

**HOUSE OF REPRESENTATIVES***Friday, January 24, 2014*

The House met at 1.30 p.m.

**PRAYERS**[MADAM DEPUTY SPEAKER *in the Chair*]**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Environmental Management Authority—Environmental Trust Fund for the year ended September 30, 2012. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]  
*To be referred to the Public Accounts Committee.*
2. Annual Report of the National Insurance Board of Trinidad and Tobago (NIBTT) for the year ended June 30, 2013. [*Hon. Dr. R. Moonilal*]
3. Administrative Report of the Ministry of Tourism for the fiscal year 2012. [*Hon. Dr. R. Moonilal*]
4. Administrative Report of the Zoological Society of Trinidad and Tobago for the fiscal year 2012. [*Hon. Dr. R. Moonilal*]
5. Annual Report on the Administration of the Tobago House of Assembly for the year 2012. [*Hon. Dr. R. Moonilal*]
6. Annual Report of the Teaching Service Commission on the exercise of the Commission's function and powers in the year 2012. [*Hon. Dr. R. Moonilal*]
7. Administration of Justice (Electronic Monitoring) (Approved Devices) Order, 2013. [*Hon. Dr. R. Moonilal*]
8. Annual Report and Financial Statements of the Regulated Industries Commission for the year ended December 31, 2010. [*The Minister of Public Utilities (Hon. Nizam Baksh)*]
9. Administrative Report of the Ministry of Public Utilities for fiscal year 2012. [*Hon. N. Baksh*]
10. Administrative Report of the San Fernando City Corporation for the period 2011/2012. [*Hon. Dr. R. Moonilal*]

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11. Administrative Report of the Arima Borough Corporation for the year October, 2011 to September, 2012. [*Hon. Dr. R. Moonilal*]
12. Annual Administrative Report of the Community Improvement Services Limited (CISL) for the period 2012/2013. [*Hon. Dr. R. Moonilal*]
13. Administrative Report of the Export-Import Bank of Trinidad and Tobago Limited (EXIMBANK) for the year ended December 31, 2010. [*Hon. Dr. R. Moonilal*]
14. Annual Administrative Report of the Ministry of Arts and Multiculturalism for the period October 01, 2009 to September 30, 2010. [*The Minister of Arts and Multiculturalism (Hon. Dr. Lincoln Douglas)*]
15. Annual Administrative Report of the Ministry of Labour and Small and Micro Enterprise Development for the period October 2008 to September 2009. [*The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol Mc Leod)*]
16. Annual Administrative Report of the Ministry of Labour and Small and Micro Enterprise Development for the period October 2009 to September 2010. [*Hon. E. Mc Leod*]
17. Annual Administrative Report of the Ministry of Labour and Small and Micro Enterprise Development for the period October 2010 to September 2011. [*Hon. E. Mc Leod*]
18. Annual Administrative Report of the Ministry of Labour and Small and Micro Enterprise Development for the period October 2011 to September 2012. [*Hon. E. Mc Leod*]
19. Annual Administrative Report of the Occupational Safety and Health Authority and Agency (OSHA) for the period October 2011 to September 2012. [*Hon. E. Mc Leod*]
20. Annual Administrative Report of the Cipriani College of Labour and Co-operative Studies (CCLCS) for the period October 2011 to September 2012. [*Hon. E. Mc Leod*]
21. Annual Administrative Report of the Minimum Wages Board for the period October 2011 to September 2012. [*Hon. E. Mc Leod*]
22. Annual Administrative Report of the National Entrepreneurship Development Company Limited (NEDCO) for the period October 2011 to September 2012. [*Hon. E. Mc Leod*]

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23. Annual Administrative Report of the Advisory Friendly Societies Council for the period October 2011 to September 2012. [*Hon. E. McLeod*]
24. Annual Administrative Report of the Boiler Examiners Board for the period October 2011 to September 2012. [*Hon. E. McLeod*]

**ORAL ANSWERS TO QUESTIONS**

**Madam Deputy Speaker:** Minister of Finance and the Economy.

**Dr. Moonilal:** Minister of Public Utilities.

**Madam Deputy Speaker:** Member for Arouca North.

**Miss Hospedales:** Member for Arouca/Maloney, Madam Deputy Speaker.

**TTPOST**

**(Details of Financial Commitments)**

28. **Miss Alicia Hospedales** (*Arouca/Maloney*) asked the hon. Minister of Public Utilities:

Could the Minister indicate whether:

- a) The Trinidad and Tobago Postal Corporation (TTPost) is able to meet its financial commitments on a monthly basis?
- b) Any employees of TTPost are facing retrenchment?

**The Minister of Public Utilities (Hon. Nizam Baksh):** Madam Deputy Speaker, the answer to question No. 28. Madam Deputy Speaker, as this honourable House would recall, the Trinidad and Tobago Postal Corporation (TTPost) as it is known, was established in 1999 when the former Government Post Office was transformed into a new statutory authority with the mandate, among other things, to develop and supply postal services to satisfy all reasonable demands of the people of Trinidad and Tobago, to operate according to sound business practices and to be financially viable. There is in place a board of management and executive staff to fulfil those obligations.

Given the economic and global trends which have affected the postal market globally, TTPost has been in the forefront in terms of strategic transformation of the corporation, and has been implementing the range of cost-reducing and revenue-generating initiatives to achieve viability and sustainability. At present, the corporation relies on the combination of earned operating revenues and allocated subventions to meet its core operating expenditures on a monthly basis.

To this end, and in keeping with good business practice, and prudent financial management, every effort is made to manage cost in line with available revenues and subventions.

Madam Deputy Speaker, part (b) of the question; there are no employees at TTPost currently facing retrenchment.

**Madam Deputy Speaker:** Member for Arouca/Maloney.

**Mr. Deyalsingh:** Supplemental, Madam Deputy Speaker.

**Madam Deputy Speaker:** Yes. Go right ahead.

**Mr. Deyalsingh:** With relation to part (a), could the Minister state categorically whether TTPost is meeting its financial obligations on a monthly basis? Yes or no.

**Hon. N. Baksh:** At this point in time; yes.

**Mr. Deyalsingh:** Thank you.

**Madam Deputy Speaker:** Member for Arouca/Maloney.

#### **Power Supply at Union Estate (Details of)**

**29. Miss Alicia Hospedales (Arouca/Maloney)** asked the hon. Minister of Public Utilities:

Could the Minister state:

- a) The rationale for moving the power supply from Union Estate to the National Grid?
- b) What is the total cost of the transmission infrastructure needed to relocate the power supply from the Union Estate to the National Grid?
- c) How long will the move take?
- d) What is the value of the unsold electricity surplus at present?

**The Minister of Public Utilities (Hon. Nizam Baksh):** Madam Deputy Speaker, for the benefit of this honourable House, I wish to share that the question seeks to focus on the power plant operated by the company, Trinidad Generation Unlimited, TGU, located at the Union Industrial Estate, Vessigny Village in La Brea.

Madam Deputy Speaker, the TGU began operations in August 2011, a little over two years ago, but it was only on Wednesday, October 30, 2013 that this power plant was formally opened by the Minister of Energy and Energy Affairs, Sen. The Hon. Kevin Ramnarine. He shared with the national population on that day that this US \$740 million power plant was a generating facility with the capacity to produce 720 megawatts of power, making it the most efficient and cheapest producer of electricity. By comparison it is the most efficient and effective power plant in the Caribbean today, and holds a distinctive place in the industrial development of Trinidad and Tobago and, more specifically, the development of La Brea.

Madam Deputy Speaker, the TGU Plant was built to supply electricity for both industrial and domestic use. It was built to supply more power to the Trinidad and Tobago Electricity Commission, T&TEC, to meet its growing demands. It was built to facilitate the industrial expansion in the south-western peninsula of Trinidad and, as the Minister of Energy and Energy Affairs described it, La Brea and environs is set to become the next Point Lisas of Trinidad as international companies seek to buy into opportunities for investment in the area. Of importance in this matter is the fact that T&TEC faces a growing demand for power, both at the industrial/commercial and domestic levels.

In 2013, the demand on T&TEC was for a total of 1,346 megawatts at the peak periods. Projections show that this would likely increase to approximately 1,500 megawatts by 2015, and 1,970 megawatts by 2023. In order to satisfy these demands, including the demands of its growing domestic customer base, T&TEC has been seeking to import power from the TGU onto the national grid. At present it has already begun to utilize 225 megawatts from the TGU and it is laying down the infrastructure to import more.

As noted earlier, the demand—T&TEC is growing and the strategic position at the moment is to meet this growing demand by importing from the TGU, which is the most efficient and cheapest producer of power at this time.

T&TEC continues to ascribe the highest priority to providing and maintaining a safe and reliable supply of electricity to the people of Trinidad and Tobago.

The TGU will continue to operate in the Industrial Estate in La Brea, and will continue to play a tremendous role in the development of the community of La Brea. So far it has made a significant impression in the community and its residents with very meaningful initiatives, concentrated in the areas of sport and culture, arts, the family, health and the environment. Its outreach into the schools

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and community facilities in La Brea is well known, and it has every intention to continue this trend, placing emphasis on the sustainable development of La Brea and the immediate environs.

The TGU plant is fully staffed with local labour and all of its employees, about 60 per cent, live within a five-mile radius of the plant in La Brea.

Part (b) of the question, Madam Deputy Speaker; the quantity and quality of transmission infrastructure needed to import the power supply from the Union Estate to the national grid is nothing short of phenomenal. The total cost has been estimated at \$171.5 million. This cost covers the completion of six major infrastructural projects namely:

1. the expansion of the Union substation;
2. the establishment of a new Union Gandhi double-circuit bundle-conductor tower line;
3. the construction of the new Gandhi Village substation;
4. the establishment of a new Gandhi/Debe double-circuit bundle-tower line;
5. upgrade of the Debe substation.
6. the establishment of a new Reform/Debe double-circuit tower line.

This is the level of investment and commitment on the part of this Government to ensure that the demands for electric power, on both the commercial and domestic scale, are met to the satisfaction of the citizens in Trinidad.

**1.45 p.m.**

Part (c): How long will the move take? It is expected that the full capacity will be made available from the Union Estate, TGU onto the national grid by June 2014.

Part (d) of that question: What is the value of the unsold electricity surplus at present? Madam Deputy Speaker, I am advised that the full output of the TGU, which is 720 megawatts, will cost approximately TT \$67 million. At present T&TEC utilizes a total of 225 megawatts at a cost of \$21 million per month based on current load demand. Under the contractual obligations of the power purchase agreement, T&TEC pays for the excess capacity from the TGU amounting to \$46 million.

Thank you.

**Mr. Deyalsingh:** Supplemental, Madam Deputy Speaker. In light of the value of TGU, could the hon. Minister state when did the PP Government conceive of TGU?

**Mr. Roberts:** “You in everything boy.”

**Hon. N. Baksh:** I do not have the exact date, but I could provide that to you.

**Mr. Deyalsingh:** Thank you.

**Madam Deputy Speaker:** Member for Chaguanas West.

**Committee on Youth and Crime  
(Details of)**

**45. Mr. Jack Warner** (*Chaguanas West*) asked the hon. Prime Minister:

With respect to the Committee established to report on Youth and Crime and chaired by Professor Selwyn Ryan:

- a) Could the Minister state the amounts paid by the State to each member of this committee for their services as committee members; and
- b) With regard to the recommendations of this committee contained in the report entitled “No Time to Quit: Engaging Youth at Risk” could the Minister state:
  - i. Which recommendations were implemented; and
  - ii. Which recommendations have not been implemented?

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** On behalf of the hon. Prime Minister, in response to question No. 45, Madam Deputy Speaker, I wish to inform the honourable House that the amounts paid by the State to each member of the committee, established to report on “Youth and Crime” for their services as committee members, are as follows: Prof. Selwyn Ryan, \$1 million; Dr. Patricia Mohammed \$200,000; Dr. Indira Rampersad, \$400,000; Her Excellency Marjorie Thorpe, \$200,000; Dr. Lennox Bernard, \$200,000.

Madam Deputy Speaker, in continuing response to the question, the Ministry of Gender, Youth and Child Development and the Ministry of the People and Social Development have taken steps to implement and support the recommendations contained in the report. The report contained 13 specific recommendations in the areas of Masculinity and Crime; Are Young men of African Descent more at risk than those of Indian Descent? the Dynamics of Gang

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Behaviour; the Drug Crisis and Crime; the Influence of Popular Music Culture on Crime; Early Childhood Care and Education; School as a Safe Place; Reforming our Education System; Technical and Vocational Education and Training; Teacher Professionalism; Parent and Community Partnership; Giving a Sporting Chance and National Service.

The report also contained seven general recommendations, namely: there is an urgent need for integrated governance that in the long term will allow various Ministries and state agencies to collaborate on matters related to crime.

Second, there is a need for an inter-ministerial committee with a mandate to deal with recommendations from the Youth At Risk Committee as well as other measures contained in its National Planning Framework 2010/2014. This interministerial committee should have its own secretariat and report to Parliament. Initiatives taken by the inter-ministerial committee should have a budget to deal with disadvantaged communities.

Third, there should be a comprehensive review and evaluation of all social programmes to determine their effectiveness in reducing crime.

Fourth, drug treatment courts should be established in Trinidad and Tobago in the shortest possible time.

Fifth, mediation centres should be strengthened and/or established especially in disadvantaged communities, to help young people between the ages of 11—25 to manage and resolve the daily conflicts in their lives, supporting them to become leaders of positive change.

Sixth, policies should include both short-term and long-term measures that are specific, measurable, attainable, relevant and time bound.

And finally, given its dangerous nature, the Government and the State must undertake actively to support research on the organization of crime that attracts youth.

Madam Deputy Speaker, the hon. Prime Minister has mandated each Minister to address the recommendations which fall within his or her respective portfolio and submit proposals to the Cabinet in respect of the implementation. This exercise is ongoing. Nevertheless, in respect of the specific recommendations, most Ministries have had ongoing programmes in these areas.

In this regard, it should be noted that the thematic area, Masculinity and Crime, Parent and Community Partnership, National and Community Service, the Ministry of Gender, Youth and Child Development has extended its programmes



in these areas to spread across Trinidad and Tobago. In the thematic area of Early Childhood Care and Education. School as a Safe Place and Reforming the Education System, the Ministry of Education has begun to prioritize these areas. However, the Ministry has identified its effort in these areas and is focusing on core and specific policy measures determined to enhance this recommendation.

In the area of Technical and Vocational Education and Training, both the Ministries of Education and Tertiary Education and Skills Training are expanding their programmes and tailoring their programmes, to suit the specific needs of their clients, particularly in disadvantaged communities. The Ministry of Sport is also expanding its programmes to ensure that there is greater access to them by young persons in targeted communities, pursuant to the recommendation of using sport to enhance life and develop coping skills.

In terms of Dynamics of Gang Behaviour and the Drug Crisis on Crime, the Ministries of the Attorney General and National Security are pursuing implementation strategies pertaining to the Dynamics of Gang Behaviour and Drug Crisis. Moreover, the Judiciary is actively pursuing the establishment of drug centres.

In respect of the general recommendations, a Cabinet appointed intersectoral committee, chaired by the Minister of Gender, Youth and Child Development, is currently reviewing these recommendations to ensure that they are addressed holistically and that the necessary monitoring and evaluation mechanisms are put in place to achieve the desired impact outcomes and those outcomes are also achievable. The Ministry is due to submit its report in February 2014.

Thank you.

**Mr. Warner:** Supplemental.

**Madam Deputy Speaker:** Go right ahead, Member.

**Mr. Warner:** Thank you, Madam Deputy Speaker, can the Minister say which recommendations have not been implemented and why? The answer did not deal with that.

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, having outlined the recommendations, both the general ones and the specific ones, there are no areas in the recommendations that are not currently being addressed by both ongoing programmes and new programmes targeted particularly by the Ministry of Tertiary Education and Skills Training and the Ministry of Education and also the Ministry of National Security.

**Mr. Warner:** Supplemental. Will it then be possible for us to be able to find out whether the question asked by Prof. Ryan, whether people of African descent are more at risk than people of Indian descent? Can that be answered from what you have submitted, Minister?

**Hon. Dr. R. Moonilal:** These are very technical questions, Madam Deputy Speaker, and I am sure a question properly phrased and posed to the relevant Minister, in this case the Minister of National Security and the Minister of the People and Social Development, can get some type of analysis, but those type of questions, the answers must be based on technical and scientific analysis so that they really form another question. But I am sure the Ministry of Justice, Ministry of National Security and the Ministry of the People and Social Development can generate a data to respond to such a question.

**Madam Deputy Speaker:** Member for Chaguanas West.

**William Bratton**  
**(Details of Services Rendered)**

**47. Mr. Jack Warner** (*Chaguanas West*) asked the hon. Minister of National Security:

With respect to the recent visit of Mr. William Bratton, Crime Consultant, to this country, could the Minister state:

- a) The terms of engagement for services rendered by Mr. Bratton and/or his consultancy firm prior to, upon or subsequent to his visit?
- b) The total cost incurred by the State and a breakdown of these expenses with respect to the visit by Mr. Bratton and his team?
- c) The cost of hosting of the “Bill Bratton Seminar—A Country to Defend” on November 12, 2013 at the Hyatt Regency, Port of Spain;
- d) Whether any contracts or agreements have been signed with Mr. Bratton and/or his consultancy firm prior to, upon or subsequent to his visit to Trinidad and Tobago; and
- e) If the answer to part (d) above is in the affirmative, the particulars of any such contracts/agreements inclusive of the dates of the signing of the contracts/agreements and the deliverables?

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, the Minister of National Security is delayed. Could I ask for this question to be deferred for one week, please?

**Madam Deputy Speaker:** To be deferred to—

**Hon. Dr. R. Moonilal:** One week please, delayed.

*Question, by leave, deferred.*

**Madam Deputy Speaker:** Member for Arouca/Maloney.

**Refurbishment of Bon Air Government Primary School  
(Details of)**

**32. Miss Alicia Hospedales (Arouca/Maloney)** asked the hon. Minister of Education:

With respect to the Bon Air Government Primary School, could the Minister state:

- a) When will the floor be tiled?
- b) When will the yard be paved?
- c) When will the public announcement system be installed?
- d) When will the multipurpose hall be constructed?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Madam Deputy Speaker, I welcome the question from the hon. Member for Arouca/Maloney, and I really feel a little concerned whether the Member knew of the extent of work and the repairs and maintenance that has been done at the Bon Air Government Primary School.

From September 2010 to December 2012, over \$5.006 million was spent on work at the Bon Air Government Primary School. In September 2010, plumbing and flooring works were done at a cost of approximately \$42,000. Then in March 2011, repairs and service of toilets, faucets, washrooms, lighting fixtures—that work was done for \$7,905.

In March 2011, with specific reference to her question, the repair of timber flooring in rooms 2 and 3 were done. Upgrade of classroom, Block B, changing out of floors and partitions from wood to concrete, was done in July 2011, same school, Bon Air Government Primary. Upgrade of classroom, Block A, changing out of floors and partitions from wood to concrete, done in August 2011. Upgrade of classroom Block C, changing out of floors and partitions from wood to concrete, August 2011; additional works to Block C, August 2011.

In February 2012, construction of a garbage disposal unit, folding partitions, repairs of broken toilets and fence repairs were performed in February 2012. Also, in addition again, in September 2012, the same sort of toilets and unclogging of floor drains and so on, had to be redone because of these things becoming clogged again. Then in December 2012, we had to construct a new roof; an installation of gypsum ceiling with radiant heat barrier; installation of 200, eight-foot florescent light fixtures and 14 dusk-to-dawn light fixtures; servicing of four existing floodlight fixtures were done in December 2012.

Madam Deputy Speaker, so for the Bon Air Government Primary School from September 2010 to December 2012, \$5.006 million was spent in repairs for the school alone. In addition, for her constituency and for other schools, we also did repairs to Dinsley-Trincity Government Primary, in case she is not aware of that—the Member is not aware. We also did five projects at Maloney Government Primary in December 2010 to September 2013, and also to Bon Air Secondary at a total cost of \$9.953 million in the constituency of Arouca/Maloney for the schools that had difficulty, at one time or another in terms of the infrastructure.

Thank you.

**Miss Hospedales:** Madam Deputy Speaker, the Minister of Education did not answer the questions that I posed to him. He indicated that the floor was changed from wood to concrete, but the floors are not tiled. The question I asked is, when would the floors be tiled? Then I asked about, when will the yard be paved, when will the public announcement system be installed and the multipurpose hall be constructed? He did not answer the question, Madam Deputy Speaker, [*Desk thumping*] and I will really appreciate it if he can give us a response now.

**Hon. Dr. T. Gopeesingh:** This is one of a number of schools that have to be continuously scoped to determine the extent of the work that has to be done in the context of the budgetary allocation at a national level. We have 850 schools and I have always said, over 100 of these schools are more than 100 years of age and more than 200 of these schools are more than 50 years of age. I have often said that this book shows, [*Minister shows book*] for the 41 constituencies of Trinidad and Tobago, we have spent on 2,500 projects, close to over \$550 million for repairs and maintenance, using over 500 contractors small, medium and large.

**2.00 p.m.**

Madam Deputy Speaker, there is an annual budgetary allocation that has to go for repairs and maintenance, and once the budgetary allocation—we can find it, we would try to prioritize the list of schools that we have to repair and maintain to ensure that the schools are kept open.

**Madam Deputy Speaker:** The Member for Arouca/Maloney.

**Miss Hospedales:** Madam Deputy Speaker, just to respond to the Minister, I would like him to pay a visit to the Bon Air Government Primary School, and also the—*[Interruption]*

**Mr. Seemungal:** Question. Where did you *[Inaudible]* *[Laughter]*

**Miss Hospedales:**—for him to know that the concrete dust is affecting the children, and as well as the staff.

**Mr. Seemungal:** Question.

**De Lamarre Gardens Pedestrian Crossing/Walkover  
(Details of)**

**33. Miss Alicia Hospedales (Arouca/Maloney)** asked the hon. Minister of Works and Infrastructure:

Could the Minister state:

- a) Whether a pedestrian crossing or a walkover will be installed in the vicinity to the west of De Lamarre Gardens, Trincity and east of the Trincity Mall?
- b) The expected date that this exercise would begin?

**The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan):** Thank you very much, Madam Deputy Speaker. Madam Deputy Speaker, question No. 33, filed by the Member for Arouca/Maloney, asked the Minister to state whether a pedestrian crossing or a walkover will be installed in the vicinity to the west of De Lamarre Gardens, Trincity and east of the Trincity Mall.

**Dr. Browne:** De Lamarre.

**Hon. Dr. S. Rambachan:** De Lamarre. Madam Deputy Speaker, one of the mandates of the Traffic Management Branch is to provide safe crossing for pedestrians, and as such there is an ongoing investigative programme throughout Trinidad with a specific purpose to provide the appropriate solutions to ensure a measure of safety for pedestrians seeking to cross active crossways.

Madam Deputy Speaker, in that regard, the Ministry of Works and Infrastructure has built several walkovers and established pedestrian crossings since 2010, amongst them are the Maloney walkover, the creation of a pedestrian access route to the newly constructed St. Barbara's Spiritual Shouter Baptist

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Primary School, the Oropune Gardens walkover, which is the construction of 120 foot span steel pedestrian bridge over the Churchill Roosevelt Highway, as well as the construction of a lay-by on both the eastbound and westbound lanes close to the walkover, to allow taxis and buses to stop safely to pick up and drop off passengers.

The Powder Magazine walkover at Cocorite: repairs and refurbishment works were undertaken to the elevators at the Powder Magazine walkover at—

**Dr. Browne:** It is still not in order.

**Hon. Dr. S. Rambachan:**—Cocorite, to provide a safe means for senior citizens and physically challenged individuals, to access the eastern and western sides of the highway. In addition, CCTV systems were installed to stem vandalism and criminal practices, and to provide a sense of security for individuals who utilize the walkway.

There is also a pedestrian crossing, a push button one at the Abattoir Road, Sea Lots, and also a pedestrian phase to signalize intersection at the lighthouse in Port of Spain. Madam Deputy Speaker, since 2010, a number of pedestrian crossings have also been installed, and this has taken place mainly in the area of schools. In fact, the Traffic Management Branch has commenced a school zone safety programme in this particular fiscal year, but in 2010, 35 such pedestrian crossings were established, in 2011, 19 were established and in 2013, 54 of those were established.

Madam Deputy Speaker, with respect to De Lamarre Gardens, it has been decided that the Pelican crossing that is signalized with a push button is most suitable. Madam Deputy Speaker, new installations like this—and this is an answer to part (b)—require a certain degree of planning, and at this time this project has been placed on the priority list and is expected to commence within fiscal 2014, just dependent on the release of funds.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, I would like to ask that questions Nos. 52 and 53 be deferred for one week.

**Mr. Warner:** For a second time. For a second time.

**Madam Deputy Speaker:** I am sorry, Member for Chaguanas West.

**Mr. Warner:** I am saying for a second time, Madam Deputy Speaker.

**Madam Deputy Speaker:** For a second time. Okay. Member for Chaguanas West, as regards to question No. 53.

**Hon. Member:** Where is Spiderman? [*Laughter*]

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, also question No. 34; we would ask for question No. 34 to be deferred by one week as well, so we can proceed with questions Nos. 35, 36 and 49.

*The following questions stood on the Order Paper:*

**VMCOTT's Agreement with the Saladin Group  
(Details of)**

- 52.** With respect to the decision by the Vehicle Maintenance Company of Trinidad and Tobago (VMCOTT) to enter into an agreement with the Saladin Group—reputed distributor of the Zavoli line of compressed natural gas (CNG) conversion kits and range of vehicles, could the hon. Minister of Transport please state:
- a) the date on which the VMCOTT Board took the decision to enter into the agreement with the Saladin Group;
  - b) the names of the Directors of VMCOTT who were present for the taking of the decision;
  - c) the method by which the Saladin Group was selected for this agreement;
  - d) whether the Saladin Group was selected as a result of any request for proposals (RFP);
  - e) if the answer to part (d) is in the affirmative:
    - i. where and when was the RFP published;
    - ii. the names and addresses of all companies that submitted proposals and the details of their proposals; and
    - iii. the method of evaluation and the basis for the selection of the successful proposal. [*Mr. J. Warner*]

**VMCOTT's Agreement with the Saladin Group  
(Details of CNG Conversion Kits)**

- 53.** With respect to the agreement signed between the Vehicle Maintenance Company of Trinidad and Tobago (VMCOTT) and the Saladin Group -

reputed distributor of the Zavoli line of compressed natural gas (CNG) conversion kits and range of vehicles, could the hon. Minister of Transport please state:

- a) the date on which the agreement was signed;
- b) the signatories to the agreement;
- c) the deliverables;
- d) the breakdown of the costs associated with said deliverables; and
- e) the cost and projected quantity of each type of CNG conversion kit to be supplied under the agreement. [*Mr. J. Warner*]

**River at Barcaday Junction, Arouca  
(Desilting of)**

- 34.** Could the hon. Minister of the Environment and Water Resources state when would the river at Barcaday Junction, Arouca, that runs parallel to the Nicholas Bon Air Gardens Housing Development, be desilted? [*Miss A. Hospedales*]

*Questions, by leave, deferred.*

**Madam Deputy Speaker:** Member for Arouca/Maloney.

**URP Infrastructure Groups in Region Five  
(Details of)**

- 35. Miss Alicia Hospedales** (*Arouca/Maloney*) asked the hon. Minister of Works and Infrastructure:

Could the Minister:

- a) State the total number of URP infrastructure groups in region five (5)?
- b) List the projects that have been completed by the URP infrastructure in region five (5) since June 2010 to date?

**The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan):** Thank you, Madam Deputy Speaker. Madam Deputy Speaker, the URP programme region five (5) encompasses and treats with the constituencies of Lopinot/Bon Air West, Arouca/Maloney, D'Abadie/O'Meara, Arima and La Horquetta/Talparo. As at December 04, 2013 region five (5) does not have any



infrastructure work crews deployed on what is called the core programme of the URP, however, it has been noted that 18 community-based contracts utilizing contractors are being undertaken in this region as of December 04, 2013.

Part (b): a total of 42 infrastructure projects have been completed over the period June 01, 2010 to December 03, 2013, consisting of 12 projects under the core programme and 30 infrastructure projects under the community-based contracts initiatives.

**Madam Deputy Speaker:** Member for Arouca/Maloney.

**URP Social  
(Details of)**

**36. Miss Alicia Hospedales** (*Arouca/Maloney*) asked the hon. Minister of Works and Infrastructure:

Could the Minister state:

- a) All the projects implemented under the URP Social since June 2012 to date?
- b) Provide a breakdown of the cost for implementing each project.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, the question is listed for the Minister of Works and Infrastructure. We would ask that the answer be deferred for one week.

**Hon. Member:** Which one?

**Hon. Dr. R. Moonilal:** Question No. 36.

**Hon. Member:** [*Inaudible*] It is the people and social development.

**Hon. Dr. R. Moonilal:** Okay, one week. One week to be deferred, Madam Deputy Speaker.

*Question, by leave, deferred.*

**Madam Deputy Speaker:** Member for Laventille West.

**Completion of Construction of Schools  
(Details of)**

**49. Mr. NiLeung Hypolite** (*Laventille/West*) asked the hon. Minister of Education:

Could the Minister state:

- a) When will repairs be completed to the following schools: St. Barbs Primary, Our Lady of Laventille Primary, Laventille Boys Primary, Laventille Girls Primary, Excel Primary, Chinapoo Primary, Escallier Primary, Success Laventille Secondary and Morvant Laventille Secondary?
- b) What arrangements will be/have been put in place to provide ‘make up’ classes for those students who have been denied their total contact hours?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Madam Deputy Speaker, the Member for Laventille West asked about repairs and maintenance programmes to a number of his schools, and let me indicate to the hon. Member for Laventille West, that in his constituency amongst all the schools that he has been asking about, we have done close to 52 projects, seven phases of repair and maintenance work, Madam Deputy Speaker, for the schools in the constituency of Laventille West at a total cost of approximately \$26,766,000 for repairs and maintenance work in the constituency of Laventille West, \$26,766,000.

Madam Deputy Speaker, he asked about Escallier AC Primary School. We did four projects at Escallier AC Primary School at a cost of \$147,000, replacement of sewer lines, replacement of toilet facilities, plumbing, AC units, razor wire fencing, installation of fans access, electrical wiring, cleaning and sanitizing the school’s water tank, power washing concrete and paved areas. That is four projects at Escallier AC Primary School.

Then he also asked about Laventille Boys’ Government Primary School. In March 2011, we changed a number of fluorescent fixtures, we did a construction of a concrete block wall, we did plumbing repairs, installation of a water pump that he spoke about previously, repair of fluorescent lighting, water tanks (cleaning and sanitize), plumbing repairs, a number of toilets being replaced, a number of capital plumbing and sanitation works in Laventille Boys’ Government Primary School—and, also, removal of existing lights, replacement by fluorescent type of lights, work to the electrical system, replacement of existing perimeter lighting fixtures, dusk-to-dawn security lightings, et cetera.

As far as the Laventille Girls' Government School, we had work done on four different occasions; in September 2013 four different projects were undertaken in Laventille Girls' Government School. We also did work on Our Lady of Upper Laventille RC Primary School, about 13 jobs were done in Our Lady of Upper Laventille School; St. Barb's Government Primary School, we had three projects done on St. Barb's Government Primary School related to plumbing work, earth works, concrete works, block works, roofing, joinery, plumbing, electrical, construction of a music room, cafeteria, general repairs, cleaning and sanitizing the students and staff toilets, et cetera, replacement of face basins, construction of new bathrooms and washroom area, replacement of fluorescent lights, et cetera.

So, Madam Deputy Speaker, then I spoke previously in his constituency as well, I believe Malick Secondary—then we have Morvant/Laventille he asked about, Morvant/Laventille Secondary School, we did 14 repairs and maintenance projects in the Morvant/Laventille Secondary School, and it is very detailed, Madam Deputy Speaker, and at a cost close to \$1.5 million work in the Morvant/Laventille Secondary School.

Then Success Laventille Secondary School, which he asked about; in August/September 2010, we did general repairs to that school at a cost of close to \$800,000, then subsequent to that we had to do additional works for electrical repairs, storage areas, staircase lighting again, repairs to roof and ceiling, plumbing repairs, et cetera, Madam Deputy Speaker. So in the constituency of Laventille West, in the number of schools that I have quoted,—[*Interruption*]

**Hon. Member:** Excellent.

**Hon. Dr. T. Gopeesingh:**—we have done work to the tune of \$26.766 million—[*Interruption*]

**Hon. Member:** What! I think [*Inaudible*]

**Hon. Dr. T. Gopeesingh:**—for schools in Laventille West. [*Desk thumping*]

**Mr. Hypolite:** Madam Deputy Speaker, I asked the question, “When will the repairs be completed?” I asked “when” simply because I do not know if the Minister is aware that most of what he has just reported is still under repairs. All right. So when?

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, I think that the Member needs to visit the schools himself. [*Desk thumping*]

**Hon. Member:** Oooooo!

**Hon. Member:** Yes.

**Hon. Dr. T. Gopeesingh:** Because what I have quoted are completed works, Madam Deputy Speaker, [*Desk thumping*] at a cost of \$26 million.

**Mr. Roberts:** Go up to your start [*Inaudible*]

**Mr. Hypolite:** Madam Deputy Speaker, the question again to the Minister of Education is, “When the repairs at the various schools will be completed?” If he will attend the affairs of those schools, I am certain these questions will not be asked, because when I visit those schools—[*Interruption*]

**Mr. Roberts:** [*Inaudible*] speech or what [*Inaudible*] [*Crosstalk*]

**Mr. Hypolite:**—they are all still under repairs, Madam Deputy Speaker.

**Hon. Member:** Good question.

**Hon. Member:** When? Answer this question.

**Hon. Dr. T. Gopeesingh:** I have no question. What is the question?

**2.15 p.m.**

**Madam Deputy Speaker:** Member for Laventille West.

#### **Land for the Landless Programme (Details of)**

**50. Mr. NiLeung Hypolite** (*Laventille/West*) asked the hon. Minister of Housing and Urban Development:

Could the Minister:

- a) Identify all those areas in Trinidad and Tobago where State lands have been assigned and handed over to citizens under the Land for the Landless programme?
- b) Provide details as to the total number of persons, their names and the size of plots handed over?
- c) Identify the selection criteria used in determining the recipients for the programme identified in part (a)?
- d) List the criteria used by the Commissioner for State Lands in selecting State lands for distribution?

- e) State whether any infrastructural upgrades are proposed/have been undertaken by the State to the lands distributed under the programme?

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, just a note for the record, that the content of this question is for the Minister of Land and Marine Affairs, and I ask for the question to be deferred for one week.

*Question, by leave, deferred.*

**LIBEL AND DEFAMATION (AMDT.) BILL, 2013**

[Second Day]

*Order read for resuming adjourned debate on question [January 17, 2014]:*

That the Bill be now read a second time.

*Question again proposed.*

**Madam Deputy Speaker:** Hon. Members, those who have spoken thus far on the Bill was the Attorney General and the Member for Diego Martin North/East. Member for Caroni East and Minister of Education.

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Thank you very much, Madam Deputy Speaker. I rise today to join this very significant and important debate on the Libel and Defamation (Amdt.) Bill.

It behoves me to sincerely congratulate our distinguished Attorney General in his presentation, where he gave a very analytic, deeply compelling, balanced and decisive presentation on this Bill. [*Desk thumping*] In effect, the Bill seeks to abolish malicious, defamatory libel, and it revolves around two sections of the libel and defamation parent Act, sections 8 and 9. Section 8 says:

“8. If any person maliciously publishes any defamatory libel, knowing the same to be false, he is liable on conviction to imprisonment for two years and to pay such fine as the Court directs.”

And section 9, which is the malicious, defamatory libel:

“9. If any person maliciously publishes any defamatory libel, upon conviction thereof he is liable to pay a fine and to imprisonment for one year.”

Madam Deputy Speaker, this is a Bill that represents the attainment of a government, our People’s Partnership Government, of our country, to the highest level of democracy, and for this alone, this Bill must be considered as one of the most defining moments in our Parliament’s history and democracy.

*Libel and Defamation (Amdt.) Bill*  
[HON. DR. T. GOPEESINGH]

*Friday, January 24, 2014*

We have come as a government to demonstrate, one, that no other government has ever dared to go and has demonstrated in our country's history our Government's commitment to the constitutionally enshrined freedoms that govern our country, and to reaffirm our commitment, on behalf of our people, to liberty, freedom of expression, equality and fairness.

Freedom of speech and expression is the bulwark of any true democracy, for it symbolizes the very essence of freedom. Let me quote what a distinguished writer wrote once. George Orwell once said:

“If liberty means anything at all, it means the right to tell people what they do not want to hear.”

We all are aware that this Bill comes at a time when our world and our country are being reshaped by the influx and predominance of the social media—the world at large—and we are no less affected as a result of the social media.

There was never a time in our history, in our nation and in the world at large, where the individual citizen, no matter who he or she may be, has had such equalizing freedom, a liberty to express his or her own view and make it be heard. The social media accounts for a significant part of that.

These days, we understand that everyone is a star, everyone is a journalist, an activist, a mouthpiece, a celebrity, once you have access to YouTube, Facebook, Instagram, Twitter or any other social media account and feed.

**Hon. Member:** There are blogs as well.

**Hon. Dr. T. Gopeesingh:** Naturally, the governments of the world feel the brunt of such unbridled freedom—and we are no less—where anyone, under the cloak of anonymity and/or using their own names sometimes, can say virtually anything they want about us in Parliament and public officials. They can smear us or praise us, and such is the prevalence of the social media and its impact, that we see governments across the world in developed countries like the US and UK, moving some way or the other to clamp down, to bring some type of law and order.

Sure, regulations are needed, as laws must be updated, but today too is a day when we are seeing a different type of response from an evolved leader, the hon. Prime Minister and Member for Siparia, Hon. Kamla Persad-Bissessar. [*Desk thumping*]

Madam Deputy Speaker, in an age of unbridled freedoms, irresponsible media and galloping virtual anarchy in that age, our Prime Minister has demonstrated that the principles of democracy which govern our great country must never suffer nor be sacrificed. In fact, she has shown that far from being afraid of the new age of freedom of expression, which has encompassed us, she embraces it and protects it. She protects its rights, for it represents the fundamental rights of all humans to free expression.

This is the moment in which the Prime Minister should be heralded for her tremendous foresight and commitment to democracy, by ensuring that this Bill is brought to Parliament. This is the same person, the great leader, who despite all odds at different times, ensured that four elections took place to honour our Constitution and honour our democracy.

This Bill is essentially saying that if we want freedom of speech and expression, we must earn it by acknowledging the critic, whether he or she be a journalist, a Member of the Opposition, an activist, a facebook blogger, a critic whose words make our blood boil, who is standing centre stage and advocating at the top of his lungs that which you would spend a lifetime opposing at the top of yours.

If a government—and forgive me for saying it, like the previous administration—announces that there must be no criticism of the government, right or wrong, this is not only unpatriotic and servile, but is morally treasonable to the tenets of democracy. [*Desk thumping*]

Madam Deputy Speaker, I must stress, that it is in response to the former PNM regime's dangerous move to silence freedom of speech and expression in the past decade, and past decades preceding this administration, that would have compelled our distinguished Prime Minister on this side to pilot this legislation. [*Crosstalk*]

We all are aware of their actions against press freedom, they are well known, and I will give some examples of this. While we sat on the Opposition Bench, the Member for Oropouche East and a few of us here, we must never forget that we were the victims, like many others, of shameful, cowardly and disgusting moves by the Government at the time.

I remember the hon. Member for Diego Martin North/East very vividly moving Motions to silence our colleagues, and even I myself; on many occasions we were silenced and not given the extra time because of the majority that they held when they were in government.

**Hon. Member:** Terrible!

**Hon. Dr. T. Gopeesingh:** That is democracy for them, the People's National Movement. We were exposing the PNM Government corruption, and that is why they began to try to stifle our freedom of expression in Parliament. We could never be silenced, and this is why we are today on this side and this is why they are on that side at this moment. [*Crosstalk*]

Every time that this happened, I remembered the words of the American President, Harry Truman. These are the words of Harry Truman, on a special message to the Congress on the internal security of the United States, on August 8, 1950—63 years ago. He said:

“Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.”

That was their modus operandi: “a government...committed to the principle of silencing the voice of opposition”—which we on this side will never do—and this is why this legislation is coming here today, Madam Deputy Speaker. It says:

“...only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.”

Today, historically, criminal libel has been used by governments as a tool against journalists. The Member for Diego Martin North/East spoke about the Grenadian case that went to the Privy Council, and the then Prime Minister, Dr. Keith Mitchell, took a newspaper editor, George Worme, to court on this basis, which resulted in the closure of the *Grenada Today* newspaper in 2009.

Here in Trinidad and Tobago, the relevant laws which govern criminal libel are found in sections 8 and 9 of the Libel and Defamation Act. I read what sections 8 and 9 state; this law was enacted in 1846. We inherited the law as a former colony of England, and it remained on our statute books for 167 years. England repealed this law in 2009—four years ago.

Let me say, Madam Deputy Speaker, that the Opposition, when they were in administration in all its years of government—nearly 45 years in this country—never saw it fit to do what was necessary to nurture the freedom of expression and the media in this country. It was this Government, the People's Partnership Government, that took the initiative, our distinguished hon. Prime Minister, to engage with the International Press Institute at the congress last year.



Madam Deputy Speaker, permit me to read some of the excerpts in her address at that congress. This is what this Government is about and this is what our distinguished Prime Minister is about. I speak now of her address at the closing ceremony of the International Press Institute, World Congress 2012, on Tuesday, June 26, at the Diplomatic Centre in Port of Spain. I quote:

“Ladies and gentlemen, I am delighted to have this opportunity to speak with you and share some of my own thoughts and ideas with our esteemed guests and participants of the IPI World Congress and 61st General Assembly.

In this moment of reflection, and planning for our future, my solemn assurance as Head of Government is that this administration will protect, defend and uphold press freedom and the rights of journalists to ‘tell the story’.

In Trinidad and Tobago, the freedom of the press and of expression, are constitutionally guaranteed, regardless of whether it coincides or diverges with the views and priorities of the Government, or of State institutions.”

**2.30 p.m.**

She went on to quote the late US President, John F. Kennedy’s declaration. I quote President Kennedy’s declaration:

““The unity of freedom has never relied on uniformity of opinion””—and that the Prime Minister says—“delivers the point, for even in divergence, as long as the common objective remains the protection of liberty and the unity of freedom, we are working together, even if differently.”

I continue to speak from the Prime Minister’s speech at the IPI Congress:

“We hold firmly to our commitment to Press Freedom.”

**Dr. Browne:** “Best you read the whole thing.”

**Hon. Dr. T. Gopeesingh** “A free media that is responsible and sophisticated represents one of the binding threads that hold together our strong democracy. Press Freedom is one of the pillars of our stability.

So, having established the enormous power wielded by media; the fact that it monitors, informs and investigates, and the fact that it seeks to uphold the ideal of preserving the public interest, the question arises, who and how will the guards be guarded?”

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And she went on, the last thing I will read:

“In this regard”—the Prime Minister tells the IPI Congress—“I am pleased to inform you that during this year’s Congress, an IPI-led delegation met with the Attorney General of Trinidad and Tobago...Following this meeting with the Attorney General, I want to signal our intention to review our Defamation Laws to bring them in line with international best practice”.

And this is the defamation law that is now being reviewed here in Parliament:

“I would therefore place this responsibility on all stakeholders to consider this next step in consolidating democracy, by ensuring that everyone is subjected to both the defence and the demands of true freedom...”

Let me also add that this means that freedom and democracy must be something that we all protect, with no one having any greater right over its protection than the other...

