mandela was set free. It took great courage to have rejected freedom for himself, not once but many times after years in prison, but standing for all of us saying that: No one man is free if all men are not free.

Mr. Speaker, the names I mentioned earlier on, in the same breath as Mandela's all fought for that holy grail of freedom, and if there is

anything, Mr. Speaker, that we should take of Mandela's legacy, is the appreciation and role of this thing called "freedom" in our own existence, because without it, we may not recognize ourselves. All the greats fights of humanity were about freedom, and Nelson Mandela symbolized a way of fighting for freedom without losing one's own self in the process.

So, Mr. Speaker, for this great man who was so selfless and so courageous, to stay all these years in prison, and would not budge unless there was unconditional release, against the background of the horrible death of Steve Biko, against the oppression of the might of the South African army. He understood that one day like Martin Luther King, he would overcome and overcame he did, Mr. Speaker, for all of us, that is why Nelson Mandela does not belong to South Africa. As we mourn his loss and we associate with the sentiments of South Africans, Nelson Mandela does not belong to South Africa, he belongs to the human race and he was the best that was ever produced.

Mr. Speaker, we extend our condolences to the people of South Africa, but we acknowledge with gratitude his sacrifices, and we should undertake to always honour and treasure his legacy, and we can simply say in his passing, thank you, thank you, Nelson Mandela, on behalf of all the people of Trinidad and Tobago, all of us in this House, simply say, thank you, Nelson Mandela. [*Desk thumping*]

5.30 p.m.

Mr. Speaker: Hon. Members, I would like to join the hon. Prime Minister and the Leader of the Opposition in expressing the sadness we feel with the passing of this great world leader. Nelson Mandela has passed, but his

imperishable memory and immortal message shall remain with us forever.

Nelson Mandela possessed an extraordinarily rich personality whose life, though finite in time, will continue to glow with meaning epitomizing love, humility, justice, equality and human and universal brotherhood. Mandela was a true internationalist at heart, who cared as much for the welfare of the world as he did for the people of South Africa.

Madiba as he was popularly called was a source of illumination and inspiration, with an open and unprejudiced mind. A man of utmost humility and amazing wit, he was simple, honest and humble. Personally, the greatest legacy Mr. Mandela would have left is his inspirational lessons in leadership, especially humility in leadership.

He was one of the greatest leaders of our era and yet remained a very humble man. Nelson Mandela has said, and I quote:

“If you are humble, you are no threat to anybody. Some may behave in a way that dominates others. That’s a mistake. If you want the cooperation of humans around you, you must make them feel they are important—and you do that by being genuine and humble. You know that other people have qualities that may be better than your own. Let them express them.”

As his body departs our physical space and leaves us forever, let us forever stencil in our hearts his rich and immortal contribution to world civilization and global peace.

I, too, join in extending condolences to his wife and bereaved family on this sad occasion. Nelson Mandela is no longer with us. May God bless Nelson Mandela and the people of South Africa.

May we all stand in a minute’s silence in observance of this great

Condolences (Nelson 'Madiba' Mandela)
Mr. Speaker

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legend and—

Mrs. Persad-Bissessar: May I crave your indulgence?

Mr. Speaker: One second, Members.

Mrs. Persad-Bissessar: Thank you very much, hon. Speaker, Members. As Chairman of Caricom, I intend to attend the funeral of Mr. Nelson Mandela and I take this opportunity to invite the hon. Leader of the Opposition and there will be others to go with us.

Mr. Roberts: Wonderful!

Mrs. Persad-Bissessar: I think the figure that Nelson Mandela is, as you have enunciated, and for myself, we can do no less than to show our respects and attend the funeral. [*Desk thumping*] And your wife, of course.

Mrs. Persad-Bissessar: I believe the funeral is scheduled for—

Dr. Moonilal: December 15.

Mrs. Persad-Bissessar: December 15, so we will liaise with your good office, hon. leader. Thank you very much.

Mr. Speaker: Hon. Members, can we all stand for a minute's silence in honour of this great legend.

The House stood.

(Mr. Michael Als)
(Mr. McDonald Bailey)

Mr. Speaker: Thank you, hon. Members. Hon. Members, may I also draw to your attention and to acknowledge the passing of a former Senator, Michael Als, who has served with distinction as a Senator in the Sixth Republican

Parliament of Trinidad and Tobago. Mr. Michael Als, former Senator, passed away yesterday, December 05, 2013. He was the founder of the

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Bank and General Workers Union, now the BIGWU, the Toco Foundation and Radio Toco, among others.

I have also been informed, Members, and the House should take note, of the passing of another iconic son of our soil, Mr. Emmanuel McDonald Bailey, former national sprinter and true patriot who passed away on December 04, 2013 at the age of 92.

On your behalf, we shall send appropriate letters of condolence to the families of former Senator Michael Als and Mr. McDonald Bailey.

Any Member, hon. Prime Minister or Leader of the House.

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, we would like to join with the national community to express our condolences to the family and friends of a former Senator, a former colleague, Mr. Michael Als. He is fondly remembered as a grassroots servant of the people, not only in east Trinidad, but throughout the length and breadth of Trinidad and Tobago.

Mr. Speaker, like yourself, I have had the opportunity to work with Mr. Michael Als for several years in the social movement and in the trade union moment and can testify to his enduring commitment to relieving the stress, the poverty and the underprivileged nature of the working people of Trinidad and Tobago.

He was an extremely simple and humble man; a man who did not believe too much in technology and in the niceties of life, but maintained a very humble outlook and lifestyle. He also served in the Parliament of Trinidad and Tobago and served with distinction. Always his presentations dealt with the critical issues facing those who are underprivileged.

Condolences
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On behalf of the Government, I would like to extend to his family and his friends and the community that adopted him, our condolences and sympathy at this very difficult time. Our Minister of Sport, the hon. Member for D'Abadie/O'Meara will also bring some remarks on the death of a true sporting hero.

Mr. Speaker: The hon. Minister of Sport.

The Minister of Sport (Hon. Anil Roberts): Thank you, Mr. Speaker. We bring condolences to the family and friends of McDonald Bailey, born 1920, who won a bronze medal in the Olympics in Helsinki, Finland, 1952. While he did not participate in those Olympics for Trinidad and Tobago because we did not decide to send a team at the last minute, McDonald Bailey was always proud. He ran under the British Empire, but he ran for Trinidad and Tobago and brought glory and that bronze.

He won 15 titles in the British AAA, which is a national championship and was in the Guinness Book of World Records for such a feat. He ran 10.20, a world record, on a cinder track with heavy running shoes, not like the light ones with high technology nowadays. He was a brilliant athlete. He went on to become a commentator, journalist, an author and a mentor and coach to thousands. He was a father, grandfather, husband and great grandfather and a great son of the soil.

He was a recipient of the Chaconia Gold 1977, for his achievements and at the age of 92 he has passed on. He was recently awarded the Spirit of Sports Awards, Lifetime Achievement and all of his students and all who have gotten to know him, we know one thing, that he was always humble and always willing and able to share his knowledge and his experiences. So all

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track and field athletes—all athletes and students who came into contact with this great man will remember him.

So, on behalf of the Government and the people of Trinidad and Tobago and the sporting fraternity, we wish his family the best, all condolences, our deepest condolences as we pay respect to another icon of Trinidad and Tobago McDonald Bailey. Thank you, Mr. Speaker.

Mr. Speaker: The hon. Leader of the Opposition. [*Desk thumping*]

Dr. Keith Rowley (*Diego Martin West*): Thank you, Mr. Speaker. I do not want to accuse you of being the bearer of bad news, but I was completely taken aback when I heard of Michael Als' passing. I had no idea that he was in any way ailing. Otherwise, I had the pleasure of visiting with him a few months ago in his retreat in Toco and I am really shocked to hear that he has passed away.

Mr. Speaker, as a fellow Member of the Parliament and on behalf of those of us on this side, I once again want to associate myself with the comments of my colleagues on the other side.

Just to acknowledge that Mr. Als, even though he spent his political life in opposition to the PNM and working in the labour movement, working for people, he was one of those people who we can ill afford to lose, if we had the choice, at this point in time, because he was always so simple, so humble and he seemed to be so satisfied with so little.

One had to visit him in Toco and see how well he fitted into the Toco environment and he had this great vision for developing the people of Toco, in Toco, for Toco. I really am a little saddened to hear that he has passed.

So, on behalf of all of us here, I would like to extend our deepest

Condolences
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Dr. K. Rowley

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sympathy to his family and to those of you in the labour movement who worked more closely with him and who surely would miss his passing, he was really one of the icons of the labour movement and of what we commonly call nowadays, the NGO movement, which I am sure he served up until his very last. We thank him for his service and we acknowledge his passing.

With respect to McDonald Bailey, Mr. Speaker, I remember him as being the first athlete I knew of international repute. Long before I ever met him, as a school boy I heard of McDonald Bailey and his exploits and then discovered that he was from Trinidad and Tobago because his early performances were not associated with Trinidad and Tobago as such.

In those days, we were a colony and when we became independent, I think he had pretty much passed his peak. But when I read of his entire athletic performance, the prowess of that man was phenomenal and if we produce a son or daughter today equivalent to McDonald Bailey, that person would be a world beater and in fact be an international star.

McDonald Bailey also was one of those persons, like Michael Als, who was willing to share what talent he had because he was always willing to—I remember him coming around our school and would very generously speak about his talent, his understanding and willing to give tips to people who were involved.

I knew he was ailing, but we are saddened by his passing because even though you expect that it might happen, when it does happen, we are not really ready to receive it.

So, once again, to his family, his friends, the community that raised

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him, we want to say, please accept our deepest condolences and may he rest in peace as we acknowledge his lifelong service to the people of Trinidad and Tobago.

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

Mr. Speaker: May I invite Members of this honourable House to just stand in a minute's silence for both departed souls.

The House stood.

5.45 p.m.

BAIL (AMDT.) BILL, 2013

Mr. Speaker: The hon. Minister of Legal Affairs and Member of Parliament for St. Augustine. [*Desk thumping*]

Hon. P. Ramadhar: Thank you, Mr. Speaker. Mr. Speaker, allow me to say this, that it would be futile to look in admiration to our great heroes—present day and of the past—without attempting to emulate them, and the action of our hon. Prime Minister this evening in this House shows a magnanimity of spirit that I am sure would have warmed the hearts of many of our citizens—reaching out and a generous hand to the Leader of the Opposition—because we are, at the end of the day, in this thing together.

So I congratulate the Prime Minister, I congratulate the Leader of the Opposition, and I think they will represent this nation well at a historic event, the passing of a great soul, an icon for the ages. And as the Leader of the Opposition had said, he does not belong to South Africa, but he belongs to the world. It has been said he now belongs to the ages, and he shall join them in the highest levels of respect and admiration, I imagine for centuries yet to come.

Mr. Speaker, I was on this almost mundane aspect of the Bail (Amdt.) Bill, and I had dealt before with issues as to the fallacy of the arguments put forward by “meh” noble friend, the Member for Diego Martin North/East.

Hon. Member: He is noble?

Hon. P. Ramadhar: Yes, I have to say that. What I thought would have been a matter of concern—[*Interruption*] and I would have accepted as genuine concern—would have been the issue of a false charge; where a person who had been convicted years before, becomes the victim of some unscrupulous police officer who decides, “I am going to put you away out of spite” or some, you know, unfortunate purpose. If it was that, I will say, “Well, you know, this is something we must look at”, but to look at this legislation in isolation will skew the entire debate, will skew the entire effort of the Government.

What we are also looking at—because I, as a citizen first, and as a practitioner in the criminal courts for many years, know that there are many false allegations, false cases, false prosecutions, and persons suffer immensely awaiting their trial. And if their lawyers are not up to it or for whatever reason, they may suffer a sentence that is totally unjust and undeserving, and it is really a stain on all of Trinidad and Tobago.

To that end, maybe “meh” friends are not aware of the efforts that this Government has taken to ensure that the prosecutions that come before the court are not flippant, capricious, unreasonable or without merit. That is why with the new DNA legislation, we now move into the era, long late in coming, for the use of science in prosecutions. So that when you build a case, it is not based on a confession that very often in the courts you hear was beaten out of the accused, and the juries because of the lack of

confidence, unfortunately, in many of our officers, very often believe the accused and acquit.

That is why we need to change the paradigm of the prosecutions, and that is why this Government has taken the step of moving towards the DNA, as I have said, and also the use of video of confessions of statements, and to a point shortly where there will be no need for live witnesses—and I do not mean that they should not be alive. What I mean is that they need not be present or available for the evil intent of criminals who, too often in this nation, have taken the lives of witnesses or have threatened them, so that when they come before the court, they suffer incredible bouts of amnesia, and we move towards that day.

What we are also doing, as “meh” friends may not be aware, the Police Complaints Authority that was given authority in 2006, that legislation gave the responsibility to the Police Complaints Authority, without the necessary authority, for them to effectively carry out their duties. I have been in discussion with the director on some of the amendments or some of the changes that she may require to more actively pursue allegations against police officers. Let me for a moment make it quite clear that police officers themselves are often victims of false allegations; it cuts both ways.

And as one of my former seniors used to tell me—and I will share it today in this House—he said to me then, 20-odd years, the old Bengal Tiger—I do not know if you remember the great Ashford Sinanan—the State never loses in a trial once the trial was fair. Let us take a moment and absorb what that means. If a man is acquitted or convicted, the State would not lose once his trial was fair.

So if the evidence was well presented before an impartial court that

decided with the clarity of a conscience that took no favour, but did so with an understanding that a person's life was before them—that is the jury or judge or judge and jury—and decided based on the evidence and that person was acquitted, the State did not lose that case because then we would have preserved the presumption of innocence, and a citizen would have had a fair trial as he is entitled to be, and he could either be acquitted or convicted. That is why it is important to really chisel out some of the rogue elements in the nation's protective services.

So that when a case is brought to court and the evidence is presented, it must be unassailable, and the quality of prosecutions before you come to court will be vetted by a system, an institutional system, that includes the DPP and the police, and even sometimes the Police Complaints Authority. So where allegations are made, they are investigated, and if there is merit in them, the person may not be prosecuted, and if there is no merit in some of the allegations made early on, well then we proceed. So Mr. Speaker, these are the things I look forward to as a citizen first in our judicial system, to ensure that no prosecution that comes before the courts are based on falsehoods, allegations or as we say “set up”.

The other thing that we are working towards to reduce is the crowding in the prisons, certainly must be a meaningful plea bargaining system, as we hear many persons await trial, whether with bail or without bail. Very many of them know what they have done, and when the evidence is presented, especially with the science of today and tomorrow, you will find a situation where many persons will opt, not to wait for trial whether in custody or not, because I do not believe a person should opt for plea bargaining to avoid the wait for trial. But when the evidence is presented early enough, and having

had proper counsel—whether by private retainer of lawyers or by the Legal Aid which this Government has enhanced, being well advised—will decide, “Look, it is better I now plea”—take a plea on this matter and serve a sentence now, rather than to wait years down the line with the uncertainty of a trial that you may be acquitted or you may be convicted, and you may start serving your sentence way down the line.

