

*Leave of Absence**Tuesday, August 27, 1991***SENATE***Tuesday, August 27, 1991*

The Senate met at 10.00 a.m.

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

Mr. President: Honourable Senators, I have granted leave of absence to Sen. Wade Mark for approximately one week with effect from August 25, 1991.

SENATOR'S APPOINTMENT

Mr. President: I have been advised that his Excellency the President has appointed Mr. Ramesh Lawrence Maharaj to be a temporary Senator with effect from August 26, 1991 during the absence of Sen. Wade Mark.

I have also been advised that his Excellency the President has appointed Mr. Guy Hannays to be a temporary Senator during the absence of Sen. Amrika Tiwary from the country.

Before I sit, I would like to bring your attention, the fact that we have with us today, in the public gallery, a number of young persons involved in the President's Award Scheme. They have just returned from Dominica, where I understand, they did our country proud.

I would like you all to welcome them.

[Applause]

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Ramesh Lawrence Maharaj, Guy Hannays.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

**Faculty of Medicine
(Tuition Fees)**

50. Could the Minister of Education state the rationale for the similarity of tuition fees which exist for both Caricom and non-Caricom students at the faculty of Medical Sciences at the University of the West Indies, Mount Hope?

**Medical Programme
(High Cost)**

51. Is the Minister of Education aware of the fact that the high cost of the medical programme at the Faculty of Medical Sciences Mount Hope, is creating a further division with respect to the accessibility of education and training between the higher income earners and those in the lower income categories?

**Community College
(Establishment of)**

52. Could the Minister of Planning and Mobilization state:
- (a) To what extent is Government serious about the establishment of the proposed Community College?
 - (b) If the Government is serious about the College's establishment, could the Minister indicate what financial allocation has been made, if any, by the Government to facilitate the establishment of the proposed Community College?

Sen. Dr. Prakash Persad: Mr. President, Sen. Wade Mark is away and he has indicated that he would prefer to receive the replies himself. I kindly request that the questions be deferred.

Questions, by leave, deferred.

BUSINESS OF THE SENATE

Sen. Alloy Lequay: Mr. President, in accordance with Standing Order 20, today is Private Member's Day but it was agreed by the Senate at our last sitting that we would defer Private Member's Day and to proceed with the other items on the Order Paper.

Mr. President: Hon. Senators, we would now proceed with what appears as motion number 9 on page 5 under "Private Business" in the name of Sen. Felix Rampersad.

LIONS CLUB OF VALSAYN (INC'N) BILL

Adoption

Sen. Felix Rampersad: Mr. President, I beg to move, that the Senate adopt the report of the Special Select Committee of the Senate appointed to consider and report on a private bill for the incorporation of the Lions Club of Valsayn and for matters incidental thereto.

Lions Club of Valsayn (Inc'n) Bill

Tuesday, August 27, 1991

Your committee was appointed on Wednesday, July 31, 1991 and held one meeting on August 13, 1991. The committee examined the promoters representing the organization who were: Mr Anthony Gafoor, Mr. Herman Persad and Mr. Ramesh Persad-Maraj.

From the oral evidence taken, the committee was satisfied as to the facts and allegations presented and any doubts held by the committee were dispelled. We made several amendments to the bill, which were accepted by the promoters.

The committee accordingly recommends that the bill be accepted by the Senate, subject to the amendments listed in the Appendix.

I beg to move.

Seconded by Sen. Fyard Hosein.

Question proposed.

Question put and agreed to.

Report adopted.

Question put and agreed to, That the bill be now read the third time.

Bill accordingly read the third time and passed.

SATYA KABIR NIDHI (INC'N) BILL

Question put and agreed to, That a bill to provide for the incorporation of the Satya Kabir Nidhi of Trinidad and Tobago and for matters incidental thereto, be now read a second time.

Bill accordingly read a second time.

Bill referred to a special select committee of the Senate appointed by the President as follows: Sen. L. Bradshaw (Chairman), Sen. N. Bhagan, Sen. G. Furness-Smith and Dr. P. Persad.

10.10 a.m.

LAND ACQUISITION

The Minister of Planning and Mobilization (Hon. Winston Dookeran):
Mr. President, I beg to move,

That this Senate approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

Land Acquisition
[HON. W. DOOKERAN]

Tuesday, August 27, 1991

The land in question deals with Cuffie River Road situated at Runnemedede in the parish of St. David in Tobago, for the purpose of the construction of a roadway in order to accommodate vehicular traffic. The appropriate notices and all the necessary arrangements have now been completed. There is no question as to the public purposes intended.

May I inform Members of the Senate that on various occasions, I had indicated that specific steps were taken in this regard and the Government had to tackle the problems from the roots. I appreciate the comments which have been made in this regard over the years and I will continue to update the Senate as to steps that are being taken as we see the realization of these plans. What is very clear is that the specific measures which are now put into place have already begun to reap rewards in a problem of inheritance, that hon. Members are well aware, which have been created by the non-performance of a system of a critical nature to satisfy the public interest, and based on our own recognition that land which has been acquired, ought to be dealt with speedily, efficiently and in a manner that will always satisfy the claimants.

I assure the hon. Senate that with respect to land, new acquisition matters which have started after 1986, that system is in place and we are still grappling with the backlog, but we have gone a long way in bringing it to where we are today. I hope that I have given the assurances to the Senate in terms of what has been taking place and that we would have accurate information coming from the hon. Members when these matters are debated in the future.

Sen. Horne: Mr. President, the usual interest rate paid on land acquisition matters was six per cent. I am presuming that has been raised and brought in line with what is really due today. Could the Minister state whether matters which are outstanding since the 1960s, will be paid the new rate?

Mr. Dookeran: The question of interest rate is prescribed in the current legislation before us, that is the Land Acquisition Bill, which now governs our operation and it is prescribed in that legislation as six per cent in the legislation before us and has been maintained. That is legislation which will be subject for discussion at some later stage. As such, we have been honouring the existing legislation on this matter.

This is a matter which we will discuss as we finalize the arrangements and there are substantial reasons why one may have to include these specific provisions in the new legislation before us.

I beg to move that the Senate approve the decision to acquire the land as specified in the Appendix in this Order Paper.

Question proposed.

Sen. Dr. Prakash Persad: Let me welcome the hon. Minister of Planning and Mobilization to the Senate. We on this side have no problem with land which is being acquired for public use. We agree, but as the Minister pointed out, the land acquisition is being streamlined. On the last occasion I had asked the Minister a question and I had hoped that this time he would give me a rational answer.

Out of 17 pieces of land for the purpose of building roads in Trinidad and Tobago, why is it all of a sudden four pieces have been acquired? Tobago has been neglected and one would expect some measure to be taken. There are counties in other parts of Trinidad which need roads. Maybe the Minister could tell me why is it for 1989 Tobago got the amount allotted as opposed to county Caroni. A constant pattern is being developed. I reiterate, we have nothing against Tobago being developed. It is part of Trinidad and it is our sister isle, but not that one-sided approach. I hope that the Minister can shed some light. I thank you.

Sen. Dr. Krishna Bahadoorsingh: Mr. President, as you are aware, I am most interested in land acquisition and the draft bill is out for public consideration. I will be grateful if copies can be circulated in the Senate on lands which are being acquired in Trinidad and Tobago. So often people do not see them and I have constantly asked that the land surveyed be made available, so at least people can get the documents. I would like to know what is the financial status and how much is owing to people for lands which have already been acquired.

10.20 a.m.

It is good news that the Minister has brought the bill for comment. Earlier on this year, February 5, 1991, the Minister, in this very place mentioned that the draft was being prepared for public comment and now, today, August 27, 1991, I am happy to learn that the bill is indeed out for public comment. It is unfortunate that we have not received copies as yet. However, I am sure it is a procedural matter and we would receive copies in due course in order to make comments.

The main reason for mentioning these few events is to emphasize and underscore the problems that we face in a developing country insofar as getting things done is concerned. The wheels of bureaucracy tend to move much too slowly in this country in order for us to develop our country economically in the way we would like.

Land Acquisition
[SEN. BAHADOORSINGH]

Tuesday, August 27, 1991

Mr. President, in making these very brief comments, I am not in any way trying to chastise the Minister because on many occasions I have complimented him. He has been the only Minister who I could recall has taken upon himself to do something about land acquisition. I believe some time ago I reminded him that 15 years ago I became a Senator and for 15 years I have been speaking the way I am speaking now. Sen. Horne has taken it upon herself to make the land acquisition system part of her interest as a Senator.

I urge the Minister, that given the slowness with which events move, to pay a little bit more attention insofar as getting this bill out, having the comments, and perhaps getting it passed as early as possible. I think it would redound to his glory and benefit and to the benefit of the country, if this were to happen.

Lastly, Mr. President, I refer to a newspaper clipping dated Wednesday, May 23, 1990, which was the day after we met in the Senate. It was mentioned in the Senate that there were approximately 1265 acquisition matters outstanding. I would like to ask the Minister in his reply, if he does have the information, of the 1265, how many of those would have been taken care of as of today's date?

Sen. Moonan: Mr. President, when land is acquired, is there a system to pay for the land? If his ministry acquires land does one have to go to another department to be paid?

The Minister of Planning and Mobilization (Hon. Winston Dookeran): Mr. President, you will recollect that some time ago in the Senate I had outlined a number of steps that were being taken to deal with this very thorny issue of land acquisition and at that time I indicated the complexity and the size of the backlog problem that had developed over the years. In moving the specific land acquisition matter today, I was careful to point out that the proceedings for acquisition commenced in 1974 and that by 1986 there was a substantial backlog that had accumulated and that the system to deal with this matter was fraught with substantial obstacles and non-performance, one of which was the very bill itself and the processes that needed to be followed under the legislation that is currently in place. Therefore, the Government decided that it needed to tackle its problems at its roots and decided to look at a new framework for the legislative apparatus that will remove many of the delays that are endemic in the current legislation. It is now at a stage where the complexity of this issue has gone through many processes and there is today such a bill which I hope will be a major step in dealing with the processes so that the delays would be eliminated. What we have here today is a very positive response to the problem of inheritance.

In the context of the accumulated deficit of land acquisition matters as of January 1, 1990, it was pointed out to this honourable House that there were \$72 million in arrears. Most of this was for land acquired prior to 1986. Since then a number of steps have been taken, one of which is to increase the allocation for land acquisition over the last few years. In 1991, an allocation of \$14 million was made. Previously, these allocations were in the order of \$2 million and \$3 million. To date, I have been advised that \$8 million has been released and compensation payments have been made to 96 claimants, bearing in mind that most of these claimants had their land acquired some time ago and the process of dealing with this backlog is continuing.

The current state of affairs is not as bad as it was a few years ago. Clearly, there has been a direction change and many of the claimants have now been satisfied. There are still many outstanding. Some of the matters are being held up in the acquisition process itself, while some have been due to matters of surveys. But clearly, for the first time—and I am appreciative of the point of the hon. Sen. Bahadoorsingh—there is a very systematic method of dealing with this problem, both in terms of the backlog and in terms of the acquisition process.

The point that was raised by Sen. Persad, I assure him, is without any foundation. There are three major areas of land acquisition that have had tremendous problems in the past: one dealing with the Claude Noel Highway, another dealing with Uriah Butler Highway and the third dealing with the gas pipeline in South Trinidad. For some reason the previous administration had never dealt with these matters and there were hundreds and hundreds of pieces of land that were acquired for these three specific purposes and from time to time we have brought here land acquisition matters, pertaining to these three matters, particularly, with respect to Uriah Butler Highway and the Claude Noel Highway. It is in that context that the Member seems to only identify those that come from Tobago, without really looking at the overall picture in Trinidad.

We are currently trying to deal with some of the land acquisition matters pertaining to the gas pipeline. These are three major areas of land acquisition matters that were left completely unattended and I could not understand how a system that was existing could have just ignored the solutions to these problems. Most of the land acquired for the Uriah Butler Highway in the county of Caroni has now been properly compensated and we are trying to complete the process with respect to the Claude Noel Highway in Tobago. Hopefully, we will see it

Land Acquisition
[HON. W. DOOKERAN]

Tuesday, August 27, 1991

coming more and more because we have to go through the processes for the gas pipeline in South Trinidad.

So the accusation, really, is based on no empirical foundation and I did indicate to him that we would provide a list of all that has been acquired over the last five years so that he can see it at a glance. This is done periodically in Parliament.

10.30 a.m.

Dr. Persad: Mr. President, on a point of information. I called the Land and Surveys Department last week requesting the very said list and I was told that no such list was available, and that if I wanted to see it, what I must do is to go and look at all the past issues of the *Gazette* and go through it myself. Maybe the Minister is not fully aware of what is happening in his own department.

Mr. Dookeran: If the hon. Senator had contacted me on the matter that he requested, I would have attempted to get that list to him. What I did indicate, is that such a list is public information. It comes to Parliament. It is a matter of collating it so that it can be seen at a glance and we can dispel, once and for all, the kind of arguments that the hon. Senator persists in making in this House, certainly with respect to all these matters on land acquisition. I would undertake to make such a list available.

With respect to the bill itself, Mr. President, this bill has been out for public comment for some time and I will take the necessary steps to ensure that Members of both Houses of Parliament do get copies. We had set a deadline of two months for public comments because it has already gone through a public consultation. It is not that this is not subject to public consultation. In preparing this legislation we have gone through a long process of consultation with the professional groups, with the technical groups and at this stage we felt that there was need to have general public comment before its finalization to be brought to Parliament. This, I consider, to be a very major piece of legislation dealing with a critical issue.

I had on previous occasions, indicated that there were other steps that were taken. One, with respect to the department itself that deals with this matter. A new location has been identified—new offices have been identified. They are now working in that new system. In addition to that, the land information system has been initiated and a number of steps have been taken to reorganize the system. I thought that Members may have remembered on previous occasions—I did not want to utilize your very valuable time here to go over the grounds—I gave a very

detailed explanation as to the recommendations of the steering committee that was established to look at the land management system, and that the Government had, in fact, initiated this in 1987 and taken a number of very specific steps in order to implement it, and that process was now in place. So we are dealing with a problem at a legislative level. We are dealing with a problem with respect to the management of the system. All the necessary ground work has been laid and we are dealing with the problem of the backlog.

We have instituted a system now, whereby any land that will be acquired, funds will have to be identified in the process of acquisition. We might surprise you that this was not part of the procedure before and hence, the problem that has arisen over the years. I think if hon. Senators wish to comment objectively on the situation, they would recognize that the procedural problem which created our problem, has now been corrected, so you will note that in future this ought not to take place.

These, therefore, are some of the very basic steps. What is very clear is that the Government is committed, not only to solving the problems at their roots, to deal with the legislative process, to deal with the administrative process and to deal with the resource problem, but it is also sensitive to the requirements of those whose lands have been acquired for a long time. One of the yardsticks that we have used was, in fact, suggested by the hon Sen. Louise Horne some time ago, that we try and deal with the backlog in order of chronology, so that those who had their lands acquired from 1960s and 1970s should be given some kind of preference. We have, as far as possible attempted to deal with it on that basis so that we can become current at some time. There is no question, therefore, that there has been substantial progress in this particular area, and important enough, in context of the philosophy of the Government to tackle its problems at its roots. Because the rewards for so doing are going to be tremendous in the long term, and this is what has informed our thinking in this particular regard.

I appreciate the comments that have been made in this regard over the years, and I will continue to update the Senate as to steps that have been taken as we see the actualization of these plans. But what is very clear is that the specific measures that are now put into place have already begun to reap the rewards in a problem of

Land Acquisition
[HON. W. DOOKERAN]

Tuesday, August 27, 1991

inheritance that hon. Senators are well aware, has been created by the non-performance of a system of critical nature to satisfy the public interest, and based on our own recognition that land that has been acquired ought to be dealt with speedily, ought to be dealt with efficiently, and ought to be dealt with in a manner that will always satisfy the claimants. I assure the honourable Senate that with respect to new land acquisition matters—that is, those started after 1986, that system is in place and we are still grappling with the backlog, but we have gone a long way in bringing it to where we are today.

I hope that I have given the assurances to this Senate in terms of what has been taking place and that we would have accurate information coming from the hon. Senators when these matters are debated in the future. I therefore beg to move.

Sen. Horne: Mr. President, through you, the usual interest rate paid on land acquisition matters is six per cent. I am presuming that this has been raised and brought in line with what is really due today. Persons who are owed since the 1960s, will they be paid the new rate? I am assuming that you have a new rate. Thank you.

Mr. Dookeran: Mr. President, the question of interest rate is prescribed in the current legislation before us, that is the Land Acquisition Act, which now governs our operations. It is prescribed, I believe, at six per cent. In the legislation that will be subject for discussion at some later stage, it has been maintained. As such, we have been honouring the existing legislation on this matter. But I would say that this is a matter that I am sure will be discussed as we finalize arrangements and there are substantial reasons one may have to include these specific provisions in the new legislation before us.

Mr. President, I beg to move that the Senate approve the decision of the President to acquire the land as specified in the appendix.

Question put and agreed to.

Resolved:

That this Senate approved the decision of the President to acquire the lands listed in the appendix for the public purpose specified.

Description of Land	Public purpose for which to be acquired
<p>1. The following parcels of Land containing together 2847.3 square metres, more or less, situate at Runnemedé, in the ward of Tobago, in the parish of St. David, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated February 23, 1988 executed under Survey Order No. 83/86 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>Two parcels of land comprising together 2847.3 square metres, commencing on the south bank of the Great Courland Riiver at a point west of its confluence with the Prairie/Cuffie River and traversing a southeasterly course of approximately 180 metres south of the said Prairie/Cuffie River, situate at Runnemedé in the parish of St. David in the island ward of Tobago and said to belong now or formerly to Ebenezar Tom/Lue Grant (2341.1 square metres) and Reginald Demas (506.2 square metres).</p> <p>These parcels are more particularly shown coloured raw sienna on a sruvey plan filed as AN 92 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	Road Improvement

DANGEROUS DRUGS BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [August 20, 1991]:

That the bill be now read a second time.

Question again proposed.

Mr. President: Before I call on the first speaker, I would like to say how pleased we are to have the presence of the distinguished Leader of the Opposition in the public gallery this afternoon.

Sen. Dr. Prakash Persad: Mr. President, again on behalf of my colleagues let me welcome the Attorney General to the Senate one more time. This bill as it says in the explanatory note, seeks to consolidate the existing law on the control of narcotic drugs and psychotropic substances and also provides for the recovery of property obtained from the proceedings of drug trafficking and matters connected therewith.

We, on this side, being committed as we are, to the welfare of people, indeed do support such measures. However, Mr. President, when legislation is put into place, if the problems which cause the legislation to be put in place in the first place, were not properly analyzed, then one must assume that the legislation probably would not achieve the purpose for which it was intended.

10.40 a.m.

Now, bearing this in mind, and bearing in mind the fact that we do support this Bill, what I will do is to give the hon. Attorney General the benefit of the analyses done on this side and hope that he benefits from it. For, Mr. President, the hon. Attorney General is indeed smart and, therefore, one assumes he will do the needful.

The present estimated value of the drug trade, globally, Mr. President, as indicated by a UNDP document of May 1991, is US \$1.5 trillion. That exceeds even the oil trade and is second only to the arms trade. Therefore, something needs to be done about it. But, why must we go for plagiarism? Why? Why do we have to import an Act wholesale from England for it to be applied in Trinidad and Tobago? The cultural situation here is totally different, and laws must take into account the plurality of the society. I quote from an article, from the Bulletin on Narcotics, No. 2, 1987, a UN document, so as not to be accused of being biased:

"Whenever problems which arise from the drug or alcohol use reach a critical level in society there is a tendency to view them as entirely new and unique phenomena, although such problems relating to socially accepted substances have occurred in numerous societies over the past few centuries."

It also goes on to say in the abstract that:

"Cultures differ widely in the cyclical and social functions that are assigned to drug use. A drug whose use has been woven into the fabric of a stable society runs less a risk of being problematic for the society."

In other words, what we are saying and what the author is saying, actually, and what we can infer from his statements, is that if you have a problem with drug use, as we have had in Trinidad and Tobago, and all of a sudden it has reached quite alarming proportions, that there has always been drug use in Trinidad and Tobago.

Now, to get the record straight, I neither drink nor smoke, nor smoke ganja, nor intake any drugs. The use of marijuana has been a cultural practice in this country from way back; there are problems. The author himself states that if it is used in a stable environment that no problems may arise because the tolerance level increases. However, as he points out, when there is drug use from other societies in which drugs from a different culture come into this culture, for instance drugs from culture B come into culture A, problems arise. In this regard one must deal with the drug trade and drugs specifically.

Mr. President, the reason I point this out and point out the dangers of adapting wholesale legislation from abroad, is that we will run into problems because the society from which we adopted this legislation wholesale, may not face what we might face.

Now, I agree there is a problem with drugs and I agree it is on a level that needs harsh measures to be adopted to prevent further spreading and use and abuse of these drugs. I refer specifically to cocaine, heroin and other such drugs, which have a sort of historical use in Trinidad and Tobago, therefore one needs to deal with these things specifically. The adoption of this legislation from England that puts all these drugs in the same category, one wonders whether it is the right step or not. But I will leave that question for a social debate, maybe some time in the future.