I also trust that the long term outcomes of your conference will positively impact the lives of journalists and people worldwide and at the same time, inspire those who stand against freedom of the press and expression to embrace the principles and practice of democracy and freedom.”

Madam Deputy Speaker, following the discussions between the Government and the Congress, the Attorney General engaged in dialogue with the IPI and the Trinidad and Tobago Publishers Association, and as a result of that we are now moving to amend the Libel and Defamation Act. A new provision is being inserted in the Libel and Defamation Act so that no journalist can be criminally charged and prosecuted under section 9 of the Libel and Defamation Act for the malicious publication of defamatory libel. Members of the media can engage in responsible journalism without fear of criminal liability by the provision we are seeking to have supported here today.

The People’s Partnership Government is removing this draconian criminal sentence of one year for this offence. The law has been on our books for too long and the People’s Partnership is seeking to remove it from our books. This Government is about progress and fairness and the media is no exception to this fundamental party value.

**Mrs. Mc Intosh:** Which Government is that?

**Hon. Dr. T. Gopeesingh:** The People's Partnership Government. [*Laughter*]  
Let me quote what the IPI states. It states:

“The IPI is happy with Press Freedom in T&T under the Peoples Partnership.”

On May 3, 2013 the Executive Director of the International Press Institute (IPI) commended the freedom of the press in Trinidad saying:

“The media here is very vibrant. I think there's a lot of press freedom in T&T.”

She noted the Government's move to amend the criminal libel law confirmed the administration's commitment to a free press.

Madam Deputy Speaker, what type of Government do we see three years later? In a time now when the media may be spoken about of not reporting on the sweeping positive developments that we are experiencing in almost every sector of the country under our administration, and there might be a little focus on false, mischievous comments from the Opposition, we see a “magnoneemus” Prime Minister responding in the way that we are responding now by—[*Interruption*]

**Mrs. Mc Intosh:** “Magnoneemus? Magnoneemus?” Is that a name?

**Hon. Dr. T. Gopeesingh:** Magnanimous. Our Prime Minister has demonstrated that while as the leader she may not agree with what critics have to say, she will defend with all her might their right to say it. She knows that to view the Opposition as dangerous, is to misunderstand the basic concepts of democracy; to oppress the Opposition in any way is to assault the very foundation of democracy.

Her vision for our country as is demonstrated through her revolutionary progressive policies which have been hailed and acclaimed globally with international recognition for the democracy that the Prime Minister has ensured in Trinidad and Tobago and to be awarded a democracy medal which other great world leaders received which has been spoken about here before. It is to ensure that we become a first world nation in every sense, and the ticket to achieving this resides and rests in our liberty.

The Prime Minister wants to ensure that we become a country of advanced citizenship—[*Interruption*]

**Dr. Browne:** With these few words.

**Hon. Dr. T. Gopeesingh:**—where we earn our liberty by recognition that it is the right of others to do so.

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Madam Deputy Speaker, let me quote a bit from what the World Press Freedom reviews have had to say going back to 2006:

“...the World Press Freedom Review examines the state of the media around the world, documenting press freedom violations and major media developments. Divided into specific regions, each report provides a comprehensive overview of the year’s events and may be contrasted with the events of previous years.”

The Review in 2006 under the PNM showed that on certain issues, the relationship between the PNM Government and the media was very strained. The Chairman of Trinidad Media Complaints Council at that time was concerned about the draft Constitution that the PNM was proposing for Trinidad and Tobago at the time—we all remember the draft Constitution that was being proposed by the then administration in 2006—saying that there were sections which made it possible for the State to pass legislation to restrict the operations of a free media.

The PNM was proposing to include in the draft Constitution which stated, and I quote:

“Everyone has the right to freedom of thought, belief, opinion and expression, [but] this shall not prevent the State from requiring licensing or other forms of regulation of any means of broadcasting or publishing data to the public.”

**Hon. Member:** They disagreed.

**Hon. Dr. T. Gopeesingh:** They said that they respect freedom of expression and so on, but this shall not prevent the State from requiring licensing or other forms of regulation of any means of broadcasting or publishing data to the public. And they referred to PNM Members of Parliament at that time who thought and who went on national television of speaking about people being anti-Government and they railed up about it.

Let me read what World Press Freedom review in 2007 said. Commenting on media freedom the review in 2007 noted that:

“A major issue of contention was the authorities’ interventions in the context of simmering ethnic tensions...”

Madam Deputy Speaker, this review reported the heavily criticized PNM Government’s action. Let me just give one example.

In blocking Mr. Ishan Ishmael’s television programme and the subsequent charging of Ishmael under the Anti-Terrorism Act—[*Interruption*]

**Dr. Browne:** “The same man all yuh”—[*Inaudible*]

**Hon. Dr. T. Gopeesingh:** We must remember that. Never forget that! The same Wesley Gibbings who spoke so well of the Government on state advertising as a means of reward, stated then that it was his belief that Ishmael was punished for his utterances, and I quote:

“...in clear contravention of his right to free expression”

**Dr. Browne:** And section 9 was used to do that.

**Hon. Dr. T. Gopeesingh:** Mr. Gibbings then voiced the fear that the introduction of the “anti-terrorism legislation...would be used to stifle dissent and silence voices of protest”—and that those fears were proving to be well-founded under the PNM.

That is 2007.

**Dr. Browne:** Well repeal the Anti-Terrorism Act.

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, what do we have today? A number of media outlets in Trinidad and Tobago. The media under this People’s Partnership Government has no such fears. Since 2010 the media has been vibrant and healthy.

#### **2.45 p.m.**

There is continued growth of the press and other forms of media in the country, and the country presently enjoys access to:

- 8 television broadcasters in Trinidad;
- 1 TV broadcasting service via cable;
- 9 subscription television broadcasters;
- 37 FM radio broadcasters; some companies own more than one radio station, which means we have still not set boundaries as to the media ownership;
- 1 AM radio broadcaster;
- 3 national daily newspapers;
- 10 weekly and specialty newspapers;
- 2 Tobago newspapers;

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- 2 landline telephone providers;
- 2 mobile telephone providers; and
- 7 Internet providers.

Under this Government, People's Partnership Government, the developing media landscape is that of a large number of radio and television talk shows that analyze, praise and criticize this Government, namely the three arms of the State: the Executive, the Legislature and the Judiciary. It is our Government's belief, Madam Deputy Speaker, that we may be very well amongst the top in the world, on a per capita basis, for our development and expansion of the press and media, and this is a remarkable accomplishment when one considers that in many small countries, including some of our Caribbean neighbours, there might not be even one established daily newspaper.

I spoke about the World Press reviews. On the World Press Freedom Day of May 03, 2010, *Guardian* article dated May 04, 2010 entitled: "Press freedom still a basic right", it is stated that—I quote:

Patrick Manning made headlines as he accused newspapers of printing anti-PNM headlines.

Later in that article it is stated that—I quote:

In 1986, on the eve of the election, Chambers incited an attack on TTT personnel in Arima, hometown of embattled Member of Parliament, Penelope Beckles. They scampered for their lives for fear of being lynched. Guardian columnist, Clewon Raphael was pelted with sno-cones by PNM supporters...

Before naming May 24—the then Prime Minister—showed his not-so-rosy side." [*Interruption*]

I am quoting World Press Freedom Day:

The dimples turned to a frown when he lashed out at two journalists, who were merely doing their jobs...out in the pristine heights of Guanapo. How dare they go in search of his prophetess Juliana Pena!

Later in the article it is stated:

In 2008, Manning, at the PNM's 48<sup>th</sup> anniversary celebrations at Lion's Civic Centre, Port of Spain condemned media reports and called on supporters to defend the party. He had even promised to provide them with 'ammunition' for the purpose.

In another article entitled: “Media not performing proper role - Manning”—it was written by Richard Lord, published in the *Trinidad Guardian* on July 15, 2009. The Prime Minister then was speaking about the fact that he had rejected the resignation of then Attorney General John Jeremie following the passage of a no-confidence motion against Jeremie by the Law Association. The Prime Minister is stated then as saying that the role of the media was to educate and inform, but that he was not sure the media was performing its proper role.

On April 10, 2010, the *Guardian* published another article by Richard Lord entitled: “Media against us - PM tells Maloney meeting”. In the article it is said that the then Prime Minister arrived at his assessment on the media based on the headlines of the three daily newspapers in Trinidad and Tobago, from April 06 to April 26. He said that he “had been the victim of ‘sustained attacks’ which were coming from the bias of the media.”

This is not the example that you are seeing here by this Government, Madam Deputy Speaker. The freedom of expression and the PNM’s approach to protesters: Madam Deputy Speaker, while I am talking about the way that this Government has not sought to prevent the media from expressing their views and criticizing this Government, as we all know, I would like to do a little comparison of this Government’s approach and the PNM’s approach to freedom of expression—  
[*Interruption*]

**Dr. Rowley:** Leave “de” PNM alone! Leave “de” PNM alone!

**Hon. Dr. T. Gopeesingh:**—by protesters against Government police.

**Dr. Rowley:** Calling PNM, PNM, PNM!

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, I would like to remind this House and the Members opposite, about the PNM’s treatment of anybody who dares to criticize PNM’s policy. Let us talk about the handling of a protesting David Abdulah—on Trade—on 18 December 2009, during an anti-tax protest in Port of Spain. Abdulah was leading a people’s democracy protest—[*Interruption*]

**Dr. Browne:** Fazeer Mohammed.

**Hon. Dr. T. Gopeesingh:**—against the proposed property tax outside the Red House when a confrontation took place between police and the administrators—  
[*Interruption*]

**Miss Mc Donald:** Madam Deputy Speaker, 36(1), relevance to what we are dealing with here.

**Dr. Rowley:** Abdulah's arrest is irrelevant!

**Miss Mc Donald:** Exactly.

**Madam Deputy Speaker:** Overruled! Member, you may continue.

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, at the same time, the House of Representatives was discussing the tax measures. [*Interruption*]

**Dr. Rowley:** What about my friend—

**Hon. Dr. T. Gopeesingh:** You have your time to respond. I am speaking now; you will have your time to respond. You “doh” want to hear the truth.

**Dr. Rowley:** “Ah doh want tuh hear”—

**Hon. Dr. T. Gopeesingh:** The truth is there. It has been written in the newspapers time and time again, Madam Deputy Speaker.

**Dr. Rowley:** It is irrelevant. You are wasting “yuh” time.

**Madam Deputy Speaker:** Member for Diego Martin West, please allow the Member to speak in silence.

**Hon. Member:** Hello, hello.

**Hon. Dr. T. Gopeesingh:** I have 45 minutes to speak—[*Interruption*]

**Hon. Member:** “Doh take dem on. Doh take dem on.” Go ahead. You go ahead.

**Dr. Rowley:** [*Inaudible*]—but “yuh wasting yuh time.”

**Hon. Dr. T. Gopeesingh:** When Abdulah complained about the use of force, he was grabbed by the back of his pants—[*Interruption*]

**Dr. Rowley:** Madam Deputy Speaker—

**Hon. Dr. T. Gopeesingh:**—batons were pulled out. Protesters and police then began pushing each other—[*Interruption*]

**Dr. Rowley:** 36(1)—the arrest of individuals is irrelevant to the matter in front of this House. [*Desk thumping*] The Member is being wholly irrelevant.

**Madam Deputy Speaker:** Take your seat.

**Miss Cox:** “Dah is not libel.”

**Madam Deputy Speaker:** Member, while I make my ruling, I want to ask you to allow the Member to speak in peace. Member for Caroni East, can I ask you to link up with the debate before us, please. Thank you.



**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, we are speaking of press freedoms.

**Hon. Member:** No!

**Hon. Dr. T. Gopeesingh:** We are speaking about freedom of expression; we are speaking of freedom of association in the context [*Crosstalk*] of the criminal liability and the defamation.

**Mrs. Mc Intosh:** Criminal oppression, not press.

**Mr. Indarsingh:** Intimidatory tactics—

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker—

**Mr. Indarsingh:**—belong to that party.

**Hon. Dr. T. Gopeesingh:**—we are speaking about intimidatory tactics being used in the past by the previous administration which was against the media—  
[*Interruption*]

**Hon. Member:** Yes.

**Hon. Dr. T. Gopeesingh:**—which was against the media, and we are concerned that what was going on then, at that time—[*Interruption*]

**Mr. Indarsingh:** Comrade Abdulah is a columnist.

**Hon. Dr. T. Gopeesingh:**—the issue of journalists being afraid of criminal libel—[*Interruption*]

**Miss Mc Donald:** Abdulah is not a journalist.

**Mr. Indarsingh:** A columnist.

**Hon. Member:** No? What is he?

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker—

**Madam Deputy Speaker:** Members, please allow the Member to speak in silence.

**Mrs. Mc Intosh:** He is irrelevant.

**Hon. Dr. T. Gopeesingh:** They do not want to hear the truth, Madam Deputy Speaker. They do not want to hear about—[*Interruption*]

**Mr. Indarsingh:** The modus operandi of the PNM.

**Hon. Member:** If you call that the truth, well we have a problem.

**Hon. Member:** The truth will set you free.

**Mrs. Mc Intosh:** He does not know the truth.

**Hon. Dr. T. Gopeesingh:** When Members for Parliament, Hamza Rafeeq and Ramsaran—when the then Prime Minister, Patrick Manning in the 2003/2004 national budget speech—I am talking about speech, which is speech. Libel is writing,—[*Interruption and laughter*]

**Miss Cox:** “Yuh doh even know.”

**Hon. Dr. T. Gopeesingh:**—speech is another aspect, slander. Speech can be under slander [*Crosstalk*] and writing is under the act of libel. And when Member for Chaguanas, Manohar Ramsaran and Dr. Hamza Rafeeq were appearing, along with seven other persons before a Chaguanas magistrate on charges relating to anti-crime protests in Chaguanas the day before—[*Interruption*]

**Mr. Indarsingh:** Kidnapping was rampant.

**Hon. Dr. T. Gopeesingh:** What does the Prime Minister do? The day after the protesters are charged, he stands up in Parliament and he says—I am speaking about libel “eh”—criminal thing:

“The Government recognizes that demonstrations are a legitimate expression of dissent in any democratic society.” [*Interruption*]

**Mr. Imbert:** Totally irrelevant.

**Dr. Rowley:** Madam Deputy Speaker, the matter before the House is criminal libel. The Member is wholly irrelevant. [*Desk thumping*]

**Madam Deputy Speaker:** Overruled! Member you may continue, please.

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, I go on to state what the then Prime Minister said:

“However, the Government wishes to make it absolutely clear that we will not tolerate acts of civil disobedience and will enforce the law of the country rigidly and fearlessly. Lawlessness will not be tolerated from either the criminals or from any other persons, including Members of Parliament who wish to disrupt the society, no matter how strongly they may feel about their cause.

The Riot Squad will be the subject of review and shall be provided with the most modern equipment now used in countries around the world.”

Madam Deputy Speaker, I am speaking about freedom of expression by individuals, two Members of Parliament, and this is the response of the then hon. Prime Minister in terms of the discussion on freedom of expression, freedom of association, freedom to engage in movement.

**Hon. Member:** Freedom to be irrelevant.

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, this is what their Government, over the past decades, has been doing to the media and free persons expressing their dissent over some of the areas which the PNM were involved in.

**Mrs. Mc Intosh:** You are mixing up your concepts.

**Mr. Indarsingh:** The most modern riot statements.

**Dr. Rowley:** It is called brambling.

**Hon. Member:** “Griffith say de same thing too.”

**Hon. Dr. T. Gopeesingh:** These persons were subsequently arrested and charged, together with Kirk Meighoo, by police officers in their demonstration. This is after the then Prime Minister spoke of what I just read about—  
[*Interruption*]

**Mr. Indarsingh:** Repeat that.

**Hon. Dr. T. Gopeesingh:** “The Riot Squad will be the subject of review...”—[*Interruption*]

**Mr. Indarsingh:** Repeat that.

**Hon. Dr. T. Gopeesingh:**—“and shall be provided with the most modern equipment now used in countries around the world.”

**Mr. Indarsingh:** Repeat that.

**Hon. Dr. T. Gopeesingh:** He said:

“Lawlessness will not be tolerated from either the criminals or from any other persons, including Members of Parliament who wish to disrupt the society...”

On a peaceful march, Mr. Ramsaran and Dr. Rafeeq were engaging in.

“—no matter how strongly they may feel about their cause.”

And there was desk thumping. There was desk thumping by them on the other side.

*Libel and Defamation (Amdt.) Bill*  
[HON. DR. T. GOPEESINGH]

Friday, January 24, 2014

And so, Madam Deputy Speaker, let us compare that to protesting under the People's Partnership. Environmentalist, Dr. Wayne Kublalsingh, who was the leader of the Highway Re-route Movement, he staged—[*Interruption*]

**Miss Mc Donald:** Madam Deputy Speaker, I am really having some problems now.

**Dr. Rowley:** 36(1).

**Miss Mc Donald:** I am really having—under 36(1) I rise. I am really having a problem in understanding what you are saying and linking it. Is it the same Bill we are dealing with? [*Desk thumping*]

**Dr. Rowley:** “Ah want tuh follow him.”

**Madam Deputy Speaker:** Member, take your seat. Member, you may continue but I want to ask you to link it in what the debate is before this House.

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, I am linking it to the issue of world press freedom—[*Interruption*]

**Dr. Browne:** That is not the Bill.

**Hon. Dr. T. Gopeesingh:**—world press freedom of movement and freedom of expression. [*Crosstalk*] Here it is that Mr. Kublalsingh was the leader of the Highway Movement expressing his views—[*Interruption*]

**Dr. Browne:** He is not a journalist.

**Hon. Dr. T. Gopeesingh:**—in a protest.

**Dr. Browne:** He is not a publisher.

**Hon. Dr. T. Gopeesingh:** He staged a daily protest outside the office of the Prime Minister for three weeks, refusing to eat or drink anything.

**Dr. Rowley:** He was ignored.

**Madam Deputy Speaker:** Hon. Members, the speaking time of the hon. Member for Caroni East and Minister of Education has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. W. Peters*]

*Question put.*

**3.00 p.m.**

**Hon. Members:** Division. [*Crosstalk*]

*Libel and Defamation (Amdt.) Bill*

*Friday, January 24, 2014*

*The House divided: Ayes 21 Noes 11*

AYES

Roberts, Hon. A.

Mc Leod, Hon. E.

Dookeran, Hon. W.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Griffith, Hon. Dr. R.

De Coteau, Hon. C.

Douglas, Hon. Dr. L.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Seemungal, Hon. J.

Cadiz, Hon. S.

Baksh, Hon. N.

Ramadharsingh, Hon. Dr. G.

Khan, Hon. Dr. F.

Seepersad-Bachan, Hon. C.

Rambachan, Hon. Dr. S.

Ramadhar, Hon. P.

Alleyne-Toppin, Hon. V.

Partap. C.

NOES

Mc Donald, Miss M.

Rowley, Dr. K.

Cox, Miss D.

Hypolite, N.

Mc Intosh, Mrs. P.

Imbert, C.

Jeffrey, F.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

*Mr. J. Warner abstained.*

*Question agreed to.*

**Madam Deputy Speaker:** Member for Caroni East, you may continue. [*Desk thumping*]

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, this is a living example [*Laughter and desk thumping*] of the viciousness of past and present PNM Governments [*Desk thumping*] in their constant move to erode the democracy and freedom of expression. [*Desk thumping*] They do it outside of Parliament and to come inside Parliament [*Desk thumping*] to do that, it is shameful and disgraceful, Madam. [*Desk thumping*] They should hold their head in high shame. [*Desk thumping*]

**Hon. Member:** Shame.

**Hon. Member:** Shameful.

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, you could imagine that God forbids that if that side ever gets into power, which they will never do, do you know what will happen in this country? [*Desk thumping*] We will all have the gag, we will be handcuffed and we will be—[*Interruption*]

**Dr. Moonilal:** Muzzled.

**Hon. Dr. T. Gopeesingh:**—muzzled, that we will never be able to say anything. That is the expression of PNM, Madam Deputy Speaker. [*Desk thumping*] That is PNM. The country sees it and I gave living examples. When the Member for Diego Martin North/East—[*Desk thumping*]

**Miss Cox:** Madam Deputy Speaker, 36(1), please. Irrelevant, again.

**Mr. Hypolite:** And 36(5). [*Crosstalk*]

**Madam Deputy Speaker:** Overruled! Member for Caroni East, please, continue.

**Hon. Dr. T. Gopeesingh:** This is just another example when they were in Government—[*Interruption*]

**Dr. Rowley:** Madam Deputy Speaker, I rise on 36(1). There is a matter before the House, we have a Bill before the House, the Member is making a whole irrelevant speech attacking us. I ask your ruling, please, 36(1).

**Madam Deputy Speaker:** Member for Diego Martin West, I have ruled as regards the Member for Caroni East in the debate.

**Mr. Peters:** Put them out.

**Madam Deputy Speaker:** Member for Caroni East, you may continue. [*Desk thumping*]

**Hon. Dr. T. Gopeesingh:** God forbids, Madam Deputy Speaker. God forbids. Shameful and disgraceful demonstration—[*Interruption*]

**Dr. Rowley:** Deputy Speaker, I rise again. The Member is insulting the Bench. [*Crosstalk*] Madam Deputy Speaker?

**Miss Cox:** 36(5).

**Madam Deputy Speaker:** Have your seat, Member. Have your seat Member for Caroni—sorry. Member for Diego Martin West, I am asking you to please take note as regards the Minister and the Member for Caroni East in his debate and you will respond accordingly. You will have your time. Overruled! Member, you may continue. [*Desk thumping*]

**Hon. Dr. T. Gopeesingh:** Madam Deputy Speaker, I was drawing the analogy or the contrast in styles between previous PNM administrations related to freedom of expression and freedom of speech from the media and from the wider community and what they would have been doing and what they were doing, as opposed to what when we experienced dissent how his People's Partnership Government dealt with it, and I was drawing the analogy of how we dealt with Dr. Wayne Kublalsingh when he made this protest. It is the question of freedom of expression, freedom to demonstrate, freedom to speak, freedom of movement, freedom of association, all constitutionally enshrined in sections 4 and 5 of the Constitution, Madam Deputy Speaker.

*Libel and Defamation (Amdt.) Bill*  
[HON. DR. T. GOPEESINGH]

*Friday, January 24, 2014*

He staged a daily protest outside the Office of the Prime Minister for three weeks, refusing to eat or drink anything against the advice of his doctors. The group wanted the Government to abandon work on a section of the highway to Point Fortin. How did the People's Partnership Government deal with this action? The Prime Minister called on—[*Interruption*]

**Dr. Browne:** Same Kublalsingh?

**Hon. Dr. T. Gopeesingh:**—Kublalsingh to end his protest. At a political meeting, she stated and I want to quote:

“I again empathise with...Mr. Kublasingh and ask him to reconsider his position in the light of the JCC...and Government meeting”, very polite, very humble, I—“ask him to consider his position...”

The Prime Minister's position was that she could not let a few people determine what is good for 300,000 people. She appealed to Dr. Kublalsingh, through the media, so that his family may encourage him to desist from his action. Appealed, not forcefully do anything against the person, but used humility, and the social touch of the distinguished Prime Minister appealing to him to discontinue his protest. And even Government Ministers such as the Health Minister Dr. Fuad Khan, Legal Affairs Minister Mr. Prakash Ramdhar, and Public Administration Minister Carolyn Seepersad-Bachan visited Dr. Kublalsingh. The Health Minister even offered an ambulance service, and what was the result?

So here you have two ways of dealing with—[*Interruption*]

**Dr. Browne:** The same Kublalsingh he is talking about?

**Hon. Dr. T. Gopeesingh:**—freedom of expression, freedom of movement, freedom of association, freedom to demonstrate.

**Dr. Browne:** Wayne Kublalsingh you are talking about?

**Hon. Dr. T. Gopeesingh:** So you had the Prime Minister using the soft and gentle touch—[*Interruption*]

**Mr. Imbert:** Wow!

**Hon. Dr. T. Gopeesingh:**—you have Ministers of Government appealing to him to desist from it.

**Dr. Browne:** To die.

**Hon. Dr. T. Gopeesingh:** No roughness, no threats. Nothing like that, Madam Deputy Speaker—[*Interruption*]



**Dr. Browne:** What about the Minister of National Security?

**Hon. Dr. T. Gopeesingh:**—and what was the result? Kublalsingh met with the JCC for the construction industry which later submitted a proposal to the then Prime Minister outlining a proposal for the highway. The JCC then met with works Minister, Emmanuel George, and agreed on a plan which both sides signed.

And the Opposition now, Madam Deputy Speaker, has the gall and the temerity to stand when we speak about atrocities committed against members of the society and against parliamentarians.

We can show how this Government deals with discontent and deals with people's protests, et cetera, in a very calm, sobering manner, absence of any threat or absence of any fear by any individual who threatens to demonstrate and who has demonstrated, and daily you see it outside the Parliament right here, Madam Deputy Speaker. People are protesting and this Government has not done anything to prevent a protest. Right here, even in Parliament when the Parliament has certain jurisdictions and so on in terms of their property space.

Madam Deputy Speaker, I want to quote from an article written—we are talking about press freedom. I want to read from an article written by Suzanne Mills dated Sunday, July 21, 2013, and the headline is from *Newsday*: “Ask us about Press freedom”. This is what Suzanne Mills said, Sunday, July 21, 2013:

“One Monday morning in 2003, a senior political reporter who constantly boasted of her daily six am chats with then Prime Minister Patrick Manning came to me with an ominous message.

At the time I was editor...of *Newsday* and I was also writing a Sunday column, No Red House for Manning:”

I go on to quote:

“In my view his intention to convert the seat of parliament into his office was a sign of a budding dictator. The message was if I did not desist from my campaign to save the Red House, the PNM Government would cease placing advertising in *Newsday*. I shrugged. But she insisted, ‘The paper will feel it’.

I reported the threat to management who realised that the gloves were off and that Government had declared war on *Newsday*. But management stood firm”.

This is the *Newsday*.

“No conglomerate to make up for a dramatic drop in revenue, still it insisted it was not going to be intimidated.”

*Libel and Defamation (Amdt.) Bill*  
[HON. DR. T. GOPEESINGH]

Friday, January 24, 2014

That is the intimidation of the PNM, of the media, *Newsday* in 2003, “No Red House for Manning”. “PNM Government would cease placing advertising in *Newsday*”. The article goes on to say:

“Ironically enough, only the year before, PNM leader, Mr. Manning had signed Chapultepec Declaration on freedom of expression”—only a year before—“and at the time had proclaimed that his Government was determined to uphold freedom of the press and to do nothing that would suggest that the freedom was to be compromised in any way by Government’s actions.”

But here you see what is happening, a threat not to advertise in the *Newsday*. The article goes on:

“Despite his lofty public declarations however, behind the scenes, moves were afoot to boycott *Newsday*, if not shut it down. ...*Newsday* was always removed from the listing by the particular minister, ministry or authority on the grounds that we were in Government’s ‘bad books’.”

That is freedom of expression being dealt with by the then Prime Minister, freedom of expression of a daily newspaper, the *Newsday*, in open threats saying that they are not going to advertise because the *Newsday* continued to write about “No Red House for Manning”.

### 3.15 p.m.

That was the nature of things happening then and this is what the Opposition does not want to hear but they must be reminded of it constantly, Madam Deputy Speaker.

**Hon. Member:** “Tell dem, [*Inaudible*] tell dem.” [*Desk thumping*]

**Hon. Dr. T. Gopeesingh:** And even:

“When the ‘Excellence in Education’ programme was initiated by the then Minister of Education, Hazel Manning, not one advert was given to *Newsday*.”

The article goes on:

“The withholding of advertising reached its peak in 2009 during the Spanish royal visit and the Summit of the Americas when Government advertising in the print media, paid for with taxpayers’ money, went exclusively to”—two other newspapers.

This is the article.

“With regard to the Summit, Government placed 139 full page colour advertisements in the period March to April 2009. The Express received 74 and the Guardian 65. Newsday got not one.”

That was the article written by Suzanne Mills.

“The PNM’s assault on press freedom was not limited to the denial of advertising.”

That is the PNM’s record being spoken about and written about by Suzanne Mills.

“Newsday’s editors and journalists would also increasingly be subjected to the wrath and ridicule of PNM ministers and officials,”—as we are seeing here today, Madam Deputy Speaker—“as Newsday held fast to its independence. One minister”—at that time—“went as far as to insult an editor, accusing her of being paid by the UNC Opposition. Discrimination against the paper took place on all fronts.”

Even:

“When President Obama attended the Summit of the Americas in 2009, Newsday’s reporter was refused entrance to his press conference on the last day of the Summit at the Hilton on the grounds that there was no room.”

Such is the extent. [*Crosstalk*] Then Foreign Affairs Minister at that time—

“...Paula Gopee-Scoon, ‘invited’ two editors to her office at Knowsley to ask why Newsday was not giving the Government a ‘good press’.”

**Dr. Browne:** Madam Deputy Speaker, Standing Order 36(6).

**Madam Deputy Speaker:** Member for Caroni East, you would realize what 36(6) is as regards “No Member shall refer to any other Member by name”, and I know that probably you are quoting from a document. You may continue.

**Dr. Rowley:** “Yuh must just do wah yuh want”—[*Inaudible*] [*Laughter*]

**Hon. Dr. T. Gopeesingh:** I am quoting from the article, but I would be—  
[*Interruption*]

**Dr. Browne:** [*Inaudible*] “Say Member nah!”

**Hon. Dr. T. Gopeesingh:**—predisposed to saying that the now Member of Parliament for Point Fortin, who was the Minister of Foreign Affairs, at that time, made this assertion:

“She said the PNM”—that is the Member for Point Fortin now—“wished *Newsday* to present a good image of the Government.”

**Hon. Member:** “Eh heh?”

**Hon. Dr. T. Gopeesingh:** “She was told that *Newsday*’s job was neither to present a good nor bad image, but to report the news accurately and to comment as it thought fit to do so.”

The Member for Point Fortin, at that time, was not the only Minister “to seek to scold or punish *Newsday*”.

“On December 7, 2008 there was a trial run in San Fernando”—on—“the water taxi from which *Newsday*’s reporter and photographer were banned. When questioned why other media houses were allowed on board and *Newsday* was not, Majid Mohammed, a spokesperson for NIDCO, which was under the aegis of the Ministry of Works”—I am talking about 2008—“headed by”—now the Member for Diego Martin North/East, Minister—“Colm Imbert, responded:”—he [*Inaudible*] Majid Mohammed—“You know Colm don’t like all yuh!” [*Laughter*]

**Dr. Browne:** “Yuh gone back again.”

**Hon. Dr. T. Gopeesingh:** “But it was senior investigative and political reporter, Andre Badoo, who was investigating UDECOTT and Calder Hart, who without a doubt became the principal target of the PNM.”

“Ah reporter and they questioning my statements on the freedom of expression that we are discussing today”, there it is: Andre Badoo, a reporter from *Newsday*, became the principal target of the PNM.

“Badoo went to Cuba where Manning was undergoing surgery in 2008 for kidney problems. Manning launched a personal attack on Badoo in Parliament. Manning suggested that Badoo had fabricated his coverage, even though Badoo produced photographs of the persons he had interviewed in Cuba.

Manning claimed that he possessed a report on Badoo.”

Threats! Intimidation!

“The ‘report’ never materialized. Then Minister of Information, Neil Parsanal, regularly called the newspaper to complain about Badoo.

At post Cabinet press briefings, Parsanal would also shut down questions by Badoo lecturing him about being ‘selfish’ and not letting others ask questions.”

Freedom of expression; freedom of speech!

“And his leader Manning once slapped his tape recorder away when Badoo attempted to interview him at a public place about...”—[*Interruption*]

**Miss Mc Donald:** Madam Deputy Speaker, 36(5) please.

**Hon. Dr. T. Gopeesingh:** I am reading the article by Suzanne Mills.

**Madam Deputy Speaker:** Member for Port of Spain South, the Member has sought prior permission, before he came into this Chamber for the debate today, as regards the article he is reading. Member, you may continue. [*Desk thumping*]

**Dr. Browne:** “He did not ask the permission to impute improper motives”—[*Inaudible*]

**Dr. Douglas:** “Yuh opposing the Speaker ah wat.”

**Dr. Browne:** Yes.

**Mr. Imbert:** Ridiculous!

**Mr. Indarsingh:** The facts, the facts.

**Hon. Dr. T. Gopeesingh:** It was “about whether the Government was hiding the real cost of the”—Prime Minister—“...Residence and Diplomatic Centre in St. Ann’s.

In 2009, the”—then—“PNM”—administration in Government—“used the Privileges Committee...to launch an attack on Newsday. PNM Government officials on the Committee...”—

Minister Moonilal and myself, and Minister Sharma, were on that Privileges Committee when Newsday was experiencing the wrath of the PNM while in Government.

They “...sought to get Newsday to reveal the sources of its information in relation to a report on UdeCott. Newsday’s editor-in-chief...”—

*Libel and Defamation (Amdt.) Bill*  
[HON. DR. T. GOPEESINGH]

*Friday, January 24, 2014*

God bless her soul, Mrs. Therese Mills, came to the Privileges Committee. That was the might and the power of the disregard for the freedom of expression by the PNM Government, [*Desk thumping*] at that time, bringing people to the Privileges Committee.

**Mr. Imbert:** You did not do that? You did not—[*Inaudible*]

**Hon. Dr. T. Gopeesingh:** One of the icons in [*Continuous crosstalk*] the world of journalism was hauled before the Privileges Committee by the PNM administration when they were in Government. God bless her soul.

**Mrs. Mc Intosh:** God blessed her soul. “Doh call God name, talk.”

**Hon. Dr. T. Gopeesingh:** The “...editor-in-chief, and Bagoo...” had to come because they were accused of writing a story “were summoned to appear before the Committee to answer more than 100 questions”—that is them—“including several questions over the paper’s sources. The Committee when it presented the report in Parliament wanted to ban Newsday from covering all debates...”

We experienced it! *Newsday* could not come into Parliament to cover any debate whatsoever. They were kept out by the then PNM Government, 2009.

**Mr. Roberts:** Shame!

**Hon. Members:** Aaaaah!

**Mr. Robert:** Shame!

**Hon. Dr. T. Gopeesingh:** The country must be reminded about that.

**Mr. Roberts:** PNM! [*Desk thumping*]

**Hon. Dr. T. Gopeesingh:** This is the debate on the freedom of expression and the country must know what that PNM administration did and compare it and contrast it to how we are managing as a People’s Partnership Government, dissenting voices, demonstrations, et cetera.

**Mr. Ramadhar:** And they have not changed; look at today.

**Hon. Dr. T. Gopeesingh:** And today is a living example how they have been doing it all in the past, how they are doing it now and will continue to do it in the future.

**Hon. Members:** Yes!

**Hon. Dr. T. Gopeesingh:** God help this country! God help the media! God help the media!

**Mr. Roberts:** “What Al-Rawi have to say about dat?”

**Dr. Moonilal:** “Al-Rawi hiding in ah room in Tobago.” [*Laughter*] “Missing he wife!”

**Hon. Dr. T. Gopeesingh:** “In 2005”—I will go back a little bit—“three Newsday reporters were “invited” to a meeting of the Privileges Committee which was investigating the teacup brawl...”—and so on. Suzanne Mills said:

“I accompanied the reporters to the meeting and then Speaker...tried to keep me out and had to be told by the Clerk of the House that the reporters were permitted to have an adviser at their side. PNM MP Hedwidge Bereaux immediately questioned my credentials.”

**Hon. Member:** Hedwidge Bereaux.

**Hon. Dr. T. Gopeesingh:** Bereaux. And:

“Even after the general election...”—took place in May—“2010 the attacks...continued...September 2010”—the same Member for Diego Martin West—“Dr. Keith Rowley, now the Opposition Leader, attacked the media, three times accusing it of being in the pocket of the PP Government. PNM Senator Fitzgerald Hinds, in a speech on the platform, specifically pointed Badoo out to the crowd”—intimidating violence—“and said”—he did not accept the People’s Partnership—“he hoped he did not accept a PP government job.

Recently the trade union movement has accused the PP of political interference in the Guardian and has issued statements in support of a free press, yet two years ago on July 28, President General of the Oilfields Workers Trade Union Ancel Roget—on live radio—launched an attack on Badoo...”

**Dr. Rowley:** Madam Deputy Speaker, I rise under Standing Order 36(5). I am not aware that I attacked anybody, media or otherwise. The Member is imputing improper motives to me, my name—I rise for your protection.

**Madam Deputy Speaker:** Have your seat.

**Mr. Roberts:** “Ah like that tone, that was nice.”

**Madam Deputy Speaker:** Member for Diego Martin West, I did say earlier that the Member for Caroni East had sought permission—prior permission before coming to this Chamber as regards the debate, and the Member, I imagine, is merely quoting from what he has asked.

**Miss Cox:** “He quoting? [*Inaudible*] Yuh not listening?”

**Madam Deputy Speaker:** Member, you may continue.

**Dr. Rowley:** Madam Deputy Speaker, I rise on a point of clarification—  
[*Interruption*]

**Miss Cox:** Slander?

**Mrs. Mc Intosh:** “He geh permission for slander?”

**Dr. Rowley:** I rise on a point of—am I to understand—[*Interruption*]

**Miss Cox:** “Yuh geh permission to slander?”

**Dr. Rowley:**—that you have given permission to override the Standing Orders? I am asking for protection under the Standing Orders which are supposed to protect me.

**Hon. Member:** That is not the job.

**Dr. Rowley:** I am not concerned about his source of information. He is ascribing an action to me in this debate, and I am asking you to rule under the Standing Orders.

**Madam Deputy Speaker:** Member, please, for Diego Martin West, please have your seat. Overruled! Member for Caroni East, you may continue. [*Desk thumping*]

**Hon. Dr. T. Gopeesingh:** Thank you, Madam Deputy Speaker. I want to remind the national community through the Parliament on Friday, November 07, 2008, the *Guardian* wrote—by Kyle Jeremiah:

“Prime Minister Patrick Manning says he has had it with the media.”

That is freedom, we are talking about freedom of expression, and he said:

“...‘If the spirit moves me’, he will not hesitate to visit media houses to complain if he disapproves of the content they produce.”

**Dr. Moonilal:** Who say that?

**Hon. Member:** Who say that?



**Hon. Dr. T. Gopeesingh:** The hon. Prime Minister at that time.

“If the spirit moves me”—and I continue to quote what he said:

**Mr. Indarsingh:** The spirit move him from the—[*Inaudible*]

**Hon. Dr. T. Gopeesingh:** “I have taken a personal decision and that decision is that if ever I am aggrieved by anything the media does in the future”—we are talking about expression by the media, that is the gist of this Bill, the media—“I am going to the courts’, he said, during the post-Cabinet”—press—“conference yesterday.” [*Crosstalk*]

**Mr. Indarsingh:** The spirit move him from the barbershop!

**Hon. Dr. T. Gopeesingh:** “He was expressing his disappointment with the media in the aftermath of reports that he had stormed into the offices of 94.1 FM to complain about two radio announcers who criticized him during a broadcast.”

**Hon. Member:** “And is the same PNM eh.”

**Hon. Dr. T. Gopeesingh:** “Several individuals and groups”—this is by Kyle Jeremiah from the *Guardian*—“have expressed concerns over Manning’s visit to the station and questioned whether it was an attempt to suppress press freedom.”

That is what we are debating today—whether it was an attempt by the then Prime Minister to suppress press freedom.

**Mrs. Mc Intosh:** “Geh slander right here.”

**Hon. Dr. T. Gopeesingh:** “The second issue, therefore, is whether it is proper for the”—Prime Minister—“to visit a radio station or not.”

**Hon. Member:** “Under them circumstances.”

**Mr. Ramadhar:** Uninvited.

**Hon. Dr. T. Gopeesingh:** Uninvited. And:

“Asked whether he would acknowledge that his influence as Prime Minister resulted in the suspension of the two announcers, Manning said: ‘What influence? I told those in authority at the radio station what had happened...I made it quite clear. I was making no complaint...I expected no redress because expecting redress from the media is asking too much. I told them that.’”

**Hon. Member:** Sounds hateful.

**Hon. Dr. T. Gopeesingh:** Expressing redress—“I expected no redress because expecting redress from the media is asking too much. I told them that’.

He lamented that of the 34 radio stations, seven television stations and three daily newspapers, he was unable to identify any media house that pursued a pro-government agenda.

‘It is a question of being disrespectful to institutions and authority’—that is Mr. Manning speaking—“and pursuing a course of action that can cause the image of these institutions and individuals to be tarnished in the minds of those in whose interest they are set up to serve. And therefore they can be completely ineffective.”

I just give you these examples, Madam Deputy Speaker.

**Hon. Member:** “Check yuh time.”

**Hon. Dr. T. Gopeesingh:** How much time do I have again?

**Madam Deputy Speaker:** You have five minutes.

**Hon. Dr. T. Gopeesingh:** Thank you. Then there was the case of the Maha Sabha.

**Dr. Browne:** “See how irrelevant you can get.”

**Hon. Dr. T. Gopeesingh:** Applications for radio licences, this is press freedom.

**Dr. Moonilal:** Deyalsingh next? [*Laughter*]

**Hon. Dr. T. Gopeesingh:** This is journalism.

**3.30 p.m.**

Applications for radio licences were made by the Sanatan Dharma Maha Sabha and Central Broadcasting Services and they were turned down on more than one occasion, two occasions, three occasions. They had to go to the Privy Council for redress. And the Privy Council said the Maha Sabha:

“...claimed...that they had been denied equality of treatment...right to freedom of conscience, religious belief...observance and...freedom of thought and expression...”

The Law Lords of the Privy Council saw through it all. They further enunciated:

“There was”—a—“conspicuous failure to deal with the application for over three years. There was unexplained and unjustified discrimination in favour of another applicant, Citadel.”

They not only undermined the institution of expression—that is PNM—but went further to undermine the very institution of liberty. That is the Law Lords telling PNM that, Madam Deputy Speaker.

Then we had the hon. Member Fitzgerald Hinds, at that time. He knocked the media as vultures. On April 07, 2012, the Trinidad *Express* newspaper reported that Mr. Fitzgerald Hinds blasted the media for attempting to visit Cheryl Miller and resorted to calling them vultures.

Mr. Conrad Enill, then Minister of Energy and Energy Industries was quoted in the Trinidad *Guardian* as saying:

“ ‘Nowhere in the world is news reporting as bad as...’ ”—it is here.

And then there were issues. The Member for Diego Martin North/East, in an *Express* article by Gyasi Gonzales entitled:

“Imbert slams media ‘plot’”

The journalist writes about then Minister Imbert on the eve of the May 24 election in 2010, warning electors:

“Do ‘not read the papers. Do not watch TV6. Put your blinkers on and focus on the victory.’ ”

**Hon. Member:** “Who say dat?”

**Hon. Dr. T. Gopeesingh:** The Member for Diego Martin North/East—  
[*Interruption*]

**Hon. Member:** “Lordee!”. [*Crosstalk*]

**Hon. Dr. T. Gopeesingh:**—at a meeting in St. Joseph, during the 2010 election campaign. The Member for Diego Martin North/East told supporters to deal with the media. He told supporters to deal with the media.

**Hon. Members:** Ohhh!

**Hon. Dr. T. Gopeesingh:** This was interpreted by the media in a public—  
[*Interruption*]

**Miss Mc Donald:** Madam Deputy Speaker, I rise on 36(5).

**Hon. Member:** “Yuh” rising smooth.

**Madam Deputy Speaker:** Member for Caroni East, you have just two minutes again. I want to ask you to link and to wrap up please. [*Crosstalk*]

**Hon. Dr. T. Gopeesingh:** This is what I will be doing. Madam Deputy Speaker and colleagues, Members of this House, I just want to quote now, in closing—[*Interruption*]

**Hon. Member:** Misbehaving.

**Hon. Dr. T. Gopeesingh:**—the Prime Minister’s “Statement on” [*Crosstalk*] “World Press Freedom Day 2013”.

“Proposed Amendment to Criminal Libel Laws Hailed As... ‘A Big Step for Trinidad and Tobago.’”