So these are the injustices that would be weeded out. It does not take a one-stroke effort. It is not a one pony show; it is many different efforts coming together. I ask: when was the last new court built in this nation? When? We hear of the awful Augean stables of the backlog of cases, and no real meaningful effort has been made in the last decade, until now, when court sites have already been identified and the preparatory aspect is well advanced to create judicial centres, to hire new judges, more judges.

So these are the things that did not come to a head only today, but developed for a generation or two, but somebody had to take responsibility for it, and the People’s Partnership has taken responsibility for making change to improving the lives of all of our people, and one of the most significant aspects of a democracy is the judicial system; as we see, with some infamy, efforts to impeach a Chief Justice because of delay.

The resource management for the Judiciary has been abysmal in the past, and we will make every effort to assist the Judiciary with the resources that they need to fulfil their function, and that is critically important. You cannot demand of any institution results without resource, and these are the things that we are in the process of doing. Nobody took it on before, it was probably too hard. They analyse it to the point of paralysis. They did nothing in the past, we do this now.

Back to what we are dealing with, Mr. Speaker. The issue at hand here is really whether this new law, which is not new at all, as I have referenced before—it has existed since 1994; it is just a different degree—as we see the criminality, and as the police inform that there are many repeat offenders, and that if you had been convicted before, and you do have a prosecution that is now vetted best or better by the DPP with more resource—with new science by the police for their investigation; with a vigilant Police Complaints Authority—then what you will have are cases, that when you go to trial or by plea bargaining, that the guilty more likely than not will be found guilty and be prosecuted effectively and sentenced for their act, and that the innocent, early enough—because of the science, because of the vetting by the DPP and because of the vigilant PCA, Police Complaints Authority—need not be charged in the first place. But how do we get to that almost ideal position? It is these steps that are necessary. We cannot allow our citizens to be victim to awful crime.

And I am pleased to note that the trajectory of crime has been on the down for the last two or so years, and I congratulate all those whose efforts have contributed to that, but we can take nothing for granted. A trajectory can change overnight and, therefore, it is important to put the institutional mechanisms to ensure that it just does not go down, but go down to a point that we can breathe—as the Attorney General told us about the good lady—and feel safe in our homes and in our streets.

Just two days ago, my colleague, Brian Dabideen, his father, withdrew money from a bank in south—a former magistrate now—I shall not say where he is working now—but as the father, the elderly gentleman—\$25,000, a lot of money, but they need it for Christmas expenditure. Clearly,

they were followed from the bank—as he alighted from his car, he was attacked by two persons and they took his money and went off.

Dr. Gopeesingh: Thank God they saved his life.

Hon. P. Ramadhar: Thank God he was not hurt in the process. We cannot say that for many others. If it is, as I suspect, that the number of criminals in the country, as a proportion of the population, is very small, well then if this effort is to reduce that and take those potential killers, bandits and rapists off our streets, I say we must go forward. [*Desk thumping*]

But, you know, what “meh” friends on the other side or “meh friend” on the other side has neglected altogether to speak to, is that nobody is happy that we have to bring this sort of legislation to the Parliament. We wish that we were in the ideal world where there was no crime, therefore, there will be no need for laws, but we live in the real world. We live in the reality of Trinidad and Tobago where criminality had been nurtured for a generation. Morgan Job had warned us, two decades ago, Member for Pointe-a-Pierre, the chickens have come home to roost. We will not as a Government sit idly by and do nothing which is the easy thing.

6.00p.m.

Mr. Speaker, we will not as a Government sit idly by and do nothing, which is the easy thing—to spew criticisms, to speak in highfalutin language and mean nothing and do no action whatever. As a friend has told me before: “doh tell meh, show meh”; and this Government is showing the people that we are interested in them. [*Desk thumping*]

So at hand is the effort to improve the resolve of matters. Speedy trials, that is what we are looking for, so that justice when meted out would be so close in time that the rawness and the memory of the offence that you

committed, must be so closely associated with the penalty inflicted, that you must feel that pain and know why you are feeling it. It is as obvious and as easy as that.

But this Government is not wistful to the presumption of innocence, nor is it uncaring, nor do we want this law for all time. In fact, at paragraph 6, this law in the Bill says—permit me to read it:

This Act shall continue in force for a period of three years from the date of commencement.

So it is not an Act, not a law that we intend to have in perpetuity, but at the end of three years—the sunset clause as we call it—it will come to an end. Hopefully by that period, there would be no need—as they had many times in the 1990s and in the 2000s—to return here and extend it year after year after year.

And the level of untruthfulness—as I am about to take my seat, Mr. Speaker—to speak of the high level issues of the separation of power when, indeed, for 19 years—for 19 years—that has been the case, and the recency of their actions on this very matter was up to 2008. But there is a complete turnaround now. When I read the *Hansard* of the Member for Diego Martin North/East, June 15, 2010, his leader had to object that I was casting—what was I casting?—poor motives, I will use that term or bad motives, on Members on the other side, when in fact it was the other side that was throwing it this way.

As I take my seat, Mr. Speaker, no argument put forward by my friend holds any water. In fact, the arguments are simply this: you have a problem of repeat offenders, allow them bail because you cannot keep them in the prison. Allow them to go out and do as many crimes as is possible. So that

the words reflected that:

They are always looking for excuses, playing games with people's lives, hoping that if this legislation is not successful, that persons perpetrating crime would be out on the streets"—and hear this, Mr. Speaker—"and crime statistics would escalate and cause chaos. For some reason the Members believe that that will be good for the election chances.

Mr. Speaker, from their own mouths. I hope it came from their hearts. I really do.

Thank you.

Miss Donna Cox (*Laventille East/Morvant*): Thank you very much, Mr. Speaker. The Trinidad and Tobago Constitution, section 5(2)(F)(iii) is clear that an arrested person has a right not to be deprived of bail without just cause. The Constitution allows every person the right to liberty and the right not to be deprived of this, except by due process of the law. The Constitution also affords a person charged with a criminal offence must not be deprived of reasonable bail without just cause. So we all recognize that bail is an important and critical aspect in the administration of justice, since it allows a person held in legal custody to be released, with conditions of course, while awaiting trial. We cannot make the law harsher by eating into due process.

The Member for Diego Martin North/East mentioned that the PNM Administration introduced numerous amendments to certain pieces of legislation in this House, including legislation with regard to the Bail Act; of course this was necessary to further the fight against crime.

The amendments brought before the House today by this Government

seek to amend the Bail Act, Chap. 4:60, to amend the First Schedule of the Act and to substitute a new list of offences for which a person—permit me to quote—

who is charged for any such offence and who has a previous conviction for any such offence during the last ten years will not be entitled to be granted bail.

However, where the matter has not started after 120 days, the person is entitled to apply to a judge to be granted bail.

Of course, these amendments as outlined by my colleague are draconian in nature. These provisions are indeed unconstitutional and they encroach on the constitutional rights of individuals. The amendments to the Bail Act shift the burden of substantiating Bail to the accused person which is inconsistent to the presumption of innocence. These amendments say one strike and you are out.

I listened carefully to the Attorney General when he spoke about persons who are charged, but when persons are charged it does not mean they are guilty. I would expect the Attorney General to know that once you are charged, one is innocent until proven guilty. It does not mean that everyone who is charged is guilty, and that needs to be clear here in this House. The way the Attorney General “ramajayed”, it was as though everybody you charge and put in remand yard, they are guilty of a crime.

An individual might have been convicted of a crime within the stipulated 10-year period. This Bill says that if he is charged for any one of the specified offences, only if the matter is not called within 120 days he can then apply for bail. Can this be fair? Note in the Bill clause 4(3) states that:

“Subject to subsection (4), where a person is charged with an offence

listed in Part II of the First Schedule and brought before the Court but no evidence has been taken within one hundred and twenty days of the reading of the charge, that person is entitled to make an application to a Judge for bail.”

The words I would like this House to note are:

“no evidence has been taken within one hundred and twenty days of the reading of the charge,…”

This in itself is open to abuse, Mr. Speaker. At the end of the day, a police officer can charge someone and then after about 100 days can then bring evidence, because you are saying here if no evidence is taken before 120 days.

So then someone can just pull somebody in and then wait, because you want them to spend some time in remand yard, and then bring forward the evidence just before the end of those 120 days. This is open to abuse. I am not saying that every policeman would do that. I am not saying that police officers are bad and they would do something like this, but I am saying it is a reality. We are all humans and this here is open to abuse for innocent persons.

There is no clause in this Bill which would state that a person, even if you are held, you would be able to go to court within a specific time frame. There is no clause saying that within a specific time frame your matter will be heard. So then we know, we are aware, that in remand yard there are a lot of persons waiting for their matter to be heard. They have been waiting for months, some for years.

The Member for Diego Martin North/East mentioned in the newspapers about one person in remand yard for 13 years; that is terrible.

And now we are saying that persons have to wait for four months in jail without bail, actually. The fact is, as I said before, you do not know if they are guilty or if they are innocent, because of course it is not everyone who a police officer charges is guilty. Not everyone is guilty, and we need to look at that.

Mr. Speaker, as I speak about the police, I just want to speak about an incident that took place this morning with one of my colleagues, the Member for Port of Spain North/St. Ann's West. This morning she was on her way home, actually in her constituency—she lives in her constituency—and there were some police—I do not know if it was a road block—but there were just some police around.

She recognized one of them and stopped to speak to the corporal, telling him about a problem on the bridge in St. Ann's. I think there is a double-parking problem or so on the bridge. While speaking to that officer whom she knew, a sergeant came up to her and told her to pull aside. She said, "Well, okay, yes I will pull aside," but she was explaining to him, "I am now talking to the police officer, and I am now telling him about a problem that I have in my constituency." He said that it did not matter and then proceeded to tell her to step out of the car and open her trunk.

He proceeded to search her trunk in the presence of all her constituents, because by that time the traffic had backed up. He proceeded to search the Member of Parliament, and when she told him, "I was really talking to the officer about a problem in the constituency," he said to her—and I just want to quote what she said to me—that she might be using that as a ploy to distract the police. Her conversation with the police officer might be a ploy to distract the police, and he proceeded to search her trunk, which

was full of stuff—so he was there searching—in full view of all constituents, Mr. Speaker. [*Crosstalk*]

Hon. Member: Who is that police sergeant?

Miss D. Cox: I understand that she did speak to the Minister of National Security, who promised to look into it. We are not saying that we should not be subject to be searched, we are all citizens of Trinidad and Tobago, but even the comment that he made to a Member of Parliament. The fact that she was explaining to him, and she was speaking to a fellow police officer—a fellow police officer—on an issue within her constituency.

Hon. Member: We would like to know who that police officer is.

Miss D. Cox: Yes, I will speak to her, because I think she needs to make a complaint to the Police Complaints Authority. I believe she needs to do that. I am hoping that that matter would be resolved, and I think that was proper disrespect to a Member of Parliament.

Hon. Member: Total disrespect.

Miss D. Cox: We are not saying that you are not supposed to search a Member of Parliament, but not in that manner, and the comments that he made to the Member of Parliament for Port of Spain North/St. Ann's West this morning were really bad, and she was really, really, very, very upset. I will move on from there.

Mr. Speaker, I want to refer to the *Police Complaints Authority Annual Report, 2010-2011*, which states that:

“The most common types of complaint accepted for investigation by the Authority were”—in order of priority here:

n Assault/Assault occasioning actual bodily harm”

And the second is:

“n Wrongful Arrest.”

The second number of complaints that the Police Complaints Authority received, wrongful arrests, and that is why we have to be mindful of what is happening in society today.

Mr. Speaker, it is clear that the police can indeed set up individuals. I am not saying all of them—I want to make that very clear—we have some very good police officers in the system, but the reality is there are a lot of reports at the Police Complaints Authority. The second highest comes under wrongful arrest.

I would like to quote a newspaper article published on February 15, and the heading:

“Labourer awarded \$60,000 for wrongful arrest and detention

Damages in the sum of \$60,000 was awarded to a 29-year-old labourer after the State conceded that police officers were wrong to arrest, detain and charge him.”

I will not go into details, because I do not want to call the person’s name, but we see here that:

“Master Patricia Sobion awarded damages to”—the individual—“in the Hall of Justice after the State consented to judgment being entered in...”—in the person’s favour.

So this is just one example. When I was looking through, searching, there were many examples where we had wrongful arrest, and the reality is that we really need to know that it exists.

6.15 p.m.

Mr. Speaker, it is clear that the police can, indeed, set up individuals and I am not saying all of them, I want to make that very clear. We have

some very good police officers in the system, but the reality is, there is a lot of reports at the Police Complaints Authority, the second highest comes under wrongful arrest. So this is just one example and there are many when I was looking through, researching, many examples where we had wrongful arrest, and the reality is we really need to know it exists.

There must be corresponding measures to treat with the backlog of cases in the Magistracy and Assizes, and I feel, yes, the Bail (Amdt.) Bill is here, but there are many other areas that the Government needs to look into. Of course, there is, indeed—I mean, recently in the newspaper we were reading about backlog of cases, and that is one of the reasons Remand Yard is full anyway, and there must be measures put in place to deal with this before even dealing with amendments to the Bail Act, and there must be some adoption of reforms suggested by the crime and justice commission—for example, the abolition of preliminary inquiries.

Mr. Speaker, we hear talk about the—I mentioned the police service, but there is one fundamental point missing when we are dealing with this bail amendment, the crime detection rate. Because, why are we here dealing with this Bill if the police are not convicting criminals to a great extent? Why are we here dealing with an amendment into the Bail Bill? Because we must first hold the persons when they commit a crime. Number one, okay! So bail only comes into play when you catch the criminals, and the Government has failed miserably in the fight against crime and the police with the conviction rate also, because I would like to show the detection rate, Mr. Speaker.

You see here [*Holds up document*] this is a graph of information received from January 01, 2007—July 31, 2013 with regard to the

murder/detection rate in Trinidad and Tobago, and this was obtained from the Crime Analysis Unit of the police service. You see here, this is the downward trend from around 2009/2010; there is a downward trend in the murder/detection rate. This is 2013 here; this is the downward trend in the detection rate. Okay? So, clearly something is wrong and we need to be able to detect crime. The rate is less than 10 per cent and this is extremely low with regard to international standards.

So, Mr. Speaker, the Bill before this House today is to do what? Is it just to tell the people of Trinidad and Tobago that the Government is doing something about crime? You must first catch the criminals before bail can be considered. Crime continues to escalate. Last weekend alone I think there were four murders over the weekend. I understand the murder toll is three hundred and something—*[Interruption]*

Hon. Member: Three hundred and seventy.