What I would say right now, Mr. President, is that we on this side, having seen the direction the Government is taking, do agree now, because of the influx of drugs and this cross-cultural fertilization, that we need to take harsh and effective steps. Therefore, we are prepared to go along the direction in that harsh penalties and measures must be adopted against drug pushers and drug users.

Before we can adopt legislation and state whether it is going to be effective or not, we must analyse the problem carefully, as I stated, and one must bear in mind the cultural practices. Now, I have done so, and this Bill lumps all users, more or less, and I am saying that there needs to be a more clearly defined range of users' spectrum.

Dangerous Drugs Bill
[SEN. PERSAD]

Tuesday, August 27, 1991

So, for instance, if one analyses the elements of the drug trade, one may come up with, for instance, the following subdivisions: (1) substances, (2) users, (3) pushers, (4) localized dealers, (5) wholesalers and importers. Now, the reason I am having this sort of careful delineation of the users and traffickers of drugs, is because one needs to deal with them at different levels, and penalties must be appropriately applied to each one. So, for instance, a localized dealer, surely, must be dealt with more harshly than a pusher and a pusher must be dealt with more harshly than a user.

I continue my listing of the elements of the drug trade, Mr. President. As I said, (5) was wholesalers or importers, (6) will be the foreign dealers or agents who actually send drugs in, (7) will be business associates, those people who assist money laundering and (8) facilitators.

When I say, facilitators, here, Mr. President, I refer specifically to people from the police force, the coast guard, the army, immigration and customs. I feel that special mention must be made of them, and special legislation should be enacted to deal with them, because they are breaking the law twice over, in the sense that you have given them a trust, their duty, which they are breaking, and also they are facilitating the use of, and the trafficking of, drugs. So it is breaking the law twice over. The ninth element is the enforcement agencies, and the 10th and final one will be support systems for rehabilitation, education and prevention of drug use.

I come to the first one, and I will deal with each one in turn; look at it, analyse it, and see how the Drug Bill relates to it and make proposals and we will table amendments appropriately.

If you look at “substances”—and I will quote from a document, “The National Alcohol and Drug Abuse Prevention Programme Information Brochure”. This is a programme administered by the Secretariat Office of the Prime Minister. It defines “drug”, and I quote:

"The term 'drug', as defined by the National Programme, refers to psychoactive substances which when consumed by an individual has a mind-altering effect, leading to behavioural changes with potentially negative consequences for the individual's family and community. Such substances are frequently addictive, and include among their numbers cocaine, heroin, marijuana, alcohol, tobacco as well as some minor prescription drugs such as tranquilizers."

It includes alcohol and tobacco. Mr. President, I quote from the document again:

"The national programme was established because of a widespread and escalated incidence of alcohol and other drug abuse and their related problems, for instance, violent crimes, traffic accidents, domestic violence..."

Mr. President, this very Government recognizes that it has a problem with alcohol and tobacco and also with drugs, and it admits by its own documentation that it is a psychoactive substance; that alcohol and tobacco are psychoactive substances.

To further my argument, I quote from the UN document published in 1989, "Violence Against Women in the Family":

"Research has shown that there is a close relationship between the consumption of alcohol and drugs and violence in the home. Such substances play a significant role in the investigation of domestic violence as they do in violence in other contexts."

I quote again from this document:

"In the end analysis, all the studies which have put forward the view that there is connection between alcohol or drug abuse and wife-beating, indicate that men who are drunk or drugged do so to beat their wives".

What this document clearly indicates, Mr. President, is that there is a link between alcohol and drug abuse and it manifests itself in domestic violence. This is the very same Government, which not too long ago, came here and shed so much crocodile tears on the issue of domestic violence, that I am positive and certain that all reptiles must feel very much at home in the NAR.

If this Government is serious about reducing the drug problem to an acceptable level, then surely you cannot come with only one piece of legislation. In that light, I therefore urge the hon. Attorney General—and indeed, Mr. President, if he does not do so, or he does so, it will be a measure of his commitment to the drug programme—that the Children Act, Chap. 46:01, which deals with the sale of tobacco to children, must be enforced right away; that people ought not to sell tobacco to children under the age of 16, and that if children under 16 are caught with tobacco, it ought to be seized. Because these fellows are clearly showing that tobacco and alcohol do indeed lend themselves towards the adoption of the use of drugs. If you are serious about it, then let us see at what pace you are going to do these amendments.

Dangerous Drugs Bill
[SEN. PERSAD]

Tuesday, August 27, 1991

Also, if he is serious and indeed if the Government is serious, then the Liquor Licence Act, Chap. 88:01, must be amended also and the sale of intoxicating liquor to children must be dealt with. Also, people who sell liquor to children, their licence must be revoked. This must be enforced, otherwise, as we say in local parlance, we are "spinning top in mud". Because it has been shown—studies indicate that—that people start up that way; smoking, beers, harder alcohol, onto drugs.

So if you want to eradicate the problem, surely, you must start at the roots. I am sure, not only myself, but the country wait with bated breath to see when the hon. Attorney General would move such amendments.

Mr. President, I come to the point now of users, and again I quote from a UN document. It says on page 15:

"Perhaps the worst aspect of the drug trade is that it makes its deepest impression on those who are most vulnerable, the young".

Therefore, we must look at some programme to deal with the young, to prevent them from being caught in this drug web. Passing this legislation alone will not prevent it. The report goes on to ask, why do people take drugs? I will give some of the reasons, as indicated in the report. It says, peer pressure; others taking drugs, you feel you have to be with the in-crowd, therefore, you have to take drugs to be with the in-crowd. Then you have curiosity; ignorance, and I am sure the Members on the other side would not like to hear this, but it also says in the UN document, alienation. When alienation takes place in society it naturally turns to drugs. It is not my conclusion, it is the conclusion of a UN study. Other factors are changing social structures; urbanization and unemployment.

So when we have almost one-quarter of the working population unemployed, what do they expect? So that if you are serious about the drug trade, then it takes more than bringing a piece of legislation in which you took verbatim from English law. We need a bit more than that.

Mr. President, special emphasis must be placed on the users. There must be a programme of education, to ensure that people are not attracted towards drugs. I notice, with great interest, that the advertisements on TTT by way of education to show the effects of drugs, have suddenly disappeared. Now, here it is they are saying that we care about drugs; we are going to pass legislation to deal with drugs and the education programme seems to have disappeared. If they are serious

about drugs, Mr. President, why do they not ban alcohol advertisements on television? Maybe it is an indication of their interests.

I come to the issue of pushers now. Clause 6 of the bill talks about a person who is in possession of any dangerous drug being guilty of an offence, and it goes on to list various situations. But what I find strange is that if you look at clause 6(9) that indicates the amount of various substances that a person can be found with in order to be charged. So, for instance, if a person is found with one gramme of cocaine, he will be charged and the sentences are given in the same clause. But do you know, if a person is found with one tonne of cocaine, maybe he will get the same sentence. Now, what sort of legislation is this? One must clearly differentiate between pushers, between localized dealers, and then these big drug barons and dealers, and punishment should be set out to deal with them accordingly.

For instance, one would expect drug barons, large dealers to be faced with life imprisonment in addition to having their property seized. Whilst one would expect that pushers who normally tend to be users—the small pushers—some sort of rehabilitative programme would be put in place to deal with them to bring them off drugs. Therefore, we find this clause 6 to be unacceptable and certainly needs a lot more revision, so we would be moving amendments in this area.

Clause 7 also allows a person to be admitted to a psychiatric hospital for treatment and observation. Why should you allow or provide a facility for a drug baron to be given psychiatric treatment? The person who needs psychiatric treatment would be a user or small pusher. Therefore, this clause must be whipped into shape to allow for such; that users and pushers will have facilities available to them, whereas drug barons would not have. Now, what is going to happen here, is that some big drug baron is going to say, " I am mad. I was selling coke because I was mad". Is that what is going to happen? Is he going to get away? I mean, we know all this. Mr. President, such facilities should not be afforded to these people, not at all. Therefore, clause 7 needs, certainly, extensive revision.

Also, in this regard, I am puzzled as to why both civil and criminal proceedings cannot be used in the forfeiture of property. Why only criminal proceedings? It is only when you institute criminal proceedings that in the cases of large pushers you can then go ahead and have restraining orders, or confiscate, or forfeit the property. I am saying that maybe you may need to include civil proceedings and I am certain that this is going to do the job a lot better.

Dangerous Drugs Bill
[SEN. PERSAD]

Tuesday, August 27, 1991

Mr. President, also in this bill and with regard to drug barons, there are going to be innocent third parties, and the bill does not make it very clear as to who would pay their legal costs when they have to make representation to indicate that they are merely innocent third-party people. Maybe in his winding up the Attorney General could give some indication, because it is totally unfair that a person who is innocent will have to bear legal costs.

Let me give an example. You may have a drug dealer who has gotten wind of the fact that criminal proceedings are going to be instituted against him and he wants to divest his property. He may go to a real estate agent who may not know him, and tell him, "Well friend, I need to sell this property very fast, I am leaving the country", which is not uncommon in these hard days. History in this country has shown that many people just sold their property below market value and fled the country. The real estate agent may be a totally innocent person, and he sells the property below market value. Should he be prosecuted? Should this real estate agent have to pay his own legal costs for what is purely an innocent transaction? I think that clause needs revision, Mr. President. Certainly it does.

I come now to the sixth element of the drug trade, Mr. President, and we look at the use of foreign agents and transfer. We have seen that Trinidad and Tobago has become increasingly drawn into the international financial network; we are moving increasingly towards plastic money. Therefore, the drug trade being an international trade, tends to facilitate the laundering of money. My question is: Is this properly being dealt with? What is being done about it? Now, this is an area of white-collar crime. Do we have the necessary personnel to deal with it?

Mr. President, another document, *Commonwealth Law Bulletin, Volume 15, No. 3, July 1989*, page 1005, headed "Commonwealth Caribbean Conference on International Drug Convention and Drug Abuse". This conference was held in Port of Spain, Trinidad, from April, 3—6, 1989. Some of the problems identified were the law enforcement, resource and training. I want the hon. Attorney General to tell us how much has that situation changed from then to now.

This report clearly indicated that in order to have effective implementation of such bills there needs to be done a tremendous amount of training, and these include the effective enforcement of the convention, surveillance and intelligence-gathering techniques, drug identification, presentation of evidence, tracing and forfeiture of assets and chemical analysis of illicit substances, and telecommunication services. I am asking: How much of this training has taken

place since 1989 to now? If the bill is passed and enacted into law, can we enforce it? Do we have the trained personnel to do so? This conference was held over two years ago, and the needs were clearly identified. But the Attorney General in his address, gave no indication as to that important area. Because there is no point in passing laws that cannot be enforced.

Mr. President, when you look at the entrance level to the police service, for instance, and the police service is expected to play a major part in the drug battle, it went up to five O' levels, and it dropped again. Now, I am not saying and I am not asking any explanations of the policemen, but what I am saying is, there is very clearly a need for what one would term, career policemen. Some steps must be taken to encourage university graduates, for instance, into the police force; lawyers, engineers, *et cetera*, if you want to combat this thing properly. Because money laundering is a very complex, white-collar crime, and without the proper training, nothing can be achieved. So I look forward to hearing the Attorney General indicate what has been done in this crucial area.

Mr. President, I come now to facilitators. I do not want to go into too many documents, but it is a well-known fact from the Scott Drug Report, that some policemen were implicated in drug smuggling and drug trafficking. I quote from this report:

"From the evidence before the Commission, several Members of the police service have become involved in many ways in illegal drug use and its trade."

Furthermore, the report also cited the following:

"In some instances certain policemen were reportedly in control of the trade in certain areas, which they term as 'blocks'. In others, they were reported to be in the pay of known drug dealers."

Mr. President, who is going to guard the guards? How can you have effective law enforcement with respect to the drug trade when we know for a fact, we have evidence, or so the report says, that policemen are involved? How are you going to do it? Therefore, in this regard, we on this side call for the setting up of an investigation bureau in the police department itself, to deal with such issues. Somebody must guard the guards otherwise you are going to have chaos in the place.

We also call for the establishment of an advisory body—an independent body appointed by the President—to investigate complaints, among other things, against

Dangerous Drugs Bill
[SEN. PERSAD]

Tuesday, August 27, 1991

policemen specifically in this regard; this must be a totally independent, autonomous body.

11.10 a.m.

Mr. President, the clause that deals with facilitators in the bill, 54(2), relates only to those who help in the commission of removal of property, or property of drug dealers. This needs amending. A special clause, which we propose to move, should be inserted to deal effectively and harshly with the facilitators in the police service, the coast guard, the army and the customs and immigration.

The enforcement agencies: I think that if we are serious about containing the drug trade and reducing the demand, then we must have enforcement agencies spread throughout the society. So, we need more than merely policemen looking for drugs, or inspectors with dubious qualifications, seizing drugs. What we need is complete enforcement spread over many agencies. For instance, we know for a fact that drug dealers aim mainly at small children, therefore, the primary schools are prime targets; the secondary schools are prime targets. Therefore, steps should be taken to ensure that the drug dealers do not succeed in those areas.

In the first instance, what we would call for is the setting up of a security service, not only in the secondary schools—you have the MTS in secondary schools—but a similar security service in all primary schools. Such security men must be empowered, by this bill, to investigate alleged drug incidents and alleged drug pushers in the vicinity of the schools, and report the matter to the police. You need to have a co-ordinated attack on this drug problem and the schools play an important part. That is where the drug dealers aim. That is their market. If we are really serious about containing the drug problem, then such measures must be put in place.

Also at present, there is legislation for stopping drivers and giving a test to determine the level of alcohol in their blood or on their breath. I am suggesting that maybe we need to look at drug testing in certain situations, maybe in the essential services, for instance, pilots, to ensure that people who are in charge of other people's lives, are not under the influence of drugs. This is something that must be looked at seriously.

Finally, Mr. President, what is very sad about this bill, what is lacking, is the fact that the rehabilitation aspect has been totally neglected. There is an easy explanation for that. The fact that there are two bills in England, one which the

Attorney General took and there is another one: The Misuse of Drugs Act. You need to incorporate the two.

What we on this side are proposing, is that all property forfeited under Part VIII, must go towards a special fund. We propose that a special rehabilitation fund be created and that all assets and property seized from drug traffickers must go to that fund, which should be under the scrutiny of Parliament, and that money must be used for the rehabilitation of drug addicts. It is only then we will be serious.

Certainly, the main thrust of this bill cannot be to deprive criminals of their ill-gotten gains with respect to drugs only. If that is the main thrust, then I ask: Why not to all criminals, to the whole span of criminal activity? No, what we want is a two-pronged attack. We must remove the gains of criminals, make sure that they cannot enjoy these gains, because this is a particular heinous crime and we must use the proceeds of crime to rehabilitate the victims and users. It must be done, otherwise, this bill becomes nothing more than paper.

Sen. Rampersad: Mr. President, just before the hon. Senator concludes, I need to ask a question. I think I overheard him say something about inspectors with dubious qualifications. If that statement is true, that is a very bold attack on inspectors who, in my opinion, are, in some instances, more qualified than inspectors in other lands. I consider this a very bold attack on inspectors. If that statement was, in fact made, is the hon. Senator saying that all inspectors throughout Trinidad and Tobago have dubious qualifications? He must tell the country that.

Dr. Persad: Mr. President, I presume he means that I am talking about police inspectors. Am I right? Probably he did not read the bill. On page 16, clause 13(2) states:

"An inspector, accompanied by a police officer..."

Clause 13 (1) states:

"The Minister may, by Order, appoint any person to be an inspector for the purposes of this Act."

I certainly did not say police inspectors, I said inspectors. Nowhere is it defined clearly either in the clauses or in any schedule, exactly what "inspector" means. These inspectors have tremendous powers. They can go in and they can look for

Dangerous Drugs Bill
[SEN. PERSAD]

Tuesday, August 27, 1991

anything, on reasonable grounds, that may be used in the manufacture—if I read clause 13(2), it says:

"An inspector, accompanied by a police officer, may at any reasonable time—

- (a) enter any place where, on reasonable grounds, he believes that any dangerous drug is manufactured, prepared, packaged, or stored, and examine any substance which he believes to be a dangerous drug and take samples thereof;"

Examine a whole set of things, including what he thinks might be used in the manufacture or illegal use of drugs. You can use a table to sniff drugs; you can use a pot-scrub to sniff drugs; you can use a razor blade. A zealous inspector may come into your house and say, "Ah, ha, you have a glass table and you have two packs of razor blades and I feel you are using these things to sniff drugs." By this bill, he has that right. Because people use razor blades and glass tables to sniff drugs.

One needs to be careful in the definition of these sort of inspectors. That is what I am saying. I hope before this bill is passed, certainly we would not agree, until such definitions are clearly laid out of who are the inspectors, and what are their qualifications and training, because success in the battle against drugs depends, to a great deal, on the enforcement agencies and the proper training.

Mr. President, in conclusion, there needs to be a tremendous amount of work done other than passing this legislation, which needs many amendments; the creation of institutions for the rehabilitation and prevention of drug use, and we must have a massive education programme, if we are serious about our young. If we want to let the flowers bloom again, then we must protect the young and set about the necessary systems.

I thank you, Mr. President.

11.20 p.m.

Sen. Louise Horne: Mr. President, I wish to congratulate the members of the Joint Select Committee for the tremendous effort they have made in producing the new drug bill. They have proposed penalties commensurate with the gravity of the crime and certain procedures for its detection, which are less offensive to the citizen, than those originally prepared. Also, unsuspecting relatives or friends who shelter or entertain illicit drug traffickers are no longer in danger of losing their

property. The problem is causing a real danger to our society, with special reference to our young people and there is need for stern action to contain it. But investigations into drug trafficking will not be easy.

Clause 49 subclause states that a police officer not below the rank of an Inspector can apply to a judge for an order to investigate whether there is drug trafficking on certain premises. Also, within such period, as the order shall specify, the relative or an associate or agent of the person shall identify property within or outside the territory belonging to or possessed by such person; set out the estimated value and location of each property identified; state the owner or whether it has been transferred and the circumstances under which the person in possession of the material holds it.

Many wives do not know who are their husbands' legal advisors. They do not know the properties their husbands own, let alone the circumstances under which their husbands have become owners. They do not know their husbands' involvement in financial matters. Will they be prosecuted for failing to give evidence which they do not know?

Moreover, because of the length of time during which this bill has been in gestation, drug dealers who are astute business people with financial capacity which has invested them with influence, would have secured themselves and their properties from being identified by the processes enumerated in the bill. There are off-shore banking services; discrete money laundering; various methods of leaving foreign currency overseas; the purchasing of property in certain countries.

If property in the United States is identified as belonging to a Trinidad and Tobago national who has been charged for dangerous drug dealings, I suppose the Trinidad and Tobago Government could file a suit against the drug dealer in the United States' court seeking possession of such property. I hope that the Attorney General would be able to say if this is a possibility. Also, I understand that there is a proposal for an agreement between the Governments of the United States and Trinidad and Tobago, to share the proceeds of property in the United States owned by Trinidad and Tobago nationals, through illicit means. If there is some money to come that way, why do we, a miniscule state, have to share that with the United States? Could we not have it all? Of course, make an arrangement, but not that we must share. We should be able to have all the proceeds to assist us. Trinidad and Tobago has an area of 1,864 square miles; the size of a city in certain

metropolitan countries. The population is 1.2 million; that is the population in some villages and in some towns.

A commission of inquiry into the extent of drug addiction in the community was established late in 1969. It is now 22 years since we, in this minuscule-sized country have been talking and supposed to be dealing with drug abuse, but up to the present time, not a single significant drug dealer has been brought to justice in this country. I suggest that we cease talking about O'Halloran and bribes and try to discover how and why the drug lords in this country continue to flourish.

It is interesting to note the many clauses in the bill which deal with the confiscation of property. Such provisions will prove to be useful if the drug lords are not only identified but also brought to justice. Clause 25 deals with forfeiture of seized items. It reads as follows:

"...unless the Court otherwise directs, any device, apparatus or article referred to in section 24 and any dangerous drug seized under the provisions of this Act or found shall, at the expiration of six months from such seizure or finding be forfeited to the State and delivered to the Minister to be disposed of as he may direct."

Should the Minister not hand over the dangerous drugs to the Ministry of Health for use in our hospitals? That would be a saving on drug expenditure. But what else would the Minister do with it? I would like to know what he would do with dangerous drugs handed over, after six months.

The sale by Government of seized items can very often be both enlightening and interesting. In some instances the more important and useful items offered for sale are disposed of before the day and time appointed for the commencement of the sale. Concerning property belonging to drug offenders, it must be understood that the former owners can influence the sale price, as well as the bidding and, in time, become the owners of the same confiscated property.