On May 3, 2013, the Prime Minister, Kamla Persad-Bissessar’s “Statement on World Press Freedom Day, 2013: Proposed Amendment to Criminal Libel Laws Hailed As... ‘A Big Step for Trinidad and Tobago’.

Trinidad and Tobago joins democracies across the globe”—this is the Prime Minister’s statement—“to commemorate International Press Freedom Day...with glorious pomp and ceremony. It was first proclaimed as a day worthy of recognition by the General Assembly of the United Nations in December 1993.”—Twenty-three—“...years after, its significance has grown globally,...

She went on to say:

“...that my Government has been able to move swiftly to amend the legislation which has remained on our Statute books for 167 years.

The amended legislation would be geared specifically toward the revocation of section 9 of the existing Act which states, ‘If any person maliciously publishes any defamatory libel, upon conviction thereof he is liable to pay a fine and to imprisonment of one year.’

In my announcement of the pending legislative amendment I stated that ‘this law has been on our books for too long. We believe that in any civilized society, ’...’

That is the Prime Minister’s message on World Freedom Day, 2013.

“We believe that in any civilized society, committed to freedom of the press, it does not so belong. This historical removal is further evidence of my government’s commitment to an independent, free and fair press in our great nation’.

I am hopeful...with the amendment to the legislation”—and we proffer this to Parliament—“there would be the desire by journalists to do their part: a greater sense of professionalism and responsibility by journalists to first verify the facts before...a story.

At the same time it must not be construed as a surrender of any right”—of—“the State”—[*Interruption*]

**Mrs. Gopee-Scoon:** Sit down.

**Hon. Dr. T. Gopeesingh:**—“or the removal of any right of the...”—citizen.

**Hon. Member:** His time up?

**Mrs. Gopee-Scoon:** Yes. [*Crosstalk*]

**Hon. Dr. T. Gopeesingh:**

“The proposed...”—legislation—“...reform”—therefore [*Crosstalk*] “has the potential to usher in a new era...”—[*Interruption*]

**Hon. Member:** Shhh!

**Hon. Dr. T. Gopeesingh:**—of—“...journalism in our land,...”—[*Interruption*]

**Mr. Imbert:** Your time is up.

**Hon. Dr. T. Gopeesingh:**—“one that may”—be—“possibly”—used...”—[*Interruption*]

**Hon. Member:** Time up.

**Hon. Dr. T. Gopeesingh:**—“as a test piece”—[*Crosstalk*]—“for the rest of the region and perhaps even ‘more developed societies’.”

Madam Deputy Speaker, we commend this Bill to the House for its consideration. [*Crosstalk*]

**Hon. Member:** Sit down.

**Hon. Dr. T. Gopeesingh:** And we want to ensure that this section 9 is removed from the existing Bill. Thank you, Madam Deputy Speaker. [*Desk thumping*]

**Madam Deputy Speaker:** Member for Diego Martin West and Leader of the Opposition. [*Desk thumping*] I am sorry. You said something, Member? [*Desk thumping*]

**Dr. Keith Rowley** (*Diego Martin West*): I said thanks for the invitation. [*Desk thumping*]

**Madam Deputy Speaker:** I am sorry, I did not hear you.

**Dr. K. Rowley:** I said thank you for the invitation.

**Madam Deputy Speaker:** You are most welcome.

**Dr. K. Rowley:** Madam Deputy Speaker, I join this debate—[*Interruption*]

**Hon. Member:** Unknowingly.

**Dr. K. Rowley:**—reluctantly. Because I came here today, Madam Deputy Speaker, expecting to take part in a debate on the issue of whether we should eliminate, modify, or in any form, interfere with the existing legislation on the matter of criminal libel. I understood that to mean that the issue now, where, if a journalist or a media house publishes something, which is deemed to be offensive to a party, and the party chooses so to react, the party can take action against the publishing house or the journalist, under the heading of a criminal act. And that is what we talk about criminal libel.

I thought that was the matter that was before the House. I sat here throughout the contribution of my colleague from Caroni East. And what I am going to respond to is what he has, in fact, dealt with, which is a comparison between the goodness of the UNC as a lover and defender of the media, and the PNM as the nemesis of the media and freedom of expression; because that is the debate in front of us.

**Hon. Member:** That is right.

**Dr. K. Rowley:** That is what I am called upon to respond to. Because I would not want, Madam Deputy Speaker, for the record of Parliament to remain as established today by the Member for Caroni East, without the facts, if only for posterity. So Madam Deputy Speaker, let me, on behalf of the PNM, that is the subject of today's debate, say that we do not think that the media of Trinidad and

Tobago is incapable of defending itself. In fact, we have a very vibrant media—print, electronic; variety of journalists who, in Trinidad and Tobago, the media is capable of defending itself.

And therefore, the assignment, which the Member for Caroni East, took up in defence of *Newsday*, in particular, I am sure *Newsday* can, as Suzanne Mills' article did, express *Newsday's* point of view. And I am sure that there are many media houses which can print similar stories about their experiences with various members of Government, of various governments. But that is not what was before us, or is before us.

I can give my own experience, Madam Deputy Speaker, but I do not know that that is what you came here for today. But when the Member for Caroni East set out to speak about the UNC and its record with the media being perfect, lovable, warm and fuzzy, as compared to the PNM, which is evil and detrimental to freedom of association, freedom of movement, freedom of—[*Interruption*]

**Dr. Browne:** Expression.

**Dr. K. Rowley:**—whatever—expression, I wonder if the Member really wants us to take him seriously because, Madam Deputy Speaker, he used a few examples to demonstrate that. Any of us here can pick on apposite examples.

**Dr. Browne:** Fazeer Mohammed.

**Dr. K. Rowley:** The UNC came into office, and they met a fella here called Julian Rogers—[*Interruption*]

**Hon. Member:** Um-hmm.

**Dr. D. Rowley:**—running a very popular morning programme. It was called—I cannot remember the name of the programme, but Julian Rogers, who happened to be a Barbadian national, who was living in Trinidad and Tobago.

**Dr. Moonilal:** *Morning Edition*.

**Dr. K. Rowley:** *Morning Edition*, I think was the programme, very popular programme. Thank you for the assistance. And Julian Rogers was a very provocative anchor for his programme. And it was a very, very useful programme because we got a lot of information, political and otherwise. And, in the new UNC term of office, Julian took some position which was deemed to be offensive to Prime Minister Panday, head of the UNC Government, and I would not go into the details; but the end result was he was driven out of Trinidad and Tobago by the Government.

**Dr. Browne:** Deported.

**Hon. Member:** Deported.

**Dr. K. Rowley:** Not only out of the media house, you know; out of the country.

**Dr. Browne:** Same UNC.

**Dr. K. Rowley:** That was a UNC Government saying that “I am not prepared to tolerate what Julian Rogers was doing”, which was a *Morning Edition* programme, where there were expressions which the Prime Minister found were not favourable to him and his Government. I might tell you that action did not find favour with the vast majority of people of Trinidad and Tobago, including UNC members because it was not something that we had become accustomed to.

There was media icon, Jones P. Madeira. He was at the *Trinidad Guardian* at the time and he wrote an article, I think the headline was something about chutney rising.

**Hon. Members:** Chutney rising.

**Dr. K. Rowley:** And again the Prime Minister, the UNC Prime Minister, apparently a person not known to my friend from Caroni East, took the public position that his Government will not tolerate the likes of Jones P. Madeira and any idea of any person in that position attacking, well I “doh” know how chutney rising became the Government, or the Prime Minister, or what, but the Prime Minister took offence.

And the end result was this, he issued a public directive that his Government will not deal with the *Guardian* as long as Jones P. Madeira was there. [*Crosstalk*] And of course, the owners of the papers, not wanting to offend the Government, and lose their, whatever interest in that matter, Jones P. Madeira was dispensable and he was removed from the *Guardian*.

**Hon. Member:** Fired.

**Dr. K. Rowley:** He was a veteran media person in this country.

**Mr. Imbert:** He was a hostage.

**Dr. K. Rowley:** He had to leave the media environment because a UNC Prime Minister said publicly that the Government of Trinidad and Tobago will not deal with the *Guardian*. And I had to sit here today and listen to my colleague from



Caroni East, my friend of long standing; I mean, we shared many a meal; we lived in the same university campus, the same hall, we played—I mean, what happened to him in recent times? [*Laughter*]

**Hon. Member:** He was always like that.

**Dr. K. Rowley:** I mean, I must admit the Member for Caroni East and I, we go back a long time, way back to the good days of Mona.

**Miss Cox:** Something went wrong.

**Dr. Gopeesingh:** Forty-four years.

**Dr. K. Rowley:** Forty-four years.

**Hon. Member:** Something went wrong.

**Miss Cox:** Something went wrong.

**Hon. Member:** You never knew him that—[*Interruption*]

**Dr. K. Rowley:** I never knew that he was—I never knew he had loose screws. [*Laughter*] We shared so many good years as young people, right. We grew up in the same environment. We had the same interests. We play—we were cricketers, we played sport together. When we came back from the university, we were—I had many a good time at his house. As a matter of fact, I advocated for him to be the PNM Member of Parliament for Fyzabad. [*Laughter*] When he came forward to be the PNM MP for Fyzabad, I was the advocate. [*Laughter*]

**Dr. Moonilal:** 36(5), improper motives. [*Laughter and desk thumping*]

**Dr. K. Rowley:** Now, here I was—as a matter of fact, as a matter of fact, the leader of the party, at the time, thought that his motive was, in fact, improper and did not accept his request.

**Dr. Gopeesingh:** Never did.

**Dr. K. Rowley:** But to sit here today and listen to him against the public prints of what happened to Julian Rogers, at the TV station; what happened to Jones P. Madeira—[*Interruption*]

**Dr. Browne:** Fazeer Mohammed.

**Dr. K. Rowley:**—at the *Guardian*.

**Dr. Browne:** Fazeer, Fazeer.

**Hon. Member:** Fazeer Mohammed.

**Dr. K. Rowley:** And to listen to him here, portray the UNC, as these angels, defenders of the media, and the media has nothing to fear. It is the UNC that caused the media to be afraid of a government; because I could tell you, when the PNM is in office, anybody could do and say anything about the PNM in this country.

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

**Dr. K. Rowley:** You are only afraid of a government when the PNM is not in office.

**Hon. Member:** Um-hmm.

**Dr. K. Rowley:** That is a fact.

**3.45 p.m.**

Madam Deputy Speaker, he says the PNM never nurtured the media. I was not aware that the government's role or the political party's role is to nurture any media.

**Hon. Member:** Except the *Newsday*.

**Dr. K. Rowley:** Is that what is happening when all these people that they are paying to write pro-Government stories—[*Interruption*]

**Miss Cox:** And blogs.

**Dr. K. Rowley:**—and become—[*Interruption*]

**Hon. Member:** “Doh forget.”

**Dr. K. Rowley:**—abusers on the media—there is a particular radio station owned by the Government, 91.1; there are paid spokespersons there who spend their entire period on the media attacking me every day, 91.1. The one good thing about that, Madam Deputy Speaker—[*Interruption*]

**Miss Cox:** “Dey say dey working fuh Moonilal.”

**Dr. K. Rowley:**—the one good thing about it is that the more they attack me, the more the listenership goes down. They are now at 1.1 per cent. [*Laughter*]

**Miss Cox:** How much?

**Dr. K. Rowley:** They were at 1.5 per cent; they are now down to 1.1 per cent.

**Dr. Moonilal:** And that is you—must like that.

**Dr. K. Rowley:** Yeah, oh yeah. You know, and this is the Government's, station that has paid people on it whose job it is to spend the entire time attacking people who they believe—[*Interruption*]

**Miss Cox:** PNM.

**Dr. K. Rowley:**—to be hostile to the Government.

**Miss Mc Donald:** That is Mighty K.

**Dr. K. Rowley:** And I have to listen here today to a Government Minister, the Minister of Education, coming here and telling me about Government loving media and the media and the media and the media?

Madam Deputy Speaker, when he talks about the UNC record, I want to remind him that this Parliament has a record of what went on in this House. He took offence at my colleagues and myself here not giving him an extension and held that up as an example of PNM's approach to high-handedness. No! You have no right to be irrelevant and if you challenge—[*Interruption*]

**Miss Cox:** Continuously.

**Dr. K. Rowley:**—under the Standing Order you use your vote and you carry on. But the bottom line is this, let me take him back to May of 2001, when, in this House there was a Finance Bill debate. I am not talking here about impression and who vex because they did not get their time extended; I am talking about a debate before the House, the Finance Bill, where the Parliament is to supervise the Government for spending billions of dollars.

Madam Deputy Speaker, the *Hansard* will show that I was on my feet in this Parliament, maybe in this very spot, talking about massive corruption at the Piarco Airport terminal construction and before anybody was accused, charged, jailed in the Parliament in the debate, the matter of corruption at Piarco Airport was being raised by me here in this House, in my capacity as Member of Parliament for the people of Diego Martin West, a parliamentarian in the Parliament of Trinidad and Tobago. And I said to the hon. Attorney General—and let me tell you Madam Deputy Speaker, again—in the light of what has happened and what he has said today, let me, for the record and for those who would have seen him live on television today and who might have been misled by him, let me, for their benefit, I crave your indulgence to read what happened on that day so that my colleague from Caroni East will not be allowed to mislead people in this country again.

**Mrs. Mc Intosh:** Please, lovely. [*Desk thumping*]

**Dr. K. Rowley:** Finance Committee Report, Thursday, May 24, 2001.

**Dr. Moonilal:** 2001.

**Dr. K. Rowley:** Yes, 2001. And this is the Member of Parliament for Diego Martin West speaking in the debate about corruption, knowledge and information about corruption that was taking place at Piarco Airport.

**Mr. Roberts:** “Yuh sounding like North/East, boy. Yuh sounding good.”

**Dr. K. Rowley:** And I quote here:

“However, I also know that as Attorney General you pole-vaulted on your principle and stayed in the Cabinet when you advised them that the airport contract was null and void and of no effect and you allowed them to carry on and rape the Treasury.”

Madam Deputy Speaker, for that, the UNC Government entertained a Motion and expelled me from the Parliament—[*Interruption*]

**Miss Mc Donald:** Ummmmm!

**Dr. K. Rowley:**—and the leader of that expulsion is sitting up there, the Member for Toco/Sangre Grande. He was in the Chair.

**Hon. Members:** Ohhh!

**Dr. K. Rowley:** He accused me—[*Interruption*] and let me tell you what he said. That is what I said and I want you to see it against the background of what has happened with Piarco Airport since then, eh. We could have saved ourselves that. A lot of what is happening now, we could have saved ourselves. We could have saved ourselves the millions being paid in the court. This is serious parliamentary business, and for having said that to the Attorney General, which should have wized up my colleagues on the other side and the country as a whole, listen to what happened here, next thing, the Speaker jumped in:

“Member, I think you have been going along fairly well, but when you begin to insult another Member in that language, it is unparliamentary and I am asking you to withdraw it.”

Now, bear in mind, the Member did not object eh. There was no objection from the Member who was insulted. It is the Chair that is saying: Member you are insulted. And the Chair went and said “Member move a Motion.” The UNC voted unanimously.

**Hon. Members:** “Tuh throw yuh out.”

**Dr. K. Rowley:** “Throw me out of the Parliament May 24, 2001.”

**Mr. Roberts:** Poor you.

**Dr. K. Rowley:** Right. The results of that was that the people of Diego Martin West, for a period of time, had no representation in the Parliament, for the offence of insulting a member of the UNC and the rest of the UNC, including the darling he even spoke about, this Prime Minister he is talking about, what a wonderful, sweet and loving person that she is, a freedom of expression. Here I was, not just only expressing myself but expressing, on behalf of the people of Diego Martin West who sent me here to represent them and to defend their interest in Piarco Airport and every single one of them voted to—[*Interruption*]

**Dr. Griffith:** Well deserved.

**Dr. K. Rowley:**—to expel me from the Parliament. Well deserved. “Is shame you eh have, right.” Madam Deputy Speaker, that is what happened here. That is the record of *Hansard*.

**Dr. Moonilal:** He cannot do better.

**Dr. K. Rowley:** That is the record of *Hansard*. So, against that background, Madam Deputy Speaker, I reject everything that was said here today by my colleague from Caroni East about UNC and freedom of expression and defence of the right to associate and the right of whatever. It was all phooey. It was all unacceptable and he set out to mislead, because if one knows the record of the UNC you will take nothing that he said here today seriously, nothing whatsoever. It was an attempt to burnish the image of the UNC against the background of the record where you would find that a matter like this, if it tarnishes any political party, it is not the PNM, not the PNM. And after what happened with and about Piarco Airport and about that action of the UNC, members of the UNC should be the last people to talk—[*Interruption*]

**Miss Mc Donald:** “Yuh know.”

**Dr. K. Rowley:**—about freedom of any kind in this country.

He goes on to talk about PNM dealing with members of the media in a variety of ways and not giving advertisement to newspapers or threats from not giving advertisements. I wonder if the Member ever heard of a paper called the *Mirror*?

**Hon. Members:** Um-hmm.

**Dr. K. Rowley:** Maxie Cuffie made a public expression to this country and he wrote to my colleague from Tabaquite, as Minister of Foreign Affairs, or whatever capacity he was at the time, pointing out that because the Government was not pleased with the exposures that were taking place in the *Mirror*, the Government has given instructions to state enterprises across the board—  
[*Interruption*]

**Miss Mc Donald:** Um-hmm.

**Dr. K. Rowley:**—to place no state advertisement in that newspaper.

**Miss Mc Donald:** Correct is right.

**Dr. K. Rowley:** It matters not what you think about the *Mirror* as a newspaper but the bottom line is the Government was displeased about what the population was being told as being printed in there. And what did the Government do?

**Mr. Roberts:** “But who does read the *Mirror*?”

**Dr. K. Rowley:** Contrary to what he is trying to say here this afternoon about how they lovingly caress and cajole protestors. That is not true.

**Mr. Roberts:** “But who does read the *Mirror*?”

**Dr. Moonilal:** “Dey doh have enough money.”

**Dr. K. Rowley:** It matters not who read the *Mirror* or who did not read the *Mirror*, if the Government was of the view that nobody was reading it they would have done nothing about it.

**Miss Mc Donald:** That is right.

**Dr. K. Rowley:** It is because they felt that it was being read by people—  
[*Interruption*]

**Mr. Roberts:** “So yuh does advertise—[*Interruption*]

**Dr. K. Rowley:**—they decided—and contrary [*Crosstalk and interruption*] Madam Deputy Speaker, to what my colleague from Caroni East said about how welcoming the UNC is of criticisms, I am simply saying that is not borne out by the facts, because the fact was, when they were not pleased with what was being published by a newspaper, the action they took was to instruct the state enterprise to withhold state advertising from that newspaper to starve them of income. And

that did not happen five or 10 years ago so he forgot you know, that happened in 2011 and 2012, under him in this Government. He spent all his time talking about what happened way back in “Oh-he-oh-ho.” I am talking about now, current, hot off the press.

I am in no position to say what ad the *Mirror* had or did not have. I am simply reporting the complaint made by the managing director or the editor-in-chief at the *Mirror* that the *Mirror* was being starved by governmental action, and if that is to be believed then you have to dismiss what was said by my colleague from Caroni East this afternoon. You have to dismiss it, because it does not find any support in the facts.

He goes on to talk about the PNM’s attack on rights, privileges and freedoms, and so on, and expression and the PNM and the Privileges Committee.

**Mr. Roberts:** Which you apologized for.

**Dr. K. Rowley:** Madam Deputy Speaker, who abused the Privileges Committee more than this UNC Government?

**Hon. Member:** Nobody.

**Dr. K. Rowley:** I, as a Member of Parliament, came to the Parliament with matters disturbing to me, as is my right, on behalf of those who elected me. I came to the Parliament with matters of emails and I told the Parliament I would like an investigation, an investigation. I asked for an investigation. As a matter of fact, the Prime Minister of the country subsequently, in a matter of within 48 hours, did in fact pass a matter to be investigated. The matter is being investigated, as far as I am aware. As far as I am aware, the matter is being investigated but for having raised the matter in the Parliament and calling for an investigation the UNC Government sent me to the Privileges Committee.

**Dr. Moonilal:** Which could have been thrown out.

**Dr. K. Rowley:** There was a matter which I had to attend, not once or twice but many times, appearing before the Privileges Committee as though I had done something wrong because I offended them and for offending them, for offending them—[*Interruption*]

**Mr. Roberts:** Fabrication!

**Dr. K. Rowley:**—for offending them—he is enjoying it, excuse him—how did they treat with me for doing my job, for doing what I have been sent to Parliament to do by the people of West Moorings, Diego Martin, Covigne,

*Libel and Defamation (Amdt.) Bill*  
[DR. ROWLEY]

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Carenage? Do you know what they did? They sent me to the Privileges Committee and left to them alone, if I could not defend myself in the Privileges Committee, it was their intention to expel me from the Parliament.

**Dr. Moonilal:** That is true.

**Dr. K. Rowley:** They moved heaven and earth. It is because I was able to defend myself in the face of their folly why I was not once again expelled from the Parliament, because that was their intention. And then he has the gall to come here today and talk about misuse of the Privileges Committee?

**Dr. Moonilal:** But the matter was never resolved.

**Dr. K. Rowley:** The Privileges Committee? My colleague from Oropouche East is disturbing me and saying the matter was never resolved. That is not what I am talking about. Whether it was resolved or not, whether you are guilty or not is not the point. The point is I was being sent before the Privileges Committee for raising, in the Parliament, a matter—[*Interruption*]

**Mr. Roberts:** Bogus, bogus.

**Dr. K. Rowley:** You want us to discuss what is bogus?

**Mr. Roberts:** Bogus. Discuss it.

**4.00 p.m.**

**Dr. K. Rowley:** I will not, I will not go on to room—what is the number of the room? Is what—Room 2? [*Laughter*] Which room? [*Crosstalk*] I will not go on to room—is 2?

**Hon. Member:** 201.

**Dr. K. Rowley:** Or, you know the room?

**Hon. Member:** 201.

**Dr. K. Rowley:** It is 201? I will not go on to room 201, notwithstanding the latitude of the debate [*Interruption*] because the debate is wide open. Right?

**Hon. Member:** Come on.

**Dr. K. Rowley:** Right? No, no, he is the Minister of youth, you know.

**Mr. Roberts:** No, no, no. “Yuh wrong. Yuh misleading.”

**Dr. K. Rowley:** That is not Minister of—[*Interruption*]

**Mr. Roberts:** “Yuh” misleading, just Sport.



**Dr. K. Rowley:** Minister of swimming

**Madam Deputy Speaker:** Member, address the Chair.

**Dr. K. Rowley:** All right. Minister of swimming, okay. All right. I will ignore him. I will not be distracted. The point I am making is that my colleague from Caroni East sought to tell us and detain me this afternoon, talking about the misuse of the Privileges Committee, and that is an indication of some matter where the PNM ought to be held accountable for abusing and threatening, and not being favourable to the media, we say—*[Interruption]*

**Hon. Member:** Fazeer.

**Dr. K. Rowley:**—that is all nonsense. And if anybody is guilty *[Crosstalk]* of abusing the Privileges Committee, the current matter which is unresolved as my colleague is telling me it is unresolved, which, in fact, if there was any doubt that there ought to have been an investigation, all doubts have since evaporated. But for that, the UNC Government stands on record as sending a Member of the Opposition to the Privileges Committee for asking for an investigation.

**Dr. Moonilal:** That is wrong.

**Hon. Member:** Of course, it is.

**Dr. K. Rowley:** Simply for asking for an investigation and now I am hearing, what a wonderful body of people they are with respect to freedoms and rights and privileges, and I am supposed to sit here and listen to that. He has said not a single word about a single clause in the Bill. *[Interruption]* And that is why I said, I got up to respond to what he has put on the record. I want to make sure what the record has on it. I want to make sure the parliamentary record is not left as he has left it. So that anybody could believe that what he said is true. That is the only reason why I got up. That is the only reason. Because, Madam Deputy Speaker, if you do not have your own record and you rely on Members of the UNC Opposition, you would be amazed how far from the truth you will end up, you know.

**Hon. Member:** “Um-hmm.”

**Dr. K. Rowley:** Madam Deputy Speaker, you were a young lady outside of the Parliament, maybe not paying attention, so you would not understand what I am telling you now, but let me remind you. We came to this Parliament under a UNC Government. We were in the Opposition; UNC Government, brand new. The very first budget they brought to the Parliament, billions of dollars to be

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[DR. ROWLEY]

*Friday, January 24, 2014*

expended. The Opposition is required to monitor, oversee, report on; that is the Opposition's job in the Parliament in a budget debate. The debate started at ten o'clock in the morning. Guess what? Guess how the UNC conducted the budget debate? The UNC, not the PNM, eh, the UNC; the party that he had been lauding all evening. The UNC sat there and would not enter the debate, and allowed the debate to continue non-stop from ten o'clock one morning until eight o'clock the next morning.

**Hon. Member:** "Hmm."

**Dr. K. Rowley:** Not a single Government person would speak.

**Dr. Moonilal:** Who was the Leader of the Government Business?

**Dr. K. Rowley:** A UNC Member.

**Dr. Moonilal:** Ramesh Maharaj, your friend. [*Laughter*]

**Dr. K. Rowley:** They sat there, every single one of them—[*Interruption*]

**Mr. Roberts:** Your colleague.

**Dr. K. Rowley:**—every single one of them holding the portfolio of Minister of Government—[*Interruption*]

**Hon. Member:** "Yuh pardner do dat."

**Dr. K. Rowley:**—about to embark on the expenditure of billions of dollars of public money—[*Interruption*]

**Dr. Moonilal:** Sit with him on—[*Inaudible*]

**Dr. K. Rowley:**—and they sat there silently, and they said to us, if you all do not speak tonight, now, after your last colleague spoke, we will wind up the debate immediately, which would have meant that who did not speak from the Opposition, would not have a chance to say anything. So we virtually, if we wanted to be able to be heard on matters relating to a national budget, we had to speak unprepared because the budget debate was scheduled for three days, and without any inkling that the Government would be so tyrannical, we had to jump into the debate unprepared, one after the other and speak until eight o'clock, and then they adjourned the Parliament to come back at ten o'clock. And when we came back at ten o'clock, there was not a single voice to be dissenting in the House, and they spoke one after the other continuously unchallenged.

**Hon. Member:** "Dat Ramesh—[*Inaudible*]"

**Dr. K. Rowley:** That is how the UNC conducted a budget debate, [*Desk thumping*] and I defy any of them—[*Interruption*]

**Hon. Member:** “Ah hah.”

**Dr. K. Rowley:**—to say that that did not happen.

**Mr. Roberts:** Yes, that Ramesh is terrible.

**Dr. K. Rowley:** I defy any of them—[*Interruption*]

**Mr. Roberts:** He is now your friend.

**Dr. K. Rowley:**—to tell this country that that is not on the Parliament record, and today he comes here and talks—[*Interruption*]

**Mr. Roberts:** Ramesh is bad.

**Dr. K. Rowley:**—about who is oppressive, and who is anti-media, and anti-expression and who shut down the Parliament. So you do not get an extension to talk irrelevance for 30 minutes, but you shut down a whole budget debate in that tyrannical manner—[*Interruption*]

**Mr. Roberts:** Terrible Ramesh.

**Dr. K. Rowley:**—and as far as you are concerned, that does not label you as being detrimental to expressions of freedom, but it is detrimental to the PNM’s record.

**Mr. Roberts:** We agree with that.

**Dr. K. Rowley:** The PNM is proud of its record as a political party, [*Desk thumping*] and no amount of revision, no amount of his misrepresentation, no amount of naked lies and innuendoes, could change the fact of the PNM’s record in Trinidad and Tobago. And that is why I have entered this debate, Madam Deputy Speaker, just to ensure that the record, as polluted by my friend from Caroni East, is corrected and accurately placed for the benefit of our children and our grandchildren.

I thank you, Madam Deputy Speaker. [*Desk thumping*]

**Madam Deputy Speaker:** Member for Oropouche East. [*Desk thumping*]

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, like my friend opposite—[*Interruption*]

**Hon. Member:** 2020.

**Hon. Dr. R. Moonilal:**—I am not prepared either [*Laughter*] to speak on this Bill, but my friend jumped into the debate—[*Interruption*]

**Dr. Gopeesingh:** Yeah.

**Hon. Dr. R. Moonilal:**—to respond to the Member for Caroni East. But fortunately, Madam Deputy Speaker, I have also followed the debate closely on this matter, beginning on the last occasion with the remarks from the Attorney General, followed by the first and lead speaker of the Opposition, the Member for Diego Martin North/East.

Madam Deputy Speaker, the Member for Diego Martin North/East outlined and articulated in some detail, the policy position of the Opposition. With this Opposition, we trust that there is one position and the lead speaker of the Opposition on the last occasion articulated their position on the Bill. We waited, Madam Deputy Speaker, for the Leader of the Opposition today, to endorse and recap the position of the Opposition on the Bill before us. The Leader of the Opposition did not do that, because the Leader of the Opposition indicated clearly that his intention for participating in the debate was really to rebut the Member for Caroni East. So we did not have the position of the Leader of the Opposition, but that position has to be the position of the Member for Diego Martin North/East, who is on record as indicating the position of the Opposition on the Bill.

Madam Deputy Speaker, I will make some references to the articulation of the Member for Diego Martin North/East, but not before I also crave your indulgence to respond briefly to remarks made by the Member for Diego Martin West. You see, Madam Deputy Speaker, to place on record that it is not the act of taking a Member to the Privileges Committee that constitutes an apparent abuse of any parliamentary Standing Order. In fact, the Standing Orders are there to be used and Members are quite within their right to seek to take a Member of the House to the Privileges Committee, if we believe that Member is in breach of a Standing Order. My friend from Diego Martin West has been a frequent visitor to the Privileges Committee throughout his career.

**Hon. Member:** Yes.

**Hon. Dr. R. Moonilal:** In his career he has visited that committee on several occasions, and he has been suspended from the service of the House—[*Interruption*]

**Hon. Member:** Cavalier fashion.

**Hon. Dr. R. Moonilal:**—and, Madam Deputy Speaker, the record is there, but it is not the act of taking someone to the Privileges Committee that constitutes an abuse. It is the issue at stake. When Andre Badoo, the late Therese Mills and others were dragged to the Privileges Committee, it spoke to the issue of freedom of the press.

**Hon. Member:** Correct.

**Hon. Dr. R. Moonilal:** Andre Badoo went to the Privileges Committee—the report is there, my friend read it—to explain where he got information from. Sean Douglas from the *Newsday* went to the Privileges Committee and in a famous line, when they asked him: “where did you get the information from?” And he said, he spoke to Moonilal, the Member of Parliament for Oropouche East. When pressed Moonilal had to say X, Y and Z.” The Privileges Committee asked him: “what do you mean by when pressed?” He said, in that famous line: “well, the role of the press is to press”. [*Laughter*] It is on the record.

**Hon. Member:** Serious?

**Hon. Dr. R. Moonilal:** They were pressed. But they were taken there to explain where they got their information from in a story. They were not Members of the Parliament. They did not stand in the Parliament House on the floor and seek to abuse a Standing Order, to bring a Member into disrepute, Madam Deputy Speaker. They were writing in the newspaper and the Privileges Committee hauled them away from Chacon Street, had them dragging in the hot sun, coming to the Parliament at the Red House to answer to the then Speaker, and members of the Privileges Committee, that included the Member for Diego Martin North/East—[*Interruption*]

**Hon. Member:** “Ohhhh” Lord.

**Hon. Dr. R. Moonilal:**—who examined those reporters—[*Interruption*]

**Hon. Member:** Yes.

**Hon. Dr. R. Moonilal:**—and it was myself and the Member for Siparia, Member for Caroni East, who stood in defence, and the report is there. We did a minority report when they sought to throw out journalists from the Red House.

**Mr. Roberts:** “Not de movie, eh.”

**Hon. Dr. R. Moonilal:** If they had their way, Andre Badoo could not come within 500 yards of the front gate of the Red House.

**Mr. Roberts:** Poor Badoo.

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, in the 21st Century. If they had a tower associated with the Red House, they may hang him on the tower.

**Hon. Member:** Bring Mr. Badoo to give testimony.

**Hon. Dr. R. Moonilal:** Yes. They brought Mrs. Mills at that time a senior journalist, managing director; she came there to be examined by the Member for Diego Martin North/East.

In the matter involving the Member for Diego Martin West—I do not want to say much about that, because that matter is still alive. “It still alive.” It is a fact the Member came to this House with papers in his hand, purporting to be emails and he read those things that cast serious aspersions on the character and the integrity of Members of Parliament, including the Prime Minister. [*Interruption*] And he purported that this is email, and it is for that act of bringing something that he himself admitted he could not substantiate, and brought as a fact those items, he was taken to the Privileges Committee where time ran out. If time did not run out, Madam Deputy Speaker, he would have had another problem of not being in his office.

**Mr. Roberts:** He is a fabricator.

**Hon. Dr. R. Moonilal:** But, Madam Deputy Speaker, the matter is still alive, so I do not want to go too much into it, but this is the record. It is not an act. It is not that you take somebody to the Privileges Committee, therefore, you are an abuser, and you are a dictator. It is what is the issue at stake. Anyone here can come and make an allegation; you have the freedom to speak. You can stand anywhere and raise your issue, it involves corruption—In fact, the Member for Diego Martin North/East, a famous blogger of our times, will come time and time again and raise issues of corruption, he is within his right to do that, to call the names of state enterprises; raise those issues. He may have a little document to support him in something, generally he is wrong, but he will have a document, but we will not take him, there is no issue of taking him to the Privileges Committee, because he has a little document and he is sniffing around.

**Mr. Imbert:** I have facts.

**Hon. Dr. R. Moonilal:** So, Madam Deputy Speaker, but when someone came—[*Interruption*]

**Dr. Rambachan:** Is he a sniffer? [*Crosstalk*]

**Hon. Dr. R. Moonilal:** Let me move on quickly—[*Interruption*]

**Mr. Roberts:** Yeah, move on quickly.

**Hon. Dr. R. Moonilal:**—before he understood what I said. When, Madam Deputy Speaker, [*Desk thumping and laughter*] someone comes to the House and just produces a piece of paper and say this is an email, and in that there are allegations of murder, attempting to commit murder, conspiracy to pervert the course of justice—[*Interruption*]

**Mr. Roberts:** Shameless!

**Hon. Dr. R. Moonilal:**—you are making serious allegations—[*Interruption*]

**Hon. Member:** Reckless!

**Hon. Dr. R. Moonilal:**—and that was the issue. To this day, no relevant authority or agency can say that these are facts; they cannot to this day. So the Member understood that—[*Interruption*]

**Mr. Roberts:** It is not factual.

**Hon. Dr. R. Moonilal:**—and to say that because I was thrown to the Privileges Committee, we abused everything.

**4.15 p.m.**

Madam Deputy Speaker, this Bill today is not about journalists. Criminal defamation is not about journalists and about journalists alone, it is anybody. You can write something; you can say something; it is not. We have made it a debate about journalists and the media, but it is not about them, Madam Deputy Speaker. [*Interruption*] It is not; it is not.

Madam Deputy Speaker, last week—[*Interruption*]

**Dr. Browne:** Take it to the international press.

**Hon. Dr. R. Moonilal:**—our friend, no—the international community made up of the organizations of the press have complimented this Government. [*Desk thumping*] You know that. My friend, from wherever he is from, he did not know that the—[*Interruption*]*—no, I would not. You should not be calling people lollipop and so on. [Laughter]* Madam Deputy Speaker, my friend did not know that the International Press Institute on May 03, 2013, this is what they had to say:

“International Press Institute (IPI)”*—not IPL or ILP—“today hailed the approval by the Cabinet of Trinidad and Tobago of a bill that would partially decriminalise defamation in the country”—it—“has now been sent to Parliament, for what is hoped to be swift passage.*

*Libel and Defamation (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, January 24, 2014*

At a press conference with IPI Executive Director Alison Bethel McKenzie in Port of Spain on Wednesday...Prime Minister”—the hon.—“Kamla Persad-Bissessar committed to seeing the bill approved and stated, ‘This will allow the media to engage in responsible journalism and tell their story without fear of criminal liability.

The bill would remove Section 9 from the Libel and Defamation Act....”

**Mr. Imbert:** That is an oxymoron.

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker:

“IPI Deputy Director Anthony Mills said...‘It is important to note...that’—that—“type of libel, even false malicious libel, can and should be dealt with solely by civil courts, as civil remedies would secure adequate and sufficient redress...”

**Mr. Imbert:** And you believe that?

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker:

“If this bill is passed, it would mark a significant improvement in laws affecting the media’s work in Trinidad and Tobago’...”

Madam Deputy Speaker, the International Press Institute has said this.

Madam Deputy Speaker, my friend last week came—and, you know, there was a *Guardian* editorial during the week I took note of: “Criminal libel and outdated concept”—[*Interruption*]

**Mr. Imbert:** “Wha yuh expect dem to say?”

**Hon. Dr. R. Moonilal:** He says what we expected them to say. And this is the *Guardian* here speaking:

“Opposition MP Colm Imbert is urging the Government to take a large backward step by seeking the retention of the offence of criminal libel. He argued in Parliament last week that this was ‘the only protection’ available to public figures...”

Madam Deputy Speaker, they went on to say:

“As an MP Mr. Imbert is able to take full advantage of the complete freedom of speech available to members...The media do not enjoy such licence, but are governed by laws...”



And they continue to speak about muzzling the media and so on, but they took him to task nevertheless.

Madam Deputy Speaker, when my friend spoke last week—I have his contribution here which I have read—what was amazing last week—I want to say that sometimes there is a function on your computer—you have on your computer, you know, your screen there and you have all these—over the years, a lot of applications pile up on the screen, the initial screen that you open—what is it called?

**Hon. Member:** Home screen.

**Hon. Dr. R. Moonilal:** The home screen?—and you want to delete them after a while—and there is a function to delete programmes—but when you go there you will see the last time this programme was used was three years ago, but somehow you still do not want to delete it. That is the feeling now. This law in 168 years has not been used, but you do not want to get rid of it.

The Member for Diego Martin North/East said, “We must keep it because it will be like ah axe over de head of the journalist, knowing that they can be prosecuted in the criminal jurisdiction.”

**Mr. Imbert:** I did not say that.

**Hon. Member:** You said that!

**Hon. Dr. R. Moonilal:** You said that!

**Mr. Imbert:** I did not.

**Mr. Roberts:** Check the *Hansard*.

**Hon. Dr. R. Moonilal:** I will read it. In fact he said—that is probably why we are, you know, we do not have the major infactions because that serves as a deterrent. And then, Madam Deputy Speaker, amazingly—[*Interruption*]—we will find the speech and so on, we have it. Madam Deputy Speaker—[*Interruption*]

**Mr. Imbert:** Have what?

**Mr. Roberts:** 33(1).

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, he says we should follow countries that have these laws on their books. He says we should follow Azerbaijan, China, Albania—[*Interruption*]

**Mr. Roberts:** Azerbaijan!

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, over there in Azerbaijan—you know, he was struggling to find a Commonwealth jurisdiction—[*Crosstalk*] Madam Deputy Speaker, he was struggling. [*Crosstalk*] He says:

“In Croatia the crime of insult prescribes a penalty of...three months”—in jail. [*Crosstalk*]

Czech Republic, Albania, Austria, of course, Taiwan, they criminalize defamation—China criminalizes there. In Korea, you have a fine exceeding \$20 million.

**Mr. Imbert:** Madam Deputy Speaker, Standing Order; point of order.

**Hon. Dr. R. Moonilal:** What Standing Order?

**Mr. Imbert:** I am not speaking to you. [*Crosstalk*] [*Both Members on their feet*] Madam Deputy Speaker, point of order, point of order. [*Crosstalk*] He has to sit down; he has to sit down. [*Crosstalk*]

**Madam Deputy Speaker:** State your Standing Order.

**Mr. Imbert:** What about him? Why is he standing? [*Crosstalk*]

**Hon. Dr. R. Moonilal:** What is your Standing Order?

**Mr. Imbert:** No man, you all—[*Interruption*]

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker—[*Interruption*]

**Madam Deputy Speaker:** Member for Oropouche East.

**Madam Deputy Speaker:** Proceed.

**Mr. Imbert:** 33(4).

**Madam Deputy Speaker:** 33(4).

**Mr. Imbert:** I reserve my right to correct his inaccuracies. [*Crosstalk*]

**Madam Deputy Speaker:** Overruled! Member, you may continue.

**Hon. Dr. R. Moonilal:** Yes, thank you. Let me read from the record because I will read from his speech. I will read from his speech then because he does not want—[*Crosstalk*]

**Mrs. Gopee-Scoon:** You cannot do that, Madam Deputy Speaker.

**Mr. Imbert:** Madam Deputy Speaker, you cannot overrule—[*Crosstalk*]

**Hon. Dr. R. Moonilal:** In the Soviet Union, the former Soviet Union libels—  
[*Interruption*]

**Madam Deputy Speaker:** You have said that you reserve your right, Member.

**Hon. Dr. R. Moonilal:**—are criminal offences even though they are not—  
[*Interruption*].

**Mr. Imbert:** It is my right.

**Madam Deputy Speaker:** You have reserved your right to speak. I have asked the Member to continue now.

**Mr. Imbert:** You cannot overrule me.

**Madam Deputy Speaker:** You have reserved your right to speak.

**Mr. Imbert:** Okay. [*Crosstalk*]

**Hon. Member:** Yes, she could.

**Mrs. Gopee-Scoon:** She cannot overrule him. [*Crosstalk*]

**Hon. Dr. R. Moonilal:** Or you can say, “You cyar overrule me?” [*Crosstalk*]

**Mr. Imbert:** Overrule me?

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, let me read from the record. Page 172, the record, Libel and Defamation Act (Amdt.) Bill. “Mr. C. Imbert”—who is that?

**Mr. Roberts:** That fellow there.

**Hon. Dr. R. Moonilal:** It says:

“In Korea, the punishment for defamation—

...imprisonment with or without prison labour for not more than 3 years...”—  
you said that or you did not say that?—“fine not exceeding 20 million...”

**Mr. Roberts:** Oh God!

**Hon. Dr. R. Moonilal:** “Any person who has defamed any other person by allegedly openly false facts via information and communication networks...shall be subject to imprisonment...”

He referenced the Soviet Union, went on to Croatia, Albania, Czech Republic and so on and told us, Madam Deputy Speaker, in Greece—[*Interruption*]

**Dr. Griffith:** He is a communist.

**Hon. Dr. R. Moonilal:**—defamation carries five years in jail, and wanted us to be associated with these countries to keep on our books this offence. Madam Deputy Speaker, there are countries in the world where, if a journalist writes something about their president or leader, they could be hanged easily. They could go off to jail and disappear, Madam Deputy Speaker. [*Crosstalk*] It is not our intention to be associated with countries like these.

**Mr. Roberts:** Manning could.

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, in jurisdictions that are outside of the Commonwealth, but developed countries—and I speak of Norway, Finland, Germany and so on—while they may have criminal defamation on their law books, it is a different juridical system, Madam Deputy Speaker. It is not Commonwealth jurisdictions as ours. The Member, incidentally, could not find areas in the Commonwealth that kept this offence on their law books. The Member went to Grenada—[*Interruption*]

**Mr. Imbert:** What about India?

**Mr. Roberts:** He did not find.

**Hon. Dr. R. Moonilal:**—and you said India, but India carries several states. It is a federal system. Which state in India are you talking about?