Miss D. Cox: Three hundred and seventy and the escalating crime rate is indeed an indication of the Government's cluelessness with respect to the management and control of crime.

This Bill is yet another one of their crime-fighting strategies; draconian in nature and it reminds me of the state of emergency where the youths of Laventille, Morvant and east Port of Spain were hurdled like goats to the police station and prisons, and who can forget that, Mr. Speaker?

Mr. Speaker, the police service is the key agency with respect and with regard to the fight against crime. Measures must be put in place to strengthen the accountability, effectiveness, professionalism and responsibility of every officer in the Trinidad and Tobago Police Service. The PNM administration conducted a critical review of the Trinidad and

Tobago Police Service and an in-depth transformational programme was initiated, and I heard the Attorney General mentioned that the PNM Government; I believe he said that the PNM Government did nothing—*[Interruption]*—and yet a lot of the amendments to the legislation that were outlined by the Member for Diego Martin North/East were initiated by the PNM administration. Oh, yes, he said that we buried our heads in the sand.

Mr. Speaker, the PNM administration initiated higher screening requirements for recruits in the police service, because we knew, of course, in dealing with crime the police service is one area that work must be done on the police service. One thousand police officers were beneficiaries of high impact supervisory and police executive training. The staff of the Police Complaints Authority was strengthened and expanded. A merit-based-performance system was introduced and implemented; modern curriculum was introduced for new recruits. The PNM Government in collaboration with the US Embassy and the FBI also introduced specialized in-country training, in-crisis negotiation, kidnapping, crime scene investigation, law enforcement safety and survival training for first responders to crime, and short, medium and long-term plans were made with regard to the police service. Of course, the UNC administration continued some of them and, of course, pretended that it was their initiative and they stopped others.

But, Mr. Speaker, focus must be placed on the management and operation of the police service if we are to see a dent in crime. But I want to say that we are here and we talk about bail, and we talk about criminals, we talk about crime, and we look at the police service, the prison service and we look at many areas, but there are other areas that we also need to look at; the

social areas. For example, a lot of the sporting facilities in at-risk areas have not been refurbished, have not been developed, and yet we are talking about crime. We are talking about crime, we are talking about bail, but if we want people to be preventative from going into prison and so, on—idle youths—community centres in at-risk areas, these are the areas that focus should be placed on when you are building some community centres or refurbishing, and this is not happening under this administration, but yet we are talking about being serious about crime.

For example, I have been, for the last three and a half years, asking the Minister of Sport to refurbish two sporting grounds in the community of Morvant and up to now—and as I always say if there was one promising Minister here in this House is the Ministry of Sport. He keeps promising and up to now [*Laughter*] nothing has been done in the constituency of Laventille East/Morvant with regard to sports, and we know that there are many areas in that area that are at-risk areas. All right? [*Interruption*] So, we are talking—I mean, sometimes when people talk I really get upset and I really do not even want to listen. And why? Because I feel that my time is just being wasted. Because if you are talking about crime, you have to target at-risk areas and, of course, if you want people to deviate from crime or not turn to crime, you know there is a saying “the devil finds work for idle hands.” And I feel those are areas that you need to fix.

The areas particularly concerning the recreation ground, the community centre. Morvant Community Centre is the first community centre that was built in this country and the community centre needs to be rebuilt. As a matter of fact there is no centre there now. The space is there and I have been talking to the Minister of Community Development and I do

not know what is happening.

Hon. Member: He is running second to most promising Minister.

Miss D. Cox: He is running second to most promising Minister and, like his name, he is just dancing all around, you cannot pin him down. Okay? [Laughter] So, Mr. Speaker, I just feel that if we are serious then we must do more.

Concerning this Bail (Amd't) Bill, of course we must talk about the prison, because I would like to know where will they be fitting all these people. Where will they be going if there are added offences and now you are not entitled to bail unless after 120 days, if evidence is not found or if the case has to be called? So, it means you must have more space and place for these persons, and I will talk about Remand Yard in a "lil" while.

But a perusal of the budget, national security budget for the past few years, I observed year after year the same work reoccurring in the prisons. Remand Yard: up to now Remand Yard has not been fixed so now you see what is happening; women's prison officers' quarters, ration room—I want to know what is the status of the proposed prison training academy which was earmarked to be built in Golden Grove. Mr. Speaker, the Remand Yard facility was built to accommodate 300 prisoners; it now holds 1,200 prisoners, so you can just imagine the state that we are in at this time. The prison service needs modern security equipment. There are serious health and safety issues to be addressed in the prisons and, therefore, there must be a swift approach to modernizing our nation's prisons.

I would like to know what about the prison rules. Again, I heard that we did nothing or we buried our heads in the sand. But, Mr. Speaker, I am aware, because being a former Minister of State in the Ministry of National

Security, the prison service was under me, and I am aware that in 2010, the prison rules were completed and it was just waiting to be placed on the legislative agenda. I can say that because I worked very hard on those prison rules with the representatives from the first division of the prison service, the Prison Officers Association, the CPC, a representative from the Attorney General's department and the legal persons from the prison service, and we worked for months on those prison rules, and up to now, this is three and a half years, we cannot see the prison rules come to this House as yet. So, if we are talking about being serious about the prison service and so on, I think the prison rules need to come to the House, because it is really old. I think it is probably 18-something, those prison rules, so we need to work on that.

Mr. Speaker, I know also that land was acquired in 2010 for the construction of a prison in Tobago. I have not heard anything about that. I want to know what is the keep back? I would also like to know what is the status of the prison in Santa Rosa which was built for the people of east Port of Spain and environs, because, so far it is the only building that they have built, a prison in Santa Rosa. *[Interruption]*

Mr. Warner: They did not build that, they renovated it.

Miss D. Cox: As a matter of fact, I just heard they did not build it, they renovated it. *[Interruption]* Mr. Speaker, we need to also look at the inhumane conditions in the prison, most important in Remand Yard. The conditions really are not good in Remand Yard. I want to refer to a newspaper article, a few newspaper articles but I would start with this one which was February 01, 2013, *Trinidad Express*:

“Prison Conditions Creating Monsters.

The conditions that prisoners endure while they await”—I am quoting here—“trial could be leading to the release of monsters back into”—our—“society.”

This was the comment made yesterday by Justice Anthony Carmona as he spoke of the circumstances men faced at Remand Yard:

“The authorities must be reminded that if you treat a man like an animal when he is in Remand Yard, when he comes out, you will have a monster on your hands.”

Crime has multiplied a thousand fold within the last 15 years, he said.

Mr. Speaker, Justice Carmona was speaking during the sentencing of Andrew Floyd who pleaded guilty to the possession of firearm and ammunition. This is one article. The other one, I think, that everyone was commenting about Prof. Ramesh Deosaran. You know, when you looked at him on the television when he came out of the prison he looked as though he had seen a ghost—[*Interruption*—and everyone has been speaking about that, you know. It was just something else to see his face. But I want to just quote from the *Guardian* of Friday, November 22. I quote:

“Speaking with members of the media outside the Maximum...Prison in Arouca yesterday, after a seven-hour tour of the three prisons at Golden Grove, which consists of Remand Yard, MSP and Golden Grove prison, Deosaran admitted to being traumatised after the visit of his team. He said he was not only shocked, surprised and angry at what he saw, but was also saddened.”

Mr. Speaker, while reading this last night, there is a part that shook me and I will tell which part it is:

“He said it is a very ugly situation at Remand Yard and suggested that

magistrates and judges ‘who have something to do with this by trial delays’ should visit and see”—the conditions for themselves.

I continue reading, and this is the part that shook me up:

“I am worried”—he said—“when they come out from such an experience what sort of citizen would they be. What scared me was the look on their faces.”

6.30p.m.

Mr. Speaker, I do not know why I internalized this, so when I read this, I started to imagine myself being in there, and it was really touching for me because I realize that, I think, people did not understand this, when he looked at them while in prison, that is what shook him the most.

I feel that if we come here with this Bill, the first thing we have to do is fix the prisons. I mean, are we going to put more people inside of this Remand Yard? I am seeing that it is Golden Grove that they went to. The Port of Spain Remand Yard is worse than this; it is worse than the one in Golden Grove. So you can just imagine if they had gone there, they would have had to carry Prof. Deosaran out of there because it is worse—Port of Spain Remand Yard is worse than Golden Grove and the way they talk about Golden Grove—*[Interruption]* Yes, it is worse than Golden Grove. Okay? And imagine that this is what is happening.

So I think the Government needs to fix their business first. Even if you want to come with a Bill like this—not that we agree because it is, indeed, draconian in nature—you must put things in place first: the court system; the prison service, instead of just coming with this draconian Bill to throw people in prison for four months without bail, Mr. Speaker.

There are also prisoners who are unable to get bail. Before I go on,

there is one other article here: “Appeal Court condemns prison conditions”.

And this is the *Express* of July 31, 2013. I quote:

“After condemning the conditions of the Remand Yard and chastising police officers three Appellant Judges awarded a San Fernando taxi driver \$168,000 plus interest yesterday for wrongful arrest, malicious prosecution and loss of liberty.”

And it speaks about, you know, further on in the article they spoke about the prison system.

“He was kept at Remand Yard a total of 150 hours from October 25 to October 29 when he was released on bail.

Okay? And he was awarded \$168,000.

There is one part he spoke about the prison. He said he

“was nauseated by the stench emanating from the cell and make shift toilet...the cell was cramped and he had to share it with 12 other men and”—he therefore—“drank water for”—one—“week”—and he said he will not wish this on his worst enemy.

So therefore we realize, you know, the state that Remand Yard is in.

Why I talk about it, too, is that I know that since I was Minister, I looked back and saw some speeches where we were talking about Remand Yard; that work was to be done on the Remand Yard. It was in the budget and so on, and I am seeing now—I am still seeing work to be done on Remand Yard. So I do not know what is happening. I do not know who is doing this work, if it is snails or something, why the work cannot take place. Right?

But I know years ago, I looked back—while doing research I looked back at a speech and saw where we were supposed to start work on Remand

Yard. It was probably in 2009 or 2010, and it was in the budget. I even looked at the last few budgets under this administration and I see Remand Yard again. So I do not understand what is happening, what is this keep-back on fixing Remand Yard. And yet now, the Government wants to come and put more people in the Remand Yard. Where are they going? Where will they fit, Mr. Speaker?

Hon. Member: [*Inaudible*] want us to close it down.

Miss D. Cox: And there are also prisoners who are unable to get bail, and that is the reality of a situation. You know, some of them cannot afford it and so on, so they are just there in Remand Yard. You have that set of persons there, too, who remain “lock up” and Remand Yard is described as a time bomb by prisoners, and prison reform, of course, will, indeed, reduce crime.

I know that—I saw this article where the Inspector of Prisons mentioned that prison reform will reduce crime, but I would not go with—I have more articles but I think that is enough. I think I have made my point there. But I just want to state that in remand yard, cells which were made to accommodate three to five prisoners now hold nine to 15 prisoners. Okay? Three to five prisoners and they now hold nine to 15 prisoners. So, therefore, you know, there were problems at the nation’s prison recently and I urge the Government to hasten the construction of the new remand prison.

Mr. Speaker, I saw in the newspaper where the special prisons committee made some recommendations to the Prime Minister and some concerns: CCTV camera; cell jammers and so on, and a lot of these recommendations are not new. These are recommendations that I have seen before. These are recommendations of work that was supposed to be done

in the prison. I am aware that there were cell jammers; I am aware that there were instruments in the prison to detect metals and so on. I do not know where they disappeared to, or what has happened, but I am aware that they had those devices.

I saw no recommendation, though—I saw the prison rules. I agree what that. I think it is time that these prison rules come to the House. But there is no recommendation at all to deal with—what about abuse by prisons officers also? What is, you know—I know that we spoke about very good prisons officers. I am aware of many of them, and most of them are really good because being in prison, to me, a prisons officer is locked up also. Being a prisons officer, being in prison, you are also locked up, working in a prison. It is not easy.

We know there are very hard-working prisons officers out there, but, of course, there are those who are corrupt, and that is the point. And what is being put in place for those officers who are corrupt. I saw the Commissioner of Prisons mention that 5 per cent of the prisons officers are corrupt. Well, it is 5 per cent too much. If that is the case, 5 per cent is too much.

Mr. Warner: Five per cent US.

Miss D. Cox: Somebody said 5 per cent US. [*Laughter*] You know? And there is another part about abuse by prisons officers, and I want to refer to a newspaper article in the *Newsday*, dated August 18, 2013 where:

“Last month High Court Judge Justice Joan Charles ordered the release of convict”—I would not call his name—“from prison. He had already spent half his life—24 years in jail serving time for four counts of armed robbery.”

It is said that:

“He signed a document which he believed was a fresh notice of appeal, but was later told that it was, in fact, a notice to withdraw his appeal of his conviction and sentence. In his constitutional claim”—he said that—“he was tricked by prison officers and also claimed that he was placed on death row for three years ‘out of wickedness’. The State did not deny any of these claims in the case.”

And this case, they are saying, it is just the tip of the iceberg because there is:

“A confidential”—report—“2012 report by Inspector of Prisons...which has been obtained by”—the newspapers which—“makes clear the extent of abuse at the hands of prison officers. While the focus these days has rightly been on the rampant crime levels and seemingly desperate efforts to capture and punish criminals, instances of the use of excessive force and abuse by prisons officers on convicts are quietly taking place behind the shut gates of the nation’s jails. Some, like Khan, argue that these instances are crimes in and of themselves.”

So what we are saying here is that—we see here that these claims were not even denied. Okay? So we wonder how many more persons may be victims. But I am not saying that all prisoners may be innocent and so on because, of course, there would be prisoners who may be violent and so on, but I mean, if they are in those kinds of conditions—I am not making any excuses for them, but that kind of barbaric condition that they are in, really is not a good thing. It really is not good for anyone. Okay? So, Mr. Speaker, I hope that the Government will do something seriously about that.

But I want to bring something to your attention, and that is the cost of keeping an inmate in prison. Because the cost of an inmate in prison, when you count everything, including costing the prisons officer who has to work in the prison, it is \$435 per day, per inmate. So think about the cost of keeping a prisoner in remand—\$435 per day, per inmate. The cost of keeping an inmate within the system per month is \$13,485 per inmate, per month. Okay? Therefore, the cost of keeping an inmate in prison per year amounts to approximately \$1.6 million.

Mrs. Gopee-Scoon: It is per prisoner you are speaking of?

Miss D. Cox: Per prisoner—per inmate. And there are statistics to show that 55 per cent of 3,800 inmates is \$904,109 per day, per inmate because the Commissioner of Prisons stated that 55 per cent of the inmates in jail now are Remand Yard prisoners—55 per cent. All right? So 55 per cent of 3,800—and it could be more than 55 per cent because this figure is 2012. Okay? So 55 per cent of 3,800 inmates, it is almost \$1 million per day for all the prisoners in Remand Yard. So when we come now and add these persons to Remand Yard, “yuh see what is happening”? Taxpayers’ dollars “jumping up as per usual”.