Property valuation by Government valuers has been, for me, an interesting but frustrating experience. Valuation of confiscated property in its several forms ought to be carefully considered before disposal. Clause 24(1) allows a police officer to search for dangerous drugs and "if necessary, by force, bring it before the magistrate". Force can lead to regrettable incident which in some instances may well result in fatalities. Obviously, there is need to modify the provision of "force" in this clause. Force will never do.

Clause 7 states that before the court imposes a sentence on a person convicted for trafficking in a substance other than a dangerous drug which he represents or holds out to be a dangerous drug, the Psychiatric Hospital Director will be asked to admit the person convicted to the Psychiatric Hospital named in the Order. Also, the person who has been admitted shall not be kept in a hospital for more than 14 days; and the Psychiatric Hospital Director will have the person examined and, within 14 days of the date of admission, submit a report in writing to the court relative to the condition of the person.

11.30 a.m.

It is indeed right to seek medical advice before imposing a sentence on a person convicted for the forementioned offence. However, there is a problem, when it is diagnosed that the person is in need of psychiatric attention and care, because at the present time, I am advised that the psychiatric service in the country is stretched to the limit, and what is sorely needed if clause 7(4)(b) of the bill is to be useful, is improved addiction resources.

I refer to the availability of beds, linen, equipment, medication, staff and guards, as well as increased and improved conditions for rehabilitation. Without increased and improved conditions for rehabilitation, the victim may return to drugs; the drug trafficker will continue to have clients and an important provision of the bill will be frustrated. The person sent for psychiatric examination is supposed to be trafficking in a substance other than a dangerous drug, which he represents or holds out to be a dangerous drug. That which he represents or holds out to be a dangerous drug may well be a dangerous drug. It may be what is known as one of the designer drugs which are a challenge to law and science and many of the substances in the designer drug category are not yet here, or if they are here, people are not aware of them. The detection officers may not be in a position to identify them.

Designer drugs are made from basic chemicals to make substitutes from addictive controlled drugs like heroin. They are usually made by qualified chemists. For example, certain derivatives of fentanyl are powerful narcotics, 1,000 times more potent than heroin, yet still as legal as sugar.

In the United Kingdom some designer drugs are covered by the Misuse of Drugs Act. Others are not, notably some of the new wave of potent heroin analogues which are far more sophisticated and deadly. In the United States emergency legislation has been introduced that can outlaw a designer drug in six weeks. The

Dangerous Drugs Bill
[SEN. HORNE]

Tuesday, August 27, 1991

House of Representatives has legislation which aims at eliminating the manufacture and distribution of substances which are chemically related to a controlled drug. This is to outlaw drugs which may not yet have been made.

The list of narcotic drugs in the first and second schedules of the bill conform with International Regulations Control which is in accordance with the United Nations Convention and the laws of Trinidad and Tobago. I am suggesting that there ought to be an amendment which would aim at eliminating the manufacture and distribution of substances which are chemically related to a controlled drug.

The seminar which took place last June, hosted by the Ministry of National Security and the French Embassy concentrated on crime prevention and detection in the area of drug trafficking, but it did not deal with designer drugs. I shall be suggesting an arrangement whereby members of the protective services will be able to recognize designer drugs.

I am aware of the fact that we have firms here producing pharmaceuticals, some of which are classified as dangerous drugs. Also, many of the products manufactured would be exported including many of those drugs classified as dangerous.

Clause 5(b) says that the Minister may issue licences for the cultivation, gathering or production at a stated place, of opium, poppy, marijuana or coca plant. I have a problem with this provision. I would like the Attorney General to enlighten me concerning the provision of this clause. Now and then we hear about the protective forces destroying marijuana plantations. Is it that one can now get a licence to grow the drug? In that case, the protective services need not destroy the plants. In those areas where marijuana plantations have been destroyed, I am again suggesting that traces ought to be made leading to those sites and an afforestation programme carried out by unemployed people in that area, people who would plant and monitor the growth of the trees with the protection from the protective services.

Clauses 17 and 18 deal with fines and prison terms upon conviction for various offences. The convictions proposed consist of substantial fines; imprisonment for appreciable periods: five years, six years, seven years, lifetime. Moreover, the prison sentence would be lengthened in accordance with the fine which is not paid. My concern is that we do not have an adequate or ample supply of certain basic factors required to satisfy those provisions in the bill, if and when it becomes law.

11.40 a.m.

Notwithstanding that the prisoner is very lawfully punished for breaching the law, legislative judgment is not permitted to trample on fundamental rights. Our courts are over-burdened with litigation. Matters relating to drugs ought to be dealt with expeditiously because the granting of bail and listing those cases to be called weeks and months later, provide the accused with more time to carry on the nefarious trade. Therefore, I say there is need for a drug court.

Also, it is one thing to recommend lengthy sentences but to all appearances, we do not have the basic facilities with special reference to male prisoners. We have read from time to time that the shortage of space in some cells makes it impossible for all those who are in to lay down to sleep. The lack of adequate toilet facilities in the cell constitutes a real health hazard. Homosexuality is not unknown. Disputes among occupants have been the cause of a number of fatalities and, moreover, because of the shortage of staff, prisoners have been known to fatally attack prison wardens whose duties involve the unlocking of cells at specified times. Punishment which is not otherwise inhumane may become so, if the treatment to which the prisoner is subjected while he is being punished, is itself inhumane.

Not so long ago, a selected number of prisoners were reprieved to ease the congestion because of the rising incidence of crime and the need for space. Inmates serving 12 months were allowed to go out after serving two-thirds of the sentence. That is the normal thing which prevails at the present time. It has now been increased to 50 per cent. Members of the public who were wronged by these people feel cheated. Understandably, the general public has been unhappy with the decision especially as one of the reprieved convicts, who was in death row, is again taken in custody for an alleged breach of the same law. The problem is that the majority of prisoners get only custodial care. More than that is needed.

If the bill is to be effective, together with a drug court, there is need for additional premises to ease the overcrowding. I understand that there are plans to put up a building, but I take it with more than a grain of salt because we also have plans in Arima for a hospital. There is need for adequate toilet facilities; a policy which states the ratio of staff to the number of prison inmates; a rehabilitation programme which is not solely dependent upon the proceeds of the sale of confiscated property. One has to remember that rehabilitation in a private capacity is very costly, something in the vicinity of \$10,000. Therefore, without such a

programme for prison inmates, when they return to the community, most of them will be hardened criminals, ready to continue where they left off, especially if unemployment continues to be critical.

Clause 49(9) deals with the gleaning of information with respect to a drug dealer's involvement with any company, any partnership, firm or functioning as a trustee. A police officer may apply for a warrant to investigate. Now, skilful investigation may yield positive results and a substantial package of financial assets may be offered as a consideration, if it is realized that the dealer has been identified. Now, one has to be realistic. If the investigator refuses to accept the bribe, the financial package, there ought to be some operation whereby he can be protected because he and his family can be sent to live in another world. Matters must be so arranged that those who are detailed to bring the offender to justice, do not themselves accept the bribe.

Clause 58(1) deals with miscellaneous matters, including the use, purchase, sale or possession of any dangerous drugs for medicinal or scientific purposes, the relocation of licences prescribing the forms of prescriptions and specifying the dangerous drugs that may be sold by a pharmacist and the oral prescription of a medical practitioner, dentist or veterinary surgeon.

In dealing with the problems of drug trafficking, it is important to understand the society and its culture when formulating a plan designed to contain the problem. In this country, we grow and smoke tobacco. Minor tranquilizers or stimulants are used by the modern housewife as a modern opiate. Many young people take LSD illicitly for expansion of consciousness. There are situations when it is taken in a setting of poverty and alienation. There are women who trade sex for cocaine and, in many instances, practice speed-balling.

11.50 p.m.

Mention must be made of the widely used prescriptions of psychotropics here in Trinidad and Tobago. For example, LSD is given lawfully by psychiatrists to produce insight and there are social and economic factors that underline the pattern of prescribing and the expectations and sometimes the demands of patients.

Clause 21 says that someone can be in possession of a dangerous drug for medicinal purposes from a prescription of a medical practitioner, dentist or veterinary surgeon. Mr. President, the quantity may be more than what is mentioned as prohibited in clause 9.

Usually, when pharmacists fill such prescriptions, they keep them. In such a situation the person may not be able to give immediate proof that what he has is from a prescription and may very well be arrested for being in possession of dangerous drugs before he is in a position to prove that it was prescribed for his use.

The embarrassment may be prevented if pharmacists take a copy of the prescription and allow the patient to keep the original. It is apparent that we cannot draw any precise line between appropriate drug use and drug abuse, because there is a large area open to different interpretations according to the social and cultural background of the interpreter.

Mr. President, effective laws, effective courts and law enforcement agencies are but a partial solution for dealing with the drug problem. With the problems of unemployment and under-employment, the incidence of drug abuse and drug trafficking is escalating. There is need for a comprehensive well-orchestrated, preventive programme to reduce the incidence of the problem, because it is well nigh impossible for the protective services and the courts to deal with all those people who are involved in the several aspects of dangerous drug use.

Mr. President, the basis of the drug problem involves the fractioning of the traditional family unit, resulting in stress, strain and the neglect of parental responsibility.

The decline of social mores has led to a proliferation of one-parent families, with special reference to teenaged mothers. So we have an increase in population with more or less, no necessary physical or financial support. The mothers, no longer employed; the fathers, some of them no longer employed, many of them not available—they would disappear when they hear that they are to be fathers. Moreover, there is also the unavailability of the extended family to assist in the process of child rearing. This is because since we have teenaged mothers, the extended family, the aunts and so forth are still in the workforce. So they are not available. As a consequence, we now have street children, smoking dangerous drugs.

There is the problem of heightened expectation which came into being during the boom years, fostering the desire to live luxuriously and this accounts for many of the risks taken to peddle drugs. These problems must be tackled seriously and there is need for supplications to that power beyond our own. We have to do that

Dangerous Drugs Bill
[SEN. HORNE]

Tuesday, August 27, 1991

if we are truly interested in minimizing these problems, but to all appearances there seems to be prevarication among many who are in a position to firmly grapple with this national issue.

With an increased number of television stations, Government, in conjunction with service clubs, ought to commission documentaries which should give information about all types of drugs used in the trade and their effects on the body; documentaries showing affected people and their behaviour; a programme for those who may be experimenting with drugs; an information programme for those who are not using dangerous drugs or, for those who are having an initial drug experience; alternative programmes designed for occasional or frequent drug users would be helpful; intervention programmes for young people who take drugs as a part of their lifestyle; a programme informing parents that their role as educators is an essential facet of drug education; programmes so structured that students can learn the skills they need to help themselves, such as, decision-making, coping with stress, value awareness and problem solving.

Now, I ask: Have we done any indepth study on preventive measures now in force? Have we evaluated the strategies employed and followed up the findings with practical applications?

12.00 noon

Mr. President, there is need for addiction services specially for young people to take care of their abuse problems. The weaning away of young people from wanting drugs and changing their attitudes through education and treatment is what will reduce and eventually solve the drug crisis.

Early intervention in substance abuse problems can maximize the chances of a successful outcome. Therefore, there is need to design new approaches to meet the problem of young substance abusers. For example, such a service would look into the inhalant problem. Nowadays, the young people are inhaling all sorts of substances: liquid paper, glue, nail polish, hair conditioning products, gasoline and shoe polish.

Mr. President, it is difficult to get a bottle of Vicks from the pharmacy. Inhalants are cheap, easy to get, and no adult needs to be involved in purchasing them. They inhale to see if they can produce insight, expansion of consciousness, what they usually call "getting high". Prevention is the only way, because an inhalant supply can never be shut down. At the present time this problem is not

investigated; it remains unchallenged. Of importance is the fact that most inhalers eventually smoke marijuana, thus increasing the demand for this drug, whereas the problem of demand is the fundamental facet; the essential objective in the fight against narcotics.

Young people like to explore new products, develop new activities, test their capabilities, and these are important requirements in the development of independence among our youth. The question is, how far can we go in trying to reduce the adverse consequences associated with taking physical risks? One has to distinguish between normal risk-taking and problem behaviour, hence the reason for addiction services specially designed to meet the need of young drug abusers.

They ought to be induced to change their way of thinking, change their habits, assume responsibility for their actions and destroy the demand for drugs. It has to be realized that drug abuse behaviour is different in different societies and we are spending money on preventive programmes without having a proper scientific base. We need to do some research in respect of our own problems.

The Dangerous Drugs Bill can be described as governmental control through criminal law, but the goal is to work towards social control which would eventually replace criminal law. Conferences, seminars and the like, are not sufficient. There is need for a programme in addiction studies at levels for parents, teachers, counsellors, members of the protective services, the clergy, attorneys, the general public. A summer school for addiction studies would address the required topics, such as: fundamental concepts on addiction, pharmacology and drug abuse, pregnancy and drug abuse, counselling, communication skills, prevention and health promotion strategies, youth and drugs, behavioural patterns, *et cetera*.

Mr. President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's, speaking time be extended by 15 minutes. [*Sen. A. Lequay*]

Question put and agreed to.

Mr. President: I believe it will be convenient to suspend the sitting at this stage. The Senate will resume at 1.30 p.m., after a suspension of approximately 85 minutes.

12.05 p.m.: *Sitting suspended.*

1.30 p.m.: *Sitting resumed.*

Sen. L. Horne: As I was saying, Mr. President, when we adjourned, we need a summer school for addiction studies which will address the required topics, such as fundamental concepts on addiction, pharmacology and drug abuse, pregnancy and drug abuse, counselling communication skills, prevention and health promotion strategies, youth and drugs, behavioural patterns, *et cetera*, because research has shown that there are important biological factors in addiction. Also, there are important observations coming out of cultural anthropology, sociology and psychology to show that psychosocial pressures are clearly important. Moreover, the dangerous drug trade is not static. New, dangerous and more potent drugs are being synthesized in laboratories, and the suggested school would keep students updated. For example, Psilocyn, Hydromophone, Thebaine, Peyote, Mescaline, Meprobamate and Diprenopline are related analogues; they are the newest ones.

Officers of the drug abuse prevention squad ought to have some information concerning those drugs which are listed as narcotics, depressants, stimulants, hallucinogens and cannabis. They must be able to recognize those which have medical uses and their possible effects on users.

When the commission of inquiry to look into the extent of drug addiction in Trinidad and Tobago was appointed, the then Chief Drug Control Inspector, who was not a member of the commission but a concerned citizen, realized that he had useful information on the subject, which he put into two volumes, titled *Drug Addiction in Trinidad and Tobago*, and he presented these volumes to the commission. They contain the sort of information which ought to be available in our public libraries, as well as the library of the police college. I am assuming that there is such a library. I have circulated among hon. Senators a copy of the contents of Volume II in support of the viewpoint I have expressed. I have lost Volume I in my efforts to share the information, but if Government is convinced of the importance of the literature, Volume I can be found somewhere.

I am also suggesting the addition of literature for the police college, giving information and updating knowledge on the drug problem. There is the *Journal* of the Toronto Addiction Research Foundation which is published monthly; also, a similar one called *The Ontario Report*; the International Commission for the Prevention of Alcoholism and Drug Dependency publishes a quarterly report; the United States Department of Justice and Drug Enforcement Administration publishes a very informative periodical. The administration of the police college should seek to add such literature to its library.

Relevant to all of this is the provision of a course in functional reading and communication for recruits and many others who have passed that stage. Also, there ought to be visiting lecturers: a physiologist, a psychiatrist, medical practitioner, a pharmacist, a nutritionist, to assist them in understanding human nature, dangerous drugs and how to maintain their own health.

Crime is an aspect of the drug problem, and our protective services ought to update their methods in crime detection. Criminals are now tracked down by the body odour they leave behind at the scene of the crime. In the *Sunday Times*, March 4, 1990, page D-17, columnist Rebecca Fowler wrote, and I quote extracts:

"Holland police have made good progress with this approach. Smell prints are already considered a legitimate forensic technique by the Rotterdam police. The method is based on the scent molecules left behind at the scene of the crime. These can be preserved with a special scent extraction kit. 'The body is a source of odours which cannot be wiped away', says Sergeant Ian de Bruin, who devised the system in Holland.

Under the Dutch system, articles that have been touched by the criminals are blown with filtered air. This is then passed through a cloth that is specially absorbant of smells. Dogs are used to distinguish smells. They sniff the scents found at the scene of the crime, and then match them with odours preserved at police headquarters. An archive of human odours has already been set up in Rotterdam and the dogs can identify each odour.

An even richer smell print can be provided from feet. Smells from the feet are stored the same way as from hands. Suspects are asked to rub their hands on cloths which are then sealed inside glass jars. Smells can be stored for up to three years.

Four Labradors have just been exported from Britain for smell-print training to add to the ones used by the Rotterdam force. De Bruin estimates the system has helped to catch 1,800 criminals, including murderers. He has 105 samples in the scent bank at Rotterdam and looks forward to collecting many more.

Hungary uses a similar technique. In Britain, Dr. Barbara Summerville, of Leeds University, is working on research that she hopes will lead to smell-prints being used as legitimate evidence in the United Kingdom".

Mr. President, it would be useful if our university would get involved in such a project and assist in containing our escalating criminal rate.

Dangerous Drugs Bill
[SEN HORNE]

Tuesday, August 27, 1991

Mr. President, the drug abuse problem in this country involves seven components: socio-economic elements, education, strategy, treatment enforcement, interdiction, rehabilitation and research.

The Bill deals with interdiction and to some limited extent, treatment enforcement. In the interest of the total solution of the problem, which is really the goal, I have made suggestions with respect to education, in the form of television programmes, a school for addiction studies and relevant literature for libraries, treatment in the form of clinics for young people, a new strategy for tracking down criminals in the form of a forensic technique, smell-prints. To ensure that the interdiction process proposed in the Bill is successfully implemented, I have suggested a drug court.

The Government has provided some \$7 million in the last budget to help the socio-economic crisis. But it is disappointing to note that a survey to identify the needy was not undertaken. I believe that needy people are receiving assistance, but there is the real likelihood that more deserving people have not been identified and, as a consequence, are not included in the hand-out.

I had mentioned before in this House that three voluntary organizations had undertaken a pilot project involving Laventille and Caroni through the co-operation of the health centres. The results are now being used to assist with providing information which was found to be necessary, information including assistance in the choice of foods for their families, with special reference to children. The present project involves the printing of specially designed posters for widespread distribution, giving information on foods for various groups in the family. This information is important before the distribution of funds to assist with the dietary requirements.

Mr. President, Government could have had the report, "A Situational Analysis of Women and Children in Trinidad and Tobago", by Ralph Henry, University of the West Indies; Norma Demas, Ministry of Health, really a survey to give us information that is sorely needed if we are looking to assist people in the socio-economic problem. This was available. Government has not used it.

In one of my other contributions, I suggested more involvement in farming in the prisons, a certain degree of privatization of workshops which would provide the necessary funds to make them viable, and the beautification of the North Coast Road as part of a rehabilitation programme.

I now look forward to see the speed, effectiveness and extent with which Government will proceed to implement and improve the educational, strategic, legislative and rehabilitative requirements. Also, I look for the earnest endeavour, perseverance, diligence and integrity of the people engaged in the detection and apprehension of drug criminals, without which, Mr. President, we will be just where we are now, without anybody held and everybody still flourishing. Thank you.

Sen. Ramesh Lawrence Maharaj: Mr. President, Members of the Senate, permit me to seek your leave to place on record my deepest appreciation for the signal honour of participating in your deliberations on the Dangerous Drugs Bill, 1991, which has been afforded me by my temporary appointment in place of Senator Wade Mark, by his Excellency the President, on the advice of the Leader of the Opposition.

My function here today is that of a practitioner, having 24 years experience in the workings of the legal system and the administration of justice in the courts at all levels in this country; the Magistrate's Court, the High Court, both civil and criminal, and the Court of Appeal. I am here non-partisan notwithstanding my temporary appointment on the Opposition benches.

Historically, this Chamber has evolved from strength to strength as a formidable source of good decisions and of stability in the enactment of legislation as has been demonstrated more recently by its debates on the Public Service Emoluments Bill, as well as on the predecessor of the present bill before this House.

May I say that I am of the view that the innovations of section 62 of the Constitution which provides for Ministers to speak in either House, even though not Members of the House, as well as the practice of the appointment of temporary Senators, are most useful parliamentary innovations that could quite possibly extend to further provisions for a limited voice from persons appropriately experienced having regard to particular matters which are under discussion.

Mr. President, this is a bill to be passed under section 13 of the Constitution by a special majority intended to have effect even though inconsistent with sections 4 and 5 of the Constitution. Sections 4 and 5, as you know, deal with human and fundamental rights. As such, it is my respectful view that we should look at them carefully.

Dangerous Drugs Bill
[SEN. MAHARAJ]

Tuesday, August 27, 1991

May I also compliment and congratulate the Joint Select Committee of this Senate in agreeing and having discussed the previous bill and coming up with a bill like this.

I think, also, that in light of the fact that it is not easy for governments to deal with the drug problems, as they have evolved today, the Government should share some compliment in having this bill brought before this House despite the fact that the previous bill was accused of having draconian measures. It has been shown that the people did not want it and this Senate did not want it.