**Mr. Imbert:** Nigeria is in the Commonwealth.

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, when he went to—my friend went to Grenada and told us about a reporter or a manager there by the name of Worme—[*Interruption*]

**Mr. Roberts:** You spoke already.

**Hon. Dr. R. Moonilal:**—and said that Worme was guilty—found guilty of criminal offence of libel. Madam Deputy Speaker, while Grenada was held out as the case where George Worme of the *Grenada Today* newspaper—the Privy Council did find the existence of the criminal defamation, and they ruled that that was justifiable on their law books. Incidentally, what the Member did not tell us is that Grenada—although he presented that as his case—was the first Caricom nation to remove such a provision from its law books in July 2012.

**Mr. Imbert:** And then they lost the election.

**Hon. Dr. R. Moonilal:** They removed it from their law books.

**Hon. Member:** They removed it.

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, they removed it. Jamaica has removed it; not only Grenada. They saw this as a backward step. The Prime Minister of Jamaica has said that this was seen as a hangover from colonialism. Madam Deputy Speaker, they saw it as a hangover from colonialism. [*Crosstalk*]

Madam Deputy Speaker, why is it today the official policy of the PNM is to keep criminal defamation on the law books? [*Crosstalk*] Why is it that that is their official policy as articulated? So is it that if they are returned to office they will implement this law of criminal libel?

**Mr. Roberts:** Yes.

**Hon. Dr. R. Moonilal:** Will they go on, if they are in the government, to impose criminal offences—[*Interruption*]

**Mr. Roberts:** “Look wha he do Penny?”

**Hon. Dr. R. Moonilal:**—to support criminal offences of libel against reporters or any other category of citizens?

**Mr. Roberts:** Senators.

**Hon. Dr. R. Moonilal:** In 168 years, they confessed, “We have not implemented such a law”, but yet they will not want to remove it from the law book. Why? Is it that you see this as a threat that you can use this against the media or any other sector of the society to target them?

Madam Deputy Speaker, coming from an administration where an Attorney General, a former Attorney General—where the records, public records revealed that a former Attorney General wired a judicial officer to go and tape another judicial officer—[*Interruption*]

**Mr. Roberts:** What!

**Hon. Dr. R. Moonilal:** Yes—coming from that political background, they are here today to say, “Well, we support criminal libel, keep it on the law books, do not take it away.” [*Crosstalk*] Do not take it away.

Madam Deputy Speaker, let me say, the relationship between any government and the media will always be a relationship of tension. It will always be a relationship that is contestable because of the varying roles. A prying media, professional free media, will always be in conflict with political administrations given our ongoing Crown Colony political culture that is defined in several ways by issues of secrecy, confidentiality.

*Libel and Defamation (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, January 24, 2014*

In fact, non-disclosure is a colonial trapping of public administration, and a prying media confronting a culture of non-disclosure will always have conflict. There will always be that contest but, Madam Deputy Speaker, that is a healthy contest in democracies. It is healthy to have that tension between a free press and political administrations. That is not something we must condemn, and both parties will have their case, both parties; the public officers and the press. It has been so forever, and it will continue to be so, long after all of us “clear out” it will be like this.

It is the role of public policy to put in place institutions to defend the freedoms on either side—the freedom of the politician or the member of government—to articulate, to be protected by the law, but also the freedom of the journalist or any other citizen to be protected, Madam Deputy Speaker, from tyranny, from abuse of those who hold public power and public authority. Because presumably, when you hold public power and public authority, you are in a position where you can abuse it and ill-treat a citizen. This is why we create the institutions to protect freedom, and that is why we are here.

We are saying from the Government that we find no merit in this law. There is no merit; there is no point having it on our books. You have the civil jurisdiction where everyone—we live in “ah” what you call it?—the pre-protocol days, pre-action protocol—that is the days we live in now. It is a pre-action protocol day where everybody will hurl pre-action protocol letters against you left, right and centre. The court system has developed now. There are mediation institutions to deal with that. So on either side of the divide you will have a contest, and you will have a method to go to institutions to protect yourselves, but you do not need criminal libel there to threaten someone with jail, fine—“go to jail”—imprisonment, if we do not like what you write; we do not like what you say.

Madam Deputy Speaker, many journalists and anybody else, they write all kinds of things about Government Ministers, including myself, but that is their right to write. [*Laughter*] My right is not to talk. I have a right not to comment. So people will ask me for a comment, I say, no comment or I am not available, but that is my right, and your right is to write, and this is how it is, but we cannot attack members of the press that way. And you will always have your quarrel between Members of Government, members of press and so on, but what we are here to do today—an historic Act, it is historic and the international press community has acknowledged that.

Madam Deputy Speaker, earlier in the week, a prominent radio media personality spoke on radio on this matter, Mr. Wesley Gibbings, and spoke out—  
[*Interruption*]

**Dr. Gopeesingh:** Very prominent.

**Hon. Dr. R. Moonilal:**—against, you know, the views articulated from the Opposition.

**Mr. Imbert:** “Wha yuh expect him to say?”

**Hon. Dr. R. Moonilal:** He says what we expect him to say. You see, this is the disregard and disrespect that we talk about. And, Madam Deputy Speaker, he made the point on the public radio that while this may be good, we should go further to deal with the section 8 issue as well.

So Madam Deputy Speaker, we can take our time and look at the entire world to see where we have condemned this type of initiative.

**Madam Deputy Speaker:** Member. Hon. Members, it is 4.30 p.m. and it is a good time for us to have some tea. This House is now suspended until 5.00 p.m.

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

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

[*Crosstalk*]

**Hon. Member:** Moonilal, close the debate. [*Laughter*]

**Hon. Dr. R. Moonilal:** On what Standing Order?

**Hon. Member:** Thirty-nine—39

**Hon. Dr. R. Moonilal:** Thirty-nine?

**Mr. Deyalsingh:** Apologies, Madam Deputy Speaker.

**Hon. Member:** Rudy—[*Inaudible*] [*Laughter*]

**Mr. Deyalsingh:** “Wrap up the debate, nah man.”

**Hon. Dr. R. Moonilal:** We could close it now, you know.

**Hon. Member:** “Yeah man, close it and done.” [*Crosstalk*]

**Mr. Roberts:** “Hello, you have fever. Take a rest, nah boy. [*Laughter*] But what wrong with him.”

**Hon. Member:** But what about me? I have to speak too.

**Mr. Roberts:** No, you could speak, but my boy is not well.

**Madam Deputy Speaker:** The Member for Oropouche East.

**Hon. Dr. R. Moonilal:** Thank you very much, Madam Deputy Speaker. [*Desk thumping*] Madam Deputy Speaker, during those few moments on the corridor of uncertainty, [*Laughter*] there was a temptation to follow the advice of the Member for Barataria/San Juan and invoke Standing Order 39 and close the debate, but if we had done that we would have acted like the PNM [*laughter*] when they failed to extend the time over the years for hon. Members, and when today, using their minority [*Laughter*] they sought today to impose their minority to smother and oppress the Member for Caroni East.

**Mr. Indarsingh:** Imagine if they had the majority.

**Hon. Dr. R. Moonilal:** So, Madam Deputy Speaker, the point I am making is that we cannot imagine what they would do if they had a majority. Because the Member for St. Joseph, our friend of recent—[*Interruption*]

**Mr. Deyalsingh:** How I come in this?

**Hon. Dr. R. Moonilal:**—our recent friend—[*Interruption*]

**Mr. Roberts:** “Who is a [*Inaudible*] wearing gloves for fever. That’s not good, take off dem gloves.”

**Hon. Dr. R. Moonilal:** We are reminded that during the period 2001—2010, there were several occasions, Madam Deputy Speaker, when the then Government used a Motion to prevent the continuation of speaking time for Members from Fyzabad, Caroni East—I believe Princes Town at one time—and they did that because they felt that the Members’ speeches, contributions, were offensive to them. Unless I am mistaken, in the three and a half years or so, of this Parliament, not once have we used that instrument to curtail or suppress the right [*Desk thumping*] of anyone.

**Mr. Roberts:** Even with our massive majority.

**Hon. Dr. R. Moonilal:** Even with our significant majority, and even given the contributions of Members opposite which can drain you, to say the least. [*Laughter*] we would never ever. We—, well, I could say less, but—[*Interruption*]

**Hon. Member:** The Member for Arouca/Maloney. [*Laughter*]



**Hon. Dr. R. Moonilal:**—were never tempted to impose a Motion to restrain any Member, particularly a Member of the Opposition, and I will tell you why. Many of us have spent many years in the Opposition, and an Opposition Member finds himself or herself constrained somewhat, in that the only time they have to speak and to be heard in the national community, and by their constituents, is in the Parliament, in the Chamber.

A Member of Government, invariably, would have other fora, ministerial functions and other significant occasions to speak and address policy issues, and speak to your constituents, but Members of the Opposition, generally, the only forum available is the Parliament. And one is hard-pressed to smother and suppress the need of an Opposition Member to speak, even though we disagree with the Opposition Leader, even though we may find it offensive, and we may find it violently repulsive, we will not smother that right.

**Mr. Roberts:** Correct.

**Hon. Dr. R. Moonilal:** It is something we need to keep [*Desk thumping*] sacrosanct.

**Mr. Roberts:** Unlike the PNM.

**Hon. Dr. R. Moonilal:** Today, I was appalled to use that term, Madam Deputy Speaker, when it was reported to me that in my absence the Members of the Opposition sought to invoke a Motion and refuse the Member for Caroni East to speak—a Member of the Government, with a sitting majority. I could not believe that they would be so presumptuous and so boldfaced, you know, in full sight and full glare of the public and the media. Thankfully, the Deputy Leader of the House, the very dynamic Member for D’Abadie/O’Meara—[*Interruption*]

**Mr. Roberts:** Thank you, Sir. [*Laughter*]

**Hon. Dr. R. Moonilal:**—you know, took control of that situation and ensured that the Member for Caroni East addressed his constituents and the nation.

**Mr. Roberts:** I would not let them thwart my colleague.

**Hon. Dr. R. Moonilal:** The Member for D’Abadie/O’Meara, Madam Deputy Speaker, is not someone that you could easily roll over [*Laughter*] in these conditions.

**Mr. Roberts:** Yes.

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, I want to get back to the contribution of the Member for Diego Martin North/East last week, and I am

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quoting him now because he is very touchy when you try to, you know, paraphrase his contribution. He said, and I quote:

“One must have balance. It is all...well to quote from statements by the International Press Institute and other organizations that seek the interest of journalists and so on. They have a job to do. But, when one is dealing with something like this which fundamentally affects the jobs and the lives of Members of this honourable House—”

Now what he is saying is that this matter fundamentally affects the jobs and the lives of Members of this House. So it is a position that is self-serving.

**Hon. Member:** And elitist.

**Hon. Dr. R. Moonilal:** It is elitist and it is self-serving, in that we should keep criminal libel on the books because we have to protect ourselves. It is self-serving. Madam Deputy Speaker, and he asked for a balance, for us to strike a balance between the freedom of expression, freedom of the press, and having this law on the book that serves as a deterrent for persons whether journalists or not, you know, writing and stating facts or issues that are offensive, and went on of course with the George Worme story, and so on.

So, Madam Deputy Speaker, the Member declared, “We have to protect ourselves”, so this is where the Opposition is taking a position, “Let us protect ourselves. Let us keep criminal defamation on the law book to protect ourselves”. I want to say that this Government will not protect us that way. We will protect ourselves with the truth, with debate, with information, with knowledge, that is how we protect ourselves. We will not protect ourselves by threatening anybody with jail or with fine, because if you protect yourself that way the chances are you will implement law that way, and you create that culture of dictatorship.

We remembered, Madam Deputy Speaker, in 2010 or thereabout, the Member for St. Augustine, I think, was involved in an activity around the Red House, and the now very eloquent—well let us say talkative, not eloquent—the now very talkative Mr. Abdulah, who is at large now—but will not contest an election eh,—  
[*Interruption*]

**Mr. Roberts:** One hundred and twenty-two votes, MSJ.

**Hon. Dr. R. Moonilal:**—but at large, I think he was elevated by his pants—  
[*Interruption*]

**Mr. Roberts:** Yes.

**Hon. Dr. R. Moonilal:**—by his belt and—[*Interruption*]

**Mr. Roberts:** Good thing the belt was strong.

**Hon. Dr. R. Moonilal:**—and, you know, which would have created quite a discomfort for a man, for any man [*Laughter*] to be elevated that way, you know, and he was hauled away by the protective services, and that sight remains with us. I mean, it remains with us, and we have not seen that sight again. We will not support that.

Madam Deputy Speaker, people come to this Parliament, I notice now almost every week. Small groups, they do not come en masse, but small groups, and they have their pickets and their placards and so on, and many of us, we go and we read those placards, we greet the persons, we engage as best we can. Today I believe someone was there, the Fixin' T&T people—[*Interruption*]

**Mr. Roberts:** Three of them.

**Hon. Dr. R. Moonilal:**—and they had their placards—three people, but they are still people—[*Interruption*]

**Mr. Roberts:** Yes.

**Hon. Dr. R. Moonilal:**—so we read—led by, I think, Mr. Kirk Waithe.

**Hon. Member:** “It have more placard than people.” [*Laughter*]

**Hon. Dr. R. Moonilal:** So they would have five placards and three people, and we will engage, we will discuss; we will not want to ask the police to remove anybody or cart them away, as the case may be.

**Mr. Roberts:** Let them voice their opinion.

**Hon. Dr. R. Moonilal:** Let them voice their opinion.

I think Members of the Opposition should keep that spirit in mind. They should develop that spirit that persons' rights and so on—you have a lot of ways to defend yourself, assuming it is not only a member of the press, any member of the society would say something about you or write something about you, as the case may be, and publish it. There are many ways you can defend yourself. You can take an action in the civil jurisdiction. You can respond in writing as well.

Over the years a lot of public officials have also written in defence of their own position.

**Hon. Member:** North/East.

**Hon. Dr. R. Moonilal:** Which North/East? Yes, he was a writer for several years.

**Mr. Roberts:** Letter to the editor.

**Hon. Dr. R. Moonilal:** A letter to the editor—[*Interruption*]

**Mr. Roberts:** A champion.

**Hon. Dr. R. Moonilal:**—a pamphlet, in the old days you would have a pamphleteer. Today it is much easier, because you can go on the Internet in real time, join a blog or contribute and circulate your views, your ideas. The point I am making is that even if your position is that you need this as a weapon, to keep as a weapon against journalists or anyone else, you do not need it today, because your weapon is your keyboard; it is a laptop or an iPad, or a smartphone, where you will respond in real time to someone who suggests something against you or defames you. That is your weapon today.

It cannot be that you want to jail someone, or you want to fine them that way. And, Madam Deputy Speaker, that is the spirit with which we proceed with our business on this matter.

Madam Deputy Speaker, for the benefit of the record, I just want to read into the record some of the organizations and their views on this matter which are of interest to us. The amendment to the Libel and Defamation Act, Madam Deputy Speaker, as the Attorney General had said, deals essentially with the ancient 17<sup>th</sup> Century British common law rule to silence unwelcome dissent. In fact, that is what it was in the 17<sup>th</sup> Century under British colonial rule. It was a common law rule to silence unwelcome dissent. Now whatever that is, that could be you speak out against a Lord, you say something against the Duke, you say something against, you know, a member of the royal family and so on—unwelcome dissent, and they introduced it as a common law rule.

Several jurisdictions, Madam Deputy Speaker, including Trinidad and Tobago, have historically legally treated defamation as a crime instead of a civil wrongdoing. Criminal defamation is covered in most jurisdictions by other laws, most notably civil libel, but the criminal defamation is an outmoded concept and it is seen as a relic of colonialism. The United Nation's Commission on Human Rights ruled [*Crosstalk*] two years ago that the criminalization of libel violates freedom of expression—and, Madam Deputy Speaker, listen to this one—the United Nations Commission on Human Rights ruled that criminalization of libel violates freedom of expression and is inconsistent with Article 19 of the

International Covenant on Civil and Political Rights. The United Nations has said that all member states should review their defamation laws in order to ensure that they do not restrict the right to freedom of expression.

The oldest global press organization, the International Press Institute, has been leading a successful campaign for the repeal of this oppressive and arbitrary criminal defamation law. Several countries have removed this from their books. In recent cases, Madam Deputy Speaker, progressive democracies are moving away from having criminal libel laws on their statutes. Policymakers in several countries have opened up to the reality that criminal libel laws are detrimental to free speech, and the free flow of public information. There is consensus among policy and lawmakers that criminal libel legislation has been utilized to silence dissent. Civil remedies are used.

Free speech, Madam Deputy Speaker, must be promoted. Recent examples of abuse of criminal libel laws: in Iran, they brought criminal libel charges against a former presidential candidate for alleging that his imprisoned supporters were raped by security forces. These are the countries that use criminal libel laws. A Uzbek journalist was jailed for seven years for providing eyewitness accounts of the 2005 Andijan massacre.

### **5.15 p.m.**

In Thailand, an MP was charged after a public company expressed outrage that he described their expansion as aggressive. In our region in the Dominican Republic, a reporter in January 2012 was sentenced to six months in prison for accusing an attorney of protecting the interests of criminal organizations. That country is now moving to amend this 129-year-old law there.

Madam Deputy Speaker, Britain recently introduced a new defamation Act aimed at reversing the negative effects that previous libel laws had on the freedom of expression and legitimate debate. The government has held that journalists, scientists and academics have faced unfair legal threats for fairly criticizing a company, a person or a product—because you can make a statement about a product, and that statement leads to loss of profit and so on, and you can impose the criminal sanction on someone, a professor or an academic making a statement.

The British Justice Minister says that as a result of the new defamation Act, anyone expressing views or engaging in public debate can do so in the knowledge that the law offers them stronger protection against unjust and unfair threats of legal action.

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Last November, Jamaica replaced its old defamation legislation to better reflect international standards. The Prime Minister termed the old law an archaic hangover from colonial times that threatened the press' ability to report freely and in the interest of the people.

My friend, the Member for Diego Martin North/East has another fascinating conspiracy. He says in Grenada they removed it from the book, "dey lorise de election". He says Jamaica will lose the election because they removed it from the book, and he is threatening us here today with that argument. So he is saying that in the Caribbean, you remove this, "you lorise"—so you would think that he would have been promoting our position.

**Mr. Imbert:** I am for justice.

**Hon. Dr. R. Moonilal:** You would think he would promote our position given that, but he is there to warn us. [*Crosstalk*] You see, Madam Deputy Speaker, he is using that type of bush logic—[*Laughter*] well, let us say herbal logic—to convey his argument, because he is a herbal lawyer as well; not a bush lawyer.

Madam Deputy Speaker, I made the point earlier, and I just want to enforce that point, that it is not just journalists or reporters and so on, it is anybody. Any citizen of the country could write something, could say something; you believe it is utterly offensive, it defames you, you can take an action, and currently you can take an action under the criminal jurisdiction. To our knowledge, no one has done this. Why no one has done it, we do not know, but Members opposite believe that it is a deterrent.

**Mr. Imbert:** Not me, I do not believe that.

**Hon. Dr. R. Moonilal:** And if it is a deterrent, it should stay. But a deterrent is by definition something like a weapon, that you deter someone from doing something. It is whether the Members of the Opposition would like to lead the argument that it should stay. Today, I think before the vote is taken, Members of the Opposition should do us the good service of telling us exactly why we should keep this law on our law books.

**Mr. Imbert:** You will hear.

**Hon. Dr. R. Moonilal:** We have indicated that it is archaic; it is old; it is out of use; it is not necessary. We have argued that we will not deter, or will not seek to use that as a weapon against any citizen, whether you are a member of the press or not. So we have argued the case why we want to move it. You have to argue the case why you want it to stay on the books, because that is your position: do not abolish—so argue that case forcefully.

Madam Deputy Speaker, Members opposite—I regret to inform—have not made a compelling case as to why this law should stay—why this law should stay. Why do you not want to clean up the home screen, get it out? But they will not, because deep down—I am saying that the political culture in this country has promoted that type of oppression, where you use the law to seek to oppress, to hang over the heads.

**Mr. Imbert:** Who used it?

**Hon. Dr. R. Moonilal:** It is, as the Member for St. Augustine rightly points out, a hallmark of a neocolonial psychology of keeping people and institutions in oppression, instead of freeing them—

**Mr. Roberts:** “Imbert like that—yuh ole neocolonial.”

**Hon. Dr. R. Moonilal:**—and developing institutions to monitor public order and to monitor persons who may be hell-bent on breaking the law. So the Members opposite have failed.

Their leader stood today and he was more concerned with the Member for Caroni East and 44 years ago in Mona. He was not concerned with the Bill. In fact, in all fairness to the Leader of the Opposition, he said he was not prepared to deal with the Bill. Well, he said he was dealing with the Member for Caroni East; he was not dealing with the Bill. But the Leader of the Opposition did not alert us as to why his party and his Opposition is taking the steps that they are taking to prevent this amendment from seeing the light of day.

Madam Deputy Speaker, I should also put on the record that in Antigua and Barbuda both the Government and the official Opposition have committed to removing criminal defamation from their books. So according to the Member for Diego Martin North/East, both the Government and the Opposition will lose. *[Laughter]*

**Mr. Roberts:** New party forming.

**Hon. Dr. R. Moonilal:** So Antigua and Barbuda. The current ruling party in Barbados also included such a measure in its manifesto two elections ago, and in a recent meeting has indicated that they are committed to placing the matter before Parliament. They have included it in their manifesto and they are coming to their Parliament. And the leading international authorities on these subjects are all in favour of the removal of criminal defamation. These institutions include the OAS Special Rapporteur for the Organization for Security and Cooperation; the

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African Commission on Human Rights and Peoples' Rights, and the Inter-American Court of Human Rights. So the Opposition PNM is now swimming against a massive tide.

**Mrs. Gopee-Scoon:** One hundred and fifty-eight countries?

**Hon. Dr. R. Moonilal:** Yes, but they say 150 countries, and in that who do they include?

**Mrs. Gopee-Scoon:** One hundred and fifty-eight.

**Hon. Dr. R. Moonilal:** One hundred and fifty-eight.

**Mr. Roberts:** Azerbaijan; Afghanistan!

**Hon. Dr. R. Moonilal:** You include nations that are un-free. [*Crosstalk*] You include nations that are out of the Commonwealth jurisdictions, many of them— [*Interruption*]

**Mrs. Gopee-Scoon:** Two other Caribbean countries.

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

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, if they would have their way, they would lump us with Azerbaijan, Afghanistan and these kinds of countries.

**Mr. Roberts:** Pakistan!

**Hon. Dr. R. Moonilal:** In fact, if you get a book of human rights abuses, you could put the PNM in that and link them to those countries. [*Desk thumping and crosstalk*] I am shocked that my friend from Diego Martin North/East would quote North Korea—would quote North Korea. [*Crosstalk*] Not that he could be mistaken for its leader, but he will quote North Korea and tell us, “Follow them,” that is the example that we should use. [*Crosstalk*] He says in Korea the punishment for defamation: imprisonment with or without prison labour for not more than three years. [*Interruption*]

**Mr. Imbert:** South.

**Hon. Dr. R. Moonilal:** There is no South here. Now he is correcting the record. [*Crosstalk*] So he says it is South, it is not North.

**Mr. Imbert:** Misquoting me again. “Why yuh so?” [*Laughter*]

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, the final matter I want to raise is this matter of the social media: Facebook, Twitter, et cetera, et cetera.



Today, this law has become so anachronistic that anyone with their devices: Smartphone, iPad, iPhone, whatever you have—you now can write something, circulate it for the whole world, put pictures—which you may deem offensive—circulate them to the entire world, and who do you hold culpable? Who do you arrest? Who do you jail?

These things are happening now, day in, day out, and you will also seek to go to their provider and their server. By the time you reach server and provider, five billion people already see the picture, five billion people already read whatever they had to say about you. So you are smarter really to go and make a correction and take up the issue and correct and defend yourself, than to hold on to a 168-year-old criminal defamation law, and hope that you can drag someone to the Hall of Justice with this type of archaic legislation.

Madam Deputy Speaker, the Member for Diego Martin North/East in his contribution last week said nothing again that deserves a comment. He was reading, I think, some newspapers and he quoted. I want to say that they looked at all the MPs and Ministers and pointed out which Minister was saying what about the press. The point I made earlier: you will always have a conflict between Ministers, public officials, Government Members, Opposition Members and members of the press. So you were telling us last week about the Member for Caroni East—then he quoted the Member for Tabaquite; then he quoted the Member for somewhere else.

**Mrs. Gopee-Scoon:** What did the Member for Caroni East do?

**Hon. Dr. R. Moonilal:** They quoted all the Members, but we can quote the Member for Point Fortin. We can quote Imbert. We can quote the Member for Diego Martin West. We can quote everybody. So what I am appealing to, from my friends opposite, is not only good behaviour, but what I am appealing to from my friend, the Member for Point Fortin, who has now been elevated to sit opposite me—[*Interruption*]

**Mrs. Gopee-Scoon:** The upper deck.

**Hon. Dr. R. Moonilal:** She is on the upper deck and disturbing somewhat, as you did before.

**Madam Deputy Speaker:** May I ask you to wind up, please.

**Hon. Dr. R. Moonilal:** Of my normal time? Or, one minute of my normal time.

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The Member for Point Fortin I am sure, would support such a progressive measure, to ensure that if anyone writes anything offensive about her again, as they did I think some time ago, you can seek your relief in a civil jurisdiction, and you will be free to do that, rather than challenge people and seek to criminalize persons for such offences. [*Interruption*]

Madam Deputy Speaker, my extension is due?

**Madam Deputy Speaker:** Hon. Members, the speaking time of the hon. Member for Oropouche East has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. A. Roberts*]

*Question put and agreed to.*

**Hon. Dr. R. Moonilal:** Thank you very much, Madam Deputy Speaker.

My friend opposite, the Member for Diego Martin North/East, also raised the issue about television shows and programmes that are deemed offensive and critical of Government, and I want to tell Members opposite, we can continue this debate and you can call all the names you want. You can call Julien Rogers, Jones P. Madeira, anybody—you could call all the reporters and all the incidents—and the more names you call, the more names we can call. That is not the issue. The issue will always be that there is a contest between the media and politicians and governments. There will always be adversarial relationships, given their objectives. They have different objectives. They will always be like that.

The issue is: why would you seek to remove this amendment and the issue is why would you seek to defend it and keep it on our books? If they can give a compelling argument as to why you would like to keep criminal defamation on our books, we may be prepared to listen. But we have heard the Member for Diego Martin North/East who is more their ideologue. He is more or less their ideologue. We have heard him and he has been utterly unconvincing. We have heard the Member for Diego Martin West, and he was concerned with the Member for Caroni East's issues and not the issues of the Bill.

So, Madam Deputy Speaker, we will listen to them. There is not much hope we will have, but we will listen to them, and I want to assure you, Member for Port of Spain South, you or any other Member of the Opposition, we will not seek at any time to curtail your right to speak in the House of Representatives. [*Desk thumping*] It is not our culture. It is not our culture. It is not our upbringing. It is

not in our political DNA to suppress that way. So I ask you to rest assured that if you may have so much to say, that will take you beyond your normal time, you are assured of more time to speak.

Madam Deputy Speaker, I thank you.

**5.30 p.m.**

**Madam Deputy Speaker:** Hon. Members, during the debate the Member for Diego Martin North/East has invoked Standing Order 33(4). Under this Standing Order:

“A Member...may...be heard to offer explanations of some material part of his speech which he alleges has been misquoted or misrepresented, but he shall not introduce new matter.”

Member for Diego Martin North/East, you may proceed based on these guidelines for—[*Interruption*]

**Mr. Roberts:** One minute.

**Madam Deputy Speaker:**—a duration time of two minutes.

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Madam Deputy Speaker. [*Laughter*] During the contribution of the Member for Oropouche East he alleged falsely that I had said that we should keep this law on the books like an axe over the heads of the media.

In the first place, Madam Deputy Speaker, I said no such thing and he will be unable to produce any *Hansard* record to that effect. But worse than that, the sentiments that he continued to express to me were in fact the sentiments of the Privy Council, and I had made it clear in my contribution, when I made the point that the absence of convictions is more evidence of the fact that the law is working and is acting as a deterrent than anything else, that those were the words of the Privy Council in the case of *Grenada Today v The Commissioner of Police*.

I made it clear that they were not my words, yet the Member for Oropouche East in his usual style misrepresented the facts and put those words into my mouth. I repeat, those are the words of the Privy Council. Thank you, Madam Deputy Speaker. [*Desk thumping*]

**Madam Deputy Speaker:** Member for Port of Spain South.

**Miss Marlene Mc Donald** (*Port of Spain South*): [*Desk thumping*] Thank you, Madam Deputy Speaker, for the opportunity to join in this debate.

**Mr. Imbert:** To bring the sanity back into the debate.

**Miss M. Mc Donald:** Madam Deputy Speaker, I listened to four, no three, three Members on the Government Bench: the Attorney General, the Member for Caroni East and just now the Member for Oropouche East. Let me state that—  
[*Interruption*]

**Dr. Gopeesingh:** The three wise men from the east.

**Miss M. Mc Donald:** Very well.

**Mr. Imbert:** Big joke, big joke. [*Laughter*]

**Miss M. Mc Donald:** Very well. Madam Deputy Speaker, I can tell you that I have listened attentively to all three and as I stand here at 5.31 p.m. on this 24<sup>th</sup> day of January, up to now I cannot understand nor have I gotten a cogent reason why this Government is abolishing section 9 of the Libel and Defamation Act.

You know, the Member for Oropouche East said that we have not put a compelling case for our argument in this House and they too have not put a compelling case. They have not convinced anyone on this side. The Attorney General is saying is 167 years; the Member for Oropouche East is saying that it is archaic and the Member for Caroni East is stating that the—[*Interruption*]

**Hon. Member:** That the PNM is—[*Inaudible*]

**Miss M. Mc Donald:**—PNM—his debate was about the PNM.

**Hon. Ramlogan SC:** Member for Oropouche East, you said that?

**Miss M. Mc Donald:** But let me just—Attorney General, please, I would like to speak in silence!

**Mr. Imbert:** You are a guest here.

**Miss M. Mc Donald:** And you are a guest here.

**Hon. Member:** So keep quiet! [*Crosstalk*]

**Miss M. Mc Donald:** Madam Deputy Speaker, I just want to look at some of the points the Attorney General made, just to clear up before I do my contribution.

The Attorney General made reference to a constitutional point about section 4 in our Constitution. He just glossed over it, but he spoke about the freedom of expression in our Constitution—I want to deal with that. He also spoke about abolishing section 9, but retaining section 8; that this criminal offence would be retained in section 8 and that would strike the right balance. Those are the

Attorney General's words and not those of the Member for Diego Martin North/East, and he laid out the various ways in which you can prove section 8. I think he talked about malice and knowledge. He also went on to talk about the deleterious effect that section 9 will have on the press, and then he went into Article 19 of the Universal Declaration of Human Rights.

In other words then, we are signatories to this convention and therefore we ought to recognize the freedom of the press and the freedom of expression, and in other words then, we should accede to the request of the IPI to abolish section 9 of the Act. That basically is what the Attorney General said.

With respect to the Member for Caroni East, in his contribution at the beginning he said, the Attorney General gave a balanced presentation. I want to take serious umbrage to that. He did not. The Attorney General in fact gave a presentation as if he actually was defending or talking on behalf of the journalists, the media, what have you. It was not balanced in that—listen, it is just not the journalists involved here or the press, you also have the issue of private citizens, you also have the issue of what you call public officials, and at no point in time, except when he said, if you feel so aggrieved over some libellous statement made you can go under section 8, and I will show you how section 8 is worthless and absolutely useless and that will leave people like, any one of you inside of here, and I will show it to you, or a private citizen, will leave you actually naked outside there if you do not have deep pockets.

The Member for Caroni East also raised the issue of freedom of expression being the bulwark of a democracy. But I am sure that all of us, not all of us, I would say the Attorney General, I did not hear you call the name of the case. Yes, you did and also the Member for Oropouche East, about that George Worme and *Grenada Today* newspaper. None of you took time out to look at the case properly, to read the judgment of the case, to understand exactly what is happening. And the Privy Council in that case said it quite clearly that criminal libel laws are not unconstitutional neither are they unjustifiable in a democratic society, otherwise I can tell you we would have seen more section 13 actions coming at us, and we have not seen that. Name one case under section 13 of our Constitution—one case, one, and we will go through that.

My colleague, the Member for Oropouche East, said that the Member for Diego Martin North/East did not make his contribution—that he made his contribution into a self-serving one. I do not think that is what the Member for Diego Martin North/East did. What the Member for Diego Martin North/East said, in response to the Attorney General—he said—you presented a case for the

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journalists and the media and what have you. I will now present—he said—it now behoves me to present a case for the private citizens and for public officials, and we are all public officials in this room here. So, I do not think it was a self-serving contribution.

Again, I have not seen—I have not heard from any of the three Government Ministers any reason why we want to abolish, but as I do my contribution, the Member for Oropouche East said he will listen to us. It is a Bill that is a simple majority Bill, so in any event you have your built-in majority and you will be able to pass your Bill. All you need, as I said, is your simple majority. So we can stand here and we can talk from now, ad nauseam, you would not listen to us, but I will speak in any event. *[Interruption]*

**Hon. Member:** Ad nauseam.

**Miss M. Mc Donald:** Madam Deputy Speaker, the Government is now seeking to amend the Libel and Defamation Act, Chap. 11:16, to abolish this criminal offence of malicious defamatory libel, repealing section 9 of the parent Act.

Madam Deputy Speaker, as I always do, I give definitions as to exactly what are the terms we are dealing with, and malicious defamatory libel is the injuring of a person's good name and that person's reputation, and we take that seriously. A defamatory statement is one which is untrue and one which can do three things: it could lower a person in the estimation of right-thinking persons in a society; it can expose a person to hatred, to ridicule, to contempt—*[Interruption]*—it could disparage a person in his office, in his profession or his business. It is something to take very seriously. And libel refers to defamation expressed in written words. So you have the general rubric of defamation; you have libel which is the written words and then there is slander which is oral defamation.

Madam Deputy Speaker, by abolishing section 9 of the Act, it comes with a fine, you did not state what the fine is, but you have a custodial sentence of just one year. *[Interruption]* What is the background—as I try to find out what was the *raison d'être* for the Government coming here and asking for our support to abolish this. In 2012, the International Press Institute, again, had some fear about the threat of freedom of the press in the Caribbean, campaigned in the Caribbean in 2012, campaigning with the objective of the Caribbean countries to abolish their criminal defamation laws and so they visited Trinidad in 2012.

And the response to this was the Prime Minister giving a commitment to the IPI officials that she will abolish—her Government will abolish the criminal libel

laws on our books. And the Member for Oropouche East is correct, Jamaica went ahead and abolished; Grenada went ahead and abolished. Out of the 17 Caribbean countries, only two—and when they pass it today, Trinidad and Tobago would become the third one in the Caribbean to abolish their criminal defamatory libel.

Madam Deputy Speaker, the Prime Minister, at a press conference, said on May 01, 2013, this is at a post-Cabinet press conference, when she announced that she had intended to remove it from our books. This is what she said:

“As a former colony, we inherited this law from England and it has remained on our statute books for 167 years, even though England repealed this law in 2009.

We believe that in any”—and these are the operative words here—“civilised society, committed to freedom of the press it does not so belong.”

Madam Deputy Speaker, by way of history, I would like the Government to understand and not downplay the fact that the law of defamation protects people against untrue statements, untrue statements that could damage their reputation; could hurt their family, their children, their relatives, and it is probably one of the most single important area of law for journalists in this country.

And I say that because I know it is for everyone, not only journalists but anyone who makes a defamatory libellous statement against a private citizen. But I think that by and large, the objective was the journalist, that is what the IPI came here for. So, just do not mask it behind and say it is not about journalists only, it is about everyone. Yes, we know that, but it was skewed towards the journalists, removing it because we talked about press freedom and whatnot.

And, of course, the Member for Caroni East went through that whole dissertation that had nothing to do with the Bill about PNM did this and PNM did that and PNM did the other. [*Interruption*] He did not call anyone there that was a private citizen, eh. Nobody there was a private citizen. [*Interruption*]

And, Madam Deputy Speaker, what this can do is to open a gate, open a window that was not opened before for journalists, and I am saying that all of us here are public officials. We are public figures and we will be the brunt of a lot of scrutiny. Just think about the headline, and I am speaking hypothetically: “Minister found in the wee hours of a Sunday morning drunk on Cipriani Boulevard”. [*Laughter*] Think about that?

**Hon. Member:** Who is that?

**Miss M. Mc Donald:** I never said—I said I am speaking hypothetically. That is what I am saying.

**5.45 p.m.**

Now think about this—and they name the Minister. Now, suppose they say, St. Augustine. Think about what that will do and you know it is not true. Think about what it will do to you, to your family, to your friends—[*Interruption*]

**Hon. Member:** And your business if you have.

**Miss M. Mc Donald:** Exactly, and your business. Think about it. What we are saying is that these laws—section 9 is there as—it acts as a deterrent. This is how we see it. It acts as a deterrent. It is not a big stick hanging over the head of the journalists in this country at all.

As a matter of fact, if you are not very careful, under section 9 as it stands right now, a journalist can be sued—and sued for a lot, a lot of money. One careless piece of research, or unchecked statement, could end up in a publishing company having to pay thousands of dollars, not only in damages but also in legal fees.

Madam Deputy Speaker, I bring to this House's attention a case—I was doing some research. It is called the *Living Marxism* case. And here the ITN, which is a TV station—this is in England—brought a libel action against the *Living Marxism* magazine.

**Mr. Imbert:** A TV station?

**Miss M. Mc Donald:** A TV station, yes.

**Mr. Imbert:** Accused a magazine?

**Miss M. Mc Donald:** A magazine—it accused the magazine of misrepresenting one of the most enduring images of the Bosnian War. The article headline: “The picture that fooled the world”, accused ITN of deliberately misrepresenting an image that came to symbolize the horror of the Bosnian War. It showed an emaciated Muslim by the name of Fikret Alic, apparently caged behind barbed wire at Trnopolje camp. In fact, the wire had surrounded the ITN reporters and not the Muslim guy. The jury accepted that the camp was contrary to what *Living Marxism* magazine had suggested a prison, and therefore the ITN pictures had not misrepresented the truth.

The publishers—and I can tell you, the high court in this matter awarded ITN £375,000 in damages, as well as £500,000 in legal fees. And you know what



happened thereafter? They had to close their doors because they could not—the magazine could not withstand that amount. There was a lot of losses—£875,000. And I am showing you how, if you impute it into our situation here, what could happen under a section 9.

So I ask the question of the Government: why the haste? Why this haste to repeal section 9? And contrary to what the Prime Minister has said, that malicious defamatory libel, you know, would be found in those democracies, in civilized democracies. So, therefore, is the Prime Minister telling us that countries like Austria, like Belgium, like France, like Switzerland, like Germany, like Finland, like Spain, Portugal, Greece, Ireland, Norway, Poland, Sweden, Argentina, Brazil, Chile, Canada and fifteen countries in the Caribbean—is the hon. Prime Minister stating that these countries are not civilized?

**Mr. Imbert:** That is what she is saying.

**Hon. Member:** Yes.

**Miss M. Mc Donald:** Is that what our hon. Prime Minister is saying? Well, I beg to disagree with her because all these countries I have just called, for well over 100 years they all have—they are thriving democracies and they all have a thriving press operating in their societies.

So I ask again, what is the justification for the repeal of this offence?

**Mr. Imbert:** “It have none.”

**Miss M. Mc Donald:** Now, I always say—our Leader always says to us, we will support whatever measure the Government brings—[*Interruption*]

**Hon. Member:** Which one?

**Miss M. Mc Donald:**—that would be of benefit to the citizenry of this country. Now, I am asking the question—I am asking: can you all tell us—I want to hear compelling and cogent argument and reasons why—why are you abolishing section 9 which deals with malicious defamatory libel? Why are you abolishing it? [*Crosstalk*]

Madam Deputy Speaker, a lot of proponents who are in favour of the abolition of malicious defamatory libel support the view that criminal defamatory law has no place on our law books. They are of the view that it stifles the freedom of the press, as the journalists are afraid. That is what the other side says, that journalists are afraid to report on matters of importance. I could not believe that journalists in this country—[*Interruption*]

**Mr. Imbert:** “Dat going on in Trinidad.”

**Miss M. Mc Donald:**—all right?—do not, or are afraid to publish what they think is in the interest of the citizens of Trinidad and Tobago. And only recently, in 2011, Madam Deputy Speaker, an NGO based in London, called the International Journal of Communication Law and Policy, which promotes freedom of expression worldwide, they did a survey and they said out of 168 countries surveyed between 2005—2007, 158 of those countries still retain malicious defamatory libel as a criminal offence on their books. So I do not know where the Attorney General—where he got, or what is the rationale. When you all go to—what is the—what ‘yuh’ call that committee with the law—they deal with the laws?

**Hon. Member:** Legislative—

**Miss M. Mc Donald:** Legislative—

**Hon. Member:**—Review Committee.

**Miss M. Mc Donald:** Pardon me?

**Hon. Member:** Legislative Review Committee.

**Miss M. Mc Donald:** Yeah. What happens at legislative review? All these things are discussed. We look at the jurisdictions; we look at the model—what model legislation you are going to use. I used to serve on the Legislative Review Committee. What is the model we are going to use? You know, you have several models. Which one is in our best interest? What happens? What is the policy statement?

Anyway, Madam Deputy Speaker, another issue which I want to clarify, or debunk, is the point that the AG made last week where the AG cleverly—cleverly he did it. He brought into focus the constitutionality of section 9 of the Libel and Defamation Act.

**Mr. Imbert:** He is very constitutional.

**Miss M. Mc Donald:** Yes, very. The AG made reference to section 4 and, Madam Deputy Speaker, let me just read—put section 4 on record. It says—section 4(1)—it says here:

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

And the one that, you know, is “the freedom of thought and expression”. That is the one that we have been touting whole evening.

Now, this section gives protection and guarantees your freedom of thought and your freedom of expression. He went on to state that we have had this law on our books 167 years and it was time for this law to go. But you just do not remove it because you figure it was time to go. Tell us why. We are not unreasonable people. We are not foolish people. We know it is long, but tell us: why do you want to remove it at this point in time?

What he was, in fact, doing was raising that constitutional point with respect to section 9 and insinuating, very cleverly, that section 9 of the Libel and Defamation Act might be in contravention of section 4 of the Constitution. That is what he was doing, raising the constitutionality of section 9 vis-à-vis section 4 of the Constitution because if section 4 of the Constitution protects, gives you the right to freedom of thought and expression, and you have a law on the books which says otherwise, then it means that something is wrong, that one is in contravention. And which is the higher one? The higher one is going to be your Constitution. So this is the point I think he was doing, but very, very, very, as I said, cleverly he was doing it.

But permit me, Madam Deputy Speaker—and there is no doubt that you will know that the Privy Council is the highest court, or the final court, in this country and, indeed, some of the Caribbean countries also, so we are bound by the decisions of the Privy Council. And we are going to look at, again, the case of *George Worme Grenada Today* newspaper, *v The Commissioner of Police of Grenada*, and the citation is 2004, United Kingdom Privy Council, at page 8. And this is a Privy Council decision from the jurisdiction of Grenada.

And, Madam Deputy Speaker, like Trinidad and Tobago, Grenada has, as its final Court of Appeal, the Privy Council, and I do not have to tell you that in accordance with the doctrine of *stare decisis*, we have to follow decisions of the Privy Council.