I also would like to look at a little bit on the—I observed that in the amendment something was taken out because I was looking—I wanted to find out why certain sexual offences were removed from the offences, and those that were removed were sexual intercourse with female under 14; sexual intercourse with female between 14 and 16; sexual intercourse with male under 16, and sexual intercourse with an adopted minor.

I was going to talk about that but I realized that we got an amendment today, and I would like to ask the Government, please, you know, when you

have amendments, do not wait until we come here to bring these amendments. If you have the amendments, send them to us before, please, because I would have prepared, based on what I was given. Okay? So I came prepared to speak about the fact that this was removed and when I came here today, I was issued an amendment showing that “any offence under the Children Act or any Act repealing and replacing it” is also listed under Specified Offences. So I am okay with this, and I should have known that before so I would not have been going through this while preparing.

But I still want to make a comment on this because the human rights report concerning Trinidad and Tobago states that in 2012 that the police received 209 reports of sexual intercourse with girls between 14—16, and 109 reports of sexual intercourse with girls under 14, and this is in 2012. But what I want to say, I also got statistics from the Crime and Problem Analysis Branch of the Trinidad and Tobago Police Service which speaks of the crime statistics of 2007—2013, and there is something that I see. We talk all the time about crime and we talk about serious crimes, which rape, incest and sexual offences are listed under serious crimes. When you look at the trend in serious crimes concerning murder—we look at murder and we look at crime; we look at robberies; we look at wounding and shootings; burglaries and break-ins, but we hardly talk about the rapes, incest and see now sexual offences, and you see now what has been happening in our country today. All right?

But look at the trend. I want to show you the figures. In 2008—well, they did not have the figures available, that is, in 2007. In 2008, 670 cases of rapes, incest and sexual offences; 2009, 642 cases; 2010, 632; 2011, 512; 2012, 933. Who is monitoring this? In 2012, the cases of rapes, incest and

sexual offences jumped to 933—[*Interruption*]

Hon. Member: From 600.

Miss D. Cox: From 600 and something, you know, between 2008—2011. So, clearly, something is wrong here and persons need to be—the Government needs to be checking on this. All right? Because we are placing emphasis on crime, murders and so on, and look at the sexual offences—[*Interruption*]

Hon. Member: That is the same Trinidad and Tobago?

Miss D. Cox:—933. This is in Trinidad and Tobago, 933 cases of—that is reported cases. All right?—reported cases.

And I see here, where we talk about—like in 2012, in the 933, 456 were solved. Four hundred and fifty-six cases were solved under rapes, incest and other sexual offences. So I would like the Government to look into this. This is serious, and I will not go in the other parts because I realized that we have an amendment to this part of it.

6.45 p.m.

I also want to ask the Government to pay some focus on the Forensic Science Centre because I believed that the staff needs to be increased, and their capabilities and competences must be strengthened to ensure that they can support law enforcement agency in a timely and professional manner. Because you see, criminals explore weaknesses in law enforcement and in the legal environment, and the Government must, therefore, not only seek to stem the flow of criminal activity through legislation, but there is a great gap in law enforcement in Trinidad and Tobago and, the reality is, the crime rate is up, detection rate is down and conviction rate is down—and that is the reality.

So, Mr. Speaker, you know, the Government should rethink this harsh legislation of jail without trial for months because there is no provision in the Bill for when this trial should start, and this is a fundamental breach of a person's constitutional rights. Of course, we on this side, we do not support criminals, we do not support criminal activity. We want to make that very clear, we do not support criminals, we do not support criminal activity because crime affects all of us, and when the Government brings legislation to this House, it must be done within due process of the law.

Mr. Speaker, I want to speak about a Supreme Court decision, that an amended Bail Act was unconstitutional in Jamaica, because actually they had a similar Bill and they had a 60-day waiting period and this was opened to major constitutional and judicial sentencing. The first issue is that bail should be the sole purview of courts and not legislators, and it was not in keeping with the fundamental rights and freedoms enshrined in the Jamaican Constitution. Okay? So we see here—it was 60 days, “eh”, and it was challenged in Jamaica and they won the case. All right? There is a precedent on the issue examined by the Privy Council.

Mr. Speaker: Hon. Member? Hon. Members, the speaking time of the hon. Member for Laventille East/Morvant 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.

Mr. Speaker: Continue, hon. Member. [*Desk thumping*]

Miss D. Cox: Thank you. Thank you, Mr. Speaker, thank you to my colleagues. There is precedent concerning the issue examined by the Privy Council, concerning this issue about the Bail amendment where it is said

that it is indeed unconstitutional, and *The State v Khoyratty*, Mauritius, on an appeal from the Supreme Court of Mauritius:

The Supreme Court of Mauritius held that automatic refusal of bail amounted to interference of the legislative functions which are within the domain of the judiciary.

So it amount to a breach of section 1 of the Constitution, and similar reasoning can be applied to these amendments in the Bail Act. But before I give those similar reasoning, I just want to state that this same *Khoyratty v State* judgment was used recently, where the Central Bank Act was proven to be unconstitutional and void, Mr. Speaker, and we can say as an Opposition, we told you so. Because we came here, we debated that Central Bank Act and we stated to the Government that it was indeed unconstitutional, and last week it was challenged and they won. Permit me to quote from the *Express* of November 29, 2013.

“Judge: It’s unconstitutional.

The High Court has struck down the Central Bank (Amendment)...deeming it unconstitutional and void. Justice Ronnie Boodoosingh yesterday ruled that the Act which sought to prevent people from seeking access to the court to sue the Central Bank, breached the separation of powers.

The case was brought by Stone Street Capital which had Martin Daly SC representing the company.”

I just want to quote what the judge said also:

“Boodoosingh stated: “What Parliament has done by this amendment act is to provide for an automatic stay, which when shorn of its ‘temporary’ cloak, is to direct the court to stay pending matters or not

hear claims which are validly bought until the Central Bank says so. Is this amendment act seeking to direct the ‘manner and outcome’ of the exercise of the court’s jurisdiction, as contemplated by the cases?”

So, Mr. Speaker, we see here that Mr. Martin Daly SC represented the company and, of course, they won the judgment against the Central Bank.

Miss Mc Donald: He only had to read the *Hansard* and he would have seen—[*Interruption*]

Miss D. Cox: This is the same judgment that Jamaica and Mauritius—the judgment here, where they proved that the Bail Bill was unconstitutional and this was for 60-day waiting period. We are here now talking about 120 days. So jail persons without bail for 120 days. So therefore, you know, if this is challenged, they have the same judgment to look at, *Khoyratty v The State*.

Mr. Speaker, the similar reasoning can be applied to the amendment in the Bail Act because:

- (a) it is implicit in sections 4 and 5 of our Constitution that the process of bail is to be handled by the judiciary and not the executive;
- (b) that the judge can refuse bail only if he is satisfied that there are sufficient grounds for departing, from the presumption of innocence and the consequent prima facie right to liberty pending trial.

There is another case here with the Brazil Supreme Court. Brazil has the fourth largest prison population in the world. Of course, they have the same problem with overcrowding in prisons, exposed to risk of disease and

illnesses, and they are stating that they face abuse and torture by prison officials and police alike. And I quote from this article, the Open Society Justice Initiative:

“But this grim situation could now start to change, thanks to a landmark ruling by Brazil’s Federal Supreme Court...supporting the right of pretrial detainees...”

The same pretrial detainees are persons in remand yard.

“...to seek professional release on bail, or some other cautionary measure, pending trial. By ruling against a 2006 law that prevented this kind of applicant in cases involving certain drug crimes, the court has taken a powerful stand against unjustified mass pretrial detention.”

And this is what we want to have here, unjustified mass pretrial detention.

“The issue came up before the Supreme Court when a detainee filed a habeas corpus petition challenging his three-year long detention without trial.”

This is also in Brazil. The person who challenged this, won also. What message, Mr. Speaker?

I also want to quote from a press release from the Law Association of Trinidad and Tobago dated March 12, 2013, with regards to this Bail (Amendment) Bill. I quote:

“...The removal of the constitutional right to bail also affects an accused person’s other constitutional rights such as the right to presumption of innocence and the right not to be deprived of liberty except by due process. The legislative removal of the right to bail from the jurisdiction of the judiciary offends the separation of powers

and is inconsistent with our Republican status as a democracy since the Courts have ruled that the grant or refusal of bail in a modern democratic state must be exercised by an independent judiciary. Further these provisions will deny freedom to those who, while they may be guilty, are however presumed in law to be innocent.”

And that is what I mentioned before, you know, because you may be guilty, of course, but you have to be presumed to be innocent because you have not been to court, you have not been tried. And here the Law Association is not in agreement with this.

What message is the Government sending to the Judiciary, Mr. Speaker, by bringing this further amendment to the Bail Act in this House? Are they saying that the court has no power to grant bail in serious offences, so the Parliament is doing it? What about the separation of powers? Mr. Speaker, pretrial detention or not granting bail to an individual should be used as a last resort, and this involved the detention of individuals who have not yet been convicted of criminal conduct.

In the American Bar Association International Standards on Pretrial Detention Procedure, I would like to quote. It states that:

“In many countries, overreliance on detention is a major problem... The overuse of detention is often a symptom of a dysfunctional criminal justice system that may lack protection for the rights of criminal defendants and the institutional capacity to impose, implement, and monitor non-custodial measures and sanctions.”

In Trinidad and Tobago pretrial detention resulting from heavy court backlogs continue to be a problem, and many persons wait for months and years to go to court. What will happen if the period of pretrial detention is

mandatory extended by four months before an accused can apply for bail? Mr. Speaker, I say again, we do not have the capacity to house remand prisoners now, much less later, and I suggest to the Attorney General that he withdraw this Bill, reduce the legislative encroachment on judicial powers, fix the judicial system first, fix the prison service first, fix the prison service. I would like to leave the Attorney General with a statement made by Lord Steyn of the Privy Council in the *Khoyratty* judgment, and I quote:

“The idea of a democracy involves a number of different concepts.”

1. “...the people must decide who should govern them.
2. “...there is the principle that fundamental rights should be protected by an...independent judiciary.”
3. “...in order to achieve reconciliation between...these two ideas, a separation of powers between the legislative, the executive, and the judiciary is necessary.”

Mr. Speaker, in conclusion, we on this side support all reasonable initiatives to reduce crime, we support initiatives in the fight against crime, because, as I mentioned before, it affects all of us. But we must, however, ensure that our constitutional rights are not eroded by the measures brought forward by this Government.

I thank you. [*Desk thumping*]

Mr. Speaker: The hon. Member for La Horquetta/Talparo, Minister of Land and Marine Resources. [*Desk thumping*]

The Minister of Land and Marine Resources (Hon. Jairam Seemungal): Thank you, Mr. Speaker, for allowing me to contribute in this very important debate, and I want to start by supporting the Attorney General on this amendment to the Bail Act, Chap. 4:60.

Mr. Speaker, as I listened to the last speaker, I myself got confused as to what this amendment is about, and you could imagine the young children listening outside there, who may be more confused than me—and I am sitting just across the board—but I want to concur with her that crime is not a partisan issue. It affects each and every one of us, and we would not use the opportunity to score any political points on this issue because it affects every single family, it affects every single citizen of this country. But as I stand, I want to read what the amendment is about, and with the amendment it is, Mr. Speaker—and I quote from the Bill itself:

“(2) Subject to subsections (3) and (4),”—the—“court shall not grant bail to...persons who”—is—“over the age of eighteen and who—

(a) was convicted”—of—“an offence listed in Part II of the First Schedule; and”

“(b)” who—“is charged with an offence listed in Part II of the First Scheduled,”—within ten years after the completion of the sentence.

7.00 p.m.

Mr. Speaker, let me also read into *Hansard* some of these specific offences outlined in Part II of the First Schedule. These offences have to deal with possession of imitation firearms, in pursuance to any criminal offence, larceny of a motor vehicle, arson, trafficking in dangerous drugs or being in possession of dangerous drugs for the purpose of trafficking, rape, grievous sexual assault, buggery, sexual intercourse with a mentally subnormal person, incest, kidnapping, kidnapping for ransom. Mr. Speaker, these are the types of offences and a lot more that this amendment seeks or,

on the first instance, persons convicted of these offences, and thereafter, when they are charged with any of the offences listed in the same Schedule, they would be denied bail for a period of 120 days.

Mr. Speaker, as I sat and listened to all the Members on the other side speak about the offender, I have not heard anyone speak of the victims of crime. The victims of crime are the persons who suffer the most when an offence occurs, and if one is to sum up what happens with these victims of crime, it resembles that of a very clean sheet of paper. If one takes a very clean sheet of paper, it is the life of an individual before the crime occurs, before that criminal element enter into the life and affects that individual. It is as smooth and clean and white with very few jagged edges. What happens to that victim?

Mr. Speaker, this is what happens to that victim's life. When the crime occurs, it is like a crumbled sheet of paper. After that conviction, the individual starts to build their life once again and this is what happens: the sheet is never clean thereafter; the paper is never smooth thereafter; the life of that individual is forever affected by that crime, and this is what the first part of that amendment—it is the person convicted of an offence, convicted of an offence, and this is what the victims of these crimes have to undergo. They have to rebuild their lives, they incur expenses, and when I listened to the last speaker with respect to the statistics for keeping an inmate in jail, some \$400 to \$1,000 per day, Mr. Speaker, I ask: What is the cost in relation to curing that victim and bringing their life back into the resemblance of that smooth, clean sheet of paper where they started, that clean life where they started?

The cost to these victims when they have to undergo psychiatric

treatment, when they have to undergo medical expenses, when they have to beef up the security within their homes, they have to install security systems and they have to burglar proof their homes. Their home, itself, becomes a prison—a prison, Mr. Speaker—and then we speak of the suffering of the inmates on Remand Yard and other prisons, but the individual's life and the individual's family now become a prison for everywhere they turn.

I have heard instances of constituents of mine who are unable to sleep at night. Some of them, half an hour per night, in some instances, some of them have to keep vigilant because of crimes that occurred within their family, within the sanctuary of their homes. That is the trauma which these victims of crime undergo because of persons who have been convicted in the first instance, and now we are seeking these persons who are charged with offences similar to that related in the First Schedule—Part II of the First Schedule and who have been convicted of offences in the same Schedule. And these are not ordinary crimes, these are not shoplifting; these are crimes that are harsh in its own rights; these are heinous crimes. These are crimes that affect individuals dramatically, it changes their entire life and these are the types of crimes we are also trying to protect our citizens against.

Mr. Speaker, I just want to read from an extract which was published in the *Daily Mail* of the United Kingdom and it relates on criminals on bail commit one in seven murders.