Mr. President, I am conscious of the oath I have taken for the discharge of my functions in this Senate and the constitutional requirement of me in discharging my duties in relation to this bill. Section 54 of the Constitution requires me to use as my yardstick in looking at this bill, whether the legislation is for the peace, order and good government of Trinidad and Tobago.

At the outset, I must clearly state that the content of the bill is, in effect, part of the United Kingdom legislation. I say part, because the United Kingdom legislation consists of both the Misuse of Drugs Act, 1971, and the Drug Trafficking Offences Act of 1986. Obviously, the Government decided, having regard to the fundamental objection to its predecessor, that it should draw from the experience of the United Kingdom. Gone are the draconian measures which were in the previous bill; gone are the provisions which would have established a joint narcotic council, and its joint operations unit; a source of great anxiety to right-thinking citizens. Banished as well are the provisions as to liable persons and special powers of investigations of the Director of Public Prosecutions to obtain information.

All these improvements, however, Mr. President, still nevertheless leave quite a lot to be done to make sure that it serves the useful purpose which is desired by all and that the abuse, which has always been the fear of those who have to deal with the authority and the power, does not occur. For example, even though the joint committee and the joint unit have been removed from the bill, nothing prevents the *de facto* establishment of such authorities by the administrative Act with the attendant possibilities of abuse.

As a matter of fact, the learned Attorney General, in laying the bill in his contribution—although I was not here I had the privilege of reading what he said—seemed to have also stated that this can be done despite the fact that it was not included.

Mr. President, at the committee stage, I propose to move several amendments with a view to correcting abnormalities, or which I consider to be abnormalities and shortcomings quite apparent in the bill. For example, the uncertainty as to whether the policy intention of the Government is that the bill should relate retrospectively to certain new drug trafficking offences, such as in relation to school premises and certain aspects of money laundering. I want to know what is Government's policy regarding retrospectivity in relation to new offences committed before the commencement of the Act; that is, when the bill comes into force and becomes an Act. Our clause 4(2) of the bill can be compared with section 38(4) of the United Kingdom Act of 1986. But whereas in England money laundering is included in the definition of drug trafficking offence and, is therefore amenable to consequential confiscation orders, in Trinidad and Tobago, money laundering is not included in the drug trafficking offence.

Mr. President, one can see in section 24 of the United Kingdom Act, one can see section 38(1) of the United Kingdom Act, and our clause 48, that one of the integral aspects of the drug trade is money laundering. It appears that the bill lets off the hook the money launderers who committed the offences before the Act comes into force, but makes retrospective drug trafficking offences generally.

It is my view, very respectfully, that if this bill has to have the genuine aim which it professes to have, then obviously those people should also be covered, because money launderers are the people who have to be got at, if the bill has to have a genuine aim and objective.

Mr. President, in particular, the new United Kingdom provisions required those provisions to be supported by development and, in some cases, establishment of institutional infrastructure. For example, clause 51(4) of our bill provides for legislation to deal with certain journalistic material to be held in confidence, or for an obligation to secrecy imposed by Act of Parliament. That Act of Parliament has not yet been passed. We do not have it before us.

1.55 p.m.

Clause 49(6) makes provision for rules of court to be passed to deal with matters relating to discharge and variation of orders made in respect of matters under clause 49, which deals with orders against persons to make material available to the police in the investigation of drug trafficking. One sees that we do not have before us these supporting legislation, or supporting rules of court, or

Dangerous Drugs Bill
[SEN. MAHARAJ]

Tuesday, August 27, 1991

supporting regulations to see whether the aims and objectives of the bill can properly be given effect to.

As I have mentioned, the United Kingdom legislation is hung on another piece of legislation, which is the Misuse of Drugs Act, 1971. It is also hung on a considerable amount of legislation, such as health and medicare legislation, which generally we do not have.

Specifically, clause 51(4) of the bill relates to other Acts of Parliament which will be passed. There is a corresponding section in the English Act and that would refer to the Official Secrets Act, and other pieces of legislation. We do not have those kinds of legislation. So we see that the bill before us is hung on other pieces of legislation, other things to be done for it to be effective. I do not mean in any way to be too critical, but it is my duty to say that what has happened is that we seem to have blindly copied the English legislation, without considering the cultural aspect, the infrastructure, and, as Sen. Horne has said, it is based on a different cultural set-up.

In England, the Act has been effective because there are supporting legislation and rules of court. There is the institutionalized infrastructure, the administration of justice, the legal system, skilled prosecutors, skilled investigators, a system of prosecuting offences, which are done in a matter of days, a matter of weeks, a matter of months.

What we have to look at, Mr. President, in this bill, is: Are we going to vote on legislation which, instead of eradicating or attacking the drug problem, can be used to further the interests of the drug offenders? There is a question now which applies in Trinidad and Tobago, and it also applies in England, that if a prosecution is hanging over a person's head for a period of time, the court does not have to go into the facts of the prosecution. That prosecution could be declared as an abuse of process of the court. In England, prosecutions that hang over persons' heads for six months, nine months, or a year, have been declared abuse of process of the court. In Scotland, for example, there is law that if you do not complete a prosecution within 100 days, that is the end of the matter, regardless of the facts of the matter. In this country—and the law is coming to that in the interpretation—there can be situations where, if a case is not completed within a year, or 18 months, or two years, the prosecution could be out of the window. So, we have to ensure that our legal system can be such that it can face the music. I am not saying that this is the fault of the Government, because this has been a problem

which has been existing even before this Government came into power. Reforms have to be effected immediately if this bill is to be properly implemented.

Mr. President, I consider the most disturbing objection to the coming into operation of this legislation—leaving aside the lack of supporting regulations and the provision of experienced personnel to operate it—is the sheer inability of the legal and judicial system to support and underpin the attendant excessive litigation that must necessarily come before the courts as a result of this legislation.

It is not unknown—and I have been able to go through the files—that even Members of this Senate have spoken about delays. May I refer to what the President of the Law Association had to say about delays in the administration of justice. If I may refer to the *Express* of November 25, 1988, it says:

"Plea to save Legal System—De la Bastide calls on Government to find funds to prevent collapse. Senior Counsel Michael De la Bastide said yesterday that despite the economic decline, Government must find the necessary funds to ensure there is no collapse of the country's legal system."

In the *Express* of May 26, 1988, under the heading "Independent Judiciary", the Prime Minister is reported to have said:

"...his Government scrupulously respects the independence of the judges, and it would be presumptuous for the Government to influence them. The Government is not dictating to the police who to arrest..."

Then, the Prime Minister issued a strong plea to the members of the relevant institutions—the Magistracy, the Law Association and the Police Service, to treat the business of unclogging the machinery of justice with great urgency.

If I may be permitted to quote Sen. Deosaran in the *Sunday Guardian* of August 9, 1987, "The Crisis In Justice", in which Dr. Deosaran was quoted as saying:

"I respectfully submit, Sir, that the situation is by far too urgent for this country not to have some firm idea now as to how long these proposals would take to be implemented. As his Government has repeatedly said, the manifesto is a five-year one. I am asking with respect, that Government give this country some clear indication as to what timetable it has in mind to effect these and other related plans it has, to improve the administration of justice in this country, especially when faced with the startling figures provided by the Minister in the Ministry of Legal Affairs."

Dangerous Drugs Bill
[SEN. MAHARAJ]

Tuesday, August 27, 1991

There are many more articles but I do not think articles would suffice.

Even the Privy Council, in a case of *Joyce Lynch and Joseph Christopher Lynch*, Privy Council Appeal No. 13 of 1983, in which the Privy Council was appalled at a matrimonial matter taking 10 years, and at page 2 states:

"Their Lordships do not know the causes (for they suspect there is more than one) of this intolerable delay—ten years all but for a few months between initiation of suit and determination of the appropriate financial provision for the wife. But it is unacceptable, being a severe injustice to both parties. Their Lordships would suggest an enquiry into the causes of the delay so that the conduct of matrimonial business in and by the courts may be reviewed and such delays obviated in the future."

That was 1983.

I am going back a bit. Sen. Inskip Julien in this Senate reported on September 24, 1975—because this has been a problem which has been building up and obviously nothing important has been done to remedy the situation.

"Julien Hits at Slow Judges

Call for probe into justice."

The Democratic Labour Party in a brief report on the administration of justice—at that time signed by Dr. Mootoo—called for an investigation into the administration of justice.

That is not the end of the matter. Not only the judicial aspect of it; we have situations with the magisterial aspect of it. In the *Trinidad Guardian* of August 6, 1991, page 9, it says:

"Court Crisis Continues

Shortage of manpower as the volume of litigation increases"

Those facts are documented. Then, there is an editorial in the *Guardian* of August 7, 1991.

2.05 p.m.

Mr. Owen Baptiste in the *Express* of November 23, 1988: "Politics, Crime and Punishment—are our courts ready for this battle?". It shows that having regard to the crisis, the courts are, in effect—I would not say contributors, but the

Dangerous Drugs Bill
[SEN. MAHARAJ]

Tuesday, August 27, 1991

machinery and the fact that it does not work—probably one of the important contributors to this problem.

So, we have the legal department, the DPP's department; we have problems about it; we have shortage of staff in the DPP's department—that is well known. I do not think I need to quote the newspaper cuttings. Despite recent increases in the establishment of the High Court from 14 to 17 judges, there are at present at least five retired judges at work; one suspended in the High Court. In the Court of Appeal, you have two judges with more than a year's experience, other than the Chief Justice, one of whom retires next year.

This is a problem which the National Alliance for Reconstruction recognized just before it came into power. If I may refer to the manifesto of the National Alliance for Reconstruction, at page 25 states:

“Administration of Justice”

The NAR recognises the public concern over delays in the administration of Justice in Trinidad and Tobago. An enormous backlog of cases and long delays cause considerable expense and hardship to the public. An NAR Government will actively support proposals for improving the administration of Justice and promoting speedier trials.”

There are many things that they said they would do, and in fairness to them, they have done some, but there is much more to be done, and much more can be done, if I may say, with the greatest respect. One of the things that has been mentioned here is that:

“The NAR will take steps to have the structure and jurisdiction of the magistrates' courts re-examined with a view to addressing the normally slow and painful speed of dispensing justice.”

That has not been, at least openly, done. There was talk of an establishment of a small claims court.

At page 26, the party addressed itself to the epidemic of crime at the time, and in particular to drugs, and it says that:

“Laws will be revised and updated to deal effectively and efficiently with drug-related criminal activity.”

Well, if we have to deal effectively and efficiently with drug-related criminal activity, it is my view that we cannot just pass legislation without there being any

Dangerous Drugs Bill
[SEN. MAHARAJ]

Tuesday, August 27, 1991

backup to implement the legislation. The infrastructure must be in place, otherwise it is legislating in a vacuum. It is like a tiger without teeth; it is like a dragon without fire. The teeth of the legislation is for you to implement the provisions of the legislation.

One has seen the problem of just passing legislation willy-nilly. In 1986, before this present Government came into power, there was an outcry about the prevalence of rape in the country. What did the Government do? They thought, more powers, more work on the magistrates and things like that, would solve the problem. So they passed the Sexual Offences Act. A few days ago in the newspapers we have had the greatest number of rapes in Trinidad and Tobago, which have been reported to the police.

In 1989, there was the problem of kidnapping, larceny of motor cars and robbery. It was thought that to give magistrates more power and make the cases summarily, would solve the problem. Acts Nos. 16 and 17 of 1989 were passed in order to give the magistrate more jurisdiction and to increase the penalties. What has happened? Has it reduced the amount of car theft or the amount of robberies? It has not. The figures would show that. We have to decide what we are going to do in a situation like this.

It is significant that only on Sunday, a previous Member of this Senate, Sen. Michael Williams, was reported in the *Sunday Guardian* as talking about the Judicial and Legal Service Commission. I do not want to get too much into what he has said, but I would like to place on record that what he has said in that article is something which the Government must seriously look at, if we are to seriously tackle the problem in fighting crime. Justice is something for the people. It operates both ways. It operates in favour of the Government and it operates in favour of the man who is charged, because the government has to look at it and has the unenviable task of dealing with fundamental rights in favour of the person who can come into contact with the law, and also protecting the public interest to make sure that criminals do not take advantage of the system.

Since 1986, about 14 judges have retired, well over 50 per cent of the present complement. This is a wastage which compares unfavourably with developed countries—which we model our system—where resources to accommodate this kind of situation are infinitely greater.

The bottom line of my submission is that the resource capability of the judicial and legal arm of our justice system is wholly incapable of meeting the demands of

the minimum requirements which arise from the bill, as indeed as is generally. It is submitted that immediate action must be taken to reverse this situation. We have to be serious about the bill. If we cannot implement from Part V onwards of the bill which deals with the English Act which we reproduced substantially, we must say so, or we can leave it until we are ready to implement it.

If we are prepared to implement it, then we have to take steps immediately to implement it. When this bill becomes law, immediately the new provisions of the Act comes into force. There will be people who will be charged. We would need expert lawyers to prosecute, people who would be trained, who will, in effect, over a period of years, be trained. We would need a system of prosecution machinery. Are we going to opt for *ad hoc* lawyers just to prosecute? Are they going to be trained in that field? Is it in the interest of the state to do that? Is it not important that before such things can be implemented, we consider having a cadre of legal officers employed by the Government full-time, to implement this bill, apart from the judicial personal aspect of it?

I am not here to pass blame on anyone with respect to the delay in the administration of justice. As a matter of fact, I am not here to make any judgment on what is responsible for the delay. What I am concerned about is, can we genuinely implement this bill? I suggest that the Attorney General produce to this House, figures of the number of cases pending in the courts in Trinidad and Tobago so that we can determine whether it is possible for this bill ever to be implemented. I would propose that upon the presentation, a resolution that a commission of enquiry be immediately appointed to report on steps which may be taken in the interim to halt and, where possible, reverse any further deterioration in this regard and in order to properly implement this bill. The people's business cannot wait. What is being debated now is the people's business and while these figures may be forthcoming in other areas, I respectfully submit that we take immediate steps in order to have these figures of cases pending.

2.15 p.m.

I must say a word or two about the demand side of the situation in respect of the drugs. There appears to be a lack of policy regarding the supply side of the drugs insofar as Government makes the drugs available for treatment and rehabilitation thereby reducing the illegal demand for it. On the demand side, at present, it is not permitted to have the drugs prescribed for drug addicts for treatment. It is not considered as medicinal use under the Act. The question is:

Dangerous Drugs Bill
[SEN. MAHARAJ]

Tuesday, August 27, 1991

What is Government's policy on the prescription of drugs for rehabilitation purposes by medical practitioners, with a view to curtailing the demand from illegal sources, thereby facilitating the drug trade?

The United Kingdom Drug Offences Act has been in practice and there has been in operation this law that they in effect prescribe drugs for the treatment of addiction. This has been an integral feature of that legislation. What about the prevention or curtailment of demand for drugs as a result of the socio-economic needs of the society?

In clause 54(3) of the bill it is stated that the proceeds from the drug trafficking trade shall be applied, on the direction of the Minister, to the treatment and rehabilitation of the addicted person. That appears to be nothing more, in my respectful view, than window dressing, because these funds for the treatment of addicts could be provided from the usual sources. So the question remains: What is Government's policy on the socio-economic needs of the country in relation to the drug trade?

The bill appears to be treating the symptoms of the drug trade but not the cause. We have to get at the root of the societal problems to effectively eliminate the demand for drugs.

An important aspect of the fight against drugs is, in effect, the research aspect of drugs and measures being taken to deal with the social problems connected with the said misuse or abuse of drugs. It would seem to me that it is important for us to consider, whatever name one wants to call it, a national council on drugs. It is proposed that the duties of this national council on drugs would be mainly to keep under the review the drug situation in the country, and it must report to Parliament on a quarterly basis, on the measures to be taken to prevent the use of dangerous drugs and/or misuse of drugs; to recommend measures to deal with the social problems connected with the use and/or misuse of drugs; to ensure persons affected by the drugs obtain proper advice and that proper facilities and services are provided for their treatment, rehabilitation and after care; to promote education of the public and, in particular, the young people of the dangers of such drug; to promote research in respect of drugs, its dangers and its misuse.

I respectfully submit that the national council on drugs should be set up all over the country; there should be machinery to set up all over the country regional or whatever one wants to call it, drug councils, so that the implementation of these objectives can be carried out.

Although, we can become very emotional on matters like these to say drug offenders, pushers and traffickers must be dealt with—and I agree they ought to be dealt with; there should be strong legislation and one cannot but support this bill. I would propose amendments at the committee stage. We have to support this bill and it is our duty to ensure there is infrastructure to enforce it.

Therefore, having regard to what I have already said, we should look at the fact that under the existing legislation, section 17 of the 1985 Act, there is the provision dealing with forfeiture:

"Forfeiture shall extend to any property which there is reason to believe has been obtained from the proceeds of anything relating to the offence for which a person is convicted under the Ordinance, or to a conspiracy to commit any such offence, or to anything to which such property has been converted."

This has been in force since 1985 and, therefore, the police and the courts had the power, not as wide as it is proposed now, to deal with the proceeds of drugs insofar as they related to that offence and to what has been converted from the proceeds of drugs. When one looks, one sees that this provision has not really been seriously enforced. One can actually count the number of cases where this was enforced in respect of this section. It is because the police service itself does not have the kind of machinery in order to investigate.

I do not want to go into too many aspects of the police service machinery. What I would like to say is that one sees that having legislation even to deal with forfeiture of money coming from drug convictions do not really solve the problem. What we need is that infrastructure and it is very, very important. We have to decide whether we are really serious about this bill. If we are not serious we could pack up and go home. If we are serious about it, then you cannot just say we want you to approve this. You must show us that this legislation can work under the present system. If from the facts and figures it would show that it is unlikely to work, good government demands, in my respectful view, that the Government produces statistics to show that; to convince us. If we are not convinced, we ask that this be investigated, as I have suggested, so that we can get a committee to implement this bill.

I had intended to make a longer contribution but I think a longer contribution will not make any sense whatsoever, because when it really comes to brass tacks, if the Government wants us to improve this bill without satisfying us about anything

else under the present set-up, then it could not be serious. It can only be serious if, as has been advocated years and years ago, that as part of the implementation of this bill which is so important in order to effectively deal with the drug trade, that the proposals which I have suggested be adhered to. Thank you very much.

Sen. Dr. Martin Sampath: Mr. President, I feel deeply privileged to be able to speak on this extremely important bill at this stage in the development of our country. It is a country which at present is suffering from increasing crime, from an increasing lack of responsibility on the part of a great many individuals and a great many agencies. We must understand that drug trafficking and the use of these dangerous drugs are at the root of a great many of the crimes which exist in the country. So that unlike my honourable friend, the last speaker, I feel that we must strike at the root of this pernicious tree before we can solve a great many of the crimes that exist today.

In my contribution, I hope to show how these various things interact and how they tie up with drug trafficking and the use of dangerous drugs. I think this Senate is honoured to have so many brilliant forensic minds. Unfortunately, the same is not true about the composition of the medical side or the agricultural side of the Senate. In my contribution I hope to make up for that glaring deficiency. I have made a few notes and very briefly I will give a skeleton of what I propose to say this afternoon.

First of all, I want to record my regrets that my medical colleagues, temporary Senators Bharat and Sealey are not here this afternoon, because they told me that they were prepared to speak on this bill. It is left to me to deal with the medical side.

I want to talk about the changing attitudes in Trinidad and Tobago with reference to marijuana and cocaine which are two of the most dangerous drugs here for geographical reasons. Opium, heroin and morphine have found their way in the old world because they are more prevalent there, and marijuana and cocaine in the new world because the indigenous source of these plants are South America and the West.

2.25 p.m.

I shall refer to what some of our scientists said until recently, about these two drugs and the attitude that they had very, very recently in this country. I will then go on to talk a little bit more about society and the behaviour of people and then I

shall talk about the actual taxonomy of these plants, that is to say the classification of the plants, insofar as the production of cocaine and marijuana is concerned. Next, I will say a few words about police powers and their deficiencies, then about penalties, whether they are too stiff or too mild and then, in order that I shall bring hon. Senators of this House face to face with the actual problem of addiction, I shall give two case histories with which I myself have dealt personally and which brought me face to face, among other cases, with the problem of addiction and how it affects the parents and the people around them. I shall talk about preventive measures and what this Government has been doing; then the question of treatment and the overloaded facilities and then finally, the question of curtailment of liberties and how we should react to what appears to be certain curtailment of the liberties of the citizens in order to deal with this problem.

Now, with the changing conditions in the culture of the country with reference to cocaine and marijuana, I think everybody knows that not so long ago it was possible to buy marijuana in the shops openly. There were signs saying: "Licensed to sell Ganja by Retail" and people used it and they relaxed and it was no problem. There was very little addiction, if any, and it never affected society. Now, as far as cocaine is concerned, things were a little different. Cocaine has been known for a long, long time medically. It has been used as a surface anaesthetic, a contact anaesthetic for mucosal tissue, for example, the eye, for operations done on the surface of the eye. It has been used in very small injections for the extraction of teeth and it has had its dangers. One thing that happened to a very senior colleague of mine who was an ophthalmologist, he wanted to do a nerve block on a patient's eye and, instead of injecting one of the synthetic drugs like procaine, provocaine or novocaine into the back of the eye to deaden the nerve, the nurse handed him a vial of cocaine, which he injected, and the patient died from an overdose of cocaine and he had to pay considerable damages; one of the dangers there.