The Privy Council in this case—let me say from the beginning—held that criminal libel laws are constitutional and justifiable in a democratic society. So if it is they were trying to tell us that it is unconstitutional and it is unjustifiable, this is the Privy Council decision telling us this. Unless we want to say that we are not bound by the decisions of the Privy Council, then you can talk outside of that. But any right-thinking person, once you have not changed your final Court of Appeal, we are bound by the Privy Council.

I am just going to give you the facts, Madam Deputy Speaker—permit me. In 1999—there are two appellants here: George Worme, the editor of the *Grenada Today* newspapers. George Worme was the editor of the weekly newspaper, *Grenada Today*.

“The issue...included a letter signed ‘The People’s Man’ and addressed to the Prime Minister (Dr. Keith Mitchell). It was printed under the heading ‘Doc, stop playing politics’. The letter was critical of the Prime Minister’s attitude towards teachers’ pay. It included this sentence:”—this is what is important:

“During the election campaign you spent millions of dollars to bribe people to vote for you and your party, disregarding what the law says governing the electoral process,”

Mr. Worme was then questioned by the police but not charged. In the next issue of the newspapers, it reprinted the letter but it was preceded by these words—I quote:

“The letter which angered Prime Minister Mitchell and forced him to attempt to use law enforcement officers of the...(CID) to try and ‘silence’ the GRENADA TODAY newspaper.”

The Prime Minister then sued both parties, George Worme, the editor, and the newspapers. He won at the High Court and at the Court of Appeal. Both of them joined together—that is George Worme and the *Grenada Today* newspaper, and they got leave from the Court of Appeal in Grenada to take this matter—to sue the Commissioner of Police of Grenada and this matter went all the way to the Privy Council.

In his defence—and this is what is important—like Trinidad and Tobago, section 10(1) of the Grenada Constitution guarantees the right of freedom of expression. So their 10(1) is equivalent to Trinidad and Tobago’s section 4(1) of the Constitution. And in his defence, Mr. Worme and the newspaper argued that the law of criminal libel was unconstitutional; that in the Constitution of Grenada they were entitled to freedom of expression and the existence of a criminal offence on the statute books is in contravention of section 10.

### **6.00 p.m.**

So the question that the Privy Council had to decide on was simple. I do not understand why skirt it over because this is exactly what we are dealing with here. So I do not know what the Member for Caroni East was doing, what the Member for Oropouche East was doing and this was the question: does the guaranteed

freedom of expression under section 10 of the Grenada Constitution violate section 252 of the Criminal Code of Grenada which makes a person liable to imprisonment for two years convicted of intentional libel, such intentional libel being defined as the unlawfully publishing by a person of any defamatory matter concerning another person with the intention to defame that person? And the Privy Council said:

Listen, "...the crime of intentional libel...is committed where a defendant publishes any false defamatory"—libel—"...imputing to another person a crime of misconduct...in circumstances where the jury consider that...publication was not for the public benefit".

And what is important here that we all have to note, is that the intention to damage the other person's reputation is important.

So, at all points in time, the court is looking at the person's reputation. And they went on to say:

"The law rightly attaches a high value to a person's reputation not only for that individual's sake"—or for the sake of the person's family or their friends—"but...(for) the wider interests of the public."

**Mrs. Mc Intosh:** That is right.

**Miss M. Mc Donald:** The protection of the good reputation is conducive to public good. You all need to go back and read that case. [*Desk thumping*] You need to go back.

"It is...in the public interest that the reputation of public figures should not be debased falsely. Their Lordships..."—just to end it off:

"Their Lordships are...satisfied that the objective of an offence that catches those who attack a person's good reputation..."—was—"sufficiently important to justify limiting the right to freedom of expression."

So the Privy Council is saying here, yes, we understand the constitutional right to freedom of expression and thought and, yes, we understand that you have this criminal libel on your books, but, there must be a limit placed. There must be a limit placed on this freedom of expression. There must be because if it is that you are going to stretch it, whereby the people can now use it to impugn their character and defame a person's reputation, then the courts will say, "No, we need to put some sort of cover. We need to put some. It cannot be. There must be a

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limit to this”, and this is exactly what we are saying. I am saying that the Privy Council spoke directly to this issue that the Attorney General introduced, that I think the Members for Caroni East and Oropouche also made reference to, but they just glossed over it.

So, Madam Deputy Speaker, notwithstanding this freedom of expression in section 4 of the Trinidad and Tobago Constitution, the courts have recognized that limits must be placed on the freedom of expression, otherwise there will be sheer mayhem and bacchanal. That is how we see it, and we are bound by the decisions of the Privy Council. So there is absolutely no problem we see unless you all come with, again, cogent argument about this constitutional issue. There is absolutely no issue between section 4 of the Constitution and section 9 of the Libel and Defamation Act.

Madam Deputy Speaker, we are looking at another issue that the Attorney General raised, and in his presentation he posited and I am going to quote. He said that:

Section 9 allows a member of the media to be charged with a criminal offence for something that they published if someone alleges that the publication was made spitefully and that it contained an untrue imputation against the reputation of the claimant.

He went on:

A provision such as section 9 if it is to be strictly enforced could have the effect—and these are the words of Attorney General last week—crippling the entire journalistic profession. Government is only removing one specific criminal law which has the potential to undermine democracy. It is still a criminal offence to maliciously publish any defamatory libel knowing the same to be false.

Madam Deputy Speaker, the Attorney General was here justifying the repeal of section 9, and if someone feel so aggrieved that someone has published some malicious defamatory libel against them, they can seek redress under section 8.

The Prime Minister on May 01 in a press conference, 2013, had this to say, and I quote:

“...citizens can”—however—“be comforted by the fact that section eight of the Libel and Defamation Act will remain part of our laws and hence in the event that someone publishes the defamatory libel knowing same to be false, it will still be a criminal offence.”

And that was an excerpt, as I said, of the Prime Minister's speech. So at this point, we need to make—and this was a question asked by the Member for Caroni East last week: what is the distinction between section 8 and section 9? I thought I would have heard, you know, a dissertation on that today from the speakers, telling us, “You understand? Well this is section 9 and we are abolishing this. But we are going under section 8 and this is what you can do.” Nothing of the sort! Nothing! We did not even know that this was a debate on the libel and defamation. We did not even know that. So allow me now to explain the difference between section 8 and section 9. The Government is claiming that although section 9 will be repealed, the criminal offence still exists in section 8 and we can invoke that.

Now, with section 9—let us read section 9, Madam Deputy Speaker, and it speaks of malicious defamatory libel.

“If any person maliciously publishes any defamatory libel, upon conviction thereof he is liable to pay a fine and to imprisonment for one year.”

So, we are saying what are the operative words here. That if a person maliciously publishes a libel against anyone unknowingly—that is important, unknowingly—and if that person is found guilty, that person will pay a fine and one year. The custodial sentence is one year. But when you drill down a little more, that libel came out of negligence because the person is doing unknowingly. The person did not know that at the time that he or she was publishing the libel that it was false in fact. So it came out of negligence, it came out of recklessness, and out of inadvertence on the part of the publisher, and we call that “indirect intention”.

So under section 9, you are looking at indirect intention, and all that is needed to prove if someone is aggrieved and someone wants to sue, all that is needed to prove that case is that the publisher of the statement demonstrated malice when the libel was published.

Now, the AG opined that this section 9 has a deleterious effect on journalists and it hinders the freedom of the press. But why? You all need to tell us why because I do not think any deleterious effect is going on now with the press, and section 9 is very much part of our books. So, when you all are wrapping up, you all will explain it to us.

Section 8 remains on the books, and what does section 8—section 8 deals with false, defamatory libel and it says:

“If any person maliciously publishes any defamatory libel, knowing the same to be false, he is liable on conviction to imprisonment for two years and to pay such fine as the Court directs.”

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Madam Deputy Speaker, in section 8 where a person knowingly as opposed to in section 9—[*Interruption*]

**Hon. Ramlogan SC:** Negligence

**Miss M. Mc Donald:**—when it was unknowingly—[*Interruption*]

**Hon. Ramlogan SC:** Negligence

**Miss M. Mc Donald:** That is right. In this case, in section 8, the person knowingly publishes this defamatory statement. So the person at the time of the publication knew, in fact, that the statement was false and we call this “direct intention”, Madam Deputy Speaker, and it flows from being malicious and wilful action on the part of the publisher of the statement. What is the difference? And as the AG said, an aggrieved person in order to prove their case under section 8, you need to prove two things. You have to come with two things: one, you have to show knowledge on the part of the publisher of the statement; and you also have to show malice on the part of the publisher of the statement.

The AG said by retaining section 8, you will strike that right balance. It was not the Member for Diego Martin North/East who talked about striking the right balance, you know. It was the Attorney General who said it will strike the right balance in the law.

Madam Deputy Speaker, the only difference between 8 and 9 is that in 8 it was knowingly done and the custodial sentence is two years, and in 9 it was done inadvertently, it was done negligently and the custodial sentence there is just one year. But we have a problem on our hands because they are telling us an aggrieved person can go under section 8.

**Hon. Member:** How?

**Miss M. Mc Donald:** It is difficult to prove knowledge, Madam Deputy Speaker.

**Mr. Imbert:** That is right.

**Miss M. Mc Donald:** Extremely difficult. How is a person going to prove that the editor or a reporter knew that at the time when this statement was being published that it was false? How are you going to do that? How are you going to do that, always remembering that you have to prove too, deliberate and direct intention to publish a libellous statement? That is the standard of proof that you are using there.



Madam Deputy Speaker, how can a person get redress under section 8? I expected to hear that today. How can you get redress?

**Hon. Ramlogan SC:** What about suing in the courts?

**Miss M. Mc Donald:** And take how long? Now that you decide to engage me across the floor, how long would it take us? Would you have deep pockets to fight up in the civil courts, Mr. Attorney General, eh? Are you looking at the poor person outside there? Somebody saying something about you that is very libellous, that could defame you, that imputes a lot of nastiness I should say against you—[*Interruption*]

**Hon. Ramlogan SC:** Like “emailgate”.

**Miss M. Mc Donald:**—how you going to do that if you do not have “deep fobs”?

**Mr. Imbert:** He cannot.

**Miss M. Mc Donald:** So what is going to happen? And the lie remains. So while all of this is going on, the lie remains in the public domain. So why are we doing something like this, AG? When you are wrapping up; do not engage me again. When you are wrapping up, talk to me.

**Hon. Ramlogan SC:** I cannot marry you twice.

**Miss M. Mc Donald:** Madam Deputy Speaker, protect me, eh. [*Laughter*]

**Hon. Member:** From the AG, yes.

**Miss M. Mc Donald:** Madam Deputy Speaker, we need to demonstrate—I am going to demonstrate how useless and unworkable section 8 is, and in doing so—and the AG just “skirt” United States last week. We need to go to the United States, the jurisdiction of United States to provide us with a guide to section 8, either knowingly or by incident or accident, whatever.

The AG is instituting something called the “actual malice” rule. That is what he is doing and this is a US principle and it is not followed anywhere in the world because it is so difficult to prove, and actually it discriminates against a class of persons and the class of people is public figures. It discriminates against those people because what they have done under the “actual malice” rule is they have set the standard higher for the public official than they have done—

**Madam Deputy Speaker:** Hon. Members, the speaking time of the hon. Member for Port of Spain South has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. A. Roberts*]

*Question put and agreed to.*

**6.15 p.m.**

**Mr. Roberts:** Yeah, that is our culture. [*Desk thumping*]

**Dr. Moonilal:** Civilized people.

**Mr. McLeod:** You see magnanimity.

**Miss M. Mc Donald:** Thank you, Madam Deputy Speaker. Thank you, Member for D'Abadie/O'Meara, and indeed, thank you all Members on both sides of the Houses.

**Dr. Moonilal:** "How yuh feeling?"

**Sen. Ramlogan SC:** It was the engagement that caused that.

**Miss M. Mc Donald:** [*Laughter*] Thank you, AG. I am saying that in the US, it is almost impossible, virtually impossible, for a public figure to get compensation in a libel suit because of this "actual malice" rule. You see, in the United States, under this rule, public figures are treated as a separate class of persons, separate and apart from private citizens, and allow me to go into the case that has established this "actual malice" rule. It is a case—it is *New York Times Company v Sullivan* and it dramatically altered the nature of libel laws in the United States by elevating the standard of proof in libel cases to this actual malice for public officials.

What is actual malice? The courts have defined actual malice in the defamation context as publishing a statement while either knowing that it is false or acting with reckless disregard for the statement's truth or falsity. So one, you have to know that it is false, and two, you acted with total disregard for the truth.

Madam Deputy Speaker, it should be noted that the actual malice standard—and it is very interesting when you read the literature, that it focuses on the defendant's actual state of mind at the time of the publication of the libel. You could imagine how difficult it is for the plaintiff to prove—unless you are a clairvoyant—to actually state what was on that person's mind, the publisher's mind, when he or she was publishing the libellous statement.

But, in making this determination, what is the court looking for under this "actual malice" rule? The court would look for evidence of the defendant's state

of mind at the time of publication, and will examine the steps that that person took in researching, editing and fact-checking his or her work. It is not sufficient for the plaintiff to merely show that the publisher did not like me. It has nothing to do with that. It has to do with the state of mind of the publisher of this statement. Not surprisingly, that is why it is so difficult to prove such a case, and that is why it is so difficult for you to get redress, for you to be compensated, under section 8 of that Act, and this is what the Attorney General—because, I will tell you what, you may not see the words “actual malice” under section 8, but it is imputed inside of there, and I can tell you, section 8 is useless and it is worthless, and this is what the Attorney General is introducing for us here in Trinidad and Tobago.

The case that establishes it is the case, as I said, *New York Times Company v Sullivan* and this is a case which is a product of the civil rights struggle in the early '60s, Madam Deputy Speaker, in what “yuh” call the Cotton Belt States, in the southern States in the United States, and these were the days of Martin Luther King and Ralph Abernathy and Jesse Jackson and it is very simple. L. B. Sullivan, who was the Commissioner of Police to the Montgomery, Alabama City—he was a city commissioner responsible for supervising the police department—sued the *New York Times* for publication of an advertisement purchased by a committee of the civil rights activists.

The full page advertisement entitled “Heed their rising voices” described how non-violent civil rights protests were met with an unprecedented wave of terror, and they solicited support for the movement and its leader, Dr. Martin Luther King Jr. The advertisement contained several statements—and it is based on that—but the name of the police commissioner was not called in the ad and the police commissioner sued the *New York Times* for wrong statements made in the newspaper. The Supreme Court—they went all the way to the Supreme Court—ruled that the advertisement had not been published with actual malice which is defined as a defendant’s publication of a statement, either knowing it was false or exercising reckless disregard for the truth. Madam Deputy Speaker, this is the case which actually establishes that rule. This rule has been severely criticized over the years, and I do not know of any other place outside of the United States that has this rule in operation. But what I am saying is that public officials are treated differently in that the standard of proof is higher than a private individual.

Madam Deputy Speaker, it is felt that having criminal libel on the books is a formal hindrance to the freedom of expression and freedom of the press. But the question is: can a private citizen, or indeed, a public official successfully sue for false, defamatory libel under section 8 of the Act? Because by abolishing section

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9, coupled with the fact that it is virtually impossible to get redress under section 8, it renders, us as citizens, especially public figures, to be placed in a situation of abuse.

The consequences of this: what do you have? You would have an unbridled, unfettered and uncontrollable press. What is needed here is to strike a happy balance between the freedom of the press and the protection of all citizens, private as well as public. Perhaps, what the Government should consider—and I heard it on the floor—is the revamping of the entire law on libel and defamation [*Desk thumping*] as opposed to this piecemeal approach.

In so doing, AG, you can now consider laws to deal with the ever, ever so invasive social media, as some persons' reputation is damaged via this route. For all the writers—and I want to say this proudly here today because I have read the *Newsday*, I have read the *Guardian*, even the editorial in the daily newspapers who took time out to respond, in the negative, to what my colleague from Diego Martin North/East said, I just want to state that as a gentle reminder to all and to this Government, that the law rightly attaches a high value to a person's reputation, and, as I said before, not only for that individual's sake but, also in the wider interest of the public.

In the case of *Reynolds v Times Newspapers Ltd*, found at [2001] 2 Appeal Court, Lord Nicholls of Birkenhead explained the position in this way and I want us to listen. He said:

“Reputation is an integral and important part of the dignity of the individual. It also forms the basis of many decisions in a democratic society which are fundamental to its well-being: whom to employ or work for, whom to promote, whom to do business with or whom to vote for. Once besmirched by an unfounded allegation in a national newspaper, a reputation can be damaged forever, especially if there is no opportunity to vindicate one's reputation. When this happens, society as well as the individual is the loser. For it should not be supposed that protection of reputation is a matter of importance only to the affected individual and his family. Protection of reputation is conducive to the public good. It is in the public interest that the reputation of public figures should not be debased falsely. In the political field, in order to make an informed choice, the electorate needs to be able to identify the good as well as the bad. Consistently with these considerations, human rights conventions recognize”—Human Rights Convention recognizes, AG—“that freedom of

expression is not an absolute right. Its exercise may be subject to such restrictions as are prescribed by law and are necessary in a democratic society for the protection of the reputations of others.”

For all these aforementioned reasons, we on this Bench cannot support this amendment, this repeal. But, I am willing to endorse the recommendation made by my colleague from Diego Martin North/East wherein he proposed that rather than repeal section 9, we can entertain an amendment, we could remove the custodial sentence of one year imprisonment, we can re-craft this section to allow that the fine that is stated there, that that fine, upon conviction, should be for the publishing company as opposed to the journalist. AG, if the Government is so minded, Madam Deputy Speaker, with this amendment, we have no problem in lending our support. I thank you, Madam Deputy Speaker. [*Desk thumping*]

**Madam Deputy Speaker:** Member for La Horquetta/Talparo.

**The Minister of Land and Marine Resources (Hon. Jairam Seemungal):** Thank you very much, Madam Deputy Speaker, as I stand to join in this debate and support to my colleague, the Attorney General, on this amendment to the defamation Act.

As I listened to my colleagues, and my last colleague from Port of Spain South and she took time to go through the law as it is, let us understand where this law came from. This law is one of the oldest laws in our law books. It dates to more than 168 years ago. This law was created sometime in the last century, when Europe, when the queen or the king controlled the world and Trinidad was a colony to the European countries to Central Europe.

Madam Deputy Speaker, this was a law that was created to curb a very brutal type of engagement that occurred in that century. This was with respect to insults to individuals. It was really created to curb the number of deaths and the amount of bloodshed that occurred when one entered into a duel. A duel is when two persons engage, voluntarily or otherwise, in those days—shedding the other’s blood. This was apparently in 17th and 18th Century Europe. Defamation was regarded as a civilized way—a duel was regarded as a civilized way of protecting one’s honour and since the only way to protect one’s reputation was to ask or to enter into a duel with another person.

**6.30 p.m.**

And a duel can be provoked by insult, defamation, or even gossip; even the slightest of insult could spark a duel. In that duel, Madam Deputy Speaker, there

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were elaborate sets of rules and codes that engaged and governed the practice of a duel; and the offended person would issue a challenge to the other, which involved the use of either a sword or a pistol. Madam Deputy Speaker, for those young ones who may be looking on and trying to understand what I am speaking about, when you look at those old movies—[*Interruption*]

**Mr. Roberts:** Gun fight.

**Hon. J. Seemungal:**—and you see two persons going out with a gun or a pistol, and they would look at each other and they would point it, and they would shoot, or they would have swords in their hands, and they would engage each other in a battle, that would, in most instances—in most instances—end either in death, or in serious bodily harm to the other person. And it was said that in 99 per cent of the times, it ended in death, Madam Deputy Speaker.

The government of the day, or whosoever governed at that point in time, had determined that the only way they could have seen or curbed that type of activity, for insults or “thin-skinned”, as it was called then, Madam Deputy Speaker, was to create a law. And that is when the criminal defamation law came into being.

So it is a very old law; it has been on our books for 168 years. I do not think anyone in this country, if my memory serves right, entered or got imprisoned because of this law, Madam Deputy Speaker; but I know right here, within our jurisdiction, there were others who were charged under the criminal offence of defamation. There are two sides to this defamation. In Trinidad, we tend to go to the civil courts and ask the courts, by way of compensation, monetary compensation, ask the court for relief. But in other jurisdictions within the Caribbean jurisdiction, there have been attempts to use the criminal offence for defamation, Madam Deputy Speaker.

Permit me to read from an extract which was reported by the OAS—the Organization of American States—and also cited by the African Commission on Human and Peoples’ Rights, Madam Deputy Speaker. And it states that—and this, what I am going to cite, really is what the other side and others are fearful about; it is really—their argument is that the politician, or the political lives of the individuals, who enter into politics, would be more at risk of persons defaming them, or persons writing adverse articles against them, Madam Deputy Speaker.

The freedom of the press is one that most free countries of the world, and most democratic countries of the world, try their best to uphold and to allow

journalists to express themselves freely, but not at the expense of others. And this is what this article says that:

In democratic societies, the activities of public officials must be open to public scrutiny. Criminal defamation laws intimidate individuals from exposing wrongdoing by public officials and such laws are therefore incompatible with freedom of expression.

Madam Deputy Speaker—

Criminal defamation does not really play a deterrent towards journalists expressing themselves. However, within recent times there have been attempts by government officials to muzzle the freedom of the press.

My colleague from Caroni East—[*Interruption*]

**Dr. Browne:** He has done it, yes.

**Hon. J. Seemungal:**—stated—[*Interruption*]

**Dr. Browne:** Who else?

**Hon. J. Seemungal:**—and went into length as to how the members of the PNM administration attempted, in some way, to muzzle the press right here, but, Madam Deputy Speaker, in Antigua and Barbuda, there was one Lennox Linton. He was a Dominican born journalist who was charged by the Director of Public Prosecutions, under criminal libel charge, despite the fact that the matter was not fully administered in the court. He was extradited and he eventually won a case against false extradition and whatnot.

But the point here, Madam Deputy Speaker, there are still opportunities, in which governments of the day can use the criminal libel or criminal defamation part of this legislation to muzzle the freedom of the press, especially if they find that the press is not printing things in their favour. There are other jurisdictions where journalists have been charged, and journalists have been jailed for writing and for bringing information to the forefront with respect to government activities.

And this Government, Madam Deputy Speaker, under the leadership of the hon. Kamla Persad-Bissessar, is not afraid to open her Government to further scrutiny by anyone, and including the press. This is why she is very adamant to bring this piece of legislation, so that she can allow more freedom, or better freedom of the press, to report on activities of her Government and any government in the future, Madam Deputy Speaker.

**Dr. Browne:** The *Sunshine* too?

**Mr. Indarsingh:** Yes.

**Hon. J. Seemungal:** Madam Deputy Speaker, I want to cite, from an article by a committee to protect journalists; and this committee was set up to protect throughout, and this is what the report stated and this was in December, 2013:

“For the second consecutive year, Turkey was the world’s leading jailer of journalists, followed closely by Iran and China. The number of journalists in prison globally decreased from a year earlier but remains close to historical highs.”

**Dr. Browne:** How many were jailed in Trinidad?

**Hon. J. Seemungal:** And the article went on to say that Turkey, Iran and China accounted for more than half of all journalists imprisoned around the world in 2013. The committee projected and identified that some 211 journalists have been jailed in 2013, and 232 in 2012, Madam Deputy Speaker.

Madam Deputy Speaker, this is something that we are very proud of in this country, for 168 years of the existence of a law that could have seen journalists behind bars, it did not happen in Trinidad and Tobago. And we, on this side are ensuring that journalists would never be put in jail for expressing themselves on paper.

Madam Deputy Speaker, there are many times and many articles written by journalists that have exposed governments and exposed activities of what happens within government. And it is one of the institutions that is allowed to keep government in check. And it is allowed to keep state boards in check; it is allowed to keep institutions in check.

**Dr. Browne:** What about rogue journalists?

**Hon. J. Seemungal:** And if muzzled by a piece of legislation that can see journalists go behind bars, Madam Deputy Speaker, it is something that this Government wants to outlaw. And it is really historical, at this point in time—  
[*Interruption*]

**Dr. Browne:** Historical?

**Hon. J. Seemungal:**—it is really—this would be an historical piece of legislation, some 168 years later, that this Government seeks to outlaw the imprisonment of journalists, if they are held with criminal defamation. Madam



Deputy Speaker, it is a Prime Minister with the vision, that every single one, in this country, has an equal and equitable place, has seen the vision, that—  
[*Interruption*]

**Mr. Roberts:** Yes, man.

**Hon. J. Seemungal:**—the freedom of the press, and freedom of the press to publish whatever they want, within content—[*Interruption*]

**Dr. Browne:** Within what content?

**Hon. J. Seemungal:**—within context, is what this Government is seeking by this removal—[*Interruption*]

**Hon. Member:** Hypocrisy—[*Interruption*]

**Hon. J. Seemungal:**—of the criminal liability, and the criminal liability from defamation. And permit me to quote, Madam Deputy Speaker, from the presentation made by the hon. Prime Minister, in her statement on World Press Freedom Day, 2013. And she said:

“The commemoration of this event has assumed”—worldwide—“significance in Trinidad and Tobago in recent time.

Last year in recognition of the occasion, my government was host to the 2012 International Press Institute”—of a—“World Congress. That seminar, under the theme ‘Media in a Challenging World:...’ was attended by approximately 200 delegates from across the globe.

It was during the course of the 2012 conference that the issue of ...continued existence of legislation on criminal...”—liability—“in Trinidad and Tobago was raised as a cause for concern.”

Madam Deputy Speaker, it is important that when we protect citizens, we protect all citizens, including journalists who may publish something that is adverse to government. And that is the argument that the other side has been making, that they are not concerned about the regular citizens; they are concerned about Members of Parliament and persons in public life.

So Madam Deputy Speaker, I just wanted to put in context where the legislation came from and how long and how old this piece of legislation is; and this legislation really stems from the 17th and 18th Centuries when duelling was a part of the regular and everyday life. And that is where this piece of legislation came from, Member for Port of Spain South. It really stems from that era when you go out in the street, and you took a gun, somebody “insult yuh, yuh

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didn't like dem; yuh asked dem to meet yuh outside in the back, or you asked dem to meet yuh on the street, you pull out a gun and both of you had a duel, and one would leave alive, the other one will be carted away”.

So Madam Deputy Speaker, I want to support my colleague, the Attorney General—[*Interruption*]

**Hon. Member:** Yeah. [*Desk thumping*]

**Hon. J. Seemungal:**—on this historic piece of legislation. I thank you.

**Mr. Roberts:** Yes, man. You are a gentleman. You are a gentleman, man.

**Madam Deputy Speaker:** Member for St. Joseph.

**Mr. Terrence Deyalsingh** (*St. Joseph*): Yes, thank you, Madam Deputy Speaker, for allowing me an opportunity to join the debate on the Bill to amend the Libel and Defamation Act, Chap. 11:16 of 1845, to abolish malicious defamatory libel.

Madam Deputy Speaker, I open with a quote from Winston Churchill, back in the 1840s: “A lie travels halfway around the world before the truth has an opportunity to put its pants on”. And Madam Deputy Speaker, those words were quoted before the advent of cell phones, Internet, Twitter, email. Madam Deputy Speaker, I wish to place my contribution in the proper context, and this has nothing to do about jailing journalists, because Trinidad and Tobago has no history of jailing journalists.

Rather, what we should be focusing on here today is whether we are upsetting a delicate balance between the rights of the media and the right of an individual to privacy.

**6.45 p.m.**

Madam Deputy Speaker, all spheres of human endeavour are subject to rules and regulations. As parliamentarians we have parliamentary privilege, but that privilege is not absolute because we can be hauled before the Privileges Committee. If you are a medical doctor you can be hauled before your medical board. Every sphere of human endeavour is regulated but the media has a special place. It is probably one of the only spheres of human endeavour in Trinidad that has constitutional protection under section 4(e) of the Constitution and section 4(k) of the Constitution, freedom of expression and freedom of the press.

But Madam Deputy Speaker, with great freedom also comes great responsibility and the question we need to be asking is: is the right to publish and

the right to a free press an absolute right? Is it an absolute right? And Madam Deputy Speaker, to answer that question I quote from a book entitled: *The Pursuit of Justice*. It is a collection, a compilation, of speeches by Lord Woolf and this is what Lord Woolf says:

**Dr. Moonilal:** What Woolf says?

**Mr. T. Deyalsingh:** “The education of public opinion being, however, a matter of such great import to the common good, the State shall endeavour to ensure that organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not”—and I repeat—“shall not be used to undermine public order or morality or the authority of the State.”

So these rights enshrined in sections 4(e) and 4(k) of the Constitution are not absolute rights. The saying goes: freedom of expression and the right to free speech does not give you the right to shout fire in a crowded cinema. It does not.

So what we are discussing here, Madam Deputy Speaker, is this tenuous balancing act between sections 4(e) and 4(k) of the Constitution and the individual interest and reputation and privacy and I want to ask the question, Madam Deputy Speaker: has the local media complained to the Government about journalists being jailed or about fines being imposed? Because section 9 is about fines and incarceration. Let us ask that question.

Madam Deputy Speaker, what is the position of public officials? We are all public officials here and it is always difficult to get people of calibre, sometimes difficult, to serve in public life. One remembers the flat refusal of William Lucie-Smith to serve on the CAL Board where he stated he has no intention of filling out an integrity in public life form. That integrity in public life form is akin to having a root canal and a colonoscopy done at the same time. It is a deterrent to people wanting to serve in public life. It is not only akin to having a root canal and colonoscopy done at the same time, but having it done without anaesthetic. It is so painful.

**Dr. Khan:** “How you know dat? You did it a’ready?” [*Laughter*]

**Mr. T. Deyalsingh:** What about the recent limitations put on us under the FIU, where you have a class of persons and all of us are these classes of persons called politically exposed persons (PEPs), where every bank account you have and your children and your spouses have to be interrogated? It is a deterrent to quality people getting into public life.

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I recently had the rather unfortunate experience of attempting to open a bank account in the name of the St. Joseph constituency—[*Interruption*]

**Hon. Members:** Problems.

**Mr. T. Deyalsingh:**—and the hoops that you had to go through—  
[*Interruption*]

**Hon. Members:** Yes.

**Mr. T. Deyalsingh:**—to open a bank account in the name of your constituency is mind-boggling and I am seeing everyone here on both sides agreeing with me. I had to tell the bank: what is the meaning of all of this?

**Miss Mc Donald:** What? “If you see trouble!”

**Mr. T. Deyalsingh:** Because you are a politically exposed person and this is what we are faced with. What about the ridicule that we face as public officials? What happens to us as public officials when we leave office and you are now a pariah in your country? No one will employ you. You are not invited to any boards. No one wants to see you.

There is a former Prime Minister who went to a wedding recently and there was no one to greet him. He was left like a “poor-me-one” in that wedding.

**Mr. Peters:** Mr. Manning did not carry “he” wife?

**Mr. T. Deyalsingh:** No one! No one!

**Dr. Khan:** Who is that?

**Mr. T. Deyalsingh:** What about personal attacks on family members?  
[*Crosstalk*]

Madam Deputy Speaker, one of our colleagues in Government recently, over the Christmas period, had a very unfortunate family crisis to attend to, very unfortunate. One of his children—one of my colleagues opposite—was in hospital faced with a life-threatening condition. The particular Member, I called him. I called his family several times over the Christmas vacation to enquire about his child’s well-being, because at the end of the day family is family. That is all you have. That is all you have. But what was disappointing was that one media house attempted to write a story about that Minister’s personal tragedy at that point in time. That Minister’s child committed no crime, did nothing wrong. His only

crime was being almost fatally ill and that is what we as public officials are faced with on a daily basis. So that begs the question, Madam Deputy Speaker, why cherry-pick section 9 of this Act?

The hon. Attorney General and other speakers spoke about the prevailing conditions. May I give you, Madam Deputy Speaker, my own interpretation of what the prevailing conditions were at the time? First of all I want to say, to reply to the Member for La Horquetta/Talparo, I have the same publication that you have here and countries like Turkey, Iran, Vietnam, Syria, Azerbaijan, Ethiopia, Egypt and Uzbekistan bear absolutely no resemblance to what goes on in Trinidad and Tobago as far as the media is concerned. So let us compare apples with apples, not Trinidad with Uzbekistan, not Trinidad with Vietnam. We do not jail journalists here.

**Dr. Rambachan:** Read the case.

**Mr. T. Deyalsingh:** I will come to that. We will come to that. [*Interruption and crosstalk*] We will come to that. But what were the prevailing conditions at the time, Madam Deputy Speaker?

I quote from July 11, 2013, a story by Irene Medina where she says:

“Media consultant and journalist Sunity Maharaj...”

Now, Sunity Maharaj is probably one of the most objective columnists this country has.

**Hon. Ramlogan SC:** Says who?

**Mr. T. Deyalsingh:** Probably one of them—Tapia Movement. She:

“...said yesterday she believes no other government has attempted to compromise the media more than the People’s Partnership Government.”

This is Sunity Maharaj.

**Hon. Ramlogan SC:** “Dah why she objective?” [*Laughter*]

**Miss Ramdial:** Exactly.

**Mr. T. Deyalsingh:** I am trying to rebut, hon. Attorney General, all the arguments about “de PNM dis and de PNM dat.”

But let us go back. What about the attacks on Asha Javeed on a particular website reputedly or allegedly belonging to a Member of Government? What

about Denise Renne, Judy Raymond, Anika Gumbs-Sandiford? What about the statement attributed to the hon. Prime Minister? And I quote:

**Mr. Imbert:** “Wha bout he?”

**Mr. T. Deyalsingh:** “...when...integrity is under attack by a few rogue elements within the profession, we are all at risk,.

**Mr. Imbert:** “Dey say Miss Gumbs wicked, malicious.”

**Mr. T. Deyalsingh:** This is the context leading up to the June 2013, Madam Deputy Speaker, where this Government was under attack by the media and the media was under attack by the Government and this is when the announcement was made to the IPI, in June 2013. So this is the context for cherry-picking section 9 of this Act.

**Mr. Imbert:** “Dey go lose like Tillman Thomas.”

**Mr. T. Deyalsingh:** Madam Deputy Speaker, it is not—[*Interruption*]

**Mr. Imbert:** “Licks so fuh all yuh.”

**Mr. T. Deyalsingh:**—the responsibility of us as parliamentarians, or it should be the responsibility of us as parliamentarians to scrutinize every organ that makes up Trinidad and Tobago, whether it is the press, the newspaper, the electronic media or not. I say this in the context of Trinidad and Tobago not being a homogeneous society. We are a nation of different races, different religions, living in a state of harmony which can be exploded at any time.

Madam Deputy Speaker, I want to draw attention to Members opposite about the power of the media to act not in the public interest. One remembers Tony Blair “sexing up” his reports, his dossier, about the war in Iran and trying to make a case and the BBC, that venerable institution the BBC, acquiescing to Tony Blair at the time.

**Dr. Browne:** Iraq.

**Mr. T. Deyalsingh:** The war on Iraq.

One remembers Rupert Murdoch using his media influence to influence the outcome of elections in Australia and England. The media is comprised of people just like you and I and as people we have our biases, we have our shortcomings and we have our faults. Any sphere of human endeavour needs to be regulated.

Madam Deputy Speaker, I want to use an example from Aljazeera, August 17, 2013, and this has particular importance for us in Trinidad and Tobago, as I have

already described, due to our multicultural kaleidoscopic nature and that article speaks about. “Polarized media fuels conflict in Egypt,” about “Unfounded reports of ‘Sexual Jihad’, drones and poor hygiene contribute to a political climate of demonisation.”

**Mr. Imbert:** What!

**Mr. T. Deyalsingh:** Madam Deputy Speaker, we have not gone that way, luckily, as yet. So the question is: if we repeal section 9—I leave that question hanging, I will come back to him.

**Mr. Imbert:** “Is licks fuh dem.”

**7.00 p.m.**

BBC News January 13, 2014:

Central African Republic “cannibal: Why I ate man’s leg”

And listen to this, Madam Deputy Speaker, this is frightening. It talks about the power of the media.

“The Seleka were accused of murdering Christians in large numbers, of raping women and looting as they crossed the country. Christians formed self-defence groups,…”

And hear this:

“Western diplomats here blame the foreign media, too, in particular French TV and radio.”

This is the power of the media. The media can do great good. The media can do great harm. Does the media need to be regulated? Leave that question there.

Madam Deputy Speaker, I spoke earlier about the classes of persons who are subject to defamation: the PEPs, politically exposed persons; entertainers and sports personalities are some of the favourite targets. But, Madam Deputy Speaker, a week in politics as they say is a long time, and a most frightening, a most frightening case came to light in the past week, where to that list I now have to add a fourth category to add to politically exposed persons like ourselves, entertainers and sports personalities, and that has to do—and I want Members opposite to take note, it is has to do with our civil service.

Madam Deputy Speaker, please allow me to elaborate on this point, but please allow me a long run-up to explain the point. What is the role of our civil service? A civil service in any country has three basic features: its permanence; its

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neutrality and its anonymity. We do not know who they are. Civil servants do not get into the public domain, and we in Trinidad and Tobago owe a debt of gratitude to the public service, the civil service for seeing this country through one of its most important constitutional crises, and I refer to the 18-18 tie in 2001, where you could not form a Parliament. You could not agree on a Speaker. I remember looking at the Parliament Channel back then and we were going down the line asking Members of the then Government and Opposition, to say yea or nay for selection of a Speaker of the House, and it could not be done. Member for Barataria/San Juan will remember those days well. You were a part of that.

**Dr. Khan:** The only marginal seat left back.

**Mr. T. Deyalsingh:** I think the thing then was they thought that the Member for Barataria/San Juan would have voted against his own party at that time, because he had the reputation for being an independent thinker.

**Dr. Browne:** A rogue element. [*Crosstalk*]

**Mr. T. Deyalsingh:** But the point I want to make is, during that constitutional crisis, it was the civil service that served this country, and served this country well. And, Madam Deputy Speaker, if you would allow me to quote from a text, *Constitutional and Administrative Law* by Hillier Bonnet, it talks about the civil service management code and this is relevant to a case that came to life this week. And this is what it says:

“The constitutional and practical role of the Civil Service is with integrity, honesty, impartiality and objectivity, to assist the duly constituted Government”—of—“whatever”—“political complexion, in formulating...policies,”—of Government,—“carrying out decisions”—of the Government,—“and in administering public services for which”—the Government is—“responsible”.

That is the role of a civil service. That is the role of a civil service, Madam Deputy Speaker, and what should engage our attention here tonight as we seek to repeal section 9, is the case recently of the Transport Commissioner, Mr. Cato, winning a defamation case; a civil servant.

If we repeal this section, Madam Deputy Speaker, I pose the question to the hon. Attorney General, to the Member for La Horquetta/Talparo. We here in the Opposition are not being self-seeking in protecting ourselves. You have approximately 35,000 civil servants, serving this country. Is it now to add to the categories of persons, politically exposed persons, entertainers, sports persons,



that civil servants who are politically neutral, who serve this country well, should now run afoul and have to take media houses to court? This is what Mr. Cato had to say:

“As a result of those statements, Cato submitted that he was met with ‘an unusual hush and snickers and lowered heads by employees’ at the Licensing Office.”

That is what he was met with in fighting his defamation case. He talked about “sleepless nights”, embarrassment. But Madam Deputy Speaker, the question is, in winning a case, is that enough to restore Mr. Cato’s integrity in the eyes of the public? Because this judgment was buried in page 5 of the *Express*, but by that time, to quote Winston Churchill: The lie has flown all around the world. The lie went all around the world before the truth had an opportunity to put its pants on.

Mr. Cato, public servant; not a politically exposed person. We are opening up a category of persons to ridicule in the media, and this case is germane to the point I am making. It is Mr. Cato today, which Permanent Secretary is it tomorrow? Which low-level public servant is it the day after? And luckily that Mr. Cato has the wherewithal to fight the case, but how many people have that wherewithal? So I ask the Government, I ask the hon. Attorney General to pause for a cause. Pause for a cause, rethink this because this is not only about protecting the integrity of Opposition politicians, we want to protect your integrity. I want to protect the private life of my colleague opposite me whose son’s condition over the Christmas should not be the concern of the media when he committed no crime. He just was unfortunately ill. That is all I am asking. That is all I am asking.

Madam Deputy Speaker, my colleague from Diego Martin North/East was at pains to tell the Government that we have an amendment. We are saying, if it is you want to drop off the jail sentence, fine, but the question is, what do you replace it with? Where is the balance? I am coming to that, hon. Attorney General.

**Hon. Ramlogan SC:** “Tell me wat is de first fine yuh using?”

**Mr. T. Deyalsingh:** So let us talk about fines. The first thing I want to say about fines and I will use two local examples to talk about fines, and we as a collective can say whether these fines are enough.

**Hon. Ramlogan SC:** “Yuh” sounding fine, man.

**Mr. T. Deyalsingh:** *Panday v Gordon 2005; Panday v Gordon* over the statement about the chutney rising and the pseudo-racist statement.

**Hon. Ramlogan SC:** “Look at whey chutney reach.”

**Mr. T. Deyalsingh:** And that had its genesis in trying to get Jones P. Madeira out of the *Guardian*. The court at first instance granted \$300,000; Court of Appeal upped it to \$600,000; Privy Council restored the court of first instance fine of \$300,000. Is \$300,000, Madam Deputy Speaker, enough to salve the hurt to the reputation of Mr. Ken Gordon? I leave that question for the Government to answer.

The other case of libel *Rahael v TNT News Centre Limited, 2005* where Justice Gobin found that the statements made by *TNT News Centre* were even worse than the pseudo-racist comments by Mr. Panday. She said: the libel was far more serious than Mr. Panday’s pseudo-racist statement. But there was no jail time, there was only a fine, and that fine was \$414,000 which remains today the highest award for a case of libel. The Questions I pose to Members opposite: is \$414,000 enough to restore Mr. Rahael’s name and reputation? Same way was \$300,000 enough to restore Mr. Ken Gordon’s name and reputation? [*Crosstalk*]

Madam Deputy Speaker, I speak about these issues of fines now in this context.

**Hon. Ramlogan SC:** What fines are you proposing?

**Mr. T. Deyalsingh:** I am coming to that now, Mr. Attorney General. The Member for Diego Martin North/East had proposed fines, but let us look at fines, hon. Attorney General if you just would bear with me.

In trying to restore the balance, let us look at the defences that a news organization has to defend a claim of defamation. Let us look at it. They can rely on truth, that is justification; they can rely on absolute privilege; they can rely on qualified privilege; they can rely on fair comment; they can rely on responsible communication on matters of public interest; they can rely on innocent dissemination, but the crux is, the final one is, they can rely on the Reynolds defence. And curiously Mr. Panday did not rely on the Reynolds defence when he went to the Privy Council.

So what is the Reynolds defence, for members of the public to understand? The Reynolds defence goes like this, and I am mentioning these defences, Madam Deputy Speaker, for us to ask ourselves as a collective, by taking out section 9 are

we upsetting the balance? So I am positing here now, that media houses have an array of defences. I have called out some, but let me explain what the Reynolds defence is.

The Reynolds defence goes like this: newspapers could print untrue and defamatory information—you hear that, Madam Deputy Speaker—they are allowed to print untrue and defamatory information if it could prove it was in the public interest. So it is in the public interest, but it is a lie; print it, and it was the product of responsible journalism. So what we are saying here in this defence, they could print something in the name of responsible journalism, but it could be untrue. It could be a lie and those are the defences; those are the defences.

Let us look at some fines now and this is where the hon. Attorney General is trying to find out what we are proposing.