“Criminals on bail commit one in seven murders: Suspects released by the courts responsible for a crime every ten minutes including two rapes”—per—“WEEK.”

Mr. Speaker, and I quote from the article:

“One in seven murders in Britain is committed by suspects freed on

bail while awaiting trial for other crimes, according to”—the—
 “disturbing new figures.

Last year 56 murders - more than one a week and a shocking 37 per cent rise”—from—“2011 - were carried out by people bailed by the courts.”

Mr. Sharma: Very good, very good!

Hon. J. Seemungal: These were carried out by people on bail by the court, and the article goes on to say:

“If they had been remanded in custody, the victims’ lives may have been saved.”

“If they had been remanded in custody, the victims’ lives may have been saved.”

Another article, again; this one was published by Lynda Cohen and it states that:

“A convicted killer arrested at least three times this year kept making bail and allegedly continued his criminal activity before he was wounded by...police...”

Mr. Speaker, there are evidence all over, not just Trinidad—Trinidad is one unique island—but there are evidence all over which states that persons who have been convicted and who have been released on bail have committed crimes during that period. This one is taken from and it was published by the *Telegraph* of the United Kingdom:

“A murder is committed by a criminal out on bail every ten days, new statistics have revealed.

On average, three offenders per month were convicted of murder while already on bail for another crime last year.”

This was published in 2011.

“A further 180 crimes were committed by offenders every day while on bail, according to statistics”—of—“the Ministry of Justice, with”—65,000 persons—“convicted in 2011.”

Mr. Speaker, the spokesman for the Ministry of Justice in the United Kingdom said and I quote:

“Dangerous offenders who pose a threat to society should always be remanded into custody while”—awaiting—“trial.”

So, Mr. Speaker, this situation that we are in, that we find ourselves in, is not unique to Trinidad and Tobago, it is not unique to our situation in this country, but it occurs throughout the world, and we must treat with it based on the situation which we find ourselves in. At this point, the police have asked and indicated that a good tool for them to work with is to bring amendment to the Act that would allow them to hold persons without bail for 120 days while on a charge for a second time on offences convicted of in the First Schedule.

But, Mr. Speaker, this Government fully understands the need for restorative justice and does not intend to simply relegate a convict into a cell and throw away the key. What we believe is that through a mirage of programmes offered, the prisoner will come to accept the moral and even spiritual responsibility for the right of the victim that has been infringed upon. Mr. Speaker, permit me to outline some of the programmes that have been undertaken by the prison system and these programmes, many of which started since 2005, and continues today. These are very important programmes in the rehabilitation of persons convicted and when I am through, you would understand why it is necessary, or may be necessary,

after spending all this money on rehabilitating individuals to release them back into society, why it may be necessary to punish them in a different manner from turning back to a life of crime, especially when convicted under crimes committed of the Second Schedule.

Mr. Speaker, there are many religious and spiritual programmes offered in the prison system and these religious programmes are targeted towards the anti-social values and emphasis on accountability and responsibility. They also seek to improve the social skills through interaction and through interaction with religious activities in persons of different persuasions in a single community of the prisons. There are many institutions who participate in these programmes: the Pentecostal service, Raja Yoga, the fundamental Baptists, the Belmont Gospel Hall, the Roman Catholics, the Muslims, Al Jumaa, the Hindus, the Jehovah Witnesses, New Hope Prison Ministries, the Full Gospel Ministries, the Evan's video ministries, Evangelical Explosion, the Presbyterian, Seven-days' Adventists, spiritual Baptists. There are many other ministries—spiritual ministries—that give of their time, all of which are free, to help rehabilitate persons within the prison system. I want us to applaud these people—[*Interruption*]

Mr. Samuel: Yes.

Hon. J. Seemungal:—applaud these persons who go to these prisons and give of their time—[*Interruption*]

Mr. Samuel: Yes.

Hon. J. Seemungal:—and give of their time freely for—[*Interruption*]

Mr. Samuel: Hard work.

Hon. J. Seemungal:—and hard work for the purpose of rehabilitating prisoners and bringing them back to society. [*Crosstalk*] This is why, Mr.

Speaker, we are very cognizant of the fact that after going through these types of spiritual enlightenment in the prisons service, and these persons come out and commit crimes similar to that of the Schedule, it is necessary to hold them because it means that they may be a repeat offender.

Mr. Speaker, there is also a leadership programme within the system and it is geared towards development of leadership qualities, values and skills in offenders through a biblical-based programme.

7.15 p.m.

Mr. Speaker, there is also conflict resolution taught in the prison, and these are geared towards helping offenders identify the causes of their conflict—and define their conflict, and their response and effort,—and effect to conflict, and possible steps to resolving these conflicts. Mr. Speaker, there is also an empowerment programme to enhance the lives, of skills, of the offenders. There is a very important programme called the drug rehabilitation programme. And this programme, Mr. Speaker, again, it is geared towards these persons who have been convicted. Remember this Bill is a two-tiered Bill, one of which is that they must have been convicted on the first instance. And the second tier is if they are charged with an offence listed in the Second Schedule.

Hon. Member: [*Inaudible*]

Hon. J. Seemungal: And these programmes, Mr. Speaker, are geared towards persons who would have fallen within the first year, that they would have been convicted of an offence. Mr. Speaker, there is a programme called the Walk Tall Programme, to enhance the life skills of offenders within the Maximum Security Prison. There is individual counselling, Mr. Speaker, persons giving of their time to go into the system and sign up to

programmes that allow them to help prisoners on a personal development and assessment in coping with traumatic events that may have occurred within the prison system. There is a life support programme, Mr. Speaker, and this is geared to help offenders develop a realistic attitude and plan for their lives, and thus enhance their success after release, and to encourage [*Crosstalk*] and facilitate effective reintegration within society after the life of prison.

Mr. Samuel: Yes.

Hon. J. Seemungal: Mr. Speaker, these are very, very important programmes—[*Interruption*]

Mr. Samuel: Very much so.

Hon. J. Seemungal:—and they must be understood in the context of the first limb of this amendment, which is that the persons must have been convicted before. And they must then have been convicted, and released from prison, and have committed an offence within 10 years of their release from prison, Mr. Speaker. There is a programme which is defining masculine excellence—

Hon. Member: [*Inaudible*]

Hon. J. Seemungal:—and again offenders who assume responsibility for family roles, and are less likely to be introduced without learning family skills and family ties, Mr. Speaker. These life skill programmes are geared towards teaching men that their role in society is a very important role, and not one of just entering into criminal activities and continuing with criminal activities after a life of imprisonment.

Mr. Speaker, there are also programmes with respect to adolescents development within the prison system, and this programme is geared

towards teaching life skills and building self-esteem within the system. And it is also geared towards parenting values, Mr. Speaker, literacy work and counselling—and I am sure the Member for Caroni Central—[*Interruption*]

Mr. Sharma: Of course.

Hon. J. Seemungal:—may be very excited—[*Interruption*]

Hon. Member: Very excited [*Inaudible*]

Hon. J. Seemungal:—by these type of programmes that are being [*Desk thumping*] offered within the system.

Hon. Member: [*Inaudible*]

Mr. Sharma: We all should go there.

Hon. J. Seemungal: Mr. Speaker, there is also a programme—[*Interruption*]

Mr. Ramadharsingh: I was getting bored before that. [*Laughter*]

Hon. J. Seemungal:—there is also a programme which is a self-esteem programme and it encourages personal development within the system. There is also a mentoring programme to development leadership. So that there are prisoners who will emulate other prisoners, and are being mentored by other persons outside of the prison system. And these programmes are geared towards their development. And when I listened and I heard Members saying that we scrapped every single programme that they introduced, these programmes started in 2005 and they continue today—and they continue today with the purpose of rehabilitating prisoners, after they are convicted for their release into society, Mr. Speaker. [*Desk thumping and Crosstalk*]

And I want to continue repeating exactly what is said in the amendment. The amendment is a two-tiered system. You must have been

convicted for an offence, and the second part is that you must have been charged with an offence thereafter, after the release within 10 years. So Mr. Speaker, there are many programmes that are geared towards helping these prisoners, after conviction, towards their own development, as they enter and out of the system. And Mr. Speaker, there are many sporting activities, as well, which are taught and which take place within the prison system. There is a football competition, I am told, in the prison system. [*Crosstalk*] There is football competition. There is something called a football fiesta.

Mr. Ramlogan: What?!

Hon. J. Seemungal: Again, these programmes dealt with the development and the persons within the prison system. There is also a wind ball cricket competition—[*Interruption*]

Mr. Imbert: Within Remand Yard?

Hon. J. Seemungal:—basketball competition [*Crosstalk*], at remand, at all of them, Mr. Speaker. This list—Mr. Speaker, may I remind my friends that this has nothing to do “bout” Remand Yard.

Mr. Imbert: What?

Miss Hospedales: What?

Hon. J. Seemungal: This is about the persons who have been convicted—[*Interruption*]

Mr. Ramlogan: That is right.

Hon. J. Seemungal:—this is convicted. [*Crosstalk*] I am telling you “bout” programmes that have developed within the system—[*Desk thumping and Interruption*]

Hon. Member: “Yeah, yeah, yeah.

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Hon. J. Seemungal:—to help persons who have been convicted.
 [*Crosstalk*] Mr. Speaker, this is about—this Bill—apparently they do not understand.

Miss Hospedales: What?!

Hon. J. Seemungal: Let me read again what the Bill is about.

Miss Hospedales: [*Inaudible*] understand?

Hon. J. Seemungal: This Bill is about persons who have been—
 [*Interruption*]

Mr. Imbert: Charged.

Hon. J. Seemungal:—convicted, convicted.

Hon. Members: And charged.

Mr. Deyalsingh: Charged, charged. [*Crosstalk*]

Hon. J. Seemungal: You must have been convicted of an offence—
 [*Interruption*]

Miss Hospedales: What?

Mr. Imbert: [*Inaudible*] fool.

Hon. J. Seemungal:—under part two of the First Schedule. And then thereafter you are charged within 10 years—[*Interruption*]

Mr. Ramlogan: Yes. That is right, that is right. [*Desk thumping*]

Hon. J. Seemungal: These programmes I am telling you about are persons who have been convicted—[*Interruption*]

Hon. Member: [*Inaudible*]

Hon. J. Seemungal:—and understand what they are about. Then I will tell you as to why we support [*Crosstalk*] because of the amount of time and effort that we are spending with these people.

Hon. Member: [*Inaudible*]

Hon. J. Seemungal: Mr. Speaker, we are spending time, and we have programmes in place to ensure that these persons, after leaving—
[Interruption]

Mr. Imbert: Somebody would save you from yourself.

Hon. J. Seemungal:—their place of confinement within the prison system, and they are released back into society, they are changed individuals. And no one expects—*[Crosstalk]*—no one expects that they would commit another offence. Mr. Speaker, let us understand it, and this is why I am taking time, so that they would not come and confuse the little children outside there—*[Interruption]*

Miss Cox: “You confused”.

Mr. Imbert: “You confused”.

Hon. J. Seemungal:—and make them feel that it is about charging anybody and then you are throwing them in jail. *[Crosstalk]* Mr. Speaker, I will continue to let them know what is happening inside the prison system as well.

Mr. Imbert: By exposing stupidity?

Hon. Member: “Orrh”.

Hon. Member: *[Inaudible]*

Hon. J. Seemungal: So Mr. Speaker, there—Mr. Speaker—*[Interruption]*

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

Hon. Member: “Whay yuh saying”?

Hon. J. Seemungal:—Mr. Speaker—*[Interruption]*

Mr. Sharma: “No, man, doh do dat.”

Hon. J. Seemungal: Come, come. Mr. Speaker, Mr. Speaker, I—
[Interruption]

Mr. Douglas: “Doh [*Inaudible*] like a lil child.”

Hon. Member: You, go ahead [*Inaudible*]

Mr. J. Seemungal:—Mr. Speaker, I [*Laughter*], Mr. Speaker, the Member for Diego Martin North/East, I expect, being the person who is probably the most senior in this Parliament, would not speak unparliamentary language in this House. Mr. Speaker, I am totally disappointed in the language that the Member has come to this House with. [*Crosstalk*] And if I was sitting in that Chair, I would have asked him to leave, [*Crosstalk*] and go upstairs, and take some [*Crosstalk*] lunch and come back. [*Crosstalk*]

Mr. Speaker: Member for Talparo, could you—[*Laughter*] Hon. Members, I know that a number of Members are still to speak, on the Opposition Benches. Could you allow the Member for [*Crosstalk*] La Horquetta/Talparo to speak—[*Interruption*]

Mr. Douglas: [*Inaudible*] like a child.

Mr. Speaker:—in silence, please.

Hon. Member: Yes.

Mr. Speaker: And do not disturb him. Allow the Member to speak in silence. Continue hon. Member.

Hon. Member: Take off “yuh” hat.

Hon. J. Seemungal: Mr. Speaker, I am very disappointed in the fact that the Member for Diego Martin North/East looked across the Bench and referring to Members of this honourable House as stupid. I mean—[*Interruption*]

Hon. Members: No, no, no.

Hon. J. Seemungal:—I mean, it is the language that I do not agree with.

Mr. Hypolite: He never said that.

Hon. J. Seemungal: You said that—Mr. Speaker. [*Crosstalk*] Mr. Speaker, that is the language that we are referring to.

Mr. Speaker: Could we have order and silence, please?

Mr. Imbert: Who said that?

Mr. Speaker: Hon. Members, could we cool the temperature?

Mr. Imbert: Who said that?

Mr. Douglas: Yes, you, Diego Martin. [*Crosstalk*]

Mr. Speaker: All right, okay. Members, could we have silence, please?

Mr. Douglas: [*Inaudible*] doh know what going on here, you know.”

Mr. Speaker: Member for Lopinot/Bon Air West. Could we have silence? I did not hear what the Member said. I did not hear it, but if the Member said that—[*Interruption*]

Mr. Imbert: No, no, no.

Hon. Member: No. The Member did not say that. [*Crosstalk*]

Mr. Speaker:—all right, could we have peace? And allow the hon. Member to continue.

Hon. Member: Act [*Inaudible*]

Mr. Speaker: And Member, just address the Chair. [*Crosstalk*] Address me. Please.

Hon. J. Seemungal: Thank you, Mr. Speaker. Mr. Speaker, as I said, crime has nothing to do with partisan politics. It is about all of us working together, and working for the betterment of the republic, for the citizenry, for the children, for the victims. And as I said early o'clock, this is what happened to the victims after the crime, when they are trying to build their lives. It could never be a clean slate as before the crime occurred, Mr. Speaker. And I feel for the victims of the crime.

I feel for persons who have been affected. I feel for the mothers who cannot sleep at night; I feel for the children who cannot even leave their houses, Mr. Speaker. I feel for the children who do not even return home. I feel for the young lady who went to visit her grandmother and was found in a barrel. Those are the victims. Those are the families that we come together, in this honourable House, to pass legislation, to help those people, Mr. Speaker.