Now, to show you how scientists find it difficult to foresee what can happen to some of the drugs that are in existence, I want to quote from this book. It is called *Useful and Ornamental Plants of Trinidad and Tobago* by R.O. Williams and his son, R.O. Williams Jr. In the 1969 Edition—you see, it is very, very recent, only 1969—he describes marijuana in the following terms:

"Cannabis sativa: Family: Moraceae, Hemp, Ganja

An erect, annual herb 3 to 12 feet high, cultivated in cool climates for its fibre and oil seed. Leaves of three to seven long narrow leaflets"

Dangerous Drugs Bill
[SEN. SAMPATH]

Tuesday, August 27, 1991

and so on, "the flowers" and all that, and he says:

"Grown in the tropics, a resin is produced, especially in the flower tops of female plants, which dried, has an intoxicating, narcotic effect when smoked. The cultivation of the plant is prohibited in the colony."

Even then, the cultivation of this plant was prohibited in the colony. And that is all he says. The question of addiction and all that is not mentioned.

Now, let us look at what he said about the plant that produces cocaine:

"*Erythroxylum novo-granatense*. Family: Erythroxylaceae, Coca, Cocaine Plant.

A shrub with light green oval leaves...short spikes of small white flowers succeeded by small red fruits."

Incidentally, this is how it gets its name. *Erythroxylum*, you see. *Erythroxite* is a red blood cell. *Erythros* means red.

"The value of the plant became known because it was used by the Indians of Peru and Bolivia, the leaves, chewed with lime or infused like tea increasing the nervous energy and endurance and lessening fatigue."

Now listen to this:

"It makes a good hedge!"

That is all he has to say about the cocaine plant. Even at that time, 1969, there was no law about not growing this particular plant. So you see how things have changed between then and now.

Many people who helped him with this, like Prof. Cheeseman, who was my professor at the Imperial College of Tropical Agriculture, Dr. Pound, who did research on cocoa, F.M. Bain, and so on. I knew those gentlemen very well, and not a word about addiction. It shows what the attitude of even our scientists was to the drugs in those days. Why has this become a problem in the country today, one asks? It is a terrible problem. Why did it happen? Now, doctors knew that cocaine was dangerous and so they started using the synthetic substances which had a cocaine-like effect on anaesthesia, but the question still arises, why is it that doctors still have a great deal of difficulty with some of these dangerous drugs, not only these two, but other dangerous drugs? When I speak about the patient I had who became addicted because doctors gave him one of these dangerous drugs, you will understand how deep this problem is located.

Why is it that these drugs have become so terrible? An analogy, I believe, that came across my mind was the locust, the simple locust. You know the biology of small animals is very similar to that of large animals. I think Prof. Spence will be able to confirm this. When the locust is in the solitary phase, it is physically harmless. It eats a few plants; does not kill any and that is all right. You can have thousands of locusts in a solitary phase. But then you get a gregarious phase, where they all get together, and the psychology and physiology change to the point where they become a major menace to crops all over the world. They march like an army and just destroy things.

So it does appear that moving from a rural and a scattered environment into urban areas where they are crowded and where there is stress of one kind or another, lead people to become addicts on the same drugs that were available when they lived in more scattered areas. You see, this has happened all over the world. It has happened in the metropolitan areas, first of all. It has now spread to the so-called Third World, we who seem to ape the worst vices of the metropolitan areas without following the virtues of better production and higher skills and so on. We, in the Third World, seem to suffer from that particular vice. That seems to be an explanation. It is not the only explanation, but it seems to be one.

Now, Mr. President, this thing is so important—the actual source of cocaine, which is the major peril in this country—that we, in this Senate have always been on the cutting edge of science and technology. We were at the cutting edge of this in the Domestic Violence Bill, also in the Telecommunications Bill; we were just at the edge of science and technology. Things that are to develop in the future, we already thought about them here and have provisions for them. The same thing is happening now with this Dangerous Drugs Bill. I will tell you exactly where I am coming from in that respect.

2.35 p.m

Some of you may have seen a copy of this tentative amendment which has been circulated, having to do with the definition of the coca plant. I am suggesting a new definition of the word “plant”, and this is what I am talking about, the cutting edge of technology. What alerted me to this was a small typographical error on page 2 of the definitions. The definition of “coca plant”, according to the bill before us, “means a plant of the genus *Erythroxylaceae* from which cocaine can be extracted”.

Now, what alerted me to this was a small error there. They referred to “genus *erythroxylaceae*”. Now any taxonomist or botanist will realize that *erythroxylaceae* is the name of a family. The genus is *erythroxylum*. But having been alerted to this, I read up a little more about the source of cocaine and I was not happy about it, so I telephoned Dr. Seaforth who is an expert on the production of chemicals and medicines by plants. He wrote a book called *Medicinal Plants of Trinidad and Tobago*. I telephoned him and asked him about this. I said, “Dr. Seaforth, are there any members of this family which produce cocaine?” He said, “Well, I will look up my references”. He is an expert in this field and he knew where to look. He telephoned me the following morning and he gave me some very interesting information. He said to me, “You know, Dr. Sampath, the two plants that are cultivated from which cocaine is extracted, are *Erythroxylum-coca* and *Erythroxylum novo-granatense*. These two produce cocaine in commercial quantities, but there are two wild species in Venezuela, just next door—*Erythroxylum-recurrens* and *Erythroxylum-steyermarki*, which produce just as much cocaine. These are not yet cultivated, but believe you me, Mr. President, the people—those barons who are making the money, you can bet your bottom dollar that they are investigating all the plants that can produce cocaine and they are going to do it. And these two plants are just next door in Venezuela. So my point here is that this amendment is tentative, but when you have this information it will be up to us in the Senate to devise wording which will ensure that none of these plants can come into this country and that the law here will protect us from the introduction of these plants.

Now again, we are at the cutting edge of science and technology and we must be aware that the word “plant” has been defined even further. Because a plant has roots, stem, leaves and flowers. That is the dictionary definition of a plant. But in these days it is possible to have genetic material and gene transplants. Again, you can rest assured that these drug barons and those who assist the cultivation of the cocaine and related plants, are making sure that they will be able to get tissue and maybe introduce some of these deadly genes into other species of *Erythroxylum*. So we must widen the definition of “plant” to include, genetic materials such as plant cell tissue, or scion material. You know the scion is the part which you graft on to another plant. You can take a sour orange and graft on a grapefruit and get grapefruit. Everybody knows about this. So we have to guard against all this and it is for this Senate and the legal minds among us, to draft the wording which will

make it impossible for any of these people to benefit from a little deficiency in this bill.

I have just discussed the taxonomy of the toxicology, that is to say, the classification of plants, and the poisons that they produce.

Now the question of police powers, this has been hinted. This is one of the weakest areas in our entire society and it has been so since colonial times. Fortunately, we have people now in the Ministry looking after this, who are making sure that the recruitment of new police officers is such, that the attitude towards their work and towards their citizens is much more healthy than it has been in the past. It is not going to be easy. There are still "black sheep" in the police service, among the higher echelons and among the lower echelons as there is in any other profession, among doctors, lawyers, businessmen, everywhere. But we are trying our best to see that the police do their work properly. It is certainly weak, perhaps the weakest point in everything, in all the laws that we pass here.

On the question of penalties: are the penalties too stiff? In the East, they execute a man if he is found with a certain amount of drugs. The penalties are not stiff at all. I think the penalties are perhaps too mild, if anything, when you think about the damage that these traffickers and drug barons do.

Now I would like to relate to you two case histories. They are very sad case histories. But what I want to do is to take away from your minds that drug addiction is a question of statistics, or reading in the newspapers what happens to a person in Sangre Grande or a person in San Fernando. It is a very real thing. When I read these you will see. I want to bring you face-to-face with the addict, face-to-face with what his family faces, what his friends face, what his brothers and sisters face.

The first is a young man of about 35 years, and he drives big trucks belonging to a contractor—very heavy vehicles. He used to suffer from gastro-intestinal problems. I have correspondence here between myself and the Chief Medical Officer concerning this gentleman. As a matter of fact, I had to protect myself because at one time it was felt that I was making him an addict. From this correspondence you will see the problems of not only the man, but the lengths to which addicts can go and the danger to the doctor who might be treating these addicts. This has a bearing on what my hon. colleague, Sen. Maharaj has told us about doctors using drugs for treating these addicts. It is a very complicated thing.

Dangerous Drugs Bill
[SEN. SAMPATH]

Tuesday, August 27, 1991

Let me start by reading the correspondence. The first letter I got was from the Chief Medical Officer and there is "Confidential" in red, dated 1st June, 1979.

"Dear Dr. Sampath,

During recent inspections of records of narcotic drugs at pharmacies, officers of the drug inspectorate, Ministry of Health have discovered that considerable quantities of narcotic drugs namely, Pethidine have been prescribed for a patient, Mr. Hal of Erin Road Siparia. I am using only the last syllable of his surname in the interest of confidentiality.

Prescriptions alleged to be signed by you have been produced both at King's Pharmacy, Ciperio Street, San Fernando and at Garcia's Pharmacy, Fyzabad Road, Guapo, during January to February 1978. Mr. Hal received some 268-50 mgs Pethidine tablets.

I should be grateful to have information from you on this and the medical reasons for prescribing large quantities of narcotics for this patient.

Naturally, your explanation will be treated with the greatest confidence."

2.45 p.m.

My reply dated June 18:

"Dear Doctor...,

I thank you for your letter of..."

This patient suffers from a very painful gastro-intestinal condition and for many years had been treated by other doctors at the General Hospital San Fernando with narcotics to which he has developed considerable tolerance. He has been having repeated injections of narcotics and I have gotten out of bed at night on several occasions, sometimes twice the same night. (June 1977). I am pleased to say that he had been weaned off injections. At least I have not given him an injection for nearly a year, and he is gradually being transferred to Sosegon tablets."

Now, if you look at the schedule, you will see drugs related to Sosegon are also listed here, for a very, very good reason. Sosegon is, incidentally, a synthetic drug which has some of the qualities of morphine amphetamine.

"I shall be happy to supply a more detailed report of this..."

Now, the next letter is June, 1979:

"Thank you for your letter of 18th June. I will ask you to provide us with another report. Meanwhile, I am of the view that he will have to be considered an addict".

The next letter is May, 1980, from a specialist in internal medicine and diseases of the kidneys, to whom I referred this patient:

"Dear Dr. Sampath,

Re: Hal, age 31

Thank you for referring this patient to me, I saw him in my office..."

And he tells me about his epigastric pain, and abdomen. He did a complete examination of him, and he said he thought the man had chronic pancreatitis with episodes of hypoglycaemia. This was not a psychiatrist, this was an internist in medicine."

Now the other letter comes from the Chief Medical Officer, dated December 15, 1980:

"Dear Dr. Sampath,

I refer to your letter dated 18th June 1979, reply to my letter of June 1st.

My inspectors have again indicated that between January 23rd and April 5th, 1980, 13 prescriptions of 45 tablets of Pethidine were dispensed by Mr. Hal. In view of the fact that in your letter of last year you indicated that you were weaning this patient off Pethidine, I am surprised to have to enquire from you about this patient's condition.

Once again, I assure your confidentiality".

Now, I replied again. I shall not read the whole letter:

"I am very surprised and deeply concerned...

Between 1st January, 1980, and today's date, I have not prescribed any Pethidine tablets for him."

So you see what has been going on as far as the patient is concerned—

"I have indeed prescribed Sosegon tablets and even this I decided was too often, and I took in a stock so that I could regulate the amount that he is getting".

Dangerous Drugs Bill
[SEN. SAMPATH]

Tuesday, August 27, 1991

Now, if you read the provisions here about patients getting medicine from one doctor and not from another doctor, you see the reason why—

"Now, I have practical experience of what patients can do. And then again I assume that the prescriptions referred to carry my name, or you would not have written to me".

And I said that I would like to see those prescriptions to see what they looked like.

And then another letter from Chief Medical Officer in which—you notice I am not saying whether it is he or she, I do not want you to guess who the Chief Medical Officer is. Anyway, the Chief Medical Officer told me that these things had a rubber stamp with my name on it and the Chief Medical Officer advised me to keep my rubber stamp away from the patients. Eventually, I asked to see these things. The Fraud Squad came in with all the prescriptions and low and behold, they did not have my signature; they had my rubber stamp; some of them had my letterhead which was photocopied. So this patient had actually been forging my signature, getting my letterheads and stamps, and getting these things from the drugstores all over the place.

This story has a very sad ending. The Fraud Squad got onto him. I do not know what happened, I believe they wanted to arrest him for forgery. He was a drug addict, and he committed suicide by drinking gramoxone. It shows, you see, the deficiency in everything, the deficiency in the way we think about victims. Drug addicts are not criminals; they are victims. The criminals are the pushers, the criminals are the traffickers, and the criminals are the drug barons.

Why do some people become addicted to anything—to cigarettes, to caffeine? There is something in the personality of the human being which is not a hundred per cent flawless. Some of us are weaker, some of us are frailer in some respects. Some of us are a little bit schizophrenic. Some of us do not get heart attacks simply because we are schizophrenic. I have never heard of a myocardial infarct in a schizophrenic in my life. They protect themselves from stress by taking themselves away from stress. So you see, being a little bit different and being frail sometimes is a protection for the person, but unfortunately when you have substances readily available for them, they take a step in the wrong direction.

If it is cigarettes, nothing is wrong with that. Some of my best friends are nicotine addicts. Some of them are in the Senate today. Whenever they smoke during committee stage, I move a little away from them because I do not want to

be addicted to nicotine, you see. So there is nothing wrong, really, with being frail or being weak.

I will now read the case history of the second person because it is important. Now, this second person became addicted to cocaine and he went through all the stages. He is about 30 years old now. I attended to his mother when she was pregnant with him. From the day she became pregnant I attended to her, right through. She had a very normal pregnancy, with one exception; she was one month overdue. I try to look for reasons; reasons in the environment or reasons in the personality why we might be addicted, and so I paid particular attention to this young man. I know him very, very well. He was one month overdue. I had delivered him. I had to give the mother something to contract the uterus so that he could be born. If I did not, if I was not there, I have no doubt that he would have died before being born.

When he was born he was a normal child, very charming. The only thing I could see wrong with him then was that he liked the ladies very much, and I always joked with the mother and I said, "You know why he likes the ladies? Because he stayed inside of you too long". But you see, you can joke about certain things, but it became very serious with him after a time, Mr. President.

He went to school; he went to one of the prestige schools in San Fernando. He got six O' levels and at that time he started with alcohol, tobacco, marijuana, so he did not finish his A' levels. He got married young, when he was 20. He now has two very charming children, a boy and a girl, nine and eight—very charming young man.

He got a job as a trainee-supervisor at one of the oil fields and he had tremendous progress. He won snooker tournaments and so on; he had the trophies in his house. Then he started cocaine while he was working for this oil company and that changed him completely. I could not detect anything different in his personality except this immense charm when he was growing up. I treated him for all sorts of things. I treated him for nephritis; I treated him for chicken pox, measles, mumps. He went through all those things, and came out shining.

But with the cocaine he changed. He started absenting himself from work. His father and mother would drop him off at the bus station to go to work, and they would find him skulking in the house in the morning. Having dropped him off, he went and got his cocaine and came back. Then he started beating his wife.

Dangerous Drugs Bill
[SEN. SAMPATH]

Tuesday, August 27, 1991

You see, people ask why we are rushing these bills. We are not rushing them. There are things in society that need to be changed. Society is like the human body, they have got to treat every aspect of the disease and the shortcomings in the society. This ties up with the Domestic Violence Bill. So we had to get that through. Then the Telecommunications Bill: the question of monitoring, the question of knowing codes; we have to know what these drug traffickers and other people are doing. They mesh together. It is a holistic effort we are doing here.

This young man started showing signs of paranoia. He had started having delusions of grandeur; he was better than anybody else, also delusions of people taking advantage of him, delusions of persecution, blaming his parents, blaming his wife, blaming everybody.

His wife has been very faithful to him, has been very kind to him. She loves him. She married him for love, not for money. She is sticking by him all the time, no matter what he does, she sticks by him. Mr. President, why does a woman love a man? I am convinced a woman can admire a man for his strengths but she loves him for his weaknesses. This is a case that illustrates it; she has never left him.

He started stealing. Actually, he does not call it stealing, he does not deny that he has taken those things, but he takes from his own home. He takes money from his father, mother, wife and children—the children's piggy-bank is always empty; jewellery, equipment. I say "take", because he is boasting to his parents that he does not steal from anybody else, only from his family, what he feels belongs to him. But I will make another point later, because his parents, between them, are worth several million dollars. He is not a poor man. The contrast between that and the person who does not have anything, you see I shall deal with a little later when I come to deal with society and other things.

He took lamps, electric and ornamental, emergency pitch oil lamps; light bulbs, electric extension cords, batteries, eight rolls of barbed wire, dozens of twenty-foot lengths of PVC pipes, the car radio, welding rods, electric fan, and also a hundred-dollar glass fish tank. He steals clothing, his own trousers, shirts, T-shirts, underwear, shoes and socks, his children's clothes, dozens of rolls of toilet paper, soap, soap powder, and tooth-paste. He takes these things and exchanges them for a \$10 cocaine rock, which he puts in a cigarette and lights.

He takes foodstuff from the kitchen, dozens of tins of condensed milk, 24 cartons of Sta-fresh milk, cartons of butter. When his mother thinks that there is something there to cook, it is not there. It sounds funny, you know, but it is tragic.

One day his mother told me that she took out a leg of lamb from the freezer had put it there to defrost for Sunday's lunch. He came in about nine o'clock and she said to him, "Now, are you going out again?" Because his habit was to come in and then sneak out and go and take his cocaine. He said, he was going to bed. Suddenly she heard something. She got up and looked and the leg of lamb had gone. He had taken this, opened the door and went out to exchange this, I presume, for two rocks.

You see, I see the Minister of External Affairs smiling. It can be funny, you know; this can be funny. In fact, if you did not think it was funny, you would cry. In life if we do not laugh sometimes, we cry, and I think that is why the Minister is smiling at it. I see the other Minister is also smiling. Anyway, he probably knows why.

Now, when there was nothing in the house that he can be entrusted with, his parents locked the house and said, "Now, look here, you have got to sleep in the garage. If you come in here you will be stealing"; what does he do? He started stealing the plants that she had around—mango plants—and sold them. He started digging up plants from the yard and selling them. He is clever. He can pick the locks of the car and come in when he wants to, listen around for conversation in the house, and so on.

The effect on his family is tragic. Imagine how his father, mother, wife and children are suffering. Think of the anguish that these people have when they know that this person, a person that the mother gave birth to, that she trained, sent to school and all of that, has dropped to this level. Just think of it. I do not mind telling you when he started getting on and shouting at everybody and all that, at one time she said, "Look, if I had a gun I would shoot him". It is as bad as that.

This is the face of the addict, Mr. President. This is why we must stop these drugs from coming into the country. We must do it. Because thousands and thousands of young people, men and women—when a young woman is addicted and has nothing more to sell, you know, she sells herself. This is what we are facing.

So let us not pussyfoot about this. Let us not say this is useless unless we do the other thing before passing this law. Is anyone suggesting that this Parliament should now shut down and stop passing laws because we do not have infrastructure for dealing with these things? It is ridiculous, Mr. President. I do not know what to say when I hear people saying that. Do they not understand that

Dangerous Drugs Bill
[SEN. SAMPATH]

Tuesday, August 27, 1991

these drugs are at the root of so many crimes? We trim a branch here, we trim a branch there; we catch a thief here, we get a motor car there, and so on, but if the root of the thing is not dealt with, if these drug barons are not brought to heel, if their property is not confiscated and used for the purposes for which provision is made in this bill, we will never solve the problems of this country.

So let us be very careful when we try to delay this bill for another three years. I am not surprised, Mr. President, that certain people on this side of the Senate hinted that the reason there was delay was because there were perhaps people on some other side or in some other place who were in league with drug barons. I am not surprised. People can get emotional and think that kind of thing. But I am not saying so. But I am saying that is the danger if we delay this bill any further.

These poor children of this person, this patient of mine that I am talking about, this boy and this girl, their nerves have gone. This poor little fellow starts wheezing whenever the father starts getting on. He wets his bed when these things happen. He is going to be a victim, too, when he gets older. What do you think he will be? What are the chances of his not becoming an addict and following in his father's footsteps? These thousands of young people in our country must be helped, and there is provision in this bill that when property and money are seized, confiscated from these drug barons and drug traffickers, they will be used for the rehabilitation of these addicts.