**Hon. Ramlogan SC:** “Ah tryin to find out whey is de fine.”

**Mr. T. Deyalsingh:** Right. Let us look at some fines abroad, so I am saying with Trinidad and Tobago, the highest fine we have on our books is \$414,000—*Rahael v TNT News*—whatever; Mr. Panday was just \$300,000. Let us look at what happens abroad: £90,000 awarded to Chris Cairns; he is a New Zealand cricketer; another fine, £500,000 for *The Times*, but the problem is, Mr. Attorney General, in determining a fine, we are proposing that the fine not be applicable to the journalists. Let us make that absolutely clear—[*Interruption*]

**Hon. Member:** So we have to register journalists now?

**Mr. T. Deyalsingh:**—we have no beef with journalists, the fines are applicable to the publishing house, and the fine has to be such that it is an equivalent deterrent to a jail time. Let me tell you why the fine has to be high, and I want the public to understand this. If we recommend a fine, it does not mean that the publishing house has to pay \$1 million out of its coffers, the reason being, Madam Deputy Speaker, all media houses have insurance. So for instance, a newspaper abroad can buy defamation insurance for US \$250,000 coverage, but you know what the premium is? Five hundred US dollars per year.

So the cost to the publishing house is only a mere US \$500 to purchase insurance valued at a quarter million US dollars.

**7.15 p.m.**

So our issue here is not with the journalist; our issue is to have a fine, bearing in mind that a publishing house can buy insurance. And what types of insurance

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are available, Madam Deputy Speaker? They can buy defamation insurance; they can buy product defamation insurance; they could buy personal disparagement insurance; and they could buy invasion of infringement insurance. I am sure our local media houses have insurance.

So our proposal on fines is not to fine a journalist. Let me make that abundantly clear. This has to go all the way to the top of the boardroom because a journalist writes a story, they have an editor. You have an editorial subcommittee on the board; they have a legal department. Somebody has to be held accountable and somebody has to be held responsible, and the higher up the food chain you go, the better. This has nothing to do with a journalist. I want to make that abundantly clear because these media houses are conglomerates; they are rich, they are traded on the stock exchange. They are not one-man operations, so they can afford the insurance; they can more than afford it, and that is what we are recommending.

Madam Deputy Speaker, my colleague, the Member for Port of Spain South, in my view, did an excellent job in analyzing the differences between section 8 and section 9, and while we repeal section 9, which you would do, I think she did a brilliant job in talking about the impossibility of bringing an action under section 8, so I will leave that alone. I recommend her, and I commend her *Hansard* for anyone who wants a proper exposition about the differences between section 8 and section 9.

Madam Deputy Speaker, the question is now: why is defamation so difficult to prove? Let us be honest, it is currently difficult to prove, and this old Act 1845 is based largely on the common law, and the case that sets the tone is *Tolley v Fry* and it says here:

“To write or say of a man something that will disparage him in the eyes of a particular section of the community but will not affect his reputation in the eyes of the average right-thinking man is not actionable within the law of defamation.”

That is the common law position. It is a very elastic position, but in *Panday v Gordon*, Warner J.A. said:

“...the attack on Mr. Gordon ‘went far beyond that which is acceptable in any contemporary society’.”

So it is a very high bar. So I want Members opposite, those with a conscience, to understand the bar that a claimant has to hurdle is a very high bar. It is not a low bar; it is an extremely high bar—[*Interruption*]

**Mr. Roberts:** Confession is good for the soul.

**Mr. T. Deyalsingh:**—and this bar has gotten higher and higher as the common law progressed.

Madam Deputy Speaker, the Member for La Horquetta/Talparo, the Member for Oropouche East and every Member who has spoken so far on this Bill, has lauded the Prime Minister and lauded themselves and patted themselves on the back for taking a piece of 1845 legislation and trying to do something about it. The question is: if this Act is so old, 1845 back in the dark ages when all of us here were not even born—[*Interruption*]

**Dr. Rambachan:** That is when we arrived here.

**Mr. T. Deyalsingh:**—that is when we arrived, exactly. Our great grandparents would have arrived—[*Interruption*]*—*exactly. [*Crosstalk*] The question is: if this Government is so progressive, why not take the entire 1845 Act and modernize it?

**Mrs. Gopee-Scoon:** Exactly.

**Mr. T. Deyalsingh:** Why cherry-pick section 9 to appease the IPI; to appease the local media when you are attacking them on Facebook. [*Crosstalk*] That is what you did; that is what you are doing. This was a promise made in June 2013 when the Government was under pressure; when the Government was attacking the media. So the question is: if you are so progressive, why not do like England and modernize the entire Act?

**Miss Mc Donald:** Yes.

**Dr. Browne:** He is too lazy.

**Mr. T. Deyalsingh:** Question: what are the views of the Trinidad and Tobago Publishers and Broadcasters Association on the entire Act? What are the views of the Media Association of Trinidad and Tobago on the entire Act? What are their views? What are the views of the Media Complaints Authority on the entire Act? Because the Trinidad and Tobago Publishers and Printers Association, they wanted the Data Protection Act amended to create an exemption for investigative journalism under Part IV. Question: has that been done? I do not think so.

They questioned the Government's requirement for one hour a day for government programming, and questioned what is in the public interest under the Telecommunications Act. That was the scenario back then, Madam Deputy Speaker, when the Government was relying on a section under the

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Telecommunications Act to commandeer airtime to feed us with government propaganda, and using a very elastic definition of what is in the public interest. Why are you not looking at that?

And I ask the question, Madam Deputy Speaker, if it is, as those opposite spoke about the progressive nature in looking at an 1845 piece of legislation and cherry-picking one section to keep the IPI happy, why are we not looking at the entire Act, Madam Deputy Speaker, in view of the explosion of social media? [*Desk thumping*]

**Miss Mc Donald:** “Thank yuh.”

**Mr. T. Deyalsingh:** Why? [*Desk thumping*] With the explosion in social media—and I pose the question rhetorically to my Members opposite—do we need to be less vigilant or do we need to be more vigilant? I posit, Madam Deputy Speaker, we need to be more vigilant; more vigilant.

**Mr. Roberts:** With those few words.

**Mr. T. Deyalsingh:** So Madam Deputy Speaker, if the Government had come to us and said, okay, we have this archaic piece of legislation, 1845, we are now in 2014, the intervening—what a hundred and—[*Interruption*]

**Miss Mc Donald:**—sixty-nine years.

**Mr. T. Deyalsingh:**—sixty-nine years. Why do we not look at maybe defining a few terms, for example, Internet defamation? Why not go that route? Why just pick out section 9? Why not look at the whole issue, as England has currently done with their Defamation Act, 2013, about defamation articles containing archived materials? That is what a modern defamation piece of legislation looks like. Why are we not looking at the one-publication rule and publications and repetition, does it create a new course of action? Why do we not look at Internet publishing? And, Madam Deputy Speaker, when we talk about Internet publishing, if one takes up the parent Act, and one counts the number of times the words “publish, publisher and publishing” are used—bearing in mind this was 1845 before the Internet, before Twitter, before Facebook—what should be engaging this House are laws to control Internet defamation.

One remembers the Granny Aquila affair, a couple years ago, where the hon. Attorney General wanted a young girl to turn herself in for saying things about the Prime Minister, granted that girl was misguided. I cannot condone what she said.

**Dr. Browne:** Go to the nearest police station.

**Mr. T. Deyalsingh:** But question to the Attorney General: with that experience in mind, do we need to have the 1845 Act updated and modernized to include instances like that? Who is the publisher? Now, we know from other jurisdictions the publisher is not normally the IPI—the ISP, the Internet service provider. They are a mere conduit, but we need to have that in our laws. It is the person who makes the post.

Madam Deputy Speaker, to the hon. Attorney General, if we are going to modernize the 1845 Act, which I strongly recommend, and not cherry-pick section 9, Trinidad and Tobago, we have several universities: University of the West Indies, University of Trinidad and Tobago; we have COSTAATT, and we always talk about innovation [*Crosstalk*] Caribbean Union College, sorry—I apologize to Caribbean Union College—the University of the Southern Caribbean—and all these universities produce proprietary material and there is a whole body of law, hon. Attorney General, as you know, about defamation and peer review articles.

So again I pose the question: why the rush? Why this obscene haste on section 9 alone when your speakers spoke about an 1845 Act? There are so many issues surrounding that 1845 piece of legislation, which I am highlighting now. We should be defining what it means to publish, who is a publisher, what does publishing mean, if we are serious about looking at this archaic piece of legislation.

Madam Deputy Speaker, to the Attorney General again, what about the sufficiency to establish what is defamatory? What tests are we now going to use? Should we replace the defence of justification with a statutory defence of truth, which is what modern pieces of legislation on defamation are doing because, as I said, the old common-law approach has been too elastic? So do we have a statutory defence of truth instead of justification?

Madam Deputy Speaker, I spoke about exploding new media earlier, and we really have to come to terms with this because we are public officials, and very often the supporters of party A make fun of party B on Facebook, and the supporters of party B make fun of party A on Facebook. I take—and let me say this openly, Madam Deputy Speaker, let me say this openly and honestly. I have spoken about earlier, my colleague opposite and his particular circumstance over the Christmas vacation. I have seen caricatures of Members opposite me on Facebook; I have seen caricatures of members of the Opposition with guns and Nazi salutes, and I find all of these things utterly distasteful; whether it relates to my Member colleagues opposite or my colleagues on this side, I find them utterly

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distasteful, and Members of the public who engage in that are to be condemned; totally condemned. I take no pride in living in a society where the Internet which can be—[*Interruption*]

**Madam Deputy Speaker:** Hon. Members, the speaking time of the hon. Member for St. Joseph has expired.

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

*Question put and agreed to.*

**7.30 p.m.**

**Madam Deputy Speaker:** Member, you may continue.

**Mr. T. Deyalsingh:** Thank you, Madam Deputy Speaker. [*Desk thumping*] It is not my intention to detain the House much further. I was just wrapping up by saying that I, as a citizen of Trinidad and Tobago, someone who has volunteered to get into public life, someone who has volunteered to serve my country through the political medium, that when I see these posts assassinating the characters of both Government Ministers and Opposition Members, it hurts me.

When you see the Opposition Leader with blood coming out of his eyes and a Nazi salute, and a gun—that has no place in Trinidad and Tobago. When I see my colleagues opposite being ridiculed on Facebook, ridiculed—and you know who you are—I take no joy in that. So we have to look at the entire piece of legislation. That is why I keep asking the question: why are we cherry-picking section 9? The Member for La Horquetta/Talparo spoke so eloquently about the vision of the Prime Minister in looking at this piece of legislation. Why are we not looking at the entire legislation and modernizing the entire legislation?

Madam Deputy Speaker, I just want to wrap up with a few reminders. This piece of legislation is about balance. The Attorney General in piloting took the side of the media, when in fact the Attorney General should be taking the side of what is in the public interest. And I ask Members opposite, is it in the public interest to have politicians, sportsmen, entertainers and, frighteningly, public servants, now having to sue to clear their names? It was politicians yesterday, it is public servants today. Members opposite, this is a frightening development, and I ask you, in repealing section 9, the Pandora's box you are opening will not be able to be closed.

So I support the Member for Diego Martin North/East, when he says okay, we will support you in getting rid of the jail time in section 9—[*Interruption*]



**Hon. Member:** Very reasonable.

**Mr. T. Deyalsingh:**—but to restore the balance and to have a viable deterrent,—[*Interruption*]

**Hon. Ramlogan SC:** How much is the fine that you are proposing?

**Mr. T. Deyalsingh:**—the fines have to be on such a scale that even if the media house and the boards have insurance, they have to hurt them where it matters most, and that is the bottom line. Madam Deputy Speaker, with those very few words, I thank you. [*Desk thumping*]

**Madam Deputy Speaker:** The Member for Chaguanas West.

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Madam Deputy Speaker. I shall be brutally short, but two points which I would like to elaborate upon, one was raised by the Member for Caroni East and a rebuttal by the Member for Diego Martin West, and it was the issue about muzzling the press. The Member for Diego Martin West even went so far to make the point about the *Mirror*, and how efforts were made to muzzle the *Mirror*, by holding back ads and so on.

I want to tell the Member for Caroni East, my good friend, Dr. Tim Gopeesingh, that it is as alive today as it was yesterday, last year, the year before, and so on. I say this to this House merely to wean you from the belief that things are as rosy as they are. I say this to you today, Member for Caroni East, because the debate has been widened so much today to tell you that efforts are still being made by your Government to muzzle the press as far as holding back ads are concerned. And, in fact, the perception out there in the public domain is that there is only one newspaper now in the country. Well, one and a half, because you have a weekly called *Sunshine*—[*Laughter*]—because they are free, and they could of course write as freely as they want because they are uninhibited by government ads—ads from the Government.

I know for a fact because I was part of the team—I was there—that would daily scrutinize the daily newspapers to see which Ministry put ads.

**Hon. Member:** Oh goood!

**Mr. J. Warner:** I was part of that team.

**Miss Cox:** My God!

**Mr. J. Warner:** Let us face it.

**Hon. Member:** “Shame on all yuh.” Shame!

**Mr. J. Warner:** And we would, of course, say, of course—and we would upbraid the Ministry and so on because they were putting ads in the papers that were critical of the Government. I was part of that team. It is not something that I rise today and say I am proud about [*Crosstalk*], but do not give the impression here that, of course, we are all angels, it happens still.

**Hon. Member:** Oh God!

**Mrs. Gopee-Scoon:** Hell's angels.

**Miss Cox:** “Doh try to deny it, you were part of that.”

**Mr. J. Warner:** In fact, in the *Sunshine* newspaper, which I could talk about, [*Laughter*], Madam Deputy Speaker, I have written all my colleagues—  
[*Interruption*]

**Hon. Member:** Spider Man.

**Mr. J. Warner:**—on the other side in the first week of the newspaper, and all of them except one “tell meh dey fraid”, they cannot give me no ad and so, right, and the one who gave ad, he gave a week, because he is a brave—they call him a maverick sometimes, and he gave an ad, and he cannot give any after that.  
[*Interruption*]

**Hon. Member:** “Gary, dais you?”

**Mr. J. Warner:** But they fail to understand or to realize, Madam Deputy Speaker, that the *Sunshine* can survive without Government ads because the *Sunshine* is written for the people—[*Crosstalk*—the people and the supporters. And I am saying, therefore, you can muzzle the press and so on by the same ads, and therefore what the Member for Diego Martin West [*Crosstalk*] said is as relevant today as it was yesterday, and these statements which had been made, which are so lofty and so on, are not true—[*Interruption*]

**Hon. Member:** Ha ha!

**Mr. J. Warner:**—are not true.

**Hon. Member:** Oh God!

**Mr. J. Warner:** That is point one.

**Hon. Member:** Take that.

**Mr. J. Warner:** That is point one. And I want to repeat: the *Sunshine* will survive with or without government ads.

Having said so, Madam Deputy Speaker, I want to make the point that press freedom is something that everybody here is in favour of, some on the surface, some seriously and deeply so. I was very impressed with the last speaker, the Member for St. Joseph, and believe you me, the Member for Port of Spain South gave me a lesson in research and debate this afternoon that I will of course remember forever, for always. I thank you, Madam, for that. [*Desk thumping*] I thank you for that. It tells you about research and debate, and so on, and I will tell you, I remained transfixed when I listened to the Members for Port of Spain South and St. Joseph, because this was the level of debate and research. They did all this work knowing full well that whatever they say would totally be disregarded— [*Interruption*]

**Miss Mc Donald:** That is right.

**Mr. J. Warner:**—but they did their work all the same, because whatever they say, whatever research you have done or not done, you will not be listened to.

I ask the question for this Bill, as the Member for St. Joseph asked a while ago: did you consult MATT? Did you consult the publisher's association? But, more importantly, did you consult the Law Association to get from them an input? Did you have, of course, a wide debate as it were to get from them their feedback? But you do not have to do that because the ayes have it. That is one of the detriments, Madam Deputy Speaker, of what of course passes as democracy, because unless you get as wide as possible, a cross section of views from the public, then that is not democracy.

So, therefore, you come here today because the IPI—because—what I would like to call very carefully and say, a vigilante TV host—a vigilante TV host aired the rape of a minor on TV, because all he felt he had to do was to pout and put on make-up. [*Laughter*] You see, that is all he thought he could do, and he aired the show with a minor on TV—when, of course, little children could be watching, and so on. And you know why that was done? Because he did not know what he was doing. He did not know what he was doing, Madam Deputy Speaker. And the IPI used the fallout from this, Madam Deputy Speaker, and the Prime Minister makes the announcement in May 2013, and that is why we are here where we are today.

Madam Deputy Speaker, in this country there are over 30 radio stations, about a dozen TV stations, and on these stations you have a proliferation of talk show hosts, some of them—the worst English in the world.

**Miss Mc Donald:** Yeah. Yeah.

**Mr. J. Warner:** They cannot talk.

**Miss Mc Donald:** Exactly.

**Mr. J. Warner:** They do not know syntax.

**Dr. Browne:** Right in there too.

**Miss Cox:** Most of them.

**Hon. Member:** That is true.

**Mr. J. Warner:** They cannot put two sentences together—[*Interruption*]

**Miss Mc Donald:** Um hum.

**Mr. J. Warner:**—and when somebody goes with an opposing point of view, as this morning, the former Mayor of Chaguanas went on 91.1 and was talking, and was showing them, of course, how Jack Warner played a role for Carnival in Chaguanas, they cut him off. They cannot talk.

Who trains them, Madam Deputy Speaker? Who trains them? Everybody now is a political activist. A political—of course—what is the word?

**Hon. Member:** Analyst.

**Mr. J. Warner:** A political analyst. Everybody is a political analyst. [*Crosstalk*] Some of them had never even voted in their lives, [*Laughter*] but they are political analysts. And you have to take that in this society, and that for me is one of the tragedies of our time. They have never been given an effective course in broadcasting, Madam Deputy Speaker, and then of course when they talk and they talk badly, and TATT asks for their recordings and so on, then of course the issue starts.

But, Madam Deputy Speaker, what for them is good is *mauvais langue*—*mauvais langue*—because *mauvais langue* makes good listenership. If you hear outside there how many persons the DEA has already taken down for drugs. If you hear outside there how many diplomatic notes the Minister of Foreign Affairs has already sent to the US. If you hear outside there because of *mauvais langue*—*mauvais langue*, and *mauvais langue* goes at every level of the press, Madam Deputy Speaker, because you see *mauvais langue* is cheap to produce. It does not cost anything to produce *mauvais langue*. But I will tell you something; the broadcasters will realize one day that *mauvais langue* has a high price, a high price especially when, of course, an employee makes a slip.

So therefore, Madam Deputy Speaker—in fact, I know sometimes—I sit, Madam Deputy Speaker—and I listened to the Member for St. Joseph when he made the point to charge, put the fine on the publishing house.

**Miss Mc Donald:** That is right.

**Mr. J. Warner:** Valid point. I made a note just now, Madam Deputy Speaker, because I will tell you, in my fledgling publishing—not even house, publishing room—[*Laughter*—fledging, I was not even aware of a thing called defamation insurance, US \$250,000 and for \$500 per year. Monday morning I am going for that, [*Laughter*] because you see—but in your case you do not need it because you have pre-action protocol letters.

**Hon. Ramlogan SC:** Yes, of course.

**Mr. J. Warner:** Right. And you have five people to fight for you.

**Hon. Ramlogan SC:** [*Inaudible*]

**Mr. J. Warner:** And these five fighting for you, of course—you know why they are fighting for you.

**Hon. Ramlogan SC:** Are you jealous? [*Inaudible*]

**Mr. J. Warner:** But you see, Bas [*Sic*] say, my “hawk and spit back page”, and sometimes the front page could be a dangerous page too, depending, you see—[*Interruption*]

**Hon. Member:** Spider Man. [*Laughter*]

**Mr. J. Warner:**—I have to make sure I have the insurance, you see.

**Hon. Member:** Spider Man.

**Mr. J. Warner:** Spider Man is in Spain. [*Laughter*] If you read the *Sunshine* this week you would know what he is doing in Spain. [*Laughter*] Right.

So I am saying to you—[*Laughter*—I am serious. So I am saying to you, Madam Deputy Speaker, if that is the case, then so be it, but we have to lift the bar. We have to lift the bar, Madam Deputy Speaker. They have to lift the bar.

**Hon. Member:** [*Inaudible*] lift the bar, man.

**Mr. J. Warner:** You see, and, Madam Deputy Speaker, I am saying too, that the difference between section 8 and section 9, the Member for St. Joseph, he made the point. I do not know if the press believes that now they are free because

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section 9 will be repealed. They are not, you know. They are not. He is totally correct, the Member for St. Joseph; repeal the 8 and 9, and put a proper law in place. He spoke also about the social media—*[Interruption]*

**Miss Mc Donald:** Yeah.

**Mr. J. Warner:**—the social media, they go untrammelled. They do damage to people in the worst possible way, and they use, of course—they have paid bloggers, paid by some Members in this House. They have of course guys who give you false email addresses, and so on. They do all these things, and therefore he is correct that a total revision should be done for the law, because I am saying otherwise, this repeal of section 9 does not open up the gates of press freedom.

Madam Deputy Speaker, if a true discussion had taken place on this particular Bill, we might have discovered even more amendments to truly free up the system, but the fact is there has never been any desire from this Government to have meaningful public consultation, and if ever that was intended or should have been practised, it was on this particular Bill, Madam Deputy Speaker, because, I repeat, I do not know whether the fear of the media would have been in any way at all be removed by the repeal of this Bill.

I am saying, therefore, Madam Deputy Speaker, I am putting forward therefore seven recommendations before I close. I will put four to the Government and three to the media, and then “I gone; the green man gone”.  
*[Laughter]*

**7.45 p.m.**

Madam Deputy Speaker, the first recommendation I will put to the Government is to prioritize the abolition of criminal defamation—prioritize that. The second one is to ensure that acts of intimidation against the news media, including police raids, boycotts and legal threats, are ended. Thirdly, improve the responses to public information under the Freedom of Information Act. I will say it again: improve the responses to public information under the Freedom of Information Act. Lastly, ensure the consultation of the media in laws that affect it. Consult with the media in the laws that affect the media in particular.

And to the media, I ask them to bring the issue of defamation into the public domain by explaining the negative consequences of criminal defamation laws. I ask the media secondly, to maintain high ethical standards as a tool to increase their standing in public opinion. Last, but not least, work to strengthen the influence of the organizations: MATT, the publishers association and so on.

Madam Deputy Speaker, as a consequence therefore, I would like to say that as far as I am concerned, I am very pleased with the amendment proposed by the Member for Port of Spain South, by the Member for Diego Martin North/East and, of course, by the Member for St. Joseph. I am fully in support of that, and I will support an amendment to this Bill along the lines that are suggested.

I thank you.

#### LEAVE OF ABSENCE

**Madam Deputy Speaker:** Hon. Members, with your leave, I would like to revert to the item of announcements.

I have granted to the Member for Siparia leave of absence from today's sitting of the House of Representatives.

Hon. Members, before I bring on the next speaker, this House is suspended for 15 minutes.

**7.48 p.m.:** *Sitting suspended.*

**8.05 p.m.:** *Sitting resumed.*

#### PROCEDURAL MOTION

**Madam Deputy Speaker:** Prior to the suspension, a Procedural Motion was required to be moved by the Leader of the House. With your leave, I now call on the Leader of the House.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, in accordance with Standing Order 10(11), I beg to move that this House continue to sit to continue debate on the Bill presently under consideration, as well as the Judges Salaries and Pensions (Amdt.) Bill.

*Question put and agreed to.*

#### LIBEL AND DEFAMATION (AMDT.) BILL, 2013

**Madam Deputy Speaker:** Member for Diego Martin Central.

**Dr. Amery Browne (Diego Martin Central):** Thank you, Madam Deputy Speaker. I rise to contribute to the debate on the Libel and Defamation (Amdt.) Bill, 2013, to abolish malicious defamatory libel.

While I exercise my privilege to speak in the House of Representatives, I want to say that I listened very carefully to all Members who have contributed thus far. I certainly listened to the Attorney General, when he made an attempt to justify or

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present this Bill before the House. I listened to colleagues on this side, all. I listened to the Member for Caroni East, who was largely irrelevant in just about everything he said.

I listened to the Member for La Horquetta/Talparo, the Member for Oropouche East, and then the Member for Chaguanas West chose to join the debate. It appeared he had two objectives, one of which was to sanction or agree with basically everything that was said by the Members on this side, and to somehow advertise the *Sunshine* newspaper during his contribution. [Laughter] That appeared to be his main purport in joining today's debate. I do not want to spend too much time on the Member for Chaguanas West at this early point in my contribution, but just to say that I really found it very difficult to even conceptualize his contribution on any matter related to press freedom or truth in the media, et cetera.

Someone just handed me a copy of a newspaper that was mentioned earlier, and it is really these kinds of odious headlines and a degeneration of media into a tabloid level that should disturb any Member. We should always say—it may not be our face on the front page—“There, but for the grace of God, go I”. It does not matter whether it is a Member on the Government side, the Opposition side. I think this is something that, while we may disagree on the proposed amendment in its specifics, I think we can all agree that there is a certain level that we will all attempt to discourage. It is not a laughing matter, and I would have a little more to say about that later on.

The Member for Chaguanas West has also given this nation some very iconic quotes related to journalists—even in speaking directly to journalists, maybe international or local journalists—some very iconic quotes, which really cannot be construed as being contributory to press freedom or respect for the media, et cetera, et cetera. So, as I said, I do not want to dwell on him too much at this point.

I turn my attention to the Attorney General and the Government, which took the responsibility of bringing this Bill. Madam Deputy Speaker, we came to a bit of a crossroads at several points in this debate, when the Government, realizing the very weak position that they are standing on today, started to challenge the Opposition to justify why section 9 should be retained. When they realized how weak their position was, they were almost challenging the Opposition. I want to tell the “AJourney General”—Attorney General and his colleagues—*[Interruption]*



**Hon. Ramlogan SC:** Call me “AJourney General”.

**Hon. Dr. A. Browne:** Well, you will be journeying out of Government very soon. [*Laughter*] That was an error—Attorney General—Madam Deputy Speaker, that is their job. They took the initiative to bring this amendment Bill and, therefore, it is their responsibility to justify it. And I really have to say, having listened carefully to all the contributions, they have not done so. I think I know why, and I will share my views on that matter.

We cannot trust this Government with any decision they make or any measure they bring to this House. [*Desk thumping*] We simply cannot trust them. I may not have many things in common with the current Minister of National Security, but I think one of the things I have in common is he does not seem to trust them either. He has been well quoted, in the very same media, as expressing a policy that information on the current cocaine investigation should not be shared with Members of the Cabinet. So I also do not trust them.

The reason I say that I do not trust the Government is, I have been trying to determine why this Bill at this time. I think the Member for Port of Spain South touched on that question, and it has not been responded to as yet. Why this Bill at this particular time?

I have always said, and other Members may have said in the past, that what goes on within this Chamber must be connected and in synergy with the realities outside of the Chamber, otherwise we would find ourselves becoming more and more remote, irrelevant. The Member for Caroni East does not need any help in that regard—but as a Parliament, we would find ourselves disconnected from the values, the aspirations and the priorities of the citizens of Trinidad and Tobago.

The Attorney General may have had a meeting or two with the publishers and broadcasters association, as he claimed. They may have been in a room with 200 foreign press dignitaries and members of the media from abroad, but I am certain, if he spends time listening to the citizens—the ordinary citizens of this country—this issue is nowhere on their radar screen. Their priorities are very different, and this Bill is disconnected from those priorities.

The abysmal homicide rate—that is a priority for the citizens of this country. That is one of their concerns at this time. This magical cocaine that we have in the region, that is coming into the country and invisible, coming into Trinidad and Tobago, entering tins of juice—sealed tins of juice—and leaving the country. So someone might be drinking a beverage right now, pouring it out for their child and they are not too sure what is in it. Those are some of the burning concerns.

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Witnesses being liquidated and decimated are found—the sign is a pool of blood on the ground, those are the priorities; not this Bill, not the issue of—to loosely quote the Attorney General—to lower the bar, make it easier for persons to transgress into an area that was formerly viewed as criminal, malicious defamation. That is not the priority of the citizens of Trinidad and Tobago.

So we still have to answer the question: if that is not the priority for our citizens, what brings us here this week and last week? What brought us to this point at this time? I am going to try to answer that particular question. They failed to justify it.

So if the movers of a Motion or the piloter of a Bill has not justified the fact that it is here, we are going to have to try to decipher their case for them.

### **8.15 p.m.**

And to look at the strength of a case, Madam Deputy Speaker, we have to look at the strengths of the arguments that they have brought in support of that case, and I have to give the Attorney General the diagnosis that some of his arguments were threadbare and found to be wanting. So to assess the merits of a case we have to assess the merits of the supporting arguments, and some of these arguments were some of the weakest arguments I have ever heard in the Lower House of Parliament, and I think there is a reason for that. I do not think, Madam Deputy Speaker, the Attorney General's heart is really in this Bill at all. [*Crosstalk*]

Madam Deputy Speaker, I actually do not think there is any Member present today who is really—[*Interruption*—you saw the response, Madam Deputy Speaker, I do not even want to show the photo where the *Sunshine* article—you saw the response. You hear the response when Members on this side refer to the emerging issue of social media and Members under assault. I see my friend, the Member for St. Augustine, under attack daily from some characters out there, and that applies to others. What are we doing? Are we seeking to lower the bar? What is the trigger for this? And you know what the trigger for this is, Mr. Attorney General? The Prime Minister stood up at a meeting—[*Interruption*]

**Miss Mc Donald:** And gave a promise without thinking.

**Dr. A. Browne:**—and gave a promise and we now find ourselves—you now find yourselves—I am not going to join you on this one. You find yourself drafting a one-clause amendment. The Bill itself is two clauses, the amendment is

one, and coming here and singing your heart out to try to make this seem as something heroic and noble and we are helping the media and so on, that is not the case at all.

So, it is a hard sell because you are not even into the sale yourselves. [Laughter] And Members on this side have been interacting—I do not want to reveal any offline conversations, but the Members of the Government are not really passionate about this. They are not in support of it at all, but they find themselves united, briefly, to try to back up a promise that their Prime Minister went and made and impressed 200 persons who came here from abroad, and I do not know if we would want to commit our nation and subject our citizens to the potential injury that this seemingly innocent change can leave them vulnerable to. So, that is why I think some of those arguments were a bit threadbare, not that they have not been guilty of bringing threadbare arguments in the past.

Madam Deputy Speaker, you look at the merits of their arguments to determine the merits of their case. There was much ado made about the *Newsday* newspaper—well, I do not know. There is one Member clearly who was advertising the *Sunshine* in his contribution, but there were so many Members on the other side that seemed to have—

**Mr. Imbert:** Who was that?

**Dr. A. Browne:** You missed it, you were not here. [Interruption] We dealt with *Sunshine* already, Member for Diego Martin North/East.

**Mr. Imbert:** [Inaudible]

**Hon. Member:** “You like bacchanal, eh.”

**Mr. Imbert:** “I bring the papers for yuh.”

**Dr. A. Browne:** Restrain yourself. Madam Deputy Speaker, so many Members on the other side seem fascinated with the *Newsday* newspaper and they sought to bring into this debate a reality that occurred several years ago when the *Newsday* newspaper and one or more journalists from that particular newspaper found themselves before the Privileges Committee.

But, Madam Deputy Speaker, if we were in strict adherence to the Standing Orders we would recognize that, that is simply irrelevant, totally and completely irrelevant to our considerations here when it comes to the Libel and Defamation Act. Totally irrelevant, because the Attorney General and the Member for Oropouche East who made heavy weather of this know fully well that for a

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journalist or a newspaper to come before the Privileges Committee it would simply mean that a case has been made that they may have run afoul or violated the Standing Orders and privileges of this House. It is as simple as that.

That has nothing to do with the Libel and Defamation Act, so one does not equate the other, one does not justify the other, and even if there are concerns about the circumstance leading to one, it does not contribute to a justification of amending this Bill whatsoever. It is totally and wholly irrelevant, and they found space in their contributions to tell us that this provision has never been used—not against the *Newsday*, not against the *Guardian*, not against the *Express*, not against any citizen of Trinidad and Tobago, but still it constitutes an emergency that draws us away from doing the other business of State to sit here for two weeks to look at one clause which they admit changes very little.

In fact, the Member for La Horquetta/Talparo, if he was guilty of making any points at all said this, and I hope I am quoting him accurately because I wrote down what he said:

“Our criminal defamation law has not affected freedom of the press”.

And in those words, Madam Deputy Speaker, he basically collapsed the entire argument of the United National Congress Government at this time. And when he said those words we should have adjourned right there and then and put this Bill—[*Laughter*—taken this Bill back to LRC where it probably belongs for several months to deal with some more comprehensive changes, which I will get to in a little bit.

So the entire *Newsday* argument is irrelevant; the Privileges Committee argument is irrelevant and you have a Member on the other side stating categorically that our criminal defamation laws have not affected freedom of the press. So then why was all that song and dance by the Attorney General in introducing this Bill, and why were we regaled with all of these tales of—and I will quote from the *Hansard*:

“Global statistics show that crimes against journalists are on the rise, Madam Deputy Speaker. Reporters Without Borders indicated in their 2012 reports: 89 journalists were killed”—he did not say how many in Trinidad and Tobago because that would not have been convenient to the case he was trying to spin—“38 journalists were kidnapped”—he did not say the relevant figure in Trinidad and Tobago because that would not have been convenient to his case—“879 journalists were arrested”—he did not say how many were arrested in Trinidad and Tobago because that would not have been convenient

to his case—“1,993 journalists were physically attacked or threatened, 47 citizen journalists were killed...citizen journalists”—we have a lot of those around, they are—“not qualified or working in the media house. But in addition to the 89 killed, 47 citizen journalists were killed”—and—“144 bloggers were arrested.”

And he did not give the relevant figures in Trinidad and Tobago because his case would not have been supported by the local reality.

Because these concerns are irrelevant to us at this time and Members on the other side inadvertently alluded to that several times in their contributions, I am not sure why the Attorney General was presenting that case for Reporters without Borders and killings, kidnappings, maiming, et cetera, when they simply do not occur here. With or without this section of the Act, it is irrelevant, Madam Deputy Speaker. Examine the merits of the case; examine the merits of their arguments.

Then the Attorney General, he seemed fascinated by a particular figure, 169. What is it about 169, Mr. Attorney General? He kept saying, “today 169 years later, 169 years later [*Laughter*] 169”—[*Interruption*]—I do not know, “aaah”, I cannot read your mind. [*Laughter*] Then lower down, “over 169 years have elapsed”. Madam Deputy Speaker, again, examining the merits of the Attorney General’s argument—[*Interruption*]

**Mr. Imbert:** That!

**Dr. A. Browne:**—because what he was trying to say and what he did say is that after 169 years—[*Interruption*]—Madam Deputy Speaker, I am going to soon, I am not doing it as yet, I am giving you notice, I will be appealing for protection from the echoes of noises that are disturbing my contribution.

**Hon. Member:** Diego Martin.

**Dr. A. Browne:** And just with that look you have silenced them, Madam Deputy Speaker. [*Laughter*]

**Mr. Imbert:** “I cyar believe he protecting you.” [*Laughter*]

**Dr. A. Browne:** Madam Deputy Speaker, I was talking about the Attorney General and his trumpeting of this 169 years, 169 years have elapsed. The reason he was doing that is he was presenting a case of heroism—[*Interruption*]—on the part of the Prime Minister that somehow she has broken this pattern of all these, over a century she has come on the scene and has freed our journalists in this manner, et cetera, et cetera.

Again, Madam Deputy Speaker, totally disconnected from reality.

**Mr. Imbert:** Imelda.

**Dr. A. Browne:** [*Laughs*] Totally disconnect from reality, because 169 years ago, as he fully well knows, none of this was even an issue at that point.

The International Press Institute did not even exist; the international advocacy amongst some media professionals for changes in the law simply was not in existence; these things are of recent vintage. So, to somehow claim some credit that after all these years of injustice we are righting a wrong is really ludicrous. Add to that the reality that these provisions have never been applied. So instead of congratulating his Prime Minister for doing something that she really is not doing, he should have been magnanimous enough to salute and congratulate every single Prime Minister and administration in Trinidad and Tobago that has not seen fit to abuse the laws, and abuse can occur with this section or any law in Trinidad and Tobago, but the Attorney General was trying to make a very different point.

That abuse simply has not occurred, so it really does not constitute any emergency or any rationale for us to leave the other business of the State and to sit and deal with this one clause. I am still waiting; maybe in his winding up he will find some way to justify it. I have found none and I have listened very, very carefully. [*Interruption*] In fact, the Member for Diego Martin North/East at some point was almost in danger of piloting the Bill better than he did.

**Mr. Imbert:** No, no, I did pilot it better than he did. [*Laughter*]

**Dr. A. Browne:** He said he did pilot the Bill better than he did, and he piloted, in fact, at the end an improved superior—[*Interruption*]

**Mr. Imbert:** And amended it.

**Dr. A. Browne:**—an advanced, an evolved amended Bill which I think the Government would do very well to consider in a constructive fashion. [*Interruption*]

Madam Deputy Speaker, I just want to go a little further into dissecting the merits of the arguments that the Attorney General presented this House and this country. He said something very startling, and I want us to pause a little bit on this statement. He said that the decision—let me take it straight from the *Hansard*, because I do not want to misquote the Attorney General. He is always crying that people are misquoting him in the press and so on—always lamenting. I do not want him to complain today. I quote:

“I believe it was the decision of the Prime Minister to abolish this law that prompted the International Association of Political Consultants to award her the medal for democracy in November of 2013.”

**Mrs. Gopee-Scoon:** So, that is what this is about.

**Mr. Imbert:** Who are they?

**Dr. A. Browne:** I quote:

“I believe it was the decision of the Prime Minister to abolish this law that prompted the International Association of Political Consultants to award her the medal for democracy in November of 2013.

That is an astounding claim, Madam Deputy Speaker. This is the Attorney General of the country, and, again, we have to examine the merits of his argument because he is trying to build a case that what has been done is so meritorious that it is attracting a claim—[*Interruption*]

**Mr. Imbert:** From whom?

**Dr. A. Browne:**—from persons that we are supposed to assume are somehow connected to press freedom or the media, et cetera.

Let us take a closer look at what the Attorney General is really saying there, because there are a few problems with that boast. There are a few problems with that boast and the main problem is this: it is not true at all. His claim that this Bill is the reason that the Prime Minister got that award or medal from the International Association of Political Consultants in November 2013 is false. It is not true. Now, how do I know? Maybe that is my opinion.

Madam Deputy Speaker, fortunately the International Association of Political Consultants—

**Mr. Imbert:** Who are they?

**Dr. A. Browne:**—and listen to the names carefully, eh. The International Association of Political Consultants, they have a website and they have a section of their website dedicated to these democracy awards, and they went further to explain and give the rationale for the awards that they have presented to various individuals over the years. And they have a rationale for why they chose to give a joint award—it was not exclusive—last year in 2013 to the hon. Prime Minister.

Madam Deputy Speaker, there are 13 lines of rationale covering various issues. I would not take you through all of them because we have a lot of other things to talk about, but I went through that entire passage, there is not a single mention of any move to remove malicious defamation from the laws of Trinidad and Tobago.

**8.30 p.m.**

There is no mention whatsoever of the Prime Minister's role with regard to press freedom; there is no mention whatsoever of the interaction or intersection between the hon. Prime Minister and the media or the press of Trinidad and Tobago. So what justifies the Attorney General to come here and tell this House that the decision to abolish this law is what prompted the award of that medal? We have to examine the merits of their argument. There was no mention whatsoever of any UNC or prime ministerial initiative relevant to the media. They have spelt it out here. They have spelt it out here.

Madam Deputy Speaker, so this attribution by the Attorney General is a total and complete figment of his imagination. There is no evidence to support it. In fact, there is considerable evidence against it on the very website of the institution that he is quoting and ascribing.

He also failed—well, I said he failed to acknowledge that it was not an exclusive award; it was a joint award. Another Prime Minister was awarded jointly, which was the Prime Minister of Jamaica, Portia Simpson-Miller. So that was a false connection. But he also failed to tell us that the awarding organization has nothing whatsoever to do with media professionals or press workers. It is an association of political campaign managers, spin doctors and political consultants. That is what it is. It has nothing to do with press freedom. It is an association of political campaign managers that have—and if you talk about political campaign managers, you would realize that that is a sector that was heavily resourced and recruited by the UNC in their 2010 campaign.

**Hon. Ramlogan SC:** That is foolishness, man.

**Dr. A. Browne:** That is the truth. Madam Deputy Speaker, the Attorney—  
[*Interruption*]

**Hon. Ramlogan SC:** And they gave Mandela an award too?

**Dr. A. Browne:**—hold on. You want to talk about the other awardees?

**Hon. Ramlogan SC:** Yes.

**Dr. A. Browne:** Right. Well, I will.

**Hon. Ramlogan SC:** Margaret Thatcher.

**Dr. A. Browne:** I will. I am prepared so to do. Madam Deputy Speaker, the Attorney General also failed to tell us about some of the past awardees—the past



winner of the same award. He mentioned those that were contributory to a kind view of his case, so he mentioned Mandela. Who else did he mention? Attorney General, who else did you mention?

**Hon. Ramlogan SC:** Margaret Thatcher.

**Dr. A. Browne:** Yes, well, Margaret Thatcher. But Madam—[*Interruption*]

**Hon. Ramlogan SC:** Bill Clinton.

**Dr. A. Browne:**—Deputy Speaker, he failed to mention President F. W. de Klerk of South Africa, who was jointly awarded with Nelson Mandela.

**Hon. Ramlogan SC:** Excellent, very good.

**Dr. A. Browne:** He was no champion of press freedom, if that is somehow the connection that the Attorney General is making. Another awardee was Boris Yeltsin, who was probably known less for press freedom—less for being a champion of press freedom and more for being a consumer of vodka. I do not know why [*Laughter*]*—that is the reality.*

Another awardee was US President George—[*Interruption*]

**Mr. De Coteau:** Frivolous.

**Dr. A. Browne:** It is not frivolous. If you want to talk about a frivolous argument, I would—[*Interruption*]

**Mr. De Coteau:** A man of our intelligentsia.

**Dr. A. Browne:** Madam Deputy Speaker, the Member for Chaguanas East is trying to pull a Keith Noel on the Parliament here because he is pretending to be—he is feigning indignation about past awardees for this medal while he is not giving any attention to the Attorney General’s false assertion that it is because of the Prime Minister’s commitment to this Bill that she was awarded this democracy award. [*Interruption*]

Madam Deputy Speaker, he is saying he never said it. I am going to read the *Hansard* again. I am reading his words:

“I believe it was the decision of the Prime Minister to abolish this law that prompted the International Association of Political Consultants to award her the medal for democracy...”

He is confronted with his own words and he is trying to deny it. This is a symptom of this Government, even with the evidence right in front of them.

**Hon. Ramlogan SC:** “Yuh gettin ah little”—[*Inaudible*]

**Dr. A. Browne:** All right. I will calm down.

**Hon. Ramlogan SC:** Calm down. Calm down.

**Dr. A. Browne:** Because, Madam Deputy Speaker, we on this side are champions of the truth, and that cannot be said of those on the other side. [*Desk thumping and laughter*]

**Mr. Peters:** How long? How long?

**Dr. A. Browne:** All right, calm down, calm down.

**Mr. Peters:** “All yuh now get an award.” [*Laughter*]

**Dr. A. Browne:** Madam Deputy Speaker, I want to move on because I do not want to take up—[*Interruption*]

**Hon. Ramlogan SC:** “Calder Hart give you dah award, yeah.”

**Dr. A. Browne:** Now you see this kind of nonsense comment?

**Hon. Member:** Why are they shouting something like that? [*Interruption*]

**Dr. A. Browne:** Member for Caroni Central, your time is coming very, very soon. Madam Deputy Speaker, what we do in this Chamber must be relevant and connected to the lives and priorities of the people of this country, and we have learnt that anytime a Bill comes on to the Order Paper—and the loudest echo is that section 34 issue—we need to take a close look as to why it is here at this time.