So Mr. Speaker, I want to continue to read into *Hansard*, some of the programmes—[*Interruption*]

Hon. Member: Oh [*Inaudible*]

Hon. J. Seemungal:—that are available in the prison system.

Mr. Imbert: In the Remand Yard? That has nothing to do with this Bill. [*Crosstalk*]

Hon. J. Seemungal:—that are in the prison system. And these are for persons who have been convicted, Mr. Speaker. These are programmes that are available to them, to help them to rehabilitate themselves, to rehabilitate their minds, Mr. Speaker, and to come back out in society and be among the normal citizens, as they were prior to entering—[*Interruption*]

Hon. Member: [*Inaudible*]

Hon. J. Seemungal:—into the prison system. Mr. Speaker, in the Remand Yard, the Golden Grove Prison, in the Carrera, they all had draughts, Mr. Speaker, a very lovely game of draughts they would play on a regular basis.

Mr. Imbert: In the Remand Yard?

Miss Hospedales: No.

Hon. J. Seemungal: And these programmes, Mr. Speaker—[*Interruption*]

Mr. Imbert: You have 10 men in a cell.

Hon. J. Seemungal:—it is geared towards—[*Interruption*]

Miss Cox: With 15 men in a cell?

Mr. Imbert: 15 men in a cell.

Miss Cox: “Using ah pail pan”.

Hon. Member: When last you went in there?

Hon. J. Seemungal:—helping people [*Crosstalk*] in personal skills, Mr. Speaker. They also have [*Crosstalk*]—Mr. Speaker, this one, my colleague from Fyzabad would like—an inmate chutney competition in the prison.

Miss Hospedales: In the prison.

Hon. J. Seemungal: In the prison.

Miss Hospedales: Not in Remand Yard.

Hon. J. Seemungal: They have festivals so that they can help again—
 [*Interruption*]

Miss Hospedales: Not in Remand Yard.

Hon. J. Seemungal:—the rehabilitation of individuals, as they try to come out of the system. Mr. Speaker, they have what you call a children’s visit on Mother’s Day.

Hon. Member: At the Remand Yard?

Hon. J. Seemungal: Children visit on Mother’s Day, Mr. Speaker, for persons who have been convicted and persons who are in the system, in the prison, awaiting their time, and paying their dues to come back in society, Mr. Speaker.

Hon. Member: [*Inaudible*] again.

Hon. J. Seemungal: There are many orientation programmes, Mr. Speaker. These programmes are designed to reduce the negative effect of incarceration and promote adherence to institution rules and regulations.

These are orientation programmes which they carry out on a regular basis. And this is at the Golden Grove Prison, the Maximum Security Prison, at Remand Yard and Carrera, well they have Carrera listed here as well, Mr. Speaker.

There is a programme called a self-esteem programme.

Hon. Member: In remand.

Hon. J. Seemungal: Mr. Speaker, there is a self-esteemed programme which recognizes—*[Interruption]*

Hon. Member: *[Inaudible]* the Bill?

Hon. J. Seemungal:—the accomplishment, which looks at the accomplishments of individuals, and have tried to build self-esteem and self-worth, among promoting socialization skills, Mr. Speaker. These are programmes that have been developed since 2005, and it is good that when a government comes—*[Interruption]*

Miss Cox: Mr. Speaker—*[Interruption]*

Hon. J. Seemungal:—they do not just dismantle these programmes—*[Interruption]*

Miss Cox:—Mr. Speaker, 36(1). Relevance?

Mr. Speaker: No, I think he is responding. Continue.

Miss Cox: To what?

Hon. Member: *[Inaudible]*

Hon. J. Seemungal:—Mr. Speaker, just to help my colleague for Laventille East/Morvant, again this Bill deals with Part A, persons who have been convicted of an offence and the second part is that they have been charged with an offence.

I am pointing out, Mr. Speaker, that this is what happened with people when

they go into the system, what happen to these individuals, before they are released to society.

7.30p.m.

Mr. Speaker, in the prison system as well, for persons who have been convicted, there are educational programmes. I mean, you would not believe it. There are beginners' programmes. There are school leaving programmes. There are programmes designed with electrical installation, upholstery, woodworking, masonry, music, grow box, agriculture. Then they have the academic programme which is like CXC Mathematics, CXC English, CXC Social Studies, CXC Principles of Accounts, Principles of Business, Office Administration. There are also cooking classes held at the prisons and the youth training facility. The young individuals are trained with these various skills so that when they go into society they can find themselves in some kind of employment. At least they would have the necessary, the academic qualifications and the skills where they seek employment. They also teach, in prison, things like Computer Literacy and Information Technology.

The reason why I venture into all of these is to let all know that in the prison system, there are a lot of programmes that are geared towards assisting inmates and assisting the convicted persons to rehabilitate themselves and to be prepared for when they are released in society.

Mr. Speaker, I also want to emphasize that it is for that reason, it is for the reasons of all these programmes, that I have said earlier, that it is for the reason of the expense of these programmes, the time taken, the people who will spend time going to prison. The Member for Arima would have spent a lot of time going and lecturing to persons in the prison system.

Mr. Samuel: I have done that.

Hon. J. Seemungal: He would have spent a lot of time going and imparting his personal knowledge. He would have spent a lot of time reading scriptures to individuals in the prison system, Mr. Speaker. So it is not the prisoner's life alone that is affected but it affects everyone around them. And for this reason, it is why we see no justifiable cause why these persons, if convicted again, should not be granted bail; if charged again, should not be granted bail because they would have gone through a barrage of educational programmes in the prison system and society would have spent a lot of money as well. The innocent persons outside there would have spent a lot of money as well to educate and train these inmates for their release in society.

Mr. Speaker, there are also programmes that are geared out of the prison as well. So, you do not just convict someone, bring them in prison, leave them there, throw away the key and then wait their time and after they are released from the prison, you leave them alone. Mr. Speaker, there are programmes that are built, that are geared towards these persons who would have been convicted and on their release into society, there are programmes that are geared towards looking and taking care of them thereafter.

There is a programme which is supported by the Ministry of the People and Social Development, which is the Vision on Mission Programme and this is a programme that was—*[Interruption]*

Dr. Ramadharsingh: Expanded.

Hon. J. Seemungal:—expanded by that ministry and it is geared towards targeting some 700 inmates on their release coming out in society, helping them to cope.

Dr. Ramadharsingh: Pre-release.

Hon. J. Seemungal: Pre and post release and this is helping them to cope with society once again and helping them to find employment, helping them to be interactive with the community around them and helping them to bring society, once again, to some semblance of where we want to go.

Mr. Speaker, I want to wrap up by reiterating that it is a two-tiered system. It is a two-tiered system. The first year is that you must have been convicted before and the second tier is that you are charged with an offence and the offence is draconian in nature, listed under the Second Schedule.

Mr. Speaker, I want to thank you and I want to endorse and support the Attorney General on this Bill. Thank you, Mr. Speaker. [*Desk thumping*]

Mr. Speaker: The hon. Member for Chaguanas West.

Mr. Jack Warner (*Chaguanas West*): Mr. Speaker, I have spent the most difficult 35 minutes just pass. Never in my life has it been so difficult for me to sit here for 35 minutes and listen to a contribution that was completely off the topic and when you consider that the last speaker, the Member for La Horquetta/Talparo, a lawyer by profession, I am advised, should have known what this Bill is about, I am a bit surprised.

Mr. Speaker: Let me determine what is relevant and what is not relevant. I do not think it is in your place to deal with that. Just address the Bill and do not criticize the Member on relevance, because if he was irrelevant I would have ruled accordingly. So please, just concentrate on the content that is before you.

Mr. J. Warner: I maintain my last 35—[*Interruption*]

Mr. Speaker: Do not maintain, please.

Mr. J. Warner: Okay, Mr. Speaker.

The purpose of the Bill—[*Interruption*]

Hon. Member: Of the sunshine.

Mr. J. Warner:—2013, is to amend the Bail Act, Chap. 4:60, to amend the First Schedule of acts and to establish a new list of offences for which a person is charged for any such offence and who has a previous conviction for any such offence during the last 10 years, that person may not be entitled to be granted bail. It has nothing to do with conviction. It has to do with being charged. And, therefore, the programmes in the prison system in general, as important as they might be, have nothing to do with the persons who are not granted bail, based on this Bill.

Mr. Speaker, to go further, the last speaker gave some examples of what happened in the UK and he quoted from the *Daily Mail* and *Daily Telegraph* and as I was sitting I was hoping to hear him quote something from the *Newsday* and the *Guardian* and to bring it nearer home to us. Because while the data given about the UK may be relevant, it is more relevant to tell us what is happening at home and, therefore, where is the empirical data to support the arguments which have been proffered by the last speaker? I still do not understand how one can get bail after one has been convicted. [*Laughter*]

Mr. Speaker, when I listened to the AG, I heard him say, I quote: “This is an attempt to recalibrate the scale of justice.” And then he says: Since there is too much lawlessness in our land. Bandits are the ones roaming freely, and I agree with them, they roam too freely sometimes.

But, Mr. Speaker, before we even reach that far, I asked myself: Whether the three-fifths to which the AG referred is the correct figure and I

will tell you why. Mr. Speaker, the Preamble and clause two of the Bill suggests that it is inconsistent with the Constitution. Section 5(2)(f)(ii) of the Constitution states that the subject to this Chapter and section 54 says: that Parliament may not deprive a person charged with a criminal offence of the right:

“to reasonable bail without just cause;”

page 18 of the Constitution. Again, it says that, subject to this chapter and section 54, Parliament may not deprive a person charged with a criminal offence of the right:

“to reasonable bail without just cause;”

page 18.

Mr. Speaker, on page 22 of the Constitution, section 13(2) of the Constitution, which forms part of Chapter 1, it does provide for a three-fifths majority of both Houses. However, section 54(2)(a), on page 50 expressly provides for a two-thirds majority. Because, in other words, to alter section 5, it says that you would need to get a two-thirds majority and I am saying, therefore, there have to be some inconsistency here in terms of two-fifths, two-thirds or three-fifths.

But whether it is two-thirds or two-fifths, I get the impression that this Bill was brought here to give the House and the national community the illusion of an anticrime initiative. Because had it been otherwise, if it was three-fifths, the Government with its 27 seats in the House would have needed another vote, another Member on this side to vote. Where it was coming from, I do not know. But they would have needed another Member to vote if they had the full House. And if it is three-fifths, is 25, but with three persons away and some they have sent home from the debate and with

others who God knows where they are, even the three-fifths, they do not have. So at no point in time, therefore, I get the impression they were ever serious about getting this Bill passed but it was good to give the illusion to the country and then say, hopefully say, that the PNM and the ILP voted against it and that the PNM and ILP act in collusion, they are against the fight against crime and then would have their paid bloggers, we know who they are, blog tooth and nail, collusion to the heavens and they may even go Felicity and Charlieville and hold a meeting afterwards.

Mr. Speaker, when we come here we must do business seriously and if this Bill calls for a three-fifths majority and you are serious about that, you would have it here from the start. But whether it is three-fifths, which they “doh” have, whether it is two-thirds, which they never had, this is an illusion as far as I am concerned and that is on page 50 of this Constitution.

Mr. Speaker, what also is important is the question of just cause and the question that arises is whether this whole thing, the Bail Bill, is done for just cause. Mr. Speaker, the question of dealing with bail over the years, that has been unsatisfactory, but I get the impression, and listening particularly to the Member for Diego Martin North/East, that this is an attempt to have the Judiciary cabined and cribbed and the Parliament to determine the discretion and latitude of the Judiciary.

Mr. Imbert: Correct.

Mr. J. Warner: Mr. Speaker, when I look at what I have been reading in the *Newsday* and the *Guardian* in particular, I am not surprised in those two papers and the attacks and the concerted attacks made on the Chief Justice, where even a prisoner now, Pitman, is sent to impeach the Chief Justice; beautifully written letter. He must have gotten a PhD some part in the

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prison and I see attacks, I understand now what is behind this Bill.

7.45p.m.

It is an attempt, Mr. Speaker, to interfere with the Judiciary, the last bastion of democracy in this country.

Hon. Members: “Um-hmm.”

Mr. J. Warner: And I am very afraid.

Hon. Members: “Um-hmm.”

Mr. J. Warner: I am very afraid.

Dr. Moonilal: Mr. Speaker, Standing Order, 36(4).

Hon. Member: What?

Mr. Speaker: I do not think the Member is using insulting language in this context, but what I would advise the Member, is that try your best not to bring the Chief Justice into your debate; the Chief Justice. You see, we try to stay away from the Chief Justice and judges as far as possible in debates, but you can continue.

Mr. J. Warner: I am guided, Mr. Speaker. So I move on. Mr. Speaker, with all the benefits this Bill purports to bring out, I want to suggest, that that will not help, because the problem is not with the Bill, the problem is with the political directorate. Because in this Government, the left hand had does not know what the right hand is doing and that is where we are. One gets the impression when one looks at the Bill—and I will come to the Bill in detail shortly, and I will show the sloppy work that has been done in the Bill; shortly—but one gets the impression, based on what I have seen in the Bill, that the Government has no direction, it has lost its way, they fumble in the dark and that is bad.

Mr. Speaker, I would not go into full detail of the history of the Bail

(Amdt.) Act, this was done quite eloquently, I say again, by the Member for Diego Martin North/East. Suffice it to say, that the first Bail Act of 1994 has been amended countless times; 2005, it was amended, no bail for persons with two or more convictions for violent offences; no bail for 60 days for persons charged with kidnaping for ransom; 2005, Mr. Speaker, and I would say to you—I would say here to this House that even that when that was put in, that did not stop kidnaping, you know. What stopped kidnaping was an American citizen who came here I am advised and then, of course, the US FBI came down and got the culprits and tote them back, and that stopped it, I am so advised. So even as they amended the Act to stop kidnaping, it did not serve its purpose, I am advised.

Mr. Speaker, in 2005 when they had the amendments to the Bail Act, at the time I was not in the Parliament, but I was a member of the UNC in Opposition. Mr. Speaker, at that time the UNC had argued in the Parliament that the laws were not sufficient to deal with the spiralling crime situation. They said the entire criminal justice system needed to be overhauled. They said—I have some notes here—that you have to clear the backlogs,—the UNC saying so in Parliament—empower the police to provide public safety and give the police the tools and resources required to promote the proper acquisition of justifiable evidence. They were talking about having successful prosecutions and convictions. I was there at the time in the UNC.

The laws made in 2005, Mr. Speaker, were good laws, but the problem then as the problem now was and has been implementation at all times; implementation. The police were not making enough arrests for the crimes committed, especially kidnaping and, therefore, good laws—
[*Interruption*]

Mr. Speaker: We have a procedural Motion as this time.