This young man whom I am talking about, I referred him to a psychiatrist; he went up to Caura; he stayed there for two months. He came back to his family and apparently everything was all right. And as soon as he started working again—this urge for cocaine is so great. Sometimes I wish I could experience it so I could tell you what it feels like. But of course one shot can get you addicted so I do not experiment with it. But what they tell me is that the pleasure one derives from smoking cocaine is immensely greater than anything else. They tell me it is greater than smoking a cigarette after you have been deprived, or slaking your thirst after a football game. It is even 10 times more pleasurable than sexual intercourse.

Now, you see, that is intense pleasure. So that the urge for this is tremendous in these people. That is why people say, "Once a cocaine addict, always a cocaine addict". The withdrawal symptoms are such that they are a menace to themselves and other people.

Now, I want to talk about the poor person. This is a rich person. His father and mother have millions of dollars in property and otherwise. He is rich. He can still

take from his own family, but the poor person steals from other people and then he ends up in jail, without bail, and that is the end of it. There are thousands and thousands of people like this in our country.

I hope that I brought my honourable friends here in the Senate face-to-face with this particular problem.

This young man, when he came out of Caura, went back to cocaine. His father and mother always come to me for every single thing. I referred him to the casualty and I phoned the casualty and told them he was coming. I spoke to the psychiatrist and they said, "Yes, send him in". He went in; they took him into ward one of the San Fernando Hospital and there he antagonized—he was in the phase, you see, of the urge, the withdrawal symptoms—and started cursing the others and one person beat him up. Then they transferred him and another person beat him up. They transferred him to St. Ann's. He is very, very clever. He can pick locks and do all sorts of things. He spent one night there and the next day his mother brought him to me and I said, "What are you doing here?" She said, "Oh, he sneaked out of St. Ann's he came down, got a maxi-taxi, borrowed some money and he went home."

Anyway, what is going to happen to this young man? Two days ago I sent him into one of these small places where they do rehabilitation. There are about 30 or 40 of them, voluntary. You pay them a small fee—I believe they tell me it is \$300.00 per month or something—where they treat them for three months and then let them out as out-patients.

These people run on a shoe-string budget; they hardly have money. How can they keep a person on \$300.00 a month for food and everything? I do not know how they do it, but they do it. These people have to be commended. If there are any of these people here in the audience I want to thank them, Mr. President, for doing this excellent work, because the hospitals are overcrowded; St. Ann's is overcrowded. They do not have the infrastructure; they do their best. But these places help. So when we get the confiscated property from these drug traffickers and barons we will be able to have these houses all over the country. We will be able to take their money and train young men, perhaps even people who have reformed, who have been rehabilitated, to be nurses and guardians in all these places all over the country so that they can rehabilitate the people who have become addicted. So you see again, that part about confiscation and the use of the property of rehabilitation is included in the bill.

Dangerous Drugs Bill
[SEN. SAMPATH]

Tuesday, August 27, 1991

Now, what do the Colombians say about addicts? They tell the Americans, "You people talking nonsense; if there was not a demand for it we would not sell any." Of course they are perfectly right. The societies of the United States and Britain, and our society, have bred the milieu for addiction and the demand is there, so they make their money. So what do we have to do? We have to do many, many things. We have to get these young, frail people—and remember, they are frail, they are not as strong as most of us here psychologically—and get them involved in youth activities, and you see, our Government has been doing this.

As I say, the entire picture of the society is being dealt with, as it were, sector by sector. We have YTEPP, for example, the Youth Training Enterprise Partnership Programme. We have YESS, the Youth Enterprise Support System. We have the Small Business Development Company and, of course, we have the much maligned but extremely useful and productive LIDP, the Labour Intensive Development Programme.

What we do not have sufficiently developed is the National Service Programme which has been delayed by our critics on very, very false premises. They talk such nonsense about—what is one of the words they use—"dougularization", and so forth. Because young people of different races will be studying together and working together, they say it is an attempt by the government to "dougularize". Why do they not criticize the co-educational schools we have in this country where everybody from all races attend? What about UWI? Where do you find people of all races coming closer together than at UWI? We are not forcing anybody to marry or to have any relations with anybody else. They will marry whom they want. People with common interests will marry each other.

Sen. Rampersad: "Douglas" are nice people.

Dr. Sampath: Exactly. My colleague here is telling me—I know some beautiful "Douglas."

Now, that is one way in which we are trying to prevent these young people, the frailer ones from falling into the clutches of the drug pusher.

Mr. President, I think I have said enough. Finally, I exhort this honourable Senate, there will be amendments to be made, make the amendments. But in the final analysis, Mr. President, through you, may I say to my colleagues here, please, for the sake of your children—these two people could be your children, they could be the children of any one of us.

While I congratulate Sen. Maharaj and I very, very sincerely congratulate him—I wonder if he would mind if I tell the Senate how I first met him. I wonder if Sen. Maharaj remembers the first day we met. We were both members of the People's National Movement in the 1970s, at Chaguaramas. If my memory is not accurate, please correct me. What I remember was this: Sen. Maharaj got up to speak on the waste of funds in our foreign embassies at that time and he was booed by the other PNM people present. Mr. Prevatt, who was the chairman of the meeting, called on him and asked him whether he was the representative of his constituency, and sad to say, the other members of his constituency denied him their friendship and they said, no, he was not. Am I accurate in what I have said? I do not know if that has anything to do with his lack of love for the last regime.

Sen. Maharaj: Mr. President, I think Dr. Sampath is completely mistaken. what he is saying is completely untrue. It was because of the fact that we were criticizing the PNM administration, he, as a member of the PNM, did not like the administration being criticized and he requested me to leave the meeting because he could not face the criticism.

Dr. Sampath: Now, it only shows how memories can play tricks, but I still think what I said was correct. Now, the sequel to that was, I got up to speak for Siparia and Mr. Prevatt apparently mistook me for him or thought we were members. *[Interruption]* This was 21 years ago. We have both changed a little, since then. Anyway, he asked me whether I was in fact the representative for Siparia, you see, he thought that I was also getting up as a—you know. Anyway, that is by the way.

I congratulate the Senator on his excellent speech, but let me just say that we must not wait any longer. Procrastination is the thief of many things, especially of time and let it not be the thief of this particular bill. May I tell hon. Senators, through you, Mr. President, make your amendments, but for the sake of your children—these young men may be your children, may be children of people in the Senate. They may be your grandchildren in a few years' time—please, pass this bill quickly and unanimously. Thank you.

Mr. President: Someone inside this Chamber seems to be replaying a tape recorder. Could I appeal and have the co-operation of that person to stop replaying any tape recorder during the proceedings of this debate.

Sen. Dr. Ramesh Deosaran: Mr. President. I enjoyed the presentation of my long-standing friend, Sen. Dr. Sampath. If he has changed, it is because he has become so mellow. But those of us who knew him in his more fiery days, I think we have always enjoyed the keen commitment he had to this country, and I see that though his enthusiasm might have waned somewhat, I think his commitment still stands. As is the tradition of this Senate, I extend commendation to Sen. Maharaj on his maiden presentation in this Chamber.

Mr. President, we will all recall that a select committee was established to examine this question and the hon. Attorney General did outline quite properly the stages through which this process developed. I, myself had the privilege of being a member of that select committee, and one of the very early problems I faced in that committee was trying to get ourselves as a group to first conceptualize what we intended to do, and then put that concept or intention in legal language. Now, I was severely outnumbered, because, in the first place, the select committee was dominated by men of the legal profession. But I recall that, because I still see, at least in some clauses of the bill, a struggle to really understand what it is we want to do. For example, I thought that Sen. Persad did raise a point that I, myself, overlooked in terms of whom do we send to psychiatric care. It did not seem to me to be an important point, but certainly when I reviewed the legislation just this morning, arising from what Sen. Persad said, I believe that we had placed the emphasis in the wrong direction. So, it is for questions like that, I try to put the horse before the cart by laying out before ourselves, as a group in that committee or anywhere else, what it is we want to do, and secondly, which is a more important point, how much can Government, any Government do in dealing with this problem of drug abuse and drug trafficking?

I do support the bill. I want to make that very clear, and I will explain the reasons later on. One of the reasons is that we have little or no alternative. What else can a government do in the face of what has been described this afternoon as a nefarious trend? I remember in the circumstances surrounding the Drug Report—that very controversial document—a particular attorney, Desmond Allum, advocated at the time that the only way you can deal with this menace of drug trafficking was to declare a state of emergency.

3.15 p.m.

Mr. Smart: Is that right?

Dr. Deosaran: I stand corrected. I mean, that is my recollection.

Sen. Furness-Smith: Yes, you are right. In his report, that is what—

Dr. Deosaran: In his report, and following the correspondence as closely as I did, and I am confirmed by my distinguished colleague, that the only way that this problem of drug abuse and drug trafficking can be dealt with by a government, is to declare a state of emergency. I do not know why the Attorney General is appearing so surprised. Certainly, his Government was privy to the correspondence that flowed.

Mr. Smart: It is just that that is not the way this Government thinks, so that is why I was thinking of that.

Dr. Deosaran: I am not accusing the Government of anything. I am trying to develop a background to this whole issue. I am recalling that particular position of Mr. Allum who, at one time or the other, was also President of the Law Association. So he was a distinguished spokesman. You also had a previous Minister of National Security, Mr. John Donaldson, who hinted that perhaps the country can begin to look at legalizing marijuana as another possible solution, and he invited a public debate on the question.

When you consider the issue of drug trafficking, not only in Trinidad and Tobago but all over the world, you will detect a pervasive cynicism as to how much more we can do. You will see governments besieged in the face of drug barons, almost captivated by the clandestine activities which surround drug trafficking and the drug trade. We have to come to terms with, what I believe, a very serious proposition. Apart from what has been said about infrastructure, some can say that this particular piece of legislation may not work. Whatever the reasons of such proponents, I think the world has to step backwards now and take a second look at this problem.

If you permit me, Sir, the United Nations issued a document called *The United Nations and Drug Abuse Control* and on page 101 it states:

"The time has come for each State to establish a comprehensive programme to confront the drug problem in all its aspects."

Now, which state can practically do this? If you go to do it in all its aspects, people will say that you will violate the Constitution because you will have to enter into family structure and tell parents what to do. I am trying to express the kind of euphemism, the kind of glorification of the possibilities that, in fact, we are unable to come to terms with. It goes on:

Dangerous Drugs Bill
[SEN. DEOSARAN]

Tuesday, August 27, 1991

"Each national and international organization must aggressively pursue those activities which will contribute to the ultimate solution."

We have all been, over the years, seduced with this kind of language, to the extent that we misplace the emphasis.

Certainly, I must say at this stage, I have great sympathy for the Attorney General, in a political sense, and also for the previous Attorney General, and even the ones before them. The section goes on:

"Each individual must make a commitment, play a part in preventing drug abuse in this and future generations, in calling for a halt to drug trafficking and illicit production. Without such support..."

which, in all practicable terms, is an impossibility—

"...and personal commitment, no nation can be successful in this fight. Everyone must work together, and together a free world from the plague of drug abuse will be achieved."

Now, I like my mother too. We are all for motherhood. This is what it means. We all would like the world to be free from the plague of drug abuse. But if it has to depend on these conditions set out here, which is a conclusion by the United Nations—I assume it came after some consensus—Sen. Martin Sampath, I am afraid, if these are the conditions then I will take a second look. This is not about politics, hon. Senators. Like many of us, including people like Sen. Sampath and Sen. Maharaj, we have been bothered for a long time, as to what to do. Some of us have done extensive reading on the subject. But to what avail?

What Mr. Allum was implying is that if you use the court system, as we know it in the traditional sense, and if you rely on the constitutional provisions as they function ordinarily, and if lawyers are allowed to play the part that they play every day in the court, you will never be able to break the back of drug trafficking. Mr. Allum further implied that you need a state of emergency.

My position now is not to necessarily agree, or disagree, with Mr. Allum's own position, but to note that conclusion for the specific reason of illustrating how difficult it is to deal with this particular problem under ordinary circumstances. Maybe the time has come for us to take a second look at the range of drugs that we categorize as not only illicit, but which fall under the rubric of drug abuse.

You know, Mr. President, in years gone by, alcohol and distilled beverages were all prohibited in the United States. That era was called the period of

prohibition. It was difficult to get, in a normal way, alcohol and other distilled beverages. So, what eventually happened, you had things that we call bootlegging, illicit trafficking, corruption, bribing police. In some instances an entire department was bribed—it is properly documented—because of the tenuous nature of that supply and demand relationship.

3.25 p.m.

Corruption became so rampant and the murders that accompanied such corruption have been highlighted in numerous text and countless movies. We, of course, have to tread lightly; in the sense that we cannot just come out and say, legalize drugs; legalize cocaine and heroin. But we really have to step back and ask ourselves a fundamental question and that is: Are governments in any part of the world capable, in today's circumstances, of solving—I think that is the word Sen. Sampath used—the problems of drug abuse, and particularly, drug trafficking?

You know, as an incidental, but relevant point, in Trinidad and Tobago—it has been mentioned here many times, including today's debate—alcoholism is one way of leading to heavier forms of addiction. But we do not ban alcohol, do we? You have a national council that looks after the abuse of alcohol. It has been in operation for a long time and one of its greatest benefactors is Angostura Limited. The funds by which this national council against alcoholism operates, come from a producer of alcohol.

So what I am speaking about here, is not to ignore the issues of ethics, morality and the horror stories that my good friend pronounced today. We are all aware of those considerations. But given the history of this issue, that is not confined to Trinidad and Tobago. I mean, we behave sometimes as if all these things are confined only to this country. We are merely an unwilling partner in a larger world drama of tragedy, really.

What we are doing here by this bill, with the greatest respect to the Attorney General—he, too, has no alternative. If I were in his shoes, I would have to do the same thing. I would have to genuflect to the public to appear as if, with this bill, there will be a better tomorrow. If he does nothing, he will be criticized. What more can he do? Well I have a few suggestions in that respect, but in a general sense—this has little to do with politics—it has to do with a number of other things.

Dangerous Drugs Bill
[SEN. DEOSARAN]

Tuesday, August 27, 1991

There was a conference on Democracy, Subversion and National Security held at the Normandie Hotel, last May 31. I think the hon. Minister of National Security was there, and the Prime Minister gave the opening address. In fact, this was organized by an organization to which I have some connection, CARIBCARE, the Caribbean Institute for Human Rights. Listen to what the Prime Minister of this country, Mr. Robinson, said:

"Because of the extremely lucrative nature of their commerce, drug traffickers command tremendous power to corrupt. Often the highest echelons of society and of officialdom are penetrated and subverted by the pernicious and pervasive influences of the drug trade."

Now, with this background, what miracle are we going to perform in this little country that will produce many more angels than we really have? What sudden conversion, perhaps one like what Saul encountered? What suddenness or special event will there be?

So the job of a government in these circumstances is very difficult. To be more up-to-date, just last week, as reported in the *Trinidad Guardian* of August 21, 1991, listen to what the Prime Minister said—and I am using these quotations to illustrate the enormity of the problem and its wide and serious implications. I am doing so in a way to pose the question once again. What can a government properly do when faced with a problem of this kind?

"'The drug problem', the Prime Minister said, 'affects the health system, the financial system, the political system, the criminal justice system, the family and the workplace.'

Drug dealers are wealthy, well-organized and ruthless, while those who seek to combat this menace experience severe limitations in organization, trained manpower and sophisticated equipment."

I am not saying so. This is the Prime Minister saying so, and he is right. I feel he should be commended for telling it as it is, which is what I, perhaps in a more respectful way, am trying to say. Because if you do not appreciate the enormity of the issues, I think you will cause people's expectations to rise time and time again, only to have those expectations disappointed.

You see, it is not a problem peculiar to this country—I have to emphasize that. As I said earlier, I know many Senators have been exposed to literature from all over the world on this question. If you would permit me to quote from *Newsweek*

of August 19, 1991, where it deals with Peru. If you think you are solving Colombia, you still have Peru to deal with. Never mind what is happening in Europe:

"Rural growers in Peru still produce as much as 70 per cent of the world's coca crop and lately the country has also become a more important coke processing center."

3.35 p.m.

President Alberto Fujimori has established emergency zones covering nearly half his country, so certainly, the state of emergency we alluded to earlier is nothing extraordinary in dealing with this matter. It might be of a different degree but certainly there are similarities. If in Colombia President Caesar Trojedo has stepped back and taken a second look and he is developing certain measures to neutralize the drug trade, in a way that the profit would be taken out of the trafficking, not through legislation, but liberalizing other aspects of this problem.

I refer again to the issue of *Newsweek* of July 1, 1991. So really the hon. Attorney General is correct when towards the end of his address last week to this Senate, he said that legislation alone would not do. He is quite correct, but what do we need to solve this problem? I have often heard the term used "solve this problem, eradicate drugs". If we go on as we are going it would be just like poverty.

How many governments have attempted to solve the poverty issue? How many governments have promised to create equality amongst all creeds and races? Poverty has always been with us because it is not merely an economic position in life. Poverty is also a psychological position, in that it does not matter how much money you have, your feeling of poverty is always related to what others around you have or do not have. In that dynamic sense, poverty will always be with us. When Governments come out and use only income measures, really they are beating a dead horse on that issue.

The parallel to me is appropriate because if you live in a democracy where freedom of choice is such an illustrious, cherished concept, in fact you have a Constitution that protects that right in several ways—and a government is posed with this challenge, how much thinking are you going to do for certain people who would insist in taking drugs in any case? What are you, supermen? Are you Angel Gabriel that you are assuming unto yourselves such powers, such pre-eminence,

Dangerous Drugs Bill
[SEN. DEOSARAN]

Tuesday, August 27, 1991

such omnipotence, that you want to think for people as well? It does not matter what laws you have; you have laws against alcoholism and laws against many things; there are a lot of laws against wife-beating. Have you solved the problem? Because of that residual issue of freedom of choice, so you are really not going to solve any problems of drug abuse and drug trafficking. Never mind the profit aspect making of it, you have not even touched that fundamentally as yet.

The question a government must ask itself in practical terms at all times is—because government is not of philosophy; government is about practical implementation within limited resources—how much can I do with this particular problem? I am suggesting one way and I am posing it as a question. Review the entire issue of legalisation of drugs. I do not know which one you will want to keep, which ones you will want to omit but you certainly cannot use the same strategy for all drugs, because different drugs have their different sub-cultures.

I made the comparison with the prohibition era and bootlegging, merely to suggest that when you make a commodity scarce and you increase the risk to get that commodity, you create an opportunity for profiteering, especially in cases like alcohol and illicit drugs. People will always be prepared to take the additional risks, especially if you yourselves admit that you do not have the back-up support and the infrastructure to stem this tide of drug trafficking.

Now certainly, that is a matter of commonsense and something to ponder over and it has nothing to do with politics. It has to do with managing a society in which certain sections of that society have an unfortunate preference to use drugs, but in that same society government finds itself restrained by certain constitutional provisions unless it wants to declare a state of emergency.

I want to repeat that point to review the whole issue for legislation to solve—if that is the word that is being used—this drug abuse and drug trafficking problem. Government has inherited the problem so that is one of the unfortunate things in this particular Parliament. The police in terms of manpower and resources, did not appear just like that overnight. So have the courts. In fact I was the one who raised the question—I think it was the hon. Attorney General who gave us the figures—where the case backlog was so horrendous that I myself became afraid to deal with it further. I left the issue right there hoping that it would speak a language of itself to those in a position to do something else. It was frightful.

What can a government do about that? You cannot do anything because there is separation of powers; there is a Chief Justice who may or may not be very

jealous of his powers. You live with it. Have you not? You have lived with that but it may be easier to go this way than go that way where many of the problems exist.

Speaking for myself, as a humble Independent Senator I can afford to say things perhaps that the Attorney General may or may not want to say, because if you have drug trafficking to the extent that it exists and you have the courts that cannot deal with it, or the police that cannot evoke efficient investigation, you are really making money for lawyers. That is what you are doing. You are opening up the market for a different enterprise, a welcomed enterprise, a necessary enterprise.

There is a story—I think a film was made of it—where a fellow in a village tried to argue for legalizing drugs and all the drug barons and drug traffickers tried to get rid of him because it was felt that if you legalize drugs or you put certain minimal controls on drugs, at least, the drug trafficking trade would be almost dead. So the barons did not want that. In fact, I do not know why we call them barons. The drug devils, I should say, did not want that, because once you do that, you change the market. So they had to get rid of this fellow who with his “fastness”, but with his logic was arguing for the legalization of these dangerous drugs, dangerous in the sense that they do harm to the person.

3.45 p.m.

In the bill, there is a key phrase and its long title says, "an Act to provide for the control of narcotic drugs and psychotropic substances". The phrase is "for the control." Here, I notice they did not say anything about solving, but in their speeches Senators talked about solving. In the legislation you have to control. Throughout the bill mention is made of schools, courts, lawyers, prosecution, police, psychiatric hospitals and even the press. In fact, this bill has to be commended for opening up the possibility of stronger investigating journalism to the press as a supplementary attack, if you want to sustain that attack, against drug traffickers and drug abuse. But if we look at each one—look at the schools: you have people who would come near the schools within a distance of 100 metres and who will be charged. But really, you have other problems in the schools, not created by this Government, but some of them have become quite endemic to the school structure: indiscipline, vandalism, even in some cases, prostitution.