The question that the Attorney General has to answer is: is the law of this country being used to persecute or restrict journalists at this time? The Member for La Horquetta/Talparo stated, categorically, otherwise. And if the law of this country is not being used to persecute and restrict journalists, then you cannot be amending the law and claim that you are increasing freedom, or removing restrictions on journalists. It is a false argument.

Some of the speakers on the other side have—including the Attorney General—tried to cast the Prime Minister, and the Government, as somehow newborn champions of journalism and media expression and freedom, but, again, I do not even think they have spoken to the journalists themselves about this amendment, or the need for it. They may have had a conversation with the publishers and broadcasters. Because if the Attorney General speaks to

journalists, besides rebuking them on the telephone but speak to them about their priorities and their concerns, he would realize that this is not even a major concern for them. [*Interruption*] It is not.

Their concerns are threats to life and limb. The priorities of our journalists today are that they are at physical risk of being shot, killed or maimed when they go out onto the beat or on the streets, or even in their homes sometimes. That is a major priority. This Bill is not treating with that at all. They are concerned about threats to their pockets. Our journalists are some of the lowest paid employees in Trinidad and Tobago. Some people assume otherwise. They are paid very, very small salaries, and that encourages them to moonlight, consult, do lots of other things. It is not a sector that has been really supported or resourced in the way that it probably should be, by the captains of the media industry. That is a concern amongst some of our journalists.

Threats to press freedom sometimes, Mr. Attorney General, do not necessarily come from the Government, or necessarily come from public officials, or those who might be offended by their publication. Sometimes the threats to press freedom occur right within the media house itself, by the editors sometimes, or the owners of the media houses. This is what the journalists are saying offline. Those are some of their concerns. This Bill does nothing to protect them, while the Government is claiming that they are bringing the Bill to protect our journalists. I think they are totally disconnected.

So despite the pleas of heroism by the Attorney General, this Bill does not answer the priorities of our journalists and it certainly does not respond to the priorities of the general public. One way of verifying that—and we would all get calls from journalists from time to time, seeking to verify a story, seeking to establish accuracy, et cetera, and when they are nervous, maybe, about going to press with a particular issue, what do they say? They do not say, “I need to check twice because I am afraid I will go to jail”; they do not say that. They say, “I need to check twice because I am concerned maybe somebody with money will sue me. Somebody with means will sue me”.

That is the concern. It has nothing to do with paying a fine; it has nothing to do with going to jail; it has to do with facing a lawsuit and the amendment proposed by the Members on this side, including the Member for Diego Martin North/East, would actually assist the journalists in this regard.

So we are taking what the Government says it is trying to do and it is not doing, and we are assisting them in fulfilling that particular mandate. They are

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concerned about being sued, not by ordinary humble citizens, but by persons with means. That is the main concern facing some of our journalists.

So then why is this Bill here today? It is here because the Prime Minister attended a meeting, blurted out a promise, the Government finds itself having to frame some kind of legislation to support that promise, and to support the claim that all of a sudden the UNC is the champion of press freedom in Trinidad and Tobago.

And I would not join that to and fro about which government is worse than who; who storm into radio station; who say that is insulting; who told—who got rid of Fazeer Mohammed from a television station. I will not go into that and what was the—*[Interruption]*

**Mrs. Mc Intosh:** “Don’t be rude!”

**Dr. A. Browne:** Who told Dominic Kallipersad, “don’t be rude”? I would not get into that to and fro. It is a long, long list, and the list can be—*[Interruption]*

**Hon. Ramlogan SC:** Get it. Get it.

**Dr. A. Browne:**—elaborated on both sides of the House. The Attorney General said there is a natural tension when it comes to politics—it is competitive—and there is a natural tension when it comes to the media and the Government, and sometimes the Opposition as well. But that is not what is in contention here. What is in contention here is the issue of malicious criminal defamation and the Government has not made a good case at all for this particular amendment. So I am disappointed in the manner in which the Government tried to persuade us because their arguments were non-persuasive, they were not very convincing and they are disconnected from the current reality.

Let me outline for the Attorney General and the Government, some of the current realities. One was dealt with already. That is the Facebook and social media phenomenon. Clearly, we are not dealing with that here today, but it is something, as a society, we are going to have to confront. And I am not going to do, as one other speaker said a little earlier, and commit anyone to saying that we need to look at criminal defamation on the Internet, et cetera, but I am just saying that that is something, as an evolving Parliament and a responsible society, we have to come to terms with. We need to have policy positions ascribed on these matters and help to guide our citizens as to what might be acceptable; what might be considered a crime or what might be considered simply offensive. There is nothing wrong sometimes with being offended because the truth, even, sometimes does offend.

So that is one reality. Another part of the current reality that I do not think the Government has taken any consideration of, is the potential for financiers, or even politicians sometimes, to get involved in media ownership and media publication, and broadcasting, and then that changes the paradigm because the paradigm is changing, and it has changed, and I bet you it will continue to change.

So what you end up dealing with is not just the Attorney General's, sort of, Alice in Wonderland talk about the pursuit of the truth, and first to the press and so on, you start to deal with issues like vendettas and vengeance and persons who might start a media house, or a newspaper, solely for the purpose of defaming or attacking other citizens.

**Hon. Member:** *Sunshine.*

**Dr. A. Browne:** Solely for that purpose. It is not a joke. So whereas the issue of throwing journalists in jail because of what they publish is, in my view, irrelevant to this country, what I am talking about now—Government—is relevant to this country. And it is relevant to Members sitting right next to you, and yet you come with this amendment and, to me, you are letting your own Members down and you are letting the House down, and the country down, if you are naive to the realities that are right in front of us.

[*Member looks for newspaper*] The newspaper has disappeared. Maybe that is a good thing. I do not even want to bring it back up. Right?

So you have to deal with the reality that financiers and sometimes even politicians, or other persons with means, might start a newspaper, get involved in publishing, get involved in the press for the purpose of defamation. That is a possibility, but the signal the Attorney General wants to send is to make it as hard as possible to make a case for criminal defamation—as hard as possible—and he is referring everyone to section 8, when at the same time even his own colleagues are whispering to him, “This is madness. You are opening the floodgates in the wrong direction.”

So vengeance, vendetta, defamation, denigration—and we are seeing it today. We are seeing it today. It may not be at all ascribed to the traditional media, but as I am saying, I am outlining some emerging issues that the Government would be very foolish to close its eyes to. It appears from the way in which they have brought this piecemeal measure and tried to justify it, they are completely blind to the reality that is all around us, and I see it as my duty, as a Member, to express myself in this regard.

**8.45 p.m.**

I may not have all the answers. I know the Attorney General may not have all the answers, but at least I will want him, whilst he is in that chair, to consider the realities as opposed to just trying to back up the Prime Minister's promise.

Madam Deputy Speaker, something else that they have not recognized, is sometimes that defamation and that malicious targeting can be directed against journalists themselves. It can be directed against journalists themselves and can be used to exhort or dissuade journalists from pursuing various avenues. If you have someone with malice or with a vendetta, who has established a publication firm or a media house designed to protect a person or personalities, they may very well use that vehicle in today's reality to intimidate a journalist, intimidate another media house, to protect and defend, and what are we doing about that? Because that is where we are as a country today. That is where we are as a country today. I think the Attorney General is completely naive to Trinidad and Tobago at this time.

So, Madam Deputy Speaker, as the media and what we consider media evolves and opens up, I am not aware of any standards that are in place when it comes to someone claiming that they have a newspaper and selling it to members of the public—and there is a danger. This does not apply to the normal mainstream press, but persons getting involved in that enterprise, specifically with the purpose of committing defamation.

**Hon. Ramlogan SC:** What are you talking about?

**Dr. A. Browne:** Madam Deputy Speaker, there is a possibility inadvertently by what the Government is doing here today, the press freedom can be threatened even by this measure taken naively because the journalists themselves might now be open to criminal defamation if it is convenient to some persons in Trinidad and Tobago.

So these measures that are currently in place protect all citizens. All citizens including journalists are protected from possible extortion and criminal defamation along those lines, and that type of malice can be directed against a potential whistle-blower in society because you have vested interests that would be seeking to protect themselves, especially as the issue of cocaine and other things are becoming more and more prominent. There are vested interests that would be seeking to protect themselves, and they would use any medium, any vehicle, any vessel so to do, even possibly using a publication or even

establishing a publication, to deal with whistle-blowers, focus on their public or private conduct in a defamatory and malicious manner to extort, intimidate or restrict.

So, some of the Government's own positions can be viewed as highly contradictory. So let us say, Madam Deputy Speaker, I start a newspaper and I call it the "Moonbeam" newspaper, and I publish personal defamatory—  
[*Interruption*]

**Hon. Member:** "Heliconia Special."

**Dr. A. Browne:**—attacks maliciously, possibly with the aim of dissuading persons from talking about you, the Government appears to have a soft view on that and wants to make it as difficult as possible to secure a criminal prosecution if such a malicious enterprise is embarked upon. If you do that, this Government seems to look at you quite kindly and I do not think that is in the best interest of the citizens of Trinidad and Tobago. But there is a paradox, Madam Deputy Speaker, because if you do that the Government looks at you kindly and wants it to be very difficult to prosecute you. But if you threaten to do it, if you threaten to publish with intent to extort—not if you do it—if you do it, you are fine—guess what the Attorney General has in store for you?

Just last week we dealt with the Bail (Amdt.) Bill, and one of the offences that in his wisdom this Attorney General included—

**Madam Deputy Speaker:** Hon. Members, the speaking time of the hon. Member for Diego Martin Central has expired.

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

*Question put and agreed to.*

**Dr. A. Browne:** [*Desk thumping*] Thank you, Madam Deputy Speaker, and thank you Members on both sides of the House, with the exception of the Member for Mayaro. I know his heart is hurting for his colleague—[*Interruption*]

**Dr. Rambachan:** He was "extempoing".

**Dr. A. Browne:**—in green—oh, he was "extempoing".

**Dr. Rambachan:** I was just being facetious.

**Dr. A. Browne:** Madam Deputy Speaker, I do not want to be distracted, but any time I hear the Member for Mayaro or I think earlier the Member for

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Naparima spoke in response to a question, you almost hear the cobwebs coming out of their larynx because they never, ever have anything to say in the House. So I am glad he found a way to say, even if it is to say no. [*Crosstalk*]

I was making a point though, Madam Deputy Speaker, that if you actually published maliciously, in a malicious and defamatory fashion, designed to extort, intimidate or restrict a citizen or a journalist or a public official, et cetera, if that is done, this Government says we need to look very kindly at you and make it very difficult to bring a criminal charge against you. But if you threaten so to do, you will be caught in this Government's newly amended Bail (Amdt.) Bill—  
[*Interruption*]

**Hon. Ramlogan SC:** Threatening to do what? Threatening what?

**Dr. A. Browne:**—threatening to publish with intent to extort, which now attracts no bail whatsoever subsequent to a conviction. I see that as quite contradictory, Madam Deputy Speaker,—[*Interruption*]

**Hon. Ramlogan SC:** [*Inaudible*] One conviction plus a year charge.

**Dr. A. Browne:**—subsequent to a conviction and a charge. This is just threatening.

**Hon. Ramlogan SC:** It did not say that.

**Dr. A. Browne:** Well, I am saying it now. It is still a contradiction, Madam Deputy Speaker. I will speak to you because the Attorney General understands exactly what I am trying to say. He has claimed that it is not a problem. We need to make it difficult. Make it as high a bar as possible, as difficult as possible to prosecute should the violation actually occur, but if there is a threat after a prosecution—[*Interruption*]

**Hon. Ramlogan SC:** Conviction.

**Dr. A. Browne:** After a conviction—if there is a threat after a conviction, there is no bail for you. I think that is very much an upside-down approach to the law, but the Attorney General will explain, I guess, in his wisdom if he chooses to do so. So we are talking about the “Moonbeam” and the possibilities of prosecuting in that case. If you threaten to do it, the Government takes a very dim view and puts you alongside all the other offences; puts you alongside possession of firearms, receiving stolen goods, gang membership, grievous bodily harm, shooting and wounding, robbery with aggravation, assault, et cetera. That is where they put you if you threaten.



Madam Deputy Speaker, the Government's arguments were also not informed by the reality that any criminal, or bigot, or racist, or right-wing individual might that arise anywhere in Trinidad and Tobago, can write an article or become a member of a talk show at any time in Trinidad and Tobago. Yes, Member for St. Augustine, you are nodding your head. It is the reality and it is actually happening. It could happen at any time and then where do we stand?

A few months ago the Member for D'Abadie/O'Meara stood in this House and regaled us with accusations against a certain self-described social activist—yes, Member for St. Augustine. The Member for D'Abadie/O'Meara regaled us in that talk, telling us he is an alleged conman, embezzler, white-collar criminal. Madam Deputy Speaker, guess where he is today? He is an employee on State radio. A talk show host on a State radio station employed by the same Government. A Member of the Government, the Minister of Sport, is on the *Hansard* telling us about all of these alleged atrocities and the white-collar crime, and this same Government has hired him and brought him as a member of the media now and a talk show host. That must be seen as contradictory.

And it is not beyond such a character or any other character that might be brought in in this way—because there are no barriers or standards in that regard—to then use these platforms against any other citizen, against the Member for St. Augustine or any other Member of the House, against the Government or any political party in a deliberate and malicious fashion. It has happened before and it can happen again. It might even be used to punish parliamentarians or to dissuade parliamentarians from focusing on key issues depending on the agendas at play.

So the State is hiring persons that they accused of being criminals and putting them on State radio, using taxpayers' dollars to pay them, then unleashing them unfettered on the population and then coming here to make a case that we need to lower the bar and make it much, much easier for persons to commit a malicious defamation; and that it not be considered a crime or they not face criminal prosecution and make it as difficult as possible to secure a prosecution in that regard.

Madam Deputy Speaker, our citizens are under assault by the criminal element. Our citizens are under assault on a daily basis by the criminal element, but the Government came here today, and they came last week, not to defend the citizens from any such assault, but to make it—if you take them at their word—easier for persons to avoid prosecution for the act of malicious defamation. This provision has never been used in this jurisdiction and it has nothing to do with the crisis currently facing our citizens, it has nothing to do with the crisis in customs

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and excise, our journalists, it has nothing to do with the crisis engulfing Trinidad and Tobago, and then they tell the citizens, amazingly, do not worry, you have the civil jurisdiction. You can protect yourself with a civil remedy or a pre-action protocol.

That is the balm they have to offer the citizens of Trinidad and Tobago, who might be concerned that—not their parliamentarians. They themselves might find themselves more exposed to malicious defamation in the future because of the same signals the Attorney General is talking about, bearing in mind the emerging reality within the media and the redefinition of media as we speak. But those civil remedies, how accessible are they for the average citizen of Trinidad and Tobago? If the Attorney General and any Member would be honest, they would know it is expensive and difficult, and not readily accessible to a citizen, let us say—*[Interruption]*

**Hon. Ramlogan SC:** Mr. Rahael should say.

**Dr. A. Browne:** I am not talking about citizens of means. I am talking about—I wonder if he even understands. You have been trying to represent people in Tabaquite and other places where there are humble citizens, so we are not talking about Westmoorings or Goodwood Park. We are talking about poor people who might find themselves in the headlights of this kind of malicious attack and who the Attorney General is sending toward a civil remedy. That is no reassurance for their concerns or their potential concerns, and that is no comfort for these citizens. They talk about section 8, while at the same time saying it is virtually impossible to secure any type of conviction under section 8. They said that themselves, you know. They said that themselves, because knowledge is difficult to demonstrate with certainty in this regard, and section 8 necessitates that.

So in the haste to back-up the Prime Minister and her promise, they have ignored the true realities of Trinidad and Tobago in 2014 and beyond, and we spent two parliamentary days righting a wrong that has never been used wrongfully. We have spent two days of Parliament righting a wrong that has never been used wrongfully by their own admission, but there is chest beating, glorification—the Member for Caroni East almost sang a hymn to the Member for Siparia today. I could not believe it. That is all well and good, but he could do that in his own time. He does not have to come on the *Hansard* to do that. It was a hymn and totally disconnected from anything here—*[Interruption]*

**Hon. Ramlogan SC:** *[Inaudible]*

**Dr. A. Browne:**—but the Prime Minister is so great, she is such a champion of freedom, et cetera, et cetera, et cetera. Madam Deputy Speaker, that was wholly and totally unnecessary. But again, the suggestion—sometimes we try to help when we see the Government going down the wrong road. The suggestion is that the Attorney General and his Government can save face. We are offering you a way out of this dilemma.

**9.00 p.m.**

I want to support the recommendation that was advanced by the Member for Diego Martin North/East that—well, you can save face for yourself and your Prime Minister while properly protecting all our citizens as the reality changes and the country—*[Interruption]*

**Hon. Ramlogan SC:** Make up your mind, it is either your saving face or not.

**Dr. A. Browne:** You can do both. You can save face while properly protecting the citizens, and let me tell you how, let me repeat how. With a simple amendment to the very same section 9 that the Government capriciously simply wants to abolish because it sounds good. It just sounds good, so they want to do that. You can remove the jail term from section 9—*[Interruption]*

**Hon. Ramlogan SC:** Right.

**Dr. A. Browne:**—and insert a fine—*[Interruption]*

**Hon. Ramlogan SC:** Of how much?

**Dr. A. Browne:**—for the publishers.

**Hon. Ramlogan SC:** What is the fine the PNM is proposing? Speak the truth.

**Dr. A. Browne:** Speak the truth?

**Hon. Ramlogan SC:** Yeah, what is the fine you are proposing?

**Dr. A. Browne:** “We doh even recognize”—you cannot handle the truth. Why are you asking for the truth?

**Hon. Ramlogan SC:** What is the fine?

**Dr. A. Browne:** I am giving you the truth, Attorney General.

**Hon. Ramlogan SC:** What is the fine you are proposing?

**Dr. A. Browne:** That is the only question you want to hear: what is the fine?

**Hon. Ramlogan SC:** It is your proposal.

**Dr. A. Browne:** It is the Member for St. Joseph's proposal that I support. The Member for St. Joseph—*[Interruption]*

**Hon. Ramlogan SC:** Yeah.

**Dr. A. Browne:**—has already indicated what he views as a significant fine *[Crosstalk]* above and beyond the insurance because it has to be something that would dissuade a violation.

**Hon. Ramlogan SC:** Yeah, but what is the figure that you are proposing?

**Dr. A. Browne:** We will circulate that to you before you complete your contribution.

**Mrs. Gopee-Scoon:** Which is the way they do it anyway.

**Dr. A. Browne:** Or, you want to do it like *vaille-que-vaille*.

**Hon. Ramlogan SC:** Not—*[Laughter]*

**Dr. A. Browne:** No, well we do not operate like that.

**Hon. Ramlogan SC:** But you said we had two days in debating—

**Dr. A. Browne:** But, Madam Deputy Speaker, at least, I would say that the Attorney General appears interested in a reasonable outcome to this. I detect that because he has not objected to the removal of the jail provision. He has not objected to that. He is concerned only about the quantum. I will take that as an acceptance in principle of this proposed amendment, and his concern lies with the quantum, and we will assist him further in that regard.

Because, beside all of their pandering and their PR manoeuvres and self-promotion, this Government continues to show that they are really unable to think and act in the best interest of all the citizens of this country. *[Desk thumping]* *[Crosstalk]* But, thank God we are available to assist the citizens of this country, and we will always speak on their behalf even on matters of controversy, and even on matters in which the Government tries to throw up a smokescreen. We will try to assist them and guide them on this amendment Bill, but sometimes they are so very “harden”.

Madam Deputy Speaker, I thank you. *[Desk thumping]*

**Madam Deputy Speaker:** Member for Point Fortin. *[Desk thumping]*

**Mrs. Paula Gopee-Scoon** (*Point Fortin*): Thank you, Madam Deputy Speaker. Firstly, let me clarify something which was said by the Member for

Caroni East. He sort of gave the impression that where in my previous incarnation as Minister of Foreign Affairs that I had hauled before me Mrs. Therese Mills and another editor—I do not remember who it is—supposedly to upbraid Mrs. Mills and the *Newsday* for non-support of the PNM in the *Newsday*, and this is what the Member for Caroni East sought to portray.

Madam Deputy Speaker, you would know me and I think members of the public would know me, the staff at the Ministry would have known me as well, that is not in keeping with my character, and that, in no way, sounds like something that I would do. When I invited Mrs. Mills to come to the Ministry of Foreign Affairs, it was just to seek to have matters of foreign affairs given greater profile in their newspaper.

**Hon. Members:** “Wooooo!”

**Mrs. P. Gopee-Scoon:** That is all that it was. One knows very well that the business of foreign affairs is not really such a sexy and attractive topic, and it is on that basis that I sought to profile the Ministry and what we do in the Ministry, and that was the reason for the invitation for Mrs. Mills, which she so kindly agreed to, that she came before me. So that clarified. I feel I am the last speaker on this side so that I will be doing it in wrap-up mode and doing it quickly as well. I know it is already late: 9.04.

Madam Deputy Speaker, this country is really in a state of chaos and I am sure that everyone who is listening would agree with me, so that I would have expected and, in fact, the PNM would have expected that what we would be dealing with, more serious pieces of legislation, more progressive pieces of legislation, coming forward. Not that I would want to diminish the importance of legislation of this nature, but rather because of the kind of approach that came before us by the hon. AG. I want to say that I am disappointed that we have—like my colleague—just spent two days discussing a matter which is not of great public importance at this time and especially in the way that it was brought.

I would have expected some kind of legislation that is probably very results oriented and focused on the matter of crime. That is what I would have expected given the fact that we have had 40 murders in 23 days. That is the kind of matter that the public would expect discussion of in the House. Perhaps, as well, legislation or statements on the economy because here we have had a \$50 billion budget, we have something like \$10 billion in foreign reserves, and yet, in this country, today, one cannot go before a bank to buy US \$2000 easily at all, and this is because of the state of the economy and, of course, the direction which the new Governor of the Central Bank wants to take us in.

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I saw in a newspaper article, only this week, Mrs. Mary King seemingly trying to speak of revving up and reshaping the manufacturing industry. But little does she realize that manufacturers have to wait in line days and weeks to purchase foreign exchange for raw materials, and therefore, all of this is really pie in the sky because this Government and this Central Bank Governor are really, really clueless as to what they are doing with regard to the economy.

**Hon. Member:** We are not on the Finance Bill.

**Mrs. P. Gopee-Scoon:** Even something that may have been more energy related, we would have preferred to hear something on that, because, as it is, this is the worst performing Ministry, and it has become so, Madam Deputy Speaker, because this country has gone nowhere in terms of oil, in terms of gas, in terms of downstream activity as well. That Ministry has had zero success. Thank goodness for high energy prices or reasonably high energy prices, or else we will be nowhere at all under this Government. Or perhaps—I am telling you—*[Interruption]*

**Hon. Ramlogan SC:** “Are you sure yuh reading the correct speech?”

**Mrs. P. Gopee-Scoon:** That is right—no, no. Or perhaps we could have gotten something that is related to the environment because, under you, that has been a non-starter and it is very relevant today. What I am saying to you, you should have come here with some kind of relevant legislation, contribution, given the manner in which you all are running this country.

So, as I said, the nature of the Bill is of importance because it speaks to our sacred Constitution and the fundamental right to freedom of expression, and, of course, it also addresses the whole question of a person’s reputation. It is of particular importance to me, as a politician, having regard to the kind of political environment in which we exist; it is almost toxic, in fact, very heated at most times, and, of course, more so during an election period. You know, well, we have been in an election period for the last year and it will probably continue until the next 18 months or so.

So today, I really question the sincerity of the Government in bringing this piece of legislation before us, and, of course, I question the motive of the Government in bringing this piece of legislation here brought by the hon. AG, and of course, on behalf of the Government. In doing so, I ask a question—it had been asked by my colleagues as well—whether or not any meaningful consultation had been done at all with members of the media, media association, publishing

houses, the public at large as well. But yet still, he comes here and he says that he has brought a Bill that has been untouched for the last 169 years, Madam Deputy Speaker, the very least he could have done was to have done the consultation.

The point was made by my colleagues. After such a long period of time, one would have thought that he would have probably reviewed the entire Bill which had been there 169 years ago, but that was not the case. Again, a piecemeal amendment and that seems to be the norm on that side. Only last week, I believe it is, or the week before, we had a two-clause Bill—the Bail Bill—and it is very often the case that we would get amendments that are longer than the clauses which are placed before us, and I believe it may happen on this occasion as well. I looked in the Senate at the amendments which are going in, in response to the Bail Bill, and it is something like four pages of amendments to support, again, two clauses.

So that, again, another thoughtless piece of legislation obviously which did not go before the LRC, and I wish that they had looked at our brothers in the Caribbean, and Jamaica and Grenada, and see what they had done. I am not in agreement entirely with the result of their transformation of this Bill. However, what they did do was to review the Bill in its entirety. Jamaica did that, so what they have in their defamation Act is a really all-embracing review of the country's libel and slander laws. Why did they just not do that? Consult and review in its entirety. That is what we would have expected after such a long time.

**Hon. Member:** “They lazy.”

**Mrs. P. Gopee-Scoon:** What they should have done,—lazy, of course. [*Continuous crosstalk*—they should have brought before us a modern piece of legislation addressing all of the inadequacies, of course, and including the resolution of disputes without court proceedings. That is a matter. Something down the avenue of mediation or so, and of course, it would have received full support.

When you look at the Jamaican legislation, there was a distinction made as well between—there was the removal of the distinction between libel and slander. So what you got instead was defamation as it relates to all forms of communication, and that is the kind of thought that went into theirs as well. Again, it brought us into the 21st Century and it addressed the whole question of treating with Internet publication as well. And even in Grenada, you would be surprised that in 2013, there was an Electronic Defamation Bill as well which sought to just do that which is to deal with the sending of offensive electronic

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communication. So, again, very progressive pieces of legislation—I am not saying that we would have agreed with the same outcome but, again, very modern and progressive legislation by our Caribbean counterparts.

As I said, I mean, this is, again, to me, a very embarrassing piece of legislation—probably one of the most embarrassing ones that I have had to deal with in the six years that I have been in the House, because it is just two clauses. Two clauses: one which gives it a name and the second one which just states its intent to repeal clause 9 of the Libel and Defamation Act. That is just what it is. That is the sum total of what has been brought before us, that is it, and you really ought to be ashamed.

**Hon. Ramlogan SC:** “So why yuh talkin so long on it?” [*Laughter*]

**Mrs. P. Gopee-Scoon:** I really believe it is an insult to the Parliament, it is an insult to parliamentarians [*Desk thumping*] and it is an insult to the public as well, Madam Deputy Speaker, an insult to the people of Trinidad and Tobago.

Really and truly, as my colleagues have said, the genesis of it is a commitment given by the hon. Prime Minister. She had stated before in a meeting with the international press in 2012, and she gave a commitment to review the existing criminal libel legislation on this country’s law books, and to bring it in line with international best practice. But somehow or the other, I am not convinced that the hon. AG knew what he was bringing, whether he was criminalizing, decriminalizing or what, I am not sure if there was a sincere motive as to what they were doing here, and really to me, they were just giving attention to what the Prime Minister has promised. So again, very very, disappointing, and this really falls short of any form of a commitment to journalists or anything like that.

**9.15 p.m.**

I hope they are not fooled by what has happened here in the last two sittings, Madam Deputy Speaker. And again—I mean—[*Interruption*]

**Mr. Roberts:** Thank you.

**Mrs. P. Gopee-Scoon:**—please, Member for D’Abadie/O’Meara. You may speak after, but you “doh” have to behave like that with me.

**Mr. Roberts:** Me? “I didn tell you nothing, Member.”

**Mrs. P. Gopee-Scoon:** But—[*Interruption*]

**Hon. Ramlogan SC:** “Wrap up and doh study him nah.” [*Crosstalk*]



**Madam Deputy Speaker:** Address the Chair.

**Mrs. P. Gopee-Scoon:**—I am going to speak; in fact, I am going to take my full time.

**Hon. Member:** Take more. [*Desk thumping, laughter and crosstalk*]

**Hon. Member:** And I will extend the time for you.

**Mrs. P. Gopee-Scoon:** Yeah.

**Miss Cox:** “Yuh see what all yuh cause?”

**Mrs. P. Gopee-Scoon:** Madam Deputy Speaker, again, as I said, let—  
[*Crosstalk*]

**Madam Deputy Speaker:** Please, Member, allow the Member to speak.

**Mrs. P. Gopee-Scoon:**—Madam Deputy Speaker, again there has been the usual duplicitous behaviour on the part of this Government, that one really cannot discern why this was done, what was done; for what motive, or so. But then that is their usual style. That is their usual style. And again, we all know of their relationship with the media, and really and truly we know that they would not want—this is the reason they would not want to decriminalize defamation by way of libel, Madam Deputy Speaker.

So again, usual behaviour by them. We have seen it with the Revised Treaty of Chaguaramas, when we signed the Treaty to facilitate the free movement of persons between the Caricom countries, Madam Deputy Speaker, and yet still we had the Minister of National Security insulting our neighbours and supporting the deportation of Caricom residents, in violation of the Treaty and of course in violation of the recommendations by the Caribbean Court of Justice. But again, I raise that to show the manner in which you operate.

I am not here—I do not think that—in fact, I am convinced that you are not here to do any good on behalf of the journalists and the publication houses in this country. You are not here for that reason. Again, you are here just to deal with the fact that a deal was made, with the IPI and the Prime Minister, that they will give attention to reviewing these laws. That is all that it is. And again, even the IPI would be disappointed in some sense and they would see the mockery of the commitment which was made, because really, at the end of the day there is no question of any speedy resolution of disputes related to these kinds of matters at all.

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And at the end of the day what they are promoting is that section 8 is left on the books; and therefore if section 8 is left there, then they really and truly have not decriminalized—[*Interruption*]

**Dr. Browne:** True.

**Mrs. P. Gopee-Scoon:**—which is what I believe the IPI had truly expected of them. But again, they will see them for what they are, just as the country has seen them for what they are. And we know that really and truly they will never want to remove criminal libel because of, you know, their ongoing battle with the press. That is what it is.

You know, Madam Deputy Speaker, I was sick to my stomach, sick to my stomach when I watched on the state-owned television, and in the written press as well, four Ministers issuing threats to journalists, and delving into their personal lives, and they cannot deny it. There was the Member for D’Abadie/O’Meara, there was the Member for Oropouche East, there was the Member for Tabaquite, there was the Member for Chaguanas West, who enjoined them as well. Madam Deputy Speaker, these men, they attacked—they attacked female reporters.

**Dr. Moonilal:** Madam Deputy Speaker, 36(5). [*Crosstalk*]

**Mrs. P. Gopee-Scoon:** They did. [*Crosstalk*] You did.

**Madam Deputy Speaker:** Member, please, Member. You are called on 36(5), please link your debate to the Bill before us. Please link your debate to the Bill before us. You may continue.

**Mr. Roberts:** “It sub judice.” Stay calm.

**Mrs. P. Gopee-Scoon:** It is 36(5) he said, you know, not 36(1).

**Mr. Roberts:** “It sub judice.” Stay calm.

**Mrs. P. Gopee-Scoon:** But we know of the kinds of things—[*Interruption*]

**Hon. Member:** Wrap up.

**Mrs. P. Gopee-Scoon:** Please.

**Hon. Member:** Have some respect.

**Mrs. P. Gopee-Scoon:** We know of the kinds of things that they have raised against female journalists. That is a fact. Those matters were discussed in this House. They have been in the public domain as well, and I think if we had had a more pliable—someone more pliable in the DPP’s office, that these reporters

would have been facing jail, Madam Deputy Speaker; as under section 8 a charge of criminal libel is possible with the sanction of the DPP. So, in this House, as I have said before, we have had all sorts of allegations of plots to do harm to a female journalist, and they cannot deny it.

**Hon. Ramlogan SC:** That is nonsense.

**Mrs. P. Gopee-Scoon:** Yes. And now—[*Interruption*]

**Dr. Moonilal:** Madam Deputy Speaker, 36(5). [*Crosstalk*]

**Mrs. P. Gopee-Scoon:** But it is—[*Interruption*]

**Dr. Moonilal:** Pose danger to a female journalist? What female journalist? Which Member here “plot” to do danger?

**Mrs. P. Gopee-Scoon:** But it was discussed here.

**Madam Deputy Speaker:** Member, you are bordering on improper motives, Member for Point Fortin. I want to ask you to continue, but to stick with the Bill that is before us. You may continue.

**Mr. Imbert:** “Whuh”, Caroni East?

**Miss Cox:** Different strokes for different folks.

**Mr. Indarsingh:** He was talking on the sins of the PNM.

**Mrs. P. Gopee-Scoon:** Madam Deputy Speaker, before I continue speaking, please may I have your protection.

**Madam Deputy Speaker:** You have my protection. Address the Chair.

**Mrs. P. Gopee-Scoon:** Thank you. And as I said, now that we are in the final days—we are actually living in the last days of the People’s Partnership administration, or whatever is the residue of the People’s Partnership administration—I think we can expect to witness all manner of things from the People’s Partnership, what is left of it; and therefore, I think that journalists, I think politicians, I think members of the public, I think institutions, businesses will all need to be protected, because of the kinds of things that may be raised in this hot season, if I can call it that.

And so, again, the AG had spoken something about an award, which was associated with this as well. I do not know if there is any truth in that. The Member for Diego Martin Central sought to debunk it. However, whether or not—[*Interruption*] [*a ringing cell phone*]

**Miss Cox:** Leave the House. [*Crosstalk*]

**Mrs. P. Gopee-Scoon:**—whether or not—[*Interruption*]

**Miss Cox:** “Leave the House, nah, leave nah.”

**Mrs. P. Gopee-Scoon:**—whether or not—[*Interruption*]

**Mr. Imbert:** That is music inside here. Take it out.

**Hon. Member:** “Nah man!”

**Miss Cox:** Leave the House. Rules. Leave the House.

**Mr. Roberts:** You all are so unkind!

**Hon. Ramlogan SC:** You see what you cause. You see what you cause.  
[*Crosstalk*]

**Dr. Browne:** “Yuh cah be playing music in de House!”

**Mr. Roberts:** When yours went off the other day, we did not “do you” that.

**Mr. Imbert:** That never happened.

**Mr. Roberts:** “Doh try dat.”

**Mr. Imbert:** That never happened.

**Mr. Roberts:** “Doh try dat.”

**Mrs. P. Gopee-Scoon:** Madam Deputy Speaker, I think I was—let me move on. [*Crosstalk*] No, no, no. But Madam Deputy Speaker, I think you would realize the House is in disarray and I do not know how I can be allowed to continue my contribution, with the way in which they are behaving. [*Crosstalk*]

**Madam Deputy Speaker:** Members, Members, please, please, please. I know it is getting late, I know everybody is excited for the wind up of the debate. Member for Point Fortin, you may continue. [*Crosstalk*]

**Mrs. P. Gopee-Scoon:** So that—[*Interruption*]

**Hon. Member:** “Just got a message, yuh want to hear.” [*Crosstalk*]

**Madam Deputy Speaker:** Continue, continue.

**Mrs. P. Gopee-Scoon:** Not until the silence.

**Madam Deputy Speaker:** Members, please. Allow the Member for Point Fortin to speak in silence. Member for Point Fortin, you may continue.

**Dr. Browne:** The AG is being very disrespectful.

**Mr. Roberts:** Diego Martin Central disturbing you.

**Mrs. P. Gopee-Scoon:** Yeah, I think the Members are being rather disrespectful, Madam Deputy Speaker, and I “doh” think I will tolerate it at all. [*Laughter*] And they laughing at it, and I do not think it is a laughing matter.

**Hon. Member:** What is the Standing Order for irrelevance again? What is the Standing Order for irrelevance?

**Mr. Imbert:** People’s Partnership.

**Mrs. P. Gopee-Scoon:** So that, generally, if I can just go back a bit, I think the AG and the hon. Member for Diego Martin North/East, they both addressed the question of freedom of expression, and of course it was drawn to attention that the Constitution went further to address the question of the independent right to freedom of political expression. So that—but at that time, 169 years ago, I am not sure that the framers of the Constitution and the politicians of that time were really exposed to the kind of political scenario and arena in which we are made to exist, with the dynamics of election campaigns and so on completely changed to what existed before.

So therefore, Madam Deputy Speaker, it has become absolutely necessary that the protection by way of sections 9 and 8 does in fact remain. It is absolutely needed, having regard to the, as I said, political environment of today, and it is totally different to what existed before. However, there is a wild side, which says that there is a fundamental right, in our democracy to criticize the public and public officials as well; I am of the view that it must not be at the expense of debasing the reputation of public officials, including politicians, Madam Deputy Speaker, it must not reach to the extent where families are blemished at all.

I think that there is an inherent right to good reputation and good character, and that is something that I will not give up at all and “ah doh” think that any other person, or any company, or any institution or so would ever want to forego that right to a good reputation, and so on. So again, I would say this in support of holding on to the section 8 and section 9 as well. I mean, our position is not—the position which has been presented by my colleagues is not to overly restrict or to affect freedom of expression, but it remains a strategy in keeping sections 8 and 9. It would remain a strategy to avoid the damaging of a person’s reputation, of companies, as I said, of built-up institutions; but in particular, public figures and including politicians.

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So that in support of politicians, there must be measures in place to support us, and also candidates in an election in particular, from the exposure to false charges of wrongdoing, and this often happens. As I said, it damages reputations and it really undermines as well, political aspirations of persons who may want to enter political life. And really, at the end of it, it does nothing for the good of the public; nothing for the public good at all. And the dirty war that surrounds us at election time, really should be stopped, but that is easier said than done. And therefore, this is why these clauses must remain in the Bill.

I do not know that there is anything like an honourable campaign again, today, and this is the reason, again, why few honourable persons are attracted to coming forward to offer their services as well. And you would find—and you would agree with me—that many times on the platform, there are no good arguments for political debate, but on our side there is. But at the end of the day, there is always the temptation—and this is what takes precedence—to attack opponents and institutions. That really has been the order of the day.

And that kind of style is largely injurious. It is insulting, and therefore this is why we need the protection that is being advocated here today, that we keep. All of the political advertisements, Madam Deputy Speaker, all of the false political advertisements, intentionally done to mislead, not representing the full truth as well. There must be a limit imposed to this kind of defamation, Madam Deputy Speaker. So I am saying that this must not exist to the extent where—the intention is not to undermine the freedom of expression and the right to information, but generally what we want is that all these highly offensive statements, we want them avoided.

And this dirty war which exists, which we have very little control of, and all of these assaultive comments and statements, we want to see an end to that but having regard to the fact that it is difficult to do so, the protection must remain in favour of politicians, as well as—and again, in other cases, the public companies and that kind as well.

**9.30 p.m.**

So that, at the end of it all, the Government is proposing—*[Interruption]*

**Miss Mc Donald:** Paula, one moment. Madam Deputy Speaker, I would like to hear the debate. I stand on 40(a), (b) and (c), please. That group across there. *[Continuous interruption and crosstalk]*

**Madam Deputy Speaker:** Members please, allow the Member for Point Fortin to speak in silence. Continue Member.

**Dr. Rambachan:** Her monotone voice is—

**Madam Deputy Speaker:** Member for Point Fortin.

**Mrs. P. Gopee-Scoon:** Thank you. Madam Deputy Speaker, I really lament at the behaviour of the other side and I am really not sure what good is going to come out of this. I mean this is [*Interruption*] we are supposed to be honourable Members of Parliament and I really despise the kind of behaviour that is going on on your side.

**Madam Deputy Speaker:** Members, please.

**Mrs. P. Gopee-Scoon:** As I was saying, the hon. AG, on behalf of his Government, is proposing that we leave in section 8 only—[*Interruption*]

**Hon. Ramlogan SC:** Yes.

**Mrs. P. Gopee-Scoon:**—and that we must prove that the defamatory statement was made with the person's actual knowledge of its falsehood and that is by virtue of section 8, but that is difficult. And as the Member for Port of Spain South had clearly stated that in most cases, difficult to prove and, of course, very, very, costly as well.

So that generally, with regard to the kinds of spins that we have taking place and the usual spinning of the truth where truthful statements are often made to appear to be false, with regard to all of those kinds of shenanigans which exist on campaigns and generally, I would say, we would have to retain our call for the retention of 8 and 9 as well.

Proving knowledge or reckless disregard for the truthfulness of a statement, that is difficult and that alone could never be enough and could never be enough protection for politicians and members of the public at large, and institutions. So that, in effect I am agreeing that section 8 is left in and that section 9, as proposed, is retained but, of course, relieving any of the burdens on the journalist and placing this instead on the publishing house, and that has been echoed by many of my colleagues. It makes sense and as it is the law again, will, remain as a deterrent.

And, yes as the Member for Port of Spain South said, yes we can challenge these offensive statements, and, of course, it might be a sweet victory in the end of it all, but it is difficult and it is daunting and it is long and it is expensive. So, at the end of it all, we all concur on this side to leave section 8 and to retain section 9 but to shift the burden, Madam Deputy Speaker.

*Libel and Defamation (Amdt.) Bill*  
[MRS. GOPEE-SCOON]

*Friday, January 24, 2014*

So in concluding and in support of my colleagues I remain concerned about any shifting of the balance between freedom of speech and the right to reputation, significantly in favour of free speech, not at the expense of my character or anyone's character or any company's character at all.

So that, AG, I think what we need is some reflection on what you had proposed to what we are now proposing and then, of course, we need a review of the entire libel and slander laws of this country. That is what we would have expected from you.

Madam Deputy Speaker, I thank you. [*Desk thumping*]

**Madam Deputy Speaker:** The hon. Attorney General. [*Desk thumping*]

**The Attorney General (Sen. The Hon. Anand Ramlogan SC):** Thank you very much, Madam Deputy Speaker. I believe the Member for Point Fortin started off by saying that this was the worst Bill to have ever come before Parliament during her time. I want to say that she managed to equal the task if that was so because it was the worst contribution I have heard in the Parliament for a very long time.

Madam Deputy Speaker, the contribution of the Member for Point Fortin, ironically underscored the necessity for this measure in no small way. Because whilst it is all well and good to say that this law has not been applied in Trinidad and Tobago to "lock up" any journalist, as the case may be, that is not a good reason to leave it on the book and to allow it to hang like a sword of Damocles over the head of the media. In fact, in every society and every country cited during the presentation when I was piloting this measure, there would have been a point in time when the law in their country was not used against the media, until the first person was charged by the police.

And when you have the kind of history with the former administration, when they have ruled the country for almost half a century—[*Interruption*]

**Dr. Rowley:** As was demonstrated tonight.

**Sen. The Hon. A. Ramlogan SC:**—and the Member for Point Fortin, a former "Minister of Hugging Affairs", I mean sorry beg your pardon, former Minister of Foreign Affairs.

**Mrs. Gopee-Scoon:** 36(5) Madam Deputy Speaker.

**Dr. Gopeesingh:** He said foreign affairs.



**Sen. The Hon. A. Ramlogan SC:** I said foreign affairs, Ma'am. Yes, it was a Freudian natural slip. But the former Minister of Foreign Affairs is, foreign? Yes.