PROCEDURAL MOTION

The Minister of Housing and Urban Development (Dr. Roodal Moonilal): Thank you very much, Mr. Speaker. In accordance with Standing Order 10(11), I beg to move that the House continue to sit to give further consideration to the measure before the House at this time.

Question put and agreed to.

Mr. Speaker: Continue, hon. Member for Chaguanas West.

BAIL (AMDT.) BILL, 2013.

Mr. J. Warner: Thank you, Mr. Speaker. Therefore, good laws were failing to produce good results, because there was nothing to support the usage, the implementation of the law. So because the UNC knew this in 2005, they asked for a one-year sunset clause when the Bill came, because they expressed at the time—the UNC expressed fears when that Bail Act came then in 2005, they expressed fears, Mr. Speaker, that the law could be abused to lock-up innocent, political opponents, they said. I was there not in Parliament, but in the UNC when that was said and discussed.

Mr. Speaker, at that time the UNC said that the Government would use its political opponents and make scapegoats of them. At the time you may recall that the UNC raised and waved red flags because they accused the PNM of having a penchant for persecuting and victimizing persons of the Opposition, Mr. Speaker, for using State resources and so on. They talked then about a political slush fund and so on. And having witnessed four elections, all I can say is how times have changed; food cards, promises of land, promises of jobs, threats against URP and CEPEP workers,

contracts withdrawn, road paving sprees, other inducements—how times have changed.

Mr. Speaker, between 2006 and 2008, there were also other amendments made to the Bail Act. In 2006, Act 30 again extended the life of the Act of 2005 by 15 months; 2010, Act 10 and Act 15 extended the life of the law by three months each; Act 25 of 2007 extended the life of the law a further one year; Act 17 of 2008 extending the life for a further five years to September 30, 2013—Mr. Speaker, to September 30, 2013. On this particular one, that has expired for the last nine weeks, that has expired and they have been caught napping once again. So it has expired and they have rushed here to fix it because for the last nine weeks they were again all politicking and campaigning lock, stock and barrel, and the country's work was at a standstill.

Mr. Speaker, there were subsequent amendments to the Bail Act. Act 9 of 2011 gave you, of course, more offences, and those were related to gang activity and so on, and increasing the periods of bail from 60 days to 120 days. So this sunset clause expires in August 2016 and, therefore, this particular clause here is for three years, is to also expire the same time with this particular clause.

Mr. Speaker, I listened to the Minister of Legal Affairs, and the Minister of Legal Affairs asked the question: when was the last court built in this country? But the question is—it was this Government that came into build courts. It was this Government that created a Ministry of Justice. It was this Government that had four courts to be built all over the country. How could you ask this side: when was the last court built? Well, the last court I could tell you was not built under the PP. And, Mr. Speaker, with 17

Bail (Amdt.) Bill, 2013 (cont'd)
Mr. J. Warner (cont'd)

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months and 19 more days to go “deh eh building ah single court.”

[*Laughter*]

Mr. Imbert: “Yuh counting days boy. Waaay!!” [*Desk thumping, crosstalk and laughter*]

Mr. J. Warner: Not a single court! You will not see a blade of grass turned anywhere—[*Interruption*]

Miss Cox: Prison, Santa Rosa prison.

Mr. J. Warner:—in the next 17 month and 19 days. [*Crosstalk*]

Miss Cox: They build the Santa Rosa—[*Interruption*]

Mr. Imbert: Nineteen days. “I like dat one.”

Mr. J. Warner: Mr. Speaker, the question, therefore, you have to ask yourself is: why did they wait two months to bring this Bill? Why they did not bring this Bill as they are accustomed doing and let the House stay whole night and so on, until in the morning to pass it before September 30 when it expired?

Mr. Speaker, I do not believe that the spirit of the Constitution tells us that we should be locking up persons without bail. You know what has been missing? One major factor that appears to have been omitted in considering bail applications is the relative strength of the evidence. Many jurisdictions in the world today look at the evidence, and we like to talk about Singapore, and Singapore; Singapore does that too even in South Africa in the case of Oscar Pistorius, though on February 14, Valentine’s Day he shot and killed his sweetheart—[*Interruption*]

Dr. Gopeesingh: No, alleged.

Mr. J. Warner: Okay, alleged to have shot and killed his sweetheart, thank you Minister of Education for your education. [*Laughter*] It is alleged he

shot and killed his sweetheart and, of course, he is an amputee, had no legs, but the fact is, when he went to court for the alleged murder of his sweetheart, based on the alleged evidence, he was given bail.

All I am saying to you, Mr. Speaker, is that there are jurisdictions in the world today that look at the evidence to determine bail, and today the Parliament want to take that right for the judges and magistrates and to arrogate it unto itself. It is the biggest danger of the land. We have to be very careful, very careful, Mr. Speaker.

Mr. Speaker, what is being done really, is that the failure of this Government and previous Governments too, to fix the justice system. That failure is now being passed on to accused persons. You heard the Member for Laventille East/Morvant, fix the system and I will come just now with some quotations, some of which she also read of the remand yard. It is a time bomb waiting to happen. I agree that criminals must be dealt with firmly. I am the first to say that they should be incarcerated in a correctional facility. There is no gainsaying about that. Some of them even deserve the harsh penalties they get for the crimes they committed but, what the Member for Laventille East/Morvant said and what we are saying all along is, you have to have swift conviction; swift conviction, Mr. Speaker.

Mr. Speaker, I am advised that there is a guy in remand yard, four years now being charged for having one joint of marijuana. If he had gone to court, and he had even pleaded guilty, after 18 months, "he out". Four years in remand yard still, his case has not been called yet, for a joint of marijuana. [*Crosstalk*] And I must support that, Mr. Speaker? Under no condition.

8.00 p.m.

Mr. Speaker, you see, we have to bear in mind that when you lock up somebody who has been found guilty and convicted by the courts, that is one thing. A person did a crime, he has been found guilty, he has been convicted, he does the time. That is one thing, Mr. Speaker. But when you lock up an innocent man, you ruin that man's life and no amount of White Paper and so on as is shown can improve that man's life. You "lock up" an innocent man and you ruin his life. You deprive him of his family; you deprive his family of him; and, if he was the sole breadwinner in the family, the whole family suffers. You could have caused him to lose his job and his property. You deprive him of all his opportunities to succeed.

In jail, he may be victimized and brutalized, especially when it is nine to a cell that could hold three or five. And inside the jail he becomes corrupted, which he was not before he entered, and therefore he gets into the culture of the jail—an innocent man. And we are asked today to subscribe to that in this Bail Act [*sic*].

And therefore we are saying—I am saying particularly—that justice must be swift and decisive. I will tell you how it can be just now, swift and decisive, because the fact is you can talk one thing, but you must also give examples and give ideas and give solutions to the problems that exist, and I will put forward some.

Mr. Speaker, I want to talk about prison conditions because what I heard from the last speaker, the Member for La Horquetta/Talparo, chutney competition, "dey playing draught; dey playing football; dey must be in FIFA I do not know, and so on, right". [*Laughter*] I could not believe.

Mr. Speaker, the *Express* of February 02, 2013, page 20, "Judge tells of Remand Yard 'hell hole'".

“Prison conditions creating monsters

The conditions prisoners endure while they await trial could be leading to the release of monsters back into society.

This was the comment made...by Justice Anthony”—Aquinas—
“Carmona as he spoke of the circumstances men face at Remand Yard.”

Let me say it again because, you see, at that level it may sink in. This nice place, this haven where they play games and football and checkers and basketball and so on; where they have prayers and spiritual advisors who go to them. Let me tell you what Judge Anthony Aquinas Carmona said when he was a judge. February 02, 2013, page 20:

“Judge tells of Remand Yard ‘hell hole’

Prison conditions creating monsters

The conditions prisoners endure while they await trial could be leading to the release of monsters back into society.

This was the comment made yesterday by Justice Anthony Carmona as he spoke of the circumstances men face at Remand Yard.”

Justice Carmona continues:

““The authorities must be reminded that if you treat a man like an animal when he is in Remand Yard, when he comes out, you will have a monster on your hands. Crime has multiplied a thousand fold within the last 15 years,’ ...”

Justice Anthony Aquinas Carmona.

The *Express*, November 21, 2013:

“Jail conditions shock Deosaran”

Since that was read by the Member for Laventille East/Morvant, I will

bypass it, but I want what the Member for Laventille East/Morvant said to be forever relevant in the minds of those who are here today. "...Shock Deosaran".

The *Guardian*, one day later, November 22, 2013:

"Inhumane too mild a description

Remand Yard traumatises Deosaran...

Close the Remand Yard immediately!"—says Deosaran.

That yard where they have games and ludo and checkers and draught and chutney and siesta and a parson saying prayers.

Hon. Member: Karaoke.

Mr. Imbert: Parades.

Mr. J. Warner: Parades, yes. He says close it immediately.

Mr. Imbert: That nice place.

Miss Cox: "Dey playin draught dere."

Mr. J. Warner: Mr. Speaker, when I was Minister of National Security for a 10 days, I went with the then Minister of Justice to the Royal Jail on Frederick Street. "After we went about 10 yards inside the jail, we turn back. We say, take us outta here." [*Laughter*] "Take us outta here." One week later, we went to see the prison in Scarborough. We saw people in cages, literal cages, Mrs. Christlyn Moore and I.

Mr. Imbert: Were they playing draught?

Mr. J. Warner: Playing draught? Playing draught? Mr. Speaker, we do not understand what is happening and we saw people there, young men between 18 and 20; Mrs. Christlyn Moore could not believe it; she could not understand it and she said right there and then, "We need a new prison in Tobago."

During my 10 days when I was Minister of National Security, I, of course, made the point repeatedly to the Government to close down the Royal Jail in Port of Spain. There is nothing royal about that. We said they have lands in Caroni, build a new jail in Caroni and there you will have, of course; you will have jails and so on where people go in there with their respect and they come back out with their respect.

It is against that basis, as Minister, I immediately began to build eight police stations at the same time. I see they opened one the other day; they do not know how it started, but that is all right. That is all right. Eight one time, Mr. Speaker.

Mr. Hypolite: They did not invite my Mayor.

Mr. J. Warner: They did not invite anybody, but say what, say what? Mr. Speaker, the point I am making to you, and I made sure, I asked UDeCOTT, I said, "Miss Jearlean John, are those jails equipped with toilet facilities? I want no pails." And she assured me, yes.

Who is looking after these guys in Remand Yard? Who, Mr. Speaker? You have the best piece of land in Port of Spain in the Royal Jail, which is a fortress of shame. After 100 years, we have done nothing to improve either the inside or the outside of the jail and telling me in the Remand Yard you play golf and ludo and checkers. [*Laughter*]

Mr. Imbert: "But da wha he say. Da wha he say."

Mr. J. Warner: In the same article, Deosaran admitted to being traumatized after the visit of his team. He says, I quote him:

"I don't know how I could express the recommendations tomorrow (today) in a language that will not be disrespectful but diplomatic," he said."

If he talked at all, his language would be disrespectful. I continue to quote Prof. Deosaran:

“I am worried when they come out from such an experience what sort of citizen would they be. What scared me was the look on their faces.”

I want to put that back in the *Hansard* for a second time. It was said before and by profession, Prof. Deosaran is a criminologist.

“Deosaran said after what he had witnessed, he was certain the people on remand”—that is what this Bill is about you know—“are a special breed, ‘since they are faced with this uncertainty and there are some who have been here for 12 to 13 years,...’”—in Remand Yard, Mr. Speaker.

Fix that! Thirteen years and “yuh case ain try yet”.

There is a case that began June 01, a kidnap case. I am not calling any names because I do not want to again be pulled up. To this day, court is every day, but the case “ain” start yet. All the legalisms and so on still taking place and those guys have been there for the last four years.

Deosaran is saying that what he saw in the Remand Yard paints a horrible picture for the democracy of Trinidad and Tobago. What did he see at the prison, Mr. Speaker?

“More than 1,400 prisoners”—on Remand Yard

Most of”—them—“are under 30

Eight to 13 people in a cell

Eight feet by 12 feet cells”

Mandela’s own was 6 x 6—I will come to Mandela just now because I heard a lot of things about Mandela this evening, you know. I will come to him

just now.

“Eight feet by 12 feet cells

Makeshift hammocks made of towels to sleep

Pails used as toilets

No running water

Bottled water given to each cell for hygienic or other purposes

Unsanitary conditions”

That is Prof. Deosaran, a criminologist.

Mr. Speaker, I want to quote Nelson Mandela because I heard a lot of—let me be careful now, “eh”—things said about him in his honour. I want to quote one thing he said which I think is relevant to this debate. He said, I quote:

“It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.”

Nelson Mandela.

“A nation should not be judged by how it treats its highest citizens, but its lowest ones.”

I remember I heard speeches here on Mandela today. I was thinking here that the best legacy and the best speech to give Mandela is no speech at all, but live the life of Mandela and do not discriminate and victimize people based on the colour of their skin, their religion, the colour of the clothes they wear, the political party they belong too. Do not do that if you want to honour Mandela. [*Desk thumping*]

Mr. Speaker: There were two persons who spoke on Mandela: the Prime Minister and the Leader of the Opposition and, of course. I spoke. To

impugn negative motives to either the Prime Minister or the Leader of the Opposition, I think is out of order. So could you not go there? You are in violation of the Standing Orders.

Hon. Member: Go back to Remand Yard.

Mr. Speaker: Continue hon. Member for Chaguanas West.

Hon. J. Warner: Mr. Speaker, I want to end Mandela by quoting again this statement. Mandela said that:

“No one truly knows a nation until one has been inside its jail. A nation should not be judged by how it treats its highest citizens but its lowest ones.

The point is, what are the consequences of arbitrarily throwing persons in jail especially if at the end of that, you find that the person should not be there in the first place; that the person is innocent. The damage can never be undone.

The Newsday of July 16, 2008:

Man spends five years in jail awaiting trial.

Judge: that is an indictment against the justice system.

In this article, a man appeared before Justice Anthony Carmona. The man had been waiting five years for his matter to go on trial. Even though he had told the police and the magistrate he wanted to plead guilty.

I will read that again:

The man had been waiting five years for his matter to go on trial. Even though he had told the police and the magistrate he wanted to plead guilty.

Justice Carmona said, I quote:

“...sentencing could no longer be based on the adage ‘an eye for an

eye, a tooth for a tooth', as each case turned on its own particular...”—merit.

Therefore, Mr. Speaker, what he was saying, the question of bail should not be a blanket policy but bail should be considered on the merits of each case.

8.15 p.m.

Judges and magistrates already have discretion, Mr. Speaker, in the matter of bail, and the Parliament and the Government should not abrogate onto itself powers that are already in the hands of judges and magistrates. There is nothing to suggest that we cannot trust judges and magistrates—I have nothing to do but to believe that—and, therefore, Mr. Speaker, I look at this Bill as an attempt to question the competence of these eminent persons.