The courts, well, we have said enough about that, except to say it is not only the backlog that we are worried about, it is the bail system. There are stories, and I am quite surprised that there has not been a more strident comment coming from the Government on this issue, without offending the independence of the judiciary.

Dangerous Drugs Bill
[SEN. DEOSARAN]

Tuesday, August 27, 1991

How can you have a system where a magistrate denies bail, it goes to a High Court judge who frees the man or *vice versa*, only to have another High Court judge free him again? Whatever the legal niceties about that: whatever the procedural aspects of that might be, as a taxpayer and as a citizen, I find that utterly confusing, because it looks as if we do not know if we are going or coming when it comes to these offenders, especially repeat offenders. You cannot blame the Government for that. [*Crosstalk*] Well the lawyers will have to answer for themselves, except that they do not like to touch those aspects of the problem, you see.

With respect to court delays, I have a newsclipping here which indicates a situation about Justice Wills where the accused person was not brought to the court by the prison authorities and he made a big fuss so the case had to be postponed. This is just one example. There are so many examples. What sometimes I find a little unfortunate is that the Government of the day—you see, it is natural, but knowing the complications as I do, sometimes I think governments are unfairly blamed. But, at the same time, they ask for it, because when they are now coming into office they tell you all kinds of things about what they will do. So, I believe, sometimes the wrath that they earn is well deserved.

Two months ago I was in Canada and the controversy there now is over how judges are throwing out cases that are five years or more in the mill because they find this delay is not only a denial of justice, but an absurdity. A similar issue is being raised in the United Kingdom. If, as I understand it, you have some charges fixed for the summary level, other charges, the High Court level under indictment, and still other charges can be moved up at the discretion of the presiding officer.

Now, this is a small country. Drug trafficking makes us very, very vulnerable, especially in terms of bribery. I remember the previous Attorney General—I think it was the present Minister of National Security, I stand subject to correction—was introducing what we call an Anti-Corruption Bill in this Parliament; the hon. Selwyn Richardson, used a line I can never forget in moving his particular Anti-corruption Bill. "This country, is riddled with corruption from top to bottom." It is in the *Hansard*.

If you have trials under indictment, and you have trials in the High Court, it is easy to bribe your jurors. There have been many trials which have been aborted merely by one person speaking to a juror. It is this kind of problem we face in trying to put legislation and then sit back and see how the system works. That is

why one of my recommendations was, as Sen. Horne had indicated, the establishment of a drug court with special arrangements under, of course, special legislation. No jurors for such cases. After all, you have brought to this Senate different pieces of legislation where you say in terms of national security you will not disclose this to the High Court because it is sensitive. This is a matter that is not only sensitive, it is dangerous because of the ease with which these drug traffickers can get to these jurors who come from Sangre Grande, Toco, all over the place, living in their humble domains.

Mr. President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. G. Furness-Smith*]

Question put and agreed to.

3.55 p.m.

Dr. Deosaran: Thank you very much, Mr. President. I am doubly honoured by my colleague, Sen. Furness-Smith. You see, what you have now is a system where a drug case is called and any judge who sits in that particular section or court, hears the case. If you look at it, you find the sentences uneven, chaotic; you find a particular lawyer comes before a particular judge and gets his business apparently fixed.

The system, in the eyes of the public, that is the people who vote, is corrupt. Really, for those of you who know me, I am a very conservative person. I do not use such language ordinarily, but I feel compelled to make the point.

Even when you come to the legal profession, really, the legal profession has to clean up its own act. Because the lawyers tell you that legislation is not enough. But they do not tell you what is really enough. I am telling you, quite frankly, nothing is enough, if it depends on Government's action. Because there are definite limits to the extent to which a government can interfere in a matter of drug trafficking or drug abuse without violating certain other conditions in the society, especially where you have the freedom of choice. That is a very simple piece of logic and if it has to be refuted, well I stand open to correction. But I want to know how you will deal with what you are offering alongside what Desmond Allum proposed.

This afternoon we heard the following: "We must ensure that criminals do not take advantage of the system". Really, it is not the criminals who take advantage of

Dangerous Drugs Bill
[SEN. DEOSARAN]

Tuesday, August 27, 1991

the system, it is the lawyers whom they hire, in many cases, especially those repeat offenders, for the same particular offence.

Sen. Maharaj: Mr. President, is Sen. Deosaran indicating that the independence of the bar and rule of law, mean that lawyers do not appear for people in unpopular cases?

Dr. Deosaran: That is an old argument, so easy to dispense with. I will leave that in its proper place. I have that lower down in my agenda. That is a cliché. Innocent until proven guilty and you know that too is an old-time stuff. We are trying to update the perspective on a very crucial issue facing this country.

I want to ask the question in the following way: You see, you are not dealing with the legality of the issue here. If that were so, I may not have spoken at all. But we all know, especially when you hear stories as Sen. Sampath related to us, it is more than law. So when you tell me about these principles, hallowed British traditions, and the country going down the drain, I have to ask myself, really, what is going on? Because, as the *Bible* says, "Sabbath was not made for the man, but man was made for the Sabbath." There is a very important principle there, that these rules that you have, they must be able to accommodate the public's interest, if it becomes necessary. It cannot solidify itself and say well, this is the legal principle for all eternity. No, we are at a different level in this particular problem.

So I will pose the question this way. If a particular offender has been charged by the police for the same offence, let us say, five times, and on each occasion he is acquitted, really, the public is entitled to ask, what is going on? Do you not think so? This man, five times accused, and each time he is acquitted for the same offence. So we ask certain questions in a certain order of priority. One, we say, "Well, is the police not doing its work? Do they have a spite against this person?" Secondly, we say, "Well, we will leave the judge out for obvious reasons—could this fellow be so innocent on five occasions for the same offence?" Then you will answer and say, "He has a really good lawyer. That is lawyer boy!"

But when you say, "that is lawyer, boy", it carries with it a particular message; never mind the principle about how you are supposed to defend in unpopular cases. Perhaps there are some lawyers who do that and they stay out of every other realm of public affairs because they commit themselves to that particular mandate of the legal profession and say, "I am defending drug traffickers and I am not going to get into politics where the public's interest gets involved in an extended way. I stick to this and I abide by the principle of defending a person, no matter if he is tried a million times."

Of course, that would not go down well with the public. The public will still ask the question: "Who is this man?" A man might come on television and say he did a wrong—a crime—and then you have a trial that lasts for years and years. Really, do you not think something is wrong somewhere with the system under which we operate? Perhaps it is necessary, because we cannot allow ourselves to be so enthusiastic as to pre-empt certain other fundamental principles that, on necessary occasions, would be used to protect the innocent. But certainly, there is evidence to suggest that many guilty people are getting off because of the untidiness of both the legal system and, in some instances, the judicial system.

4.05 p.m.

Now, my time has run faster than I expected, so I have a few more points I will try to get hurriedly in. One is, really, if you have doctors, teachers, nurses, you have a cadre of people involved in this legislation, even post office workers, I think you need to have a programme of putting these clauses, this legislation in a simple form, as a booklet, and calling some consultation. I know you all like acronyms, LIDP, YTEPP, ECHO and so on, so I was trying to get one that would suit your relish, you know, but it got acquitted from my documents here. I did not want to be a lawyer, but to look at the legal system from outside. If I were a lawyer, certainly I could not be speaking so truthfully.

Anyhow, it is an awareness programme, a legislation awareness programme, (LAP), so they can all lap it up; lap up the legislation. Take the post office people, even my more restrained friend is joining me in this exercise. But even for the post office workers, you will need to have some assurance that the address of the sender is indicated, otherwise, if you are going to seize parcels, you are going to have a problem to indicate who sent these drugs through the mail; issues like that. Even with the doctors and psychiatrists, you really need to call them in, let the head of the department call these conferences and have what you call a legislation awareness programme, a series of conferences with these professionals directly involved who can ask questions on this and get certain clarifications, especially the police.

It has always been of great concern to me that the police are left to investigate and formulate charges on their own, that is, before they bring them to the Director of Public Prosecutions' office. Surely, you need to put a stock of lawyers there to advise them on how to gauge their investigations. Because you have provisions there for compensation, for bringing unsuccessful motions against the state and so

Dangerous Drugs Bill
[SEN. DEOSARAN]

Tuesday, August 27, 1991

forth. Really, those things could be better avoided if you have, at the initial stage of investigation, some ongoing legal advice given to the police.

So that is one other suggestion in terms of strengthening the legislation, Mr. President, and I will go so far to express my regret that these laws are not written in simpler language, especially the punishment. I find it so complicated. We did raise this point in discussing the Telecommunications Bill, and the way the sentences are spelt out here it looks so confusing, but we will leave that for now. In spite of what the Interpretation Act says, people ought to know what the penalties are for certain crimes in a society otherwise how will they know which crimes not to commit? For example, they have to have some idea, "Well, the penalty for this one is 10 years and that one is 20 years or five years, because crime to a large extent, is a decision-making process. A fellow sits and thinks about his chances of getting away. This leaves out crimes of passion, jealousy and a man pushing you and you cuffing him back. But a gang of five with a motor-car who plans to rape a woman and take her up Santa Cruz and give her \$20.00 to go back home, that is a decision-making process that takes into account the possibilities of getting away. So you can take all these heavy fines and punishments and plaster them over the country.

You have a reference in the bill to banks, and many of us are bothered by the situation involving banks, Mr. President, and the most recent scandal involves the Bank of Credit and Commerce International. Some time ago, there were whisperings about the misfortunes or the ill actions of this bank. I believe the Central Bank should be encouraged to take a more vigilant look at banking operations in this country, especially from the point of view of the bill.

Let me refer to *Newsweek* again, of August 12, 1991, because this did not start recently. Money laundering has become an institutionalized way of doing business. The article says:

"The collapse of BCCI, in what is said to be a multinational fraud of historical dimensions, allegedly involved bribery, corruption, money laundering, gun running, drug smuggling, terrorism, and upwards of five billion dollars in lost or stolen assets in more than seventy different countries. The investigation is now in full force."

Mr. President: In view of the offer made earlier on by Sen. Furness-Smith, I thought this might be an appropriate stage for him to move the necessary motion, seeing that Sen. Deosaran seems to have quite a lot to say on some very important matters.

Sen. Furness-Smith: Mr. President, I move that the speaking time of the hon. Senator be extended for a further 15 minutes which I will be happy to have deducted from my time.

Mr. President: Well, what you have to do is to move that the necessary Standing Order be suspended to allow the speaker's time to be extended by a further 15 minutes.

Question proposed.

Question put and agreed to.

Dr. Deosaran: Mr. President, thank you, and I want to thank the honourable Senators for this particular kindness.

With respect to clauses 8(1) and 12(3), I think it would be extremely difficult, if not impossible, to convict doctors for either taking part in drug abuse or drug trafficking in the way it is framed in the legislation. It is very, very difficult, because it is so easy for them to say it is for medicinal purposes. It is an impossibility with which we are faced.

Which brings me to my very initial premise: There are areas of difficulty that no matter how strenuous a government's efforts are, the scenario will remain the same, perhaps diminished, but basically the same. I made the allusion to poverty to demonstrate that though we do not like it, we have done everything and we will do everything in our power to get rid of it, but it is not merely an economic condition; this is a psychological condition where in the latter case of drug trafficking, freedom of choice is of significance. Perhaps some people might say, "Well, those who want to take drugs, let them take drugs". No, we are not saying that in its entirety. The Government could try it best, rehabilitation houses can try their best, schools can try their best, but like in all things in life—and I hate to say this so very much, it hurts me—some people will do certain things no matter what, and you cannot have a government continuously embroiled in trying to find a solution to an impossible dream.

My last point, Mr. President, has to do with clause 51(3), (6), (7), and (8). A very interesting thing happened with respect to journalism in this country when the Drug Report was published. A newspaper published it, and the Government up to this day claims it never knew how that report got released, because it was said to be sent under confidential cover between one official and another one. It was published, and it caused a tremendous furore in the country because people's

Dangerous Drugs Bill
[SEN. DEOSARAN]

Tuesday, August 27, 1991

names were called and all kinds of implications were drawn. I remember my distinguished friend taking objection to having the Senate take note of that report because it implied so many inaccuracies.

In this bill, the Government has given a lot of leeway, it would appear, to journalists to do some serious investigative reporting, and I believe publishers should take up the slack. Let them, too, joint in the hunt for drug traffickers. I mean, we take relish from sitting back and looking at "*60 Minutes* " and we say that is good investigative reporting, how they uncover drug trafficking in different parts of the world; you see a documentary on what Saddam Hussein owns in different parts of the world; you see a documentary on what this one has in other places; the underpinnings of corruption. Why can we not have our own "*60 Minutes*"? In fact, in this country we might need to call it 100 Minutes.

We need some solid investigative work by the press, and publishers, and people who own the media must be prepared to pay for that kind of professional service. But if you have one journalist writing all over the place, today writing on crime, tomorrow doing agriculture, the next day another issue, really, that is not responsible journalism. However, it has little or nothing to do with the individual reporter; it has to do with the need to put more resources at the disposal of the publishing house so that some more investigative journalism could take place.

Mr. President, I thank this honourable House and yourself for the facility you all have given me. I feel tremendously honoured. What I have tried to do is put a slightly different picture on this serious issue so that at least our minds might start rolling in a slightly different direction when it comes to policy-making. Let us stop beating a dead horse just because it makes nice music. The issue is much more complicated, it is much more fundamental, and I certainly hope that in the few remarks I have made, that I have caused no offence, but perhaps these remarks should be seen in the spirit of a joint search for possible alternatives.

Thank you, very much, Mr. President.

Sen. Gerald Furness-Smith: Mr. President, I am very grateful to Sen. Deosaran for having spoken before me. I would like to endorse almost every word of his extremely wise and, I think, brave contribution this afternoon. With a certain reservation about some of his more extreme remarks on the subject of lawyers and their truthfulness and so forth, I am sure he will appreciate that

perhaps we cannot all quite agree with him that every lawyer should be so designated.

On the subject of journalists, the resources involved would have to be, I think, a little more than supplying extra journalists and reporters. Provision would have to be made for the damages for libel and defamation, and the appropriate lawyer's fees; but the idea is good.

Mr. President, I particularly commend the first part of his contribution concerning a new look at this whole situation. I, myself, was going to say something very similar—not so well expressed—but, I do not have to say it now. Without any consultation beforehand, I hesitate to suggest that great minds think alike, but I do understand that others down this bench will be having similar thoughts and expressing them.

Mr. President, this is the third time in three years I have been speaking on this subject and the fourth time in six years we have had a debate on the subject of drugs. I do not think we need to debate the actual bill. As far as I am concerned, as a drugs bill could go, this goes as far as I think is sensible at the moment. In fact, we, in the Senate, more or less drafted it, I think, in our committee. So it would be surprising if I disagreed with it. So, with the assistance of Sen. Deosaran, I can restrict my contribution to one or two peripheral areas.

Mr. President, if we are going this way—and I entirely agree with Sen. Deosaran that we need to look at another way or other ways to go—then clearly, as he has said, we must think it through, and as Sen. Maharaj has pointed out this afternoon, we must be sure that it is going to be effective. I will agree with this bill.

The only recommendation I would make is, as the hon. Attorney General suggested, the penalties should be increased. The penalties for drug trafficking, that is. The penalties for mere possession are already ridiculously severe. It does not matter, because the penalties are not imposed. But as Sen. Dr. Sampath has said, the mere possession is an illness, it is not really a crime. I do not mind the penalties being expressed like this because they underline the whole message that illegal drugs are not acceptable for any sensible human being to get himself involved in. But for trafficking, that is where the sky should be the limit; and that is what I have a question about. Because, you see, for six years now, we debated—in those days, in that regime, they liked long words—the Narcotics and Psychotropic Substances Bill, which was passed through this Senate with great

Dangerous Drugs Bill
[SEN. FURNESS-SMITH]

Tuesday, August 27, 1991

furere in 1985, and we were told that it was going to deal with the problem by putting these fancy powers in the hands of magistrates, that really severe penalties would deal with the problem and that the Government was getting it under control. The police, contrary to all appearances, was beginning to be reformed, and was handling the matter and so forth and so on.

Well, we have gone a little way with Sen. Deosaran in suggesting a simplification. We have at least been able to simplify the short title of the bill, which I think is valuable, even though I say so myself, that was my suggestion. It is not so easy, particularly when you are dealing with difficult legal concepts, and I think he understands that, really, to have the detailed language of the bill so that every criminal can understand it. The important thing is the message you are giving to the criminals, and really, they are not looking at these penalties that we put in these bills, whether it is five or ten years, because they do not believe they are going to be caught. They do not believe they are going to be caught. That is the sad, sad thing.

If we are going this way, Mr. Desmond Allum, we are told, and I think correctly, advised the Government of that day that the only way to do it would be to declare a state of emergency. I think another way to show we are serious might be to put the penalty for drug trafficking as death. Now, that is a nasty, nasty thing to have to say, but it might work. It has worked, we are told, in places like Malaysia and Singapore. There was also an article that it has worked in Mauritius which is a small island like ours.

I am looking at an interesting article in the *Sunday Guardian* of August 25, on page 20. They got help from outside agencies, they streamlined drug enforcement, they got the proper number of people, and the penalty for drug trafficking was death. I do not like that idea, but for people who are selling drugs to my children or grandchildren, I do not have any problem with it at all and if we asked the ordinary people of this country whether they would support death for drug trafficking, I am pretty sure we would find them to agree. We do not want to ask them that, of course, because we have all these bleeding hearts who will start making a great big belly-ache about such a terrible suggestion. They prefer that young people of this country be destroyed rather than have, perhaps, one human life eradicated, perhaps unjustly. They would prefer to have a whole generation addicted to cocaine. So I have no problem with that. All I am saying is, if we are going this way, let us go right through, make up our minds that we are going to provide the machinery to stop it.

Now, Mr. Vice-President, I have been arguing not only about drugs, but about crime and everything else for the last 10 years. Every time a crime bill comes before this House I have been arguing, as much as Sen. Maharaj was arguing today, that we must make it work. I have been pointing out year after year and month after month the weaknesses in our system; it is not just the courts, as he has argued. I am grateful for his support; after all, when a member of the criminal bar argues against his own interest that the court system should be reformed, we must listen to him. Because in a proper reformed judicial system, I sincerely hope there would not be this plethora of applications under sections 4 and 5 of the Constitution, culminating this year in civil proceedings to stop a prosecution by the state for murder and treason. What could be more ridiculous? And with the greatest respect for Sir Ellis Clarke, who drafted the Constitution, I am personally quite sure that is wrong in law; and if it is not wrong in law; then we should be passing an amendment right now to amend the Constitution to make that clear.

The truth of the matter is, Mr. President, that it is no use suggesting here that we should really get serious and prescribe the death penalty for drug trafficking, even though the whole of the country would agree with us, because it appears that there is nobody in either the last government or this Government who is prepared to make the necessary executive decision to carry out such a penalty, if it were imposed.

I am sorry. We have heard it now for four years. We had a motion; we had a commission; it reported. It is now six months and nothing is happening. And it will not happen, Mr. President, because whereas 90 per cent of the people of this country, and I should say 99 per cent of the women of this country would be entirely in favour of bad, bad murderers being hanged, our politicians, whom we have elected to be in charge of our affairs, would be afraid that the noise made by the bleeding hearts in our society might be politically unfortunate, particularly in an election year. Look what happened in Grenada! If the people of the West Indies are not prepared to hang those criminals, who are they prepared to hang?

So, Mr. President, if we are not prepared to go through with it, then I agree with Dr. Sampath. We cannot just say that because our institutions need reform, our institutions are not working well, therefore we are to give up. I say certainly, pass the bill, pass the bill, pass the bill. It may do some good, but, Mr. President, I must be excused if I personally say that I do not think it is going to do any good at

Dangerous Drugs Bill
[SEN. FURNESS-SMITH]

Tuesday, August 27, 1991

all. Now, I am saying that because I am standing here talking in this debate for the third time in three years and I am going to speak as I am going to speak because there are some Members who were not here on the two previous occasions, and they should know, and it will do no harm to remind everybody of the facts of this matter. With the greatest respect to the hon. Attorney General, I was glad that he gave a history of this bill, but I do not think he went quite far enough.

Mr. President: I was not too sure whether the Member was winding up quickly or whether he wanted more time, but I think that I am satisfied that he needs a little more time. So we will take the suspension at this stage and we will resume at 5.05 p.m.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Sen. G. Furness-Smith: Mr. President, I think I was on the subject of the history of this bill. The original bill came before us in this Senate, I think, in May 1989. The hon. Attorney General remembers the date because it was about a week after he had taken on his very onerous present duties, and his first act was to pilot that bill through the Senate. We were all very sorry for him because there were mountains of amendments.