**Mrs. Gopee-Scoon:** Does AG mean goat?

**Sen. The Hon. A. Ramlogan SC:** The former Minister of Foreign Affairs stands here in this Parliament today and has the gall to say and to confess and admit that when she was Minister she called an editor—*[Interruption]*

**Mrs. Gopee-Scoon:** Invited.

**Sen. The Hon. A. Ramlogan SC:**—of a newspaper. She is a Government Minister and she calls and summons an editor of a newspaper to her Ministry as a Minister and she summons that editor—*[Interruption]*

**Mrs. Gopee-Scoon:** 36, Madam Deputy Speaker, on a point of order.

**Sen. The Hon. A. Ramlogan SC:** Go ahead.

**Dr. Moonilal:** 36 what?

**Mrs. Gopee-Scoon:** 36(5).

**Dr. Gopeesingh:** Imputing?

**Mrs. Gopee-Scoon:** I never summoned any editor to my office.

**Madam Deputy Speaker:** Overruled. Member, you may continue.

**Sen. The Hon. A. Ramlogan SC:** Yes, indeed. She summoned an editor of a daily newspaper under disguise—*[Interruption]* all right okay. Have your seat. She summoned the editor under the guise of an invitation.

**Madam Deputy Speaker:** Member for Point Fortin.

**Mrs. Gopee-Scoon:** On a point of order, 36(5). I never summoned any editor to my office to deal with them in the manner in which they are trying to intimate. That is not so! I said I invited her to discuss raising the profile of foreign affairs matters through the *Newsday*. That is all.

**Madam Deputy Speaker:** Attorney General, while sitting here and listening to the Member for Point Fortin, she really said in her speech that she had invited the goodly lady. You may continue, Member.

**Sen. The Hon. A. Ramlogan SC:** Yes, I am grateful Madam Deputy Speaker. You see I can—*[Interruption]*

**Madam Deputy Speaker:** Sorry, sorry. Member for D'Abadie/O'Meara, please, please. I am really having some difficulty in hearing the Attorney General.

**Dr. Moonilal:** Let us hear the facts.

**Madam Deputy Speaker:** Please have some respect for this Chair! Please! [*Desk thumping*]

**Hon. Member :** Thank you, Madam Deputy Speaker.

**Madam Deputy Speaker:** I sit here and I have extreme difficulty in hearing the Member speak. Attorney General, you may continue. [*Desk thumping*]

**Sen. The Hon. A. Ramlogan SC:** I am grateful for your protection, Madam Deputy Speaker. The Member for Point Fortin, a former Minister of Foreign Affairs, confessed to using an invitation to summon an editor of a newspaper to her office and she invited the editor, she invited—[*Interruption*]

**Mrs. Gopee-Scoon:** On a point of order.

**Sen. The Hon. A. Ramlogan SC:** Again?

**Mrs. Gopee-Scoon:** Point of order, 36(5), Madam Deputy Speaker. He is just reframing it in another way but he is saying the same thing.

**Madam Deputy Speaker:** Member for Point Fortin, I just ruled as regards 36(5) and the Attorney General. Attorney General, please continue.

**Sen. The Hon. A. Ramlogan SC:** Thank you very much—“all yuh clap nah man.” Thank you very much. [*Desk thumping*] So having invited, having used the invitation to summon or to procure a meeting with an editor of a daily newspaper, as a serving Government Minister, she then goes on to make the incredible confession that she had that meeting for the purpose of discussing with the editor why it is her Ministry and the fantastic work she was doing at that Ministry is not being given a sufficient “profile” in the newspaper.

**Mrs. Gopee-Scoon:** Madam, on a point of order.

**Sen. The Hon. A. Ramlogan SC:** That is the exact word she used.

**Mrs. Gopee-Scoon:** Madam, on a point of order. Madam, on a point of order.

**Sen. The Hon. A. Ramlogan SC:** “Ah hope ah geh injury time yuh know.”

**Mrs. Gopee-Scoon:** 36(5), I said it was “with the view”. Therese Mills and another editor were invited with a view to the discussion of raising issues of foreign affairs and profiling foreign affairs in the nation as it was not a topic of interest. That is what I said.

**Mr. Roberts:** “All ah dat talk?”

**Madam Deputy Speaker:** Attorney General.

**Sen. The Hon. A. Ramlogan SC:** Yes.

**Madam Deputy Speaker:** I have listened to the Member for Point Fortin on a couple of occasions, as regards her statement prior to and she really did say what she is saying. So I want to ask you to move on to continue with the debate.

**Sen. The Hon. A. Ramlogan SC:** Yeah, I will move on but permit me to say that the *Hansard* will bear me out that she used the word—she said she wanted to profile the work of the Ministry and I maintain that.

But Madam Deputy Speaker, the point about it is, the mere fact that a Minister of Government, a serving Minister of Government, could invite, summon or anything, an editor of a newspaper to their office—[*Interruption*] no, no, no, please, please, “doh geh rile up like ah Jack Spaniard nest.”

**Madam Deputy Speaker:** Allow him to speak in silence, please! You may continue, Attorney General.

**Sen. The Hon. A. Ramlogan SC:** You see that is the kind of—[*Interruption*]

**Dr. Browne:** On a point of order, Madam Deputy Speaker, 36(5). He was told to move on. He is not moving on.

**Hon. Members:** No, no, no, no. That is not a point of order.

**Sen. The Hon. A. Ramlogan SC:** You see, this is characteristic of the kind of oppression of freedom of expression that you must expect from them and that is why that law has to be removed. [*Desk thumping*] It is a signal hallmark feature of the PNM. They wish to suppress my voice but they will hear it. It is anathema to the concept of democracy that a serving Government Minister will invite an editor of a daily newspaper to their office to complain, to assert themselves about the fact that their work is not being given sufficient prominence.

**Mrs. Gopee-Scoon:** On a point of order.

**Dr. Gopeesingh:** He is not speaking about you!

**Sen. The Hon. A. Ramlogan SC:** But I am not speaking—“how you know I talking bout you?”

**Dr. Gopeesingh:** He say it is anathema.

**Hon. Members:** “He did not call yuh name.”

**Mrs. Gopee-Scoon:** Madam Deputy Speaker, 36(5) and 36(4). I am tired of speaking of this matter and clarifying it, so may I? May I at the end of—  
[*Interruption*]

**Mr. Roberts:** No!

**Mrs. Gopee-Scoon:**—his presentation I reserve the right—[*Interruption*]

**Madam Deputy Speaker:** No.

**Mrs. Gopee-Scoon:**—to clarify it once and for all.

**Madam Deputy Speaker:** Overruled. Member, you may continue, please.  
[*Desk thumping*]

**Sen. The Hon. A. Ramlogan SC:** You see—[*Interruption*]

**Mr. Roberts:** “Dah why yuh is ah backbencher.”

**Sen. The Hon. A. Ramlogan SC:**—to demonstrate why the removal of this malicious defamation is so important, Madam Deputy Speaker, if one can conceive and imagine of a situation where there is a senior Cabinet Minister, let us say the Minister of Foreign Affairs in a government, and he or she—let us use a female—summons the editor of a daily newspaper to her office. [*Interruption*] I am not giving way. I did not call. “I ain know who she enquire about—” and she—[*Interruption*]

**Mrs. Gopee-Scoon:** Point of order, Madam Deputy Speaker, on a point of order.

**Sen. The Hon. A. Ramlogan SC:** No, no, no. What is the point of order?

**Madam Deputy Speaker:** What is your point of order, Member for Point Fortin?

**Mrs. Gopee-Scoon:** 36(5).

**Madam Deputy Speaker:** 36(5)? Member, overruled. Member, you may continue.

**Sen. The Hon. A. Ramlogan SC:** Yes. Thank you very much.

**Hon. Members:** “Not you he talking about.”

**Sen. The Hon. A. Ramlogan SC:** “I doh know.” You know—[*Interruption*]

**Mr. De Coteau:** “Who de cap fit?”

**Sen. The Hon. A. Ramlogan SC:** “Yuh know, I doh know if it falling in somebody garden” but I am speaking about a hypothetical Minister of Government, any Minister, a senior Cabinet Minister.

**Mr. Roberts:** Yes.

**Sen. The Hon. A. Ramlogan SC:** And any Cabinet Minister in any government that summons the editor of a daily newspaper to his or her office to chastise them, berate them, intimidate them, harass them and threaten them—  
[*Interruption*]

**Mr. De Coteau:** “Ah have ah barber shop fuh dat.”

**Sen. The Hon. A. Ramlogan SC:** Because why? They want to complain that the newspaper is not sufficiently profiling the fantastic work they think the Ministry is doing. They want to complain about the fact that when a world leader visits the country, “dey hug dem up and that make front page”—  
[*Interruption*]

**Mrs. Gopee-Scoon:** Madam Deputy Speaker, on a point of order.

**Sen. The Hon. A. Ramlogan SC:**—instead of other issues.

**Mrs. Gopee-Scoon:** Madam Deputy Speaker, on a point of order, 33(4), I am being misrepresented and therefore I reserve the right to speak at the end of this.

**Madam Deputy Speaker:** Member, Attorney General, I have asked you to move on and I want to ask you to continue. Move on, move on to the topic.

**Sen. The Hon. A. Ramlogan SC:** Yes, so, you see, Madam Deputy Speaker, when that kind of situation prevails and people see nothing wrong with it, democracy is in danger. The country has never known before today that that kind of thing took place and it is dangerous. Could you imagine what the population and the other side would be saying if any Minister sitting on this side in the People’s Partnership invited, summoned, whatever euphuism you want to use, that we will invite an editor of a daily newspaper to the Minister’s office to talk to them about profiling the work “they doing”? That is sabotage.

**Mr. Roberts:** Even if we talk.

**Sen. The Hon. A. Ramlogan SC:** Madam Deputy Speaker, I have been asking today, they say—you see they like to blow hot and cold at the same time.

**Mr. De Coteau:** Barbershop styling.

**Sen. The Hon. A. Ramlogan SC:**—they say they cannot support this, drop the jail term, impose a fine.

*Libel and Defamation (Amdt.) Bill*  
[SEN. THE HON. A. RAMLOGAN SC]

Friday, January 24, 2014

**9.45 p.m.**

I asked each speaker today, what fine is the PNM proposing we must hit the media with?

**Hon. Member:** Not one.

**Sen. The Hon. A. Ramlogan SC:** And not a single Member who contributed will tell us what is the fine that the PNM is proposing that we must hit the media with. I asked the Member for Diego Martin Central—[*Interruption*]

**Mr. Roberts:** “Yuh shoulda ask Ramsingh.”

**Sen. The Hon. A. Ramlogan SC:**—well, I will give way. Could you tell now? I am asking you now.

**Miss Mc Donald:** No, no, my contribution finished—[*Inaudible*]

**Hon. Members:** Ohhhh!

**Sen. The Hon. A. Ramlogan SC:** Or I see. I see.

**Mr. Roberts:** “Yuh shoulda ask Ramsingh.”

**Sen. The Hon. A. Ramlogan SC:** I will give way to any Member on the PNM who is prepared to make that inchoate proposal complete and clear. [*Crosstalk*] I will give them the opportunity to make that inchoate proposal complete, by telling us what is the fine that the PNM is proposing to hit the media with and drop the jail term?

**Mr. Roberts:** Ask Ramsingh.

**Mr. Indarsingh:** Who is “dis” Ramsingh character?

**Sen. The Hon. A. Ramlogan SC:** You see, [*Crosstalk*] when they started by saying that this Bill is not important “yuh shoulda bring ah Bill on de environment”—[*Interruption*]

**Mr. Roberts:** Ramsingh—[*Inaudible*]

**Sen. The Hon. A. Ramlogan SC:**—bring “ah Bill” on crime—[*Interruption*]

**Hon. Senator:** That is right.

**Sen. The Hon. A. Ramlogan SC:**—you know, and “dey say dat is right”.

**Mr. Roberts:** Ramsingh is the—[*Inaudible*]

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

**Mr. Indarsingh:** Who is “dis” name being bandied about?

**Sen. The Hon. A. Ramlogan SC:**—that reminds us of the kind of political hypocrisy you encounter.

You know, when we brought the death penalty Bill, “dey say dey support de death penalty, buh dey vote against it”.

**Mr. Roberts:** Ramsingh—[*Inaudible*]

**Sen. The Hon. A. Ramlogan SC:** When we brought the soldier police Bill, to protect citizens, “dey vote against it”; when we brought the electronic monitoring Bill, “dey vote against it”.

**Hon. Member:** Yes.

**Sen. The Hon. A. Ramlogan SC:** When we brought “de DNA Bill, to deal with crime, dey vote against it”. And you know last week we brought the Bail (Amdt.) Bill and “dey vote against it”. And yet still they are the same ones who stand amazingly here and astonishingly say, that, well, “all yuh coulda bring ah Bill on crime, we woulda support it”. You have supported not a single crime-fighting measure brought by this Government to allow the citizens of this country to get a measure of protection. [*Desk thumping*]

Let me call it again: death penalty Bill, “dey say dey support de death penalty, dey vote against it”; soldier-police Bill, “dey say” people being murdered outside, but they will not. [*Crosstalk*]

**Hon. Member:** Who is “dis” drug user?

**Sen. The Hon. A. Ramlogan SC:** “Dey say dat dey” will not support the soldier-police Bill, because why? Soldiers are trained to kill. I do not know if “de bandit dem aiming for people elbow and ankle”. The Bail (Amdt.) Bill, “dey not supporting”; DNA Bill, not supporting; electronic monitoring Bill, not supporting. So when you seek to create the impression—[*Interruption*]

**Mr. Roberts:** Ramsingh—[*Inaudible*]

**Sen. The Hon. A. Ramlogan SC:**—that we are not treating with crime by bringing important Bills—[*Interruption*]

**Mr. Roberts:** Ramsingh—[*Inaudible*]

**Hon. Member:** Coming soon.

**Sen. The Hon. A. Ramlogan SC:**—they are telling, of course—[*Interruption*]

**Hon. Member:** Stay calm.

**Sen. The Hon. A. Ramlogan SC:**—half the truth.

**Hon. Member:** “Doh geh tie up.”

**Sen. The Hon. A. Ramlogan SC:** Now, a legitimate point was made, Madam Deputy Speaker, by my colleague, the Member for Diego Martin Central, and the point made had to do with the—*[Interruption]*

**Hon. Member:** “Who is Ramsingh yuh talking ’bout?” *[Crosstalk]*

**Madam Deputy Speaker:** Member for D’Abadie/O’Meara, please.

**Sen. The Hon. A. Ramlogan SC:** Yes, Madam Deputy Speaker, the point was made by my colleagues that the explosion of Facebook, social media and the use of the Internet—*[Interruption]* Madam Deputy Speaker, really? You know?

**Hon. Member:** No, no, no, no, no.

**Madam Deputy Speaker:** You may continue, Member.

**Sen. The Hon. A. Ramlogan SC:** Yes, thank you very much.

**Dr. Gopeesingh:** The Member for Diego Martin Central, he is upset. *[Crosstalk]*

**Sen. The Hon. A. Ramlogan SC:** The legitimate point was made that perhaps, you know, we should take into account the explosion of social media, the use of the Internet and so on. *[Crosstalk]* Madam Deputy Speaker, this is not the Bill for that, and that is obvious, but I want to reassure the nation, lest they go away with the impression that the Government is not addressing those matters; that the cybercrime Bill under the People’s Partnership which addresses all of that is, in fact, before the LRC as we speak. My colleague, the Member for Toco/Sangre Grande, Dr. Rupert Griffith, has been working assiduously to assist us with bringing that Bill to fruition, and that Bill will be laid during this session. So that the whole question of cybercrime for the first time in this country’s history, will be addressed by a cybercrime Bill brought before this Parliament. *[Desk thumping]*

**Dr. Gopeesingh:** That is right. It is coming. It is coming. That is before the Legislative Review Committee.

**Sen. The Hon. A. Ramlogan SC:** And whilst they speak glibly about why we did not address social media, the Member for Diego Martin Central in the same breath, said that in the Bail (Amdt.) Bill, in the schedule, we put “threatening to



publish with intention to extort” and he does not know why that is there. You know why that is there? It is there because of the very points he mentioned, because on social media now, there are people who have all sorts of compromising pictures in—young schoolgirls even BBM a picture to their boyfriend, WhatsApp it to them, and they are now being threatened, they are being backmailed, their parents and so on, and they are threatening to extort money or else they go viral with it. So that measure is put there because in part, of that kind of misuse and abuse of technology and the Internet—[*Interruption*]

**Dr. Griffith:** You call it Internet bullying.

**Sen. The Hon. A. Ramlogan SC:**—the Internet bullying that is taking place. That is why the cybercrime legislation which will come is so important.

Now, Madam Deputy Speaker, the Member before who was my colleague for Chaguanas West, spoke about the need for consultation. I want to assure this House that at every step of the way, the Trinidad and Tobago Publishers and Broadcasters Association was consulted on this measure, and the IPI and the TTPBA were instrumental in the dialogue that led to the bringing of this Bill, Madam Deputy Speaker. [*Desk thumping*]

**Hon. Member:** Yeah.

**Sen. The Hon. A. Ramlogan SC:** In fact, I want to pay tribute to the former president of the Trinidad and Tobago Publishers and Broadcasters Association, Miss Kiran Maharaj, together with the IPI Executive, who visited my office on several occasions and were very, very involved in this Bill. So the idea that there was not sufficient consultation is just not on.

Madam Deputy Speaker, the Member for Chaguanas West, of course, raised the issue; he said he supported the Member for Port of Spain South in the idea that the fine should be imposed, and he said because the poor man really will not benefit by the abolition of this law because they all say in one breath, you have to go for a civil remedy and it is costly. Madam Deputy Speaker, I want to tell you something, if the poor man is defamed, “yuh really think he want to go to police to have ah prosecution and ah conviction”?

**Hon. Member:** “Ah poor man doh”—[*Inaudible*]

**Sen. The Hon. A. Ramlogan SC:** “Ah” poor man is not concerned with that you know, because if the offender is prosecuted, locked up and fined, how is that going to benefit the poor fella? You know what he wants? He wants monetary

compensation. He wants that vindication, and that is why they pursue the civil remedy like the Member for Tabaquite has done against the Member for Chaguanas West.

**Hon. Member:** Did he pay “de money”?

**Sen. The Hon. A. Ramlogan SC:** That is what happened. [*Crosstalk*] So the idea that somehow, you know, that happens and you will be able to help the poor man; that is not on. I also listened to the Member for Chaguanas West make some more outlandish and outrageous allegations, saying that he, when he was in the Government, was part and parcel of seeing which “Ministry publishing which ad” in the newspapers, so that he could comment about it, and select adversely on them. You know, Madam Deputy Speaker, it is high time that people start standing up and calling “ah spade, ah spade”, because that kind of hypocrisy cannot go unnoticed anymore. You cannot say as a Member of Parliament, assuming that what you are saying is correct, which it is not—and I say that for the record—that when you were in Government you were doing all these bad things, you never “see anything wrong with it”, “yuh doh say boo”, but now all of a sudden, as a backbencher, you could come out and make all these wild allegations.

But let us listen to the allegations not just made by him, but by one Member on the Opposition. The allegation is that the Government advertising, they want us and they say—I think the Leader of the Opposition raised it, the *Mirror*, “yuh eh advertising with de *Mirror*.” You know, Madam Deputy Speaker, I want to tell you, the *Mirror* newspaper sent a freedom of information application to my Ministry. They claimed, they said they wanted to launch a discrimination case because we were not advertising with them, and we were advertising elsewhere. I sent it to the Permanent Secretary, and the Permanent Secretary brought back—I asked for the last 10 years, tell me “how much ads” were placed and where they were placed. “Yuh know” when it came back, for the last 10 years in the Ministry of the Attorney General, not a single ad was placed with the *TNT Mirror*. Not one!

**Hon. Member:** “Yuh” discriminating now.

**Hon. Member:** So “yuh” discriminating now. [*Laughter*]

**Sen. The Hon. A. Ramlogan SC:** So I took that response and I shared it with them. I wrote them back and I said: well, I would love to see you prove discrimination because in the last 10 years, the Ministry of the Attorney General “eh put ah single ad in de *Mirror*”. So what the PNM did not do, they want to come to force the People’s Partnership to do.

When the hon. Member for Diego Martin West was speaking, he did not condescend to say that the PNM, when they were in Government, used to advertise with weekly newspapers, but he gets on a high horse to condemn and criticize this Government for not advertising with the *TNT Mirror* newspaper.

**Mr. Roberts:** “All dey advertisement is with 95.5.”

**Sen. The Hon. A. Ramlogan SC:** That is correct, all their advertisement was going on one station. But you know, Madam Deputy Speaker, I want to say on a serious note, no Government, no Government, in this country, has ever taken a policy decision for the Ministries and the State generally to advertise with weekly newspapers. I mean, if that is the case, there will be “ah mad rush to advertise with de *Sunday Punch*”. Who knows? [*Laughter*] I mean, how do you discriminate to choose which one? I want to ask the question, when the Member for Diego Martin West was the Minister of Planning, did he advertise with Sat Maharaj’s *Bomb* newspaper? Did they advertise with the *Blast* newspaper?

**Hon. Member:** No, he “gih” Rahael—[*Inaudible*]

**Sen. The Hon. A. Ramlogan SC:** Did they advertise with Radio Jaagriti? Did they advertise with the *Sunday Punch*?

**Mr. Roberts:** “No, he advertise with Rahael.”

**Sen. The Hon. A. Ramlogan SC:** Those are all weekly newspapers. So if you are going to take “ah position, dat de Government” should be criticized for somehow not advertising with the weekly newspapers, if they are going to take that position, then they must come clean and say that historically, the State has not had a policy of advertising with the weekly newspapers, and it is no different under this administration. So when they come to play pope all of “ah sudden, dey mus remember” their past.

Madam Deputy Speaker, on September 27 in the *Trinidad Express* newspaper, the headline screamed:

“JACK ATTACKS MEDIA”

Called the media deceitful, et cetera. On November 27, 2012:

“Warner promises legal attack on ‘PNM media’”

On October 11, 2012:

“Jack Warner bans publication of Trinidad crime statistics

Former Fifa vice-president turned security minister accused of violating freedom of information laws and overstepping authority.”

*Libel and Defamation (Amdt.) Bill*  
[SEN. THE HON. A. RAMLOGAN SC]

*Friday, January 24, 2014*

I “doh even” want to go into the details of these articles, but I am not prepared to allow the Member for Chaguanas West to come here, and to stand and hypocritically make accusations and hurl all sorts of allegations against the Government, [*Desk thumping*] and stand there as if he is the Pope. He has absolutely no moral authority and no political credibility to throw those kinds of barbs at the Government.

**Hon. Member:** No ethical foundation.

**Sen. The Hon. A. Ramlogan SC:** There is no ethical foundation whatsoever, and he must remember his own recent political past.

Madam Deputy Speaker, you see, the Member for Diego Martin Central spoke about the insurance. I think it was the Member for St. Joseph, he spoke about the media houses getting insurance, and he said it is so simple. The Member for St. Joseph said “it so easy” to do, US \$500 and “dey” get insurance. Madam Deputy Speaker, I want to tell you something. When I was in private practice I had professional indemnity insurance, and you could not even get that for US \$500 in Trinidad and Tobago. And he gives the misleading impression that in Trinidad and Tobago, you have all these media houses and they are owned by big conglomerates, they are all owned by big businesses and they are listed on the Stock Exchange; they have deep pockets.

You know who we are concerned about? That is the only media that exist in the country for them, so “it have no problem” with leaving this law and letting them take out insurance. “You know who we concerned about?” The indigenous media in this country, the local man and woman, the local entrepreneurs who “eh know nuttin ’bout stock exchange, but know about trying to give de people on de ground ah voice”. We know about Caribbean Lifestyle Communications. We know about Music Radio 97 and Radio 90.5. We know about Hans Hanoomansingh’s Radio Heritage. We know about WIN Radio. We know about 97.5 Hot Like Pepper. We know about Radio Tambrin in Tobago. You “gonna tell” Radio Tambrin in Tobago, take out media insurance coverage? We know about 91.9, Iwer George, “ah calypsonian” owning “ah radio station”. Iwer must go and take out media insurance, protection and coverage? That is the suggestion coming from the PNM. Let us get it clear.

**Hon. Member:** Shame!

**Sen. The Hon. A. Ramlogan SC:** 90.1, we must tell Kenny Phillips, we must tell our brother Kenny Phillips, an artiste who has been struggling and developing this country, we must tell poor Kenny Phillips, he must go and take out media, international, insurance coverage.

**10.00 p.m.**

We must tell the Christian community that has Radio Isaac 98.1—we must tell them that the pastor and “dem must now take money out ah de lil offering” and go—and instead of preaching the word of the Lord and Saviour, they must take that money—and take out media protection and insurance coverage because the PNM say that must come before the word of the Lord.

**Hon. Member:** “You sound like an Acolyte man.” [*Laughter*]

**Sen. The Hon. A. Ramlogan SC:** Yes. We must tell Toco Radio 106.7—we must tell the people of Toco that they must “chee chee up dey lil money—throw ah lil sou sou” and get money to take out international media protection insurance coverage because the PNM say so. That is the suggestion, as absurd and ludicrous and outrageous as it sounds—coming from the People’s National Movement.

You see, then the Member for Diego Martin Central—no the Member for St. Joseph, again spoke about—he said, “The common law defences were too elastic”, and he said, “We should have a defence of truth available.” Madam Deputy Speaker, there already exists a defence in the law of defamation for truth, it is called justification. I know the Member for St. Joseph has not yet been to law school, but he has an LLB degree, and I would have expected him to, at minimum, know that in the tort of defamation, at common law, you have the defence of truth open to you at any point in time.

**Hon. Member:** Poor fellow.

**Sen. The Hon. A. Ramlogan SC:** And the reason for that is the jurisprudential philosophy that the law of defamation is based on, is that a man is not entitled to a character that he does not, in fact, truthfully possess. So the defence of truth and justification is always available. So when they make misleading statements that misinform and miseducate, I have to clarify it. I ask again, when they speak about the media and they say, “This country does not have a problem, nobody eh geh lock up”, as I said, every country where journalists have been charged and prosecuted, until the first person was charged, they would have been singing the same tune; the same tune. You see, it is precisely because of the kind of experiences we had in this country.

You know, Madam Deputy Speaker, I remember fondly, the memories growing up with my grandfather and my father, when in the evening “dey will wait with dey lil transistor radio”, and they will wait patiently for Pat Mathura to

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come on with the Gitanjali—a garland of oriental melodies coming to you with the kind compliments of Ramesh and Leela Supermarket corner Boundary Road and San Juan”. [*Desk thumping and laughter*]

**Hon. Member:** Well said.

**Sen. The Hon. A. Ramlogan SC:** And you had to—they will wait patiently for that six o’clock because that was the only hour of Indian radio programming they could get on that transistor radio, and they would wait for it; they would wait for it. [*Crosstalk*] But you see, Madam Deputy Speaker, together with that— [*Crosstalk*—that is what you had on radio. That is all. I mention that because the history of the evolution of the media under the rule of the PNM is such that they refused to allow—for almost 30 years—a radio licence to be granted so that you could have an Indian radio station. That is a fact.

It was when Prime Minister ANR Robinson came into power, under the NAR administration, that Mr. Arthur Napoleon Raymond Robinson said that that was oppressive, and he will grant a licence, and they said it will divide the country—“Yuh cyar have ah Indian radio station playing Indian music full time. That lil one hour with Pat Mathura is enough. Whey dey want, dey want to take over de country.” That was the attitude. [*Crosstalk*] Today, Madam Deputy Speaker, we have about four or five full-time programming Indian radio stations. You have full-time Christian, full gospel, evangelical stations; Radio Isaac and others.

You have them on television with Win TV; you have them with IBM with the Muslim community; you have across the length and breadth of this country diversity in a country, and the potpourri of our country is now being reflected and manifested in the media. And had the PNM been in power that would not have been possible; that would not have been possible.

**Mr. Roberts:** I shall advise them on the facts.

**Sen. The Hon. A. Ramlogan SC:** When the Members for St. Joseph and Diego Martin North/East— [*Crosstalk*]

**Mr. Imbert:** I beg to move.

**Sen. The Hon. A. Ramlogan SC:**—say that public officials such as us—that we must be careful, we have to protect ourselves. And she says, “public officials are treated differently”—the Member for Port of Spain/South, she said “public officials are treated differently, there is a higher standard of proof.” Madam Deputy Speaker, I want the country to understand what the PNM is saying here today. The Member for Port of Spain South says that there is a higher standard of proof for public officials.

Madam Deputy Speaker, that is seeking to elevate MPs and government officials and public officials, to elevate them to a higher standard away from the ordinary man, so that to defame a Government Minister or a Member of Parliament, there is a higher standard of proof. That will not only violate the constitutional right to equality of treatment, but it will violate the constitutional right to equality before the law and equal protection of the law.

**Hon. Member:** Nonsense!

**Sen. The Hon. A. Ramlogan SC:** You cannot have a higher standard of proof in a court of law for one category of citizens. That is unheard of. Nowhere in our criminal laws; absolutely nowhere—and I challenge them to show me and cite a single criminal law where you have a different standard of proof for any public official—but what they are saying, they are trying to erect barriers whilst we are trying to pull down barriers. [*Crosstalk*]

You see, the Member for Port of Spain South said and I quote—she said that if this were to happen, she said the press, the media, if this becomes law, will become—“unbridled, unfettered and uncontrollable”. I really do not see how that quantum leap of logic is possible. I really do not see. To say that we must be so self-serving that we must lift the bar to ring-fence ourselves with a higher measure of political and legal protection that is not open and available to the ordinary man in the street, it is high-class political hypocrisy, and the People’s Partnership will have none of it. [*Desk thumping*] We say we are connected to the man in the street, we want to be judged by the same level and same standard and we stand by that.

**Dr. Gopeesingh:** To the ordinary man.

**Mr. Imbert:** You go ahead.

**Sen. The Hon. A. Ramlogan SC:** You see, they are so far removed from the ordinary man in the street, they want to continue to elevate and float; continue to elevate and float.

Madam Deputy Speaker, they then asked why we are repealing one section and not the other. The answer is pellucidly clear. Section 9 which we are abolishing, Madam Deputy Speaker, as the member for Port of Spain South outlined during her contribution, the section we are repealing states that if any person maliciously publishes any defamatory libel, they will be liable to a fine and imprisonment of one year. Now, as the Member for Port of Spain South, quite rightly said, that captures the journalist—not only journalist and I want to make

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this point, this is not only about journalists—“it could be your neighbour who defamed yuh; it could be yuh pastor”. It could be anybody. It captures someone, to quote her words, “who has indirect intention, who negligently or inadvertently defames you”.

So someone in the media or someone else at large in society, inadvertently or negligently or with indirect intention, they defamed you, and that person will be able to go to jail for a year because of that, and they see nothing wrong in leaving that law there. They want to keep it.

Madam Deputy Speaker, we say we will repeal that law, but we will leave for the protection of citizens in this country, including we who sit here, section 8 which states that:

“If any person maliciously publishes any defamatory libel, knowing the same to be false”—and those are the operative words, knowing the same to be false you are—“liable on conviction to...two years and to pay such fine...”

Madam Deputy Speaker, they ask the question—they propose a fine. This amorphous ill-defined fine that they are not prepared to state for the national community; they are not prepared to share with us; they are making—this is the first time in the history of Parliament that the Opposition is proposing an amendment, but they are keeping it secret to “dey” self alone.

**Dr. Gopeesingh:** No solution.

**Dr. Moonilal:** What fine is that?

**Sen. The Hon. A. Ramlogan SC:** They are proposing an amendment, but they are proposing it to the law that we are making in the full glare of public scrutiny, but they are keeping it to “their self”; it is a secret amendment. So history is being made here today where for the first time, anywhere in the world, in a functioning parliamentary democracy in a maturing society, the Opposition is proposing an amendment that they want to keep secret because, why? They know that they cannot say what is the fine that they wish to hit the media houses with because they know that the media itself will not take kindly to that, so they want to blow hot and cold, at the same time, and they want to pretend that they are media savvy and media friendly while, at the same time, what they want to do is twist “de dagger” in the back and spine of the media.

**Mr. Imbert:** How much is the fine in section 8?

**Dr. Gopeesingh:** “Play mas and fraid powder.”



**Mr. Imbert:** How much is the fine in section 8?

**Sen. The Hon. A. Ramlogan SC:** You see, Madam Deputy Speaker, they then quote—one can understand why—and they say that the media—[*Crosstalk*—the Member for Diego Martin North/East, they say nobody has been consulted from the media; it rang hollow.

**Mr. Imbert:** Who said that?

**Sen. The Hon. A. Ramlogan SC:** They are all saying no consultation.

**Mr. Imbert:** I never said that.

**Sen. The Hon. A. Ramlogan SC:** The Member for Diego Martin North/East excepted.

**Mr. Imbert:** Never said that!

**Sen. The Hon. A. Ramlogan SC:** No consultation they say. Madam Deputy Speaker, I have not seen a single article, letter or anything in the media to say that anybody disagree with this. They are the only ones who disagree with this. In fact, permit me to quote from the very media that they claim we did not consult. Let me quote from the *Guardian* editorial.

**Mr. Imbert:** I never “say” anything about that.

**Sen. The Hon. A. Ramlogan SC:** “Criminal libel and outdated concept” January 21, 2014.

**Mr. Imbert:** Who “write” that?

**Sen. The Hon. A. Ramlogan SC:** Madam Deputy Speaker, it says and I quote:

“As an MP Mr. Imbert is able to take full advantage of the complete freedom of speech available to members as part of parliamentary privilege.”

**Mr. Imbert:** I was elected.

**Sen. The Hon. A. Ramlogan SC:** We know that only too well. We are the painful recipients and victims of that.

“The media do not enjoy such licence, but are governed by laws which are unreasonably and unnecessarily harsh and archaic.”

**Mr. Imbert:** Who elected them?

**Sen. The Hon. A. Ramlogan SC:** Sorry?

**Mr. Imbert:** Who elected them?

**Sen. The Hon. A. Ramlogan SC:** He asked who elected the media.

**Mr. Imbert:** That is Panday. That is a direct quote from Panday.

**Sen. The Hon. A. Ramlogan SC:** You know, you see, Madam Deputy Speaker, that is their attitude; “who elected them?”

**Mr. Imbert:** Direct quote from Basdeo Panday.

**Sen. The Hon. A. Ramlogan SC:** They then go on to say:

“Contrary to the belief of the conspiracy theorists who abound in T&T...errors made by the media are not due to fiendish plotting and scheming...but to genuine mistakes, misinterpretation, or lack of information, which are often due to the outright culture of secrecy among public officials.

Criminal libel is an outdated legal concept which T&T and other Caribbean countries inherited from their former colonial rulers. It has no place in a progressive 21<sup>st</sup>-Century society that upholds a free press.”

Madam Deputy Speaker, only in January of this year, the Prime Minister of Great Britain held a dinner for Westminster correspondents and resumed an ancient practice and this is what he had to say. He said:

“...the British Press and the political Press has a vital role to play in our country...

Rowdy, tenacious, uncontrollable, skeptical, often uncomfortable for us as politicians, British political reporting is deservedly respected around the world for the way it probes, inquires and scrutinises.

“These”—are the—“lynchpins of our democracy.”

**Mr. Imbert:** Who said that? Tillman!

**Sen. The Hon. A. Ramlogan SC:** This is Mr. David Cameron.

“Addressing a Westminster correspondents’ dinner in the House of Commons—held for the first time since 1974—the Prime Minister gave a self-deprecating speech about his various encounters with journalists.”

Madam Deputy Speaker, as from 1974—2014, a practice resumes out of recognition for the importance of the role of the media in a parliamentary democracy, one to which our umbilical cord was tied until recently.

And, Madam Deputy Speaker, therein lies the importance of the media in our democracy. It is recognized the world over, and the Opposition here today states boldly and unashamedly that we should leave this on the books because as far as they are concerned no one elected the media. They seem ignorant of the role of the fourth estate to act as a natural intellectual audit and check and balance on the exercise of power by the State, the Government and, indeed, the Opposition.

**10.15 p.m.**

Madam Deputy Speaker, everyone on this side, we have been the victims of stories in the media that we may not agree with. I personally have been. They have written a lot of things that are completely false and inaccurate.

**Hon. Member:** And they will write a lot more.

**Sen. The Hon. A. Ramlogan SC:** And they will write a lot more, but that is their right.

**Hon. Member:** “Eh-heh.”

**Sen. The Hon. A. Ramlogan SC:** That is their right. If I feel sufficiently aggrieved, I will sue, but by and large, there must be a certain measure of latitude and elasticity to characterize the tense relationship that must healthily exist in a functioning democratic society between the media and the Parliament, the media and the Government.

So, I know that I am not impervious to criticism, but at the same time I know that we all have our rights intact to sue, every citizen, to sue for defamation if we so desire. But in the meantime, whether we agree or disagree with what the media has to say, it is our solemn duty and our solemn oath that we took, without fear or favour, to not fear the media, but to be fair to the media, [*Desk thumping*] and that is why we must give them our support to let them do their work. We can have regulation of the media, because they themselves, they have their internal controls and mechanisms. When it breaks down we have the Supreme Court of Justice; we can go there.

The Member for Diego Martin North/East is a frequent litigant in the courts.

**Hon. Member:** Serial litigant.

**Sen. The Hon. A. Ramlogan SC:** A serial litigant. We will have to put his face in another Spider Man outfit, [*Laughter*] in something else. He too short to be put in a Spider Man outfit; Spider Man might sue for defamation. [*Laughter*] That will be superhero the “Almighty Spranger”. [*Laughter*]

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But, Madam Deputy Speaker, you see we cannot sit here and be politically selfish and say that we must leave laws because it will give us protection.

**Hon. Member:** Why not?

**Sen. The Hon. A. Ramlogan SC:** The protection which we seek is protection from the people's right to know, and we do not want that kind of protection. We recognize their right to know, we want them to know because the truth shall always prevail. [*Desk thumping*]

**Hon. Member:** Yeah. Yeah. Yeah.

**Mr. Imbert:** [*Inaudible*] about Spider Man.

**Sen. The Hon. A. Ramlogan SC:** It is in the murder/hacking scandal in the Leveson report, at page 56, Judge Brian Leveson said, and I quote:

“A free press is the unsleeping guardian of every other right that free men prize; it is the most dangerous foe of tyranny. ...Under dictatorship the press is bound to languish,...But where free institutions are indigenous to the soil and men have the habit of liberty, the press will continue to be the Fourth Estate, the vigilant guardian of the rights of the ordinary citizen.”

A quote from no less a person than the great Winston Churchill.

Today in the Parliament [*Crosstalk*] we saw how the PNM operates when it comes to freedom of expression when they try to use their parliamentary majority to shut down—their parliamentary majority on the Opposition Bench. They tried to use their vote to shut down my colleague, the Member for Caroni East, and to curtail his contribution, even in the Parliament. You see, Madam Deputy Speaker, they seem intent as it were on maintaining the position they have had throughout their tenure, which is one that is anti-media.

**Hon. Member:** Through decades.

**Sen. The Hon. A. Ramlogan SC:** The IPI, the International Press Institute, has issued a press release today, Madam Deputy Speaker, and the press release is on the Internet, and it reads—Vienna, January 23, 2013:

“The International Press Institute (IPI) urged Trinidad and Tobago's House of Representatives to pass a bill that would partially decriminalise defamation.”

The Member for Diego Martin North/East said they can jump in a lake.

**Mr. Imbert:** Yes they can.

**Sen. The Hon. A. Ramlogan SC:** And he said, “Yes they can”. So he says to the International Press Institute, “Go jump in a lake”.

**Mr. Imbert:** Yes.

**Sen. The Hon. A. Ramlogan SC:** That is the attitude of the PNM, [*Laughter*] and they want to present themselves as a credible alternative Government to the people of this country. [*Interruption*]

**Hon. Member:** And he is a Minister of Government for years.

**Sen. The Hon. A. Ramlogan SC:** Shame!

**Hon. Member:** Shame!

**Sen. The Hon. A. Ramlogan SC:** Shame!

**Hon. Member:** He has been a Minister of Government for years.

**Sen. The Hon. A. Ramlogan SC:** It is disrespectful of the International Press Institute.

**Hon. Member:** Yes. Yes.

**Mr. Imbert:** They are disrespectful of me. [*Laughter*]

**Sen. The Hon. A. Ramlogan SC:** Everybody disrespectful of you.

“The International Press Institute (IPI) urged Trinidad and Tobago’s House of Representatives to pass a bill that would partially decriminalize defamation.

The bill underwent a second reading”—on Friday—“and further debate is scheduled...”—for tomorrow, today. [*Crosstalk*]

“Members of the House of Representatives in Trinidad and Tobago should approve this bill, which will bring the country’s laws more closely in line with international standards on libel law,”—says—“IPI Executive Director Alison Bethel McKenzie...”

Madam Deputy Speaker, she goes on to say:

“More importantly”—

This is an international institution where journalists and editors from all over the world—and they then continue to say:

**Madam Deputy Speaker:** Hon. Member. [*Interruption*]

**Hon. Member:** Wrap up.

**Hon. Member:** Wrap up, “nah”.

**Madam Deputy Speaker:** Hon. Member,—[*Interruption*]

**Sen. The Hon. A. Ramlogan SC:** “I will wrap all yuh up like a gift.”

**Madam Deputy Speaker:**—the speaking time of the Attorney General has expired.

*Motion made:* That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. A. Roberts*]

*Question put and agreed to.*

**Madam Deputy Speaker:** Attorney General, you may continue.

**Sen. The Hon. A. Ramlogan SC:** I am grateful, Madam Deputy Speaker. [*Desk thumping*]

**Dr. Gopeesingh:** Come on AG.

**Sen. The Hon. A. Ramlogan SC:** The IPI Executive Director says, and I quote:

“More importantly, it will increase safeguards not only for press freedom in Trinidad,”—and Tobago—“but also for the freedom of all Trinidadians to publicly express their views and opinions, thereby strengthening democracy and transparency.”

So that is an international organization speaking about the importance of this measure, and the response from the Opposition is to tell them go jump in a lake.

Madam Deputy Speaker, we stand here very proud, and the Member for Diego Martin Central says that this was a promise made by the Prime Minister—[*Interruption*]

**Mr. Imbert:** Was?

**Sen. The Hon. A. Ramlogan SC:**—so we must now conform. I want to say, we stand here as proud Members of the People’s Partnership administration to lend our support to this measure because we are equally committed as our Leader and Prime Minister, the Member for Siparia, to the question of press freedom and to the whole issue of transparency and fairness in the practice of journalism.

We are proud to have a political leader and a courageous Prime Minister who can make such a public commitment on behalf of the Government that she leads on behalf of the people of this country to bring us in line with international best

practice. Grenada has abolished it, Jamaica has abolished it, Antigua and Barbuda is set to abolish it, but our Opposition here in, Trinidad and Tobago, the leading light in the Caribbean, we must remain languishing in the darkness, 169-year-old law.

Madam Deputy Speaker, in closing, I wish to say, that however strongly we may feel about what the media has published about us, we have a solemn duty and oath to support the free press in the interest of democracy, and in the interest of freedom of thought and expression and transparency. As Voltaire said:

“I do not agree with what you have to say, but I’ll defend to the death your right to say it.”

I beg to move, and ask for support.

**Hon. Member:** Yes. [*Desk thumping*]

**Hon. Member:** Well done, AG!

**Hon. Member:** Very good.

**Mr. Imbert:** What good about it? [*Crosstalk*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Question put and agreed to:* That the Bill be reported to the House.

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

#### ADJOURNMENT

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, I beg to move that this House do now adjourn to Friday, January 31, 2014 at 1.30 p.m., and by mutual agreement we have agreed with the Opposition that we would use Friday 31 for Private Members’ Day, and I would ask the Opposition Chief Whip to indicate the nature of our business on that day. I beg to move.

*Adjournment*

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**Miss Mc Donald:** Madam Deputy Speaker, I hereby give notice to the Government Bench that on January 31, 2014, next Friday, Private Members' Day, we would be looking at Motion No. 4 under Private Motions.

**Hon. Member:** Crime.

**Miss M. Mc Donald:** The one on crime.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 10.38 p.m.*