Mr. Speaker, clause 3 of the Bill says where no evidence is taken before the 120 days, the accused may apply to a judge for bail. Again, where no evidence is taken—Mr. Speaker, the question I ask: what is the evidence? Where no evidence is taken—I want to say again, where no evidence is taken before 120 days, the accused may apply to a judge for bail. So if a police officer comes and says—and gives one sentence and say, “I was there and I spoke to the accused”, and then he stops—it may sound to be facetious—but is that evidence? What is really evidence? What is evidence?

Can it be possible that a police officer can come and spend 10 minutes and does that mean that the person that charged is now not entitled to bail? Mr. Speaker, if that is the case, I am saying it is an abuse of people's rights. And also, Mr. Speaker, on the same evidence, is there a minimum sufficiency of evidence required in this Bill? Does the evidence, Mr. Speaker, include evidence in a PI?

Mr. Speaker, when you look at the backlog in the court—before I go to the Bill itself, look at the court backlog! The *Express* in an article of September 20, 2012 titled “JP: Court backlog a danger to T&T”—*Express*, September 20, 2012:

“Justice of the Peace Ackbar Khan has said the backlog of cases in the country’s criminal courts ‘is a danger to the country’.

The backlog in the courts, he says, is a danger to the country.

“We have nearly half a million cases in the High Court and more than 100,000 warrants. We need more judges, more magistrates, more lay magistrates. If we don’t move in that direction, we ain’t going nowhere,…”

Mr. Speaker, the question therefore is, if the court system cannot handle the present backlog in the courts, what would be put in place that in 120 days the courts can handle it, Mr. Speaker? Listen to Ackbar Khan!

“...half a million cases in the High Court and more than 100,000 warrants...”

So you want 120 days, what would that do to this backlog, Mr. Speaker? [*Crosstalk*] What new evidence can you get in 120 days to change all of this, Mr. Speaker?

Mr. Speaker, what you have to do is to put systems in place and, therefore, the question arises: where is the night court? Where is the remand court? Where is the gun court? Where are all those judicial centres which have been promised, Mr. Speaker? Where are they? Everything this Government has criticized the PNM for, they are doing the very same thing today and, therefore, I want to just pick a quote from a guy call **Friedrich**

Nietzsche, a German, who says:

“Whoever fights monsters should see to it that in the process he does not become a monster.”—himself—“And if you gaze long enough into an abyss, the abyss will gaze back into you.”

So today, therefore, what we are seeing here, I am saying, from where I stand, makes the UNC no different from what the PNM was.

Mr. Speaker, look briefly, very quickly, even at the gangs they spoke about earlier on. For years that situation has not improved. Mr. Speaker, posted in the Caribbean Media Corporation website called Caribbean 360, October 15, 2013 I quote:

“A major think tank here claims gangs are the ‘new law’ in urban Trinidad and Tobago, saying that recent incidents of intense violence in the twin-island republic have drawn attention to the ‘rampant gang problem.’

‘There is now a’—new—“trend towards this so-called ‘South American method of warfare,’ in which beheadings and...extreme forms of violence are the norm in dealing with rival gangs...”—in Trinidad and Tobago of—“which... 14.3 percent of”—it is youth.

“COHA”—Council of Hemispheric Affairs—“claimed that gang activity in Caribbean nations has ‘largely been ignored, despite the fact that gangs in Jamaica and Trinidad and Tobago have become so ubiquitous that they represent a challenge to state sovereignty.’”

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

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

Question put and agreed to.

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

Mr. J. Warner: Thank you, Mr. Speaker, thank you colleagues. [*Desk thumping*] Mr. Speaker, the article continues:

“As it now stands, gangs have a stronger hold on the Trinidadian population than its government does, ’...”

In the *Guardian*, Mr. Speaker, August 21, 2013, Port of Spain gangs colonizing Trinidad:

“A gang leader in Laventille has 21 ‘clips’ (sub-gangs) and a rough total of 600 young men under his command.”

It talked here about the late “don” Mark Guerra and so on.

In Diego Martin, December 02, 2013, two more fell by the bullet, Mr. Speaker, and the list goes on and on. But if anything at all that is painful to me, Mr. Speaker, is the very Bill itself. Mr. Speaker, the Bill has been sloppily prepared. The author of the Bill lacks scholarship and, in fact, Mr. Speaker, it is untidy.

Mr. Speaker, if you look at the Bill, “(a)” in the Bill the Specified Offences, Part II:

- “(a) possession of imitation firearm in pursuance of any criminal offence;
- (b) larceny of a motor vehicle;
- (c) perverting or defeating the course of public justice;
- (d) arson;
- (e) receiving stolen goods;
- (f) gang membership;”

Mr. Speaker, the first one is firearm, but when you go back to “(s)” and

“(t)”, they come back to firearm again:

“(s) possession and use of firearm or ammunition...

(t) possession of a firearm or ammunition without licence, certificate...”

Why did you not lump all the firearm together, Mr. Speaker? And, therefore, “(a)” should come after “(s)” and “(t)” because all would deal with firearms. Mr. Speaker, “(m)” and “(n)” should move to “(aa)”; “(cc)” and “(dd)”, because they are all similar offences, and they should be grouped together. It is a hodge podge collection of offences, Mr. Speaker, with no system, no method, no grouping as such, just put together and thrown here, and I am saying one expects that something like this would have been better.

Mr. Speaker, at the end of the day, we have to get serious. I ask myself: what is the status of the Ryan Committee on youth and crime, that million-dollar committee report? What has happened to it, Mr. Speaker? Why is it everything we do—whether it is funeral, crime, has to be, of course PR? At the end of the day people in Remand Yard are suffering.

I know that, of course, at the end of the day, I repeat, it is difficult for me not to empathize with the victims of crime, I do, but two wrongs do not make a right, Mr. Speaker. You do not, of course, keep people in Remand Yard indefinitely and not fix the justice system. I repeat, why do we not have night courts, Mr. Speaker? Why do we not have late courts, Mr. Speaker? Why do we not have late courts? Why do we not have even more courts?

Mr. Speaker, at the end of the day, if we do not fix the system, if we do not have swift justice, this problem will not go away. We can tinker with it as long as we want, but it will not go away, and I have serious difficulty,

Mr. Speaker, in supporting a Bill like this. I thank you. [*Desk thumping*]

Mr. Speaker: The Hon. Member for Oropouche East and Minister of Housing and Urban Development. [*Desk thumping*]

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Speaker. Mr. Speaker, I join this debate on this very critical measure before us which, Mr. Speaker, I want to begin by repeating for the benefit of colleagues opposite, that the amendment before us is really one initiative of this Government in a complete package of measures that involve legislation, programmes, action, support for the police, support for the defence force, support for other law enforcement agencies working with the Judiciary to deal with the well-known problems in the justice system. This is not the be all and end all of our programme and our policy to combat crime in Trinidad and Tobago. When colleagues opposite ask the question, what is our policy? Our policy comprises a myriad of programmes of approaches.

This year, Mr. Speaker, notwithstanding the unacceptable homicide rate which is lower than 2008 and 2009, but not accepting that unacceptable homicide rate, the rate of serious crimes has declined by approximately 30 per cent in this country. [*Desk thumping*] Serious crimes! And while we are not happy with the homicide rate, we take heart that serious crimes are on the decline.

My friend from Chaguanas West, I just wanted to raise a couple issues in his presence because I have not had the opportunity to speak to him in his presence in the House at least—[*Interruption*]

Mr. Warner: Not my fault! [*Laughter*]

Hon. Dr. R. Moonilal:—but I would like to say that all the problems

described by the Member for Chaguaramas West really began in May 2013, they were not there before. It was from May 2013 that the Government appeared to be the same as the PNM; that the allegations of corruption rear their head; that the nepotism, the allegations of wrong doing arose. Between May 2010 and May 2013, it was a completely different story, an opposite—
[*Interruption*]

Mr. Sharma: Milk and honey.

Hon. Dr. R. Moonilal:—but when the Member for Chaguamas West sat with us on this side of the House, not once did the Member indicate that he had a whiff of all those wrongdoings, so that one has to be very careful with that approach. I would say generally—not targeting the Member or anybody—that once your politics is built on malice, hate, spite, antagonism, it is a dangerous thing to conduct a political campaign on the basis of revenge. It is very dangerous.

I want to repeat, again, Members in the Opposition are not here forever; Members in the Government are not here forever—whether we have 15 months or 18 months or 46 months or 90 days—eventually we play our role and we move on, all of us, including the Member for Chaguamas West, but we try to do as much as we could to help. And while my friend would be happy and would probably dedicate the rest of his political life to ensuring that we are removed from office, we will continue to do as best we can.

8.30p.m.

It is that politics of spite and revenge that one witnesses, where almost on a daily basis, Members of that political party are leaving. While my friend was quoting from all the different people and newspapers and so on, I

quote from a letter dated November 17 by one, Alvin Lutchman, who I believe was among the very first councillors to join the Member for Chaguanas West. He says:

I, Alvin Lutchman, with immediate effect am tendering my resignation from the Independent Liberal Party. I thought that this party would have instilled a breath of fresh air in the minds of persons. However, this is not the case.

And he goes on to say:

“take my name off the party record”—and so on.

It may be one man. He follows, I believe, the interim chairman. He follows, I believe, the youth officer, Virmala Balkaran. Today I believe is her birthday, so I will wish her happy birthday as well, young Miss Balkaran, who listened to the message to come back home. She celebrates her birthday today, so we wish her happy birthday, and a good vision and foresight as well. Hugh Rodriguez, all of them—and there is a reason for that.

The politics of hate and spite and malice and revenge is not a sustainable politics. It may help in a moment of anger, but that is not sustainable. You have to go back to a part of politics where you can conduct your business. You can be in Opposition. The Members of the Opposition, we have known them for many years. We listen, they make at times valid criticisms; we learn, and there is banter and so on. Many of us have been in Opposition before, and if it is the will of God that we go back there, we go back there. Nobody is scared of that.

You serve the country when you are in Parliament. If you are a Member of the Opposition, you also serve with dignity and distinction, to

the best of your ability. So there is no fear. But I wanted to really say that, in opening and starting my contribution.

The Member for Chaguanas West also raised another matter that is related, because there is a quotation from Prof. Deosaran and others. Let me tell you one time, Mr. Speaker: I have never had the opportunity to visit remand yard. I have never. I do not want to go. Do you know why? I am scared I may start thinking like them. I am scared of thinking like them, because I get the impression that the people who are in remand yard went there to visit and they were kept. There was no reason for going there. They were visiting one day, and when they were inside as a tourist, somebody locked the door. I am not sure if that is how it works.

I understand that they were charged, taken, some were denied bail—you go there. If your offence is non-bailable, you are there, and other conditions. But when you go there, it is almost like the Stockholm syndrome. You come back out talking about people in cages and how bad it is, and it must be bad I know. I could hear, but there is this—like if the people there themselves are telling you something. So somebody “tell” the goodly professor something, and it fails to register that that person is there because there was some suspicion that the person is dishonest. That is why he is there. So, yes, we must move to deal with that situation, and we will.

The Minister of Justice in his contribution will speak to the expanding capacity of the Santa Rosa facility to host convicted prisoners, so that we will get more space at Golden Grove to expand the physical facilities for the remand yard persons who are accused and waiting on their trial. So we will speak to that.

The other point is that we keep losing another point in the debate.

The Bill before us speaks as well to persons who have been convicted, and when they are released they return to this life of crime. Correct?

Mr. Seemungal: Correct.

Hon. Dr. R. Moonilal: Why is it that Members of the Opposition are not understanding that?

Mr. Seemungal: I do not know.

Hon. Dr. R. Moonilal: What language is the Bill written in? [*Crosstalk*] What language are we using in the Parliament? It must be a language problem, that they cannot understand the Bill deals as well with persons who have been convicted. My friend opposite said, “I cyar understand how somebody convicted could get bail,” and we all laugh because it sounds funny. I mean, it is really a jokey thing to say, as well as other things that have been said. But the Bill deals with persons as well who have been convicted, and Members of the Government are repeating till they get sick. The facilities that are available when you are convicted, the programmes—

I did have the opportunity, Mr. Speaker, to visit the Santa Rosa facility, and I saw those convicted persons there. I think they have a year or two left. I was amazed. When I went in there, I thought this was something from UTT or UWI. There are rooms, small nice classrooms with nice desks and chairs and white board, and teachers—male and female—lecturing and talking, and persons who are convicted of course sitting conference room style, in one case, participating. If they put on a jacket and tie, you think you are in the boardroom of Neal and Massy, but that is happening at Santa Rosa. That facility will be expanded to include others, to create room.

So the point we are making—and there is a language problem across the aisle—is that persons who have been convicted and have had

opportunities for all these programmes and more, when they are released, they go back to their crime. Then we have the issue where the Attorney General has proposed for us to consider a denial of bail in certain circumstances.

The other issue, Mr. Speaker, raised by the Member for Chaguanas West, I think is a simple mix up that I will just correct quickly. The Member for Chaguanas West stated that the amendments to the Bail Act that were introduced in 2008 expired since September 18, 2013 and this Government failed to perform its duty. That was a concern. The Member came to that conclusion erroneously. It was based on the fact that 2008, the amending Act, had a sunset section which provided that the amendment would remain in force for five years after the amending Act came into force, and of course that came in 2008. But the Member failed to properly check the facts, which we will just clear for the record.

The amendments that were introduced to the Bail Act in 2011 amended that position by repealing that sunset section in 2008, that amendment, and provided for a new sunset amendment. The new sunset section provided that the law would remain in force for five years from the date 2011; so that from 2011—it came into force in May 2011—and thus the 2008 amendment remains in force until May 22, 2016. So that is an issue, just as a correction, before somebody believes that it expired and the Government was tardy.

I notice all Members opposite kept saying that the Government was busy conducting elections, and Cabinet Ministers on the road campaigning, and so on.

Hon. Member: We were the only ones.

Hon. Dr. R. Moonilal: Yes, we were the only ones; nobody else. In fact, when we went to campaign we did not see any of them. [*Laughter*] But our Prime Minister won a democracy medal for those four elections; for calling them when others did not and could not. [*Desk thumping*] And God forbid, if they get back there, they will not. We called elections. They postponed local government election until the people who were incumbent served a second term without a vote—beyond. The Member for Diego Martin West—this make-over Democrat—is now talking about this and praising, but he was in the Cabinet when they continuously postponed.

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I would want to return to some of these matters the next time we meet. So may I be permitted to simply move a Motion, in my other capacity—without necessarily sitting and getting up—to move that this House do now adjourn to Friday, December 13, at 1.30p.m. Debate on the Bill before us will continue on that day, Friday 13. Time permitting, we will also deal with the Motion on the Tobacco Regulations.

Mr. Speaker, I beg to move.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.39 p.m.