One might think that one was inconsistent, in the sense that here I am advocating draconian remedies, when, on that occasion, I felt the provisions of that bill were too draconian. I have no apology to make for that. If one could have been satisfied that the draconian penalties in that bill were going to achieve anything, one might have let them go through on the principle that, at least, we will get rid of the drugs. But we were all, particularly then, very worried about the condition of the police force. What was quite clear to us all was, that while there was every doubt whether these penalties, like the previous penalties which had been proposed in 1985, would achieve anything in particular, we would still have a drug-infested society, and we would also have a police state. That is where we were going and we were not having it—all of us. Sen. Alexander and myself were particularly strong on that and we put in many amendments.

The bill was totally contrary to the concepts which we in Trinidad and Tobago hold dear—totally contrary to every other previous bill. We did not know where all this language came from. The hon. Attorney General brought in two or three sets of amendments but we were still not satisfied and, in the end, it was put to a

select committee, I think, in August, on which I had the honour to serve. Sen. Deosaran also sat on that committee. We were at a disadvantage because immediately people started going on holiday. It was left to Sen. Tiwary and myself to do most of the work, and I, for one, did a great deal of work. Criminal law is not my field, but I went into it.

At our request, on the first day of that sitting, the parliamentary draftsman came to assist us. We asked him, "Can you tell us where this bill came from?" He said, "Malaysia"—a very autocratic society. One could understand right away where all this was coming from.

What he also told us was that all along there had been a bill prepared by the Law Commission of Trinidad and Tobago to introduce similar remedies. It was there. A draft bill had been prepared two or three years before. But no, it had taken from 1987 to 1989 to bring forward that bill to Parliament, a bill based on a Malaysian Act, totally contrary to our principles, and which caused great public concern, and concern here. All the time there was really quite a good bill, properly drafted, presentable, which was available, but it was not presented. I have mountains of paper—work I did between August and October. We went into the Western Australia Act, the English provisions, the Vienna International Convention on Drugs, and the bill did not achieve all those things at all. Apart from being draconian, and leading to a police state, it did not do the job that was needed. For some reason, the English provisions had been ignored.

Mr. President, I have said this time and again, and I will say it now. The great advantage of finding some other jurisdiction which has enacted something that you want to enact, is that they have done the donkey work. Not only, for instance, England or Canada. They have armies of legal draftsmen, and hundreds of lawyers in Parliament criticizing the thing, so it gets very carefully scrutinized before it goes through. But after that, in the first two or three years, it comes before the courts and decisions are made. We do not have to pay for that; we get it all free. So it makes every sense if we can find a society which has the same standards as we have, to adopt that. I know the hon. Attorney General agrees with me on that.

But here we were, adopting a Malaysian Act, and it had taken two to three years to bring it to Parliament. Now what happens? There was an excellent man from India, who was seconded to the Law Commission, Mr. Atre, and he helped us. He had experience in Western Australia, in drafting a drug bill. We gave him our ideas. We went through the Law Commission's draft and we had some

Dangerous Drugs Bill
[SEN. FURNESS-SMITH]

Tuesday, August 27, 1991

embellishments, extra things we wanted to put in to make it more fierce, and he produced a draft. I prepared a draft report—17 pages long—which has never seen the light of day, of course, because the hon. Attorney General—and I am not blaming him at all; he is entitled to his opinion—advised the Government that it was necessary to prorogue Parliament in October. The last thing I want to do is to quarrel with the hon. Attorney General. He knows I have the greatest respect for his views. But as he has again come here to explain his views on that matter, I feel I must put mine, because he has not persuaded me, in any way, that his views on the Constitution were correct. In fact, I am perfectly sure—and I was supported by Sen. Alexander at the time—that his views were entirely incorrect.

What he said was that, under section 67 of the Constitution, it was necessary to prorogue Parliament so that a new Parliament could be called in 1989. With the greatest respect, section 67(2) does not now, and never has said anything of the kind. Section 67(2) says:

"There shall be a session of each House once at least in every year, so that a period of six months shall not intervene between the last sitting of Parliament in one session and the first sitting thereof in the next session."

Mr. President, when one interprets Acts of Parliament, one wants to try to discover what is the mischief which the draftsman and Parliament are trying to address when making these provisions of the law.

What section 67(2) does not say is that a session shall commence once in every year. That is not there at all. Secondly, it does not say that a session shall commence, and conclude, in every year. All 67(2) says is there shall be a session once at least in every year. As the hon. Attorney General rightly pointed out, the definition of a session states:

"‘session’ means, in relation to a House, the sittings of that House commencing when it first meets after this Constitution comes into force or after the prorogation or dissolution of Parliament at any time, and terminating when Parliament is prorogued..."

So that the session consists of these sittings from when Parliament was first called last year and going on now, this session, to August, 1991. In 1989, it was exactly the same position. All that section 67(2) says is that there shall be a session every year. When one has done some reading of constitutional law, one knows the purpose—

5.15 p.m.

Mr. Smart: Mr. President, I am sorry to have to interrupt the Senator, but I think it is very important to understand what the definition of a session is and I think you have read it. A session refers to those sittings that begin with the commencement of a session of the Parliament and end with a prorogation or a dissolution. So you must have a beginning of a session and an end, within a 12-month period. You must have that.

Sen. Furness-Smith: I am grateful for the hon. Attorney General's explanation. A year is a calendar year. What it does not say is that a session shall last one year, and in fact, the practice has not been that. Sometimes we start in October and end in November or December. The purpose of that, which is utterly clear, is to prevent the Government carrying on without calling Parliament at least once a year. "There shall be a session once every year" so that you would not have the situation which occurred in England in the 1640s, which resulted in the civil war of the good King Charles I, adjourning the Parliament. It went on for 12 years. He did not call Parliament, because he did not want to have to face them.

That is all section 67(2) is about, and if one looks at what it does not say, one will appreciate that, with the greatest respect. The Attorney General is entitled to his opinion, however, I do wish he would reconsider it, because on that occasion it caused a great deal of personal irritation and it caused a great deal of public mischief, because the result is that this bill has had to wait two years.

So when the hon. Attorney General says "no more than 12 months must elapse from the first sitting to a new session"; that is not so. There is nothing in the Constitution which says that. So, I do urge the hon. Attorney General to consult his advisors again; consult Sen. Alexander. Perhaps he could go so far as to consult the author of our Constitution, Sir Ellis Clarke, who is still available, I think, even though nowadays he appears to be giving advice to less reputable people than the Government of the country. But his views on this point, I am sure—I have not asked him on it—he would agree with me as he would agree with Sen. Alexander.

It is a matter of importance because year after year, we are having this quite unnecessary confusion, on top of all the other confusion that we have, about when the sitting—

Mr. Smart: Mr. President, I am sorry again to have to interrupt, but it seems to me that the section is such a simple section to understand. I suggest to the hon. Senators, that they look at section 67(2), and having looked at that, look at the definition of “session” in the definition section of the Constitution; and having looked at that, look at the Interpretation Act that gives a definition of what a “year” is. A year is a period of 12 months. It does not have to be a calendar year. Once you do that—all of us understand English—it is very, very simple. I suggest you look at that and in my winding-up, which will be tomorrow or whenever, I will refer to it again and I think at the end of the day we can probably take a vote in this highest court of the land, as to what the correct interpretation is.

I am clear in my mind that it is necessary, absolutely necessary, for us to prorogue the Parliament after a period of 12 months.

Sen. Furness-Smith: The hon. Attorney General insists that he is right; he has explained his position in his opening; he has taken advantage of my time to state his position again, and he will, no doubt, re-explain it in his reply.

Mr. President, the question of whether a year is a period of 12 months or a particular period, has absolutely nothing to do with the case, and with the greatest respect, the hon. Attorney General is wrong.

Anyway, I wish to state again—as we are all repeating ourselves in this debate—that I never suggested that the hon. Attorney General, certainly not the Government, had any bad mind in taking the advice it did, that the session had to be brought to an end in October, 1989. It was unfortunate. Because, it was not until, I think, May 1990, that the bill was revised, in fact, totally changed, in accordance with the committee’s draft—Mr. Atre’s draft. I do not have it because Sen. Tiwary, at that stage, asked me for my notes of Mr. Atre’s draft and I gave them to her and she gave me some draft. But it is basically the bill that is here.

It was not until, I think, May—the hon. Attorney General will know—some months into the next session, before it came back. Then we know what happened in July, and so here again we are in 1991, the bill being presented in July, 1991. I do not blame the hon. Attorney General, I know he has endless problems. He is short of staff. I do not blame him at all. All I am saying is, it is unfortunate. As far as I was concerned, I made it clear that I was not sitting on that committee again, in 1990, and I certainly was not going to try and re-educate myself on the question of drug legislation again. I took a lot of trouble in 1989 to do so—with I think,

some result—but I was not doing it again. I am really not too interested now, in this bill.

It is, as I have said, a bill which is probably the best that we can do in the circumstances. I would certainly vote in favour of it, if I happen to be here at the time, which I do not think I will be. Let it pass, and let us hope sincerely that it will do even one-tenth of the good that the hon. Attorney General would like to suggest it could do.

To come back, finally, to my opening remarks in support of Sen. Deosaran's point. As I have already said, the truth of the matter is, we are not really able or willing to carry through a draconian policy, on the lines of this bill. It is not only the court system. I know the court system is blamed for a great many things, but it starts before that. The worst thing really, what worries everybody, is the state of the police service.

5.25 p.m.

In the debate in 1989, I remember very clearly Minister Pantin made a most effective, emotional contribution. Apart from suggesting that those of us who were putting amendments to that bill could have been in the pay of the drug barons—which personally did not go down too well with me because it was a lot of rubbish—Minister Pantin was sincere. He told us the story of how a friend of his had confidentially given him a list of what was described as the drug barons or the drug dealers. In his innocence, he went round to the police station and said he had some serious information about drugs and he wanted to see the officers in charge. He went into a room with three police officers and he told them this information. He had not been out of the police station for half an hour, when he got a telephone call from a fellow with a deep voice telling him he had better keep off his back, otherwise it would be the worst for him and his family.

That is what I think all of us as ordinary citizens do not really understand, how in a small country like Trinidad and Tobago—as is stated in that article Mauritius is a small country; it is said to help the investigation because it is a small area—the police cannot make the life of these people such hell that they close down. They must know, because everybody apparently knows where to go for drugs.

Last week, I saw an article to the effect that everybody knows who the pusher is for QRC and St. Mary's and the writer was asking why do the police not close them down. Whenever the police go the pusher is not there because somebody has

Dangerous Drugs Bill
[SEN. FURNESS-SMITH]

Tuesday, August 27, 1991

tipped him off. None of us knows the facts. One reads what there is in the newspapers and one wonders in one's simplicity, why in a small country, there cannot be a more effective campaign against drugs.

In 1989, the hon. Minister of National Security, who had been responsible for the Bill, came before our committee and he was very impressive with the work that was being done to rebuild the police force. We were all very impressed, but nothing has happened. Nothing is still happening. They get information. They caught some people down at Carlsen Field, but they entirely failed to alert the Coast Guard and ask them to co-operate by being outside the beach at the time, because of some in-fighting between the Coast Guard and the police or whatever.

We are left to draw our own conclusions. Nobody ever knows. Nobody will ever know. No investigation will be done. No heads will roll but when the Commander of the Coast Guard—who in my book, from what I have seen and read, behaved with great bravery in 1970, and was a dedicated officer of the Defence Force—made some true statements but out of turn, he gets sent on leave right away, contrary to the rules of discipline in the service. But nobody is sent on leave for failing to co-operate with the Coast Guard to have a boat off Carlsen Field on that day.

I cannot make allegations. I just do not know and the whole country does not know. The population just wonders why we are riddled with drugs, with pushers all over the place carrying on their business, and our police force for which we pay so much cannot handle it at all.

Not once has anybody who has been described as a drug baron been prosecuted. One cannot ask the hon. Minister of National Security what steps are being taken. Have any steps been taken to track down the drug baron, “Mr. Big”? Is there a committee working on it? Is anything being done about it? Because that is the duty of the police force. For years we have been hearing all this talk with fancy bills in 1985, 1989, 1990 and 1991 but “Mr. Big” is still laughing on the way to the bank. That is what is worrying us. The truth of the matter is that we can talk like that about Trinidad and Tobago which is a small country, but the same thing is happening.

Mr. Smart: I just want to make a correction. I have heard it twice for the afternoon: “Has a so-called drug baron ever been prosecuted?” I am not by any means suggesting that the problem is under control, but I can speak of so-called Teddy Mice who is dead and he was a drug baron. He was convicted and if this

law had been in place when he was convicted some years ago, we would have been able to get at the proceeds of drug trafficking. It is not quite true to say that no drug baron has been prosecuted under the law.

Teddy Mice was a drug baron who accumulated tremendous wealth in a short space of time. There are others but I do not want to call their names now. I do not know what is the state of the prosecution.

Sen. Furness-Smith: I will accept that statement entirely. Something has been done but not enough. Somebody is behind those fellows whom I euphemistically describe as “Mr. Big”. I really do not know how the drug trade is organized in Trinidad and Tobago. I am quite sure there is a big man orchestrating the whole thing and arranging the imports from Colombia and Venezuela.

Normally, one would have thought in one's innocence that when you catch the little man, you squeeze him until he passes you to the next man; the next man you squeeze him until he puts you on to the other man. One is just left to wonder—but what one is seeing is not satisfactory.

5.35 p.m.

The truth of the matter is that if they have caught Mr. Mice, then there are other little mice filling his place. I think that case was about two or three years ago. There did seem to be quite a flurry of activity. Of course, at that time, as the hon. Minister says, owing to the history which I have described, the prosecution did not have the proper provisions to attack the fortunes of these people.

Mr. President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. L. Horne*]

Question put and agreed to.

Sen. Furness-Smith: I am very grateful. I did not intend to overstep my time but I think I was entitled to just a little injury time from my friend, the Attorney General's second presentation of his case.

Mr. President, it is not just Trinidad and Tobago. It is perfectly clear that the United States of America is quite unable to deal with its problem, which is on an even more immense scale. But it is determined to push it through in a draconian way like we are trying to do. Of course, if the great United States of America

Dangerous Drugs Bill
[SEN. FURNESS-SMITH]

Tuesday, August 27, 1991

decides to do something, it has got to do it. It does not accept that it cannot do it, until it is actually thrown out of Saigon, bringing a whole country down in ruins with it.

The truth is, it is not coping with it and I do not see any chance of our being really able to cure the problem, not with all the problems of our prevention and legal systems that we have identified. It is not practical to achieve, as Sen. Deosaran has tried to suggest and, therefore, it is essential that we look to alternative remedies.

I remember in 1969, the Pantin Committee reported on the use of marijuana; it was an excellent report, very well-written, 20 pages. It explained in detail the history of the use of marijuana in Trinidad and Tobago—or ganja. Every page spoke clearly that it did not make sense to make it a criminal offence. It was clearly written by the good Archbishop. But the last paragraph said that, “having considered all sides of the problem, we did not consider that the law should be changed”. I know what that was. That was the PNM party-hacks on the Committee who were not prepared to make a wrong step. That is the way things were done in those days. and the good Archbishop was not prepared to tell them not to be stupid. So that report—you read it—was 20 pages or so of well-reasoned, clear thinking, making it obvious that it was ridiculous to make the smoking of marijuana a criminal offence.

It is still a criminal offence and young boys are being picked up for having a joint in their possession, and the police abuse it all time. There are no laws you are going to pass that will stop people smoking marijuana in Trinidad and Tobago. Do not let us fool ourselves. All you are doing is to make our young people pawns to police power. Then you are surprised when the police do not get the support from the public, because they are harassing the young people for a ridiculous offence like having a stick of marijuana in their pockets.

All I am saying is, do not let us make hasty decisions but, at least, get busy and look for an alternative solution. I understand that legalisation has been extremely successful in certain places. I believe in Britain, to some extent, in Holland, and we should get help from them, find out what is happening. The importation and exportation must continue to be illegal, clearly. That is a problem for the USA. It should not be a problem for us. We could give them facilities and they can help us and help our police to catch those people. But inside Trinidad and Tobago, if you have a problem and it is a drug problem, you are sick, go to the doctor, let him

be able to prescribe, establish clinics to cure you and stop it being criminal and put an end to this crime wave we are having. Thank you.

Sen. Mootilal Moonan: Mr. President, hon. Members of this distinguished House, after reading this bill, at this stage and time I would say that I would support the bill from the beginning, with few suggestions. We have the legal people around advising the legal section. I will give you some practical views on this bill.

I am of the opinion that a person should not be guilty unless found guilty. This bill tells you he is guilty, he will have to prove himself innocent. I have read the bill and understand it that way. If I am wrong, then, I would be corrected. But I am of the opinion that everybody is innocent until found guilty. I hope this bill does not have that they are guilty when they are caught, then they have to prove themselves innocent. I am of the opinion that is definitely wrong. Many innocent people will get into prison. I think they should have a stiffer penalty for certain people who are trafficking in drugs, for example, Government Ministers, civil servants, police officers, men of the church, doctors, lawyers, businessmen; they should get the big penalty for trafficking in drugs. *[Interruption]* Members of Parliament. I think a Senator is a Member of Parliament, if I am not wrong. I think they should have a penalty of, at least, a lifetime in prison, if they are found guilty. They must be found guilty and they should have no parole because of political connections here and there when they are found guilty, especially members of the Government, because they control the police force and the judiciary to a point.

I do not agree with the death penalty for drugs. I believe that drugs is a temptation to people, maybe for medicinal purposes; the fellow who trafficks, he thinks he is making money, he is doing it for business purposes. I believe that we have about 100 people in prison for murder which is a greater crime than trafficking drugs at this stage. They should be hanged, I am of that opinion. I am not a true believer that they should take off the death penalty, but I believe that for this purpose we should not have a death penalty.

I am saying further that we should have special courts set up using retired judges—not tired; I want to be quite clear—in both San Fernando and Port of Spain to deal with trafficking in cocaine and heroin, but not for marijuana. That could be tried in the lower court. But I am of the opinion we should have a judge and jury because that is a serious offence. An innocent man might be put into

Dangerous Drugs Bill
[SEN. MOONAN]

Tuesday, August 27, 1991

prison for life. Therefore, we must have a judge and jury to test them out. This is my suggestion.

I believe if we do that, this Parliament will have to be very, very careful how we pass laws, because the younger generation has to live with that, not a generation like my good friend, Dr. Sampath, who may be going out of the line. I mean that generation is going out; like Sen. Furness-Smith, whose generation is almost out. So therefore, we are looking now for the younger generation.

5.45 p.m.

Sen. Furness-Smith: Would the hon. Member speak for himself, please.

Sen. Moonan: I am not saying that would happen. They might out-live the younger generation, but we have to be very careful, Mr. President, that we do not pass laws that children from three years, five years and ten years, even those who are unborn, would have to pay the penalty. We are sitting here in this Upper House passing laws for the future generations, therefore, in my opinion, we will have to be extremely careful of what we are doing here. I think the young-looking Attorney General should be aware of that.

As I said before, with this law, we have to make sure that every “i” and every “t” is crossed and carefully studied before we pass the law. I am re-emphasizing this. I have to re-emphasize that more than once to tell you how important it is that we have to be careful of the laws we are passing here for the younger generation. Everyone who spoke on this bill, talked about the drug barons and that we have to do this and that. They were not talking about the innocent person. But I am talking about the innocent person who might be held as a drug baron. This is my concern.

We have laws to hang those who commit murder; give them life or send them away to some other island, somewhere on some small island and lose them. Throw them into the shark-infested sea or something like that if you are sure they are guilty. I have no objection to that. But I am talking about innocent people. I am not talking about innocent people like the hon. Senator, there.

You see, I am talking about innocent people, I am not talking about drug barons. If a man is caught as a drug baron or devil, or whatever you want to call him, with drugs, that person should be well checked because where there is smoke, you must remember there is likely to be fire. So you will have to be careful when doing these things. When you see smoke around, or anywhere you have any

attachment of smoke, you have to walk around, look at every corner, under every table, under every bed, to see that you have no fire. So I hope the hon. Senators of this Parliament understand what I am trying to say and take it very seriously.

Now, why I mentioned Government Ministers and Senators. and Members of Parliament and so on, I know for sure, although I am not privileged to call names, that certain areas in this country they plant marijuana and certain top people protect the planting of marijuana. Then suddenly they make a big camouflage that they have uprooted 500 marijuana plants. They pull out 500, but then save 10,000 *[Interruption]* Mr. President, I do not wish to answer the hon. Senator at this stage.

You see, marijuana cases could be tried by the magistrate because it is one man, but when a man is caught with cocaine and large quantities of marijuana, we have to be careful in giving one man that power. A man goes to jail for 20 years and loses his property, this is what I am worried about here. I am not worried about those who commit the crime, I am talking about the innocent people. This is what worries me, Mr. President. All the Senators who have spoken, talked about how the fellow committed this crime and how persons suffered. We get nice stories which are very nice, very emotional. You feel very sympathetic. But what about the innocent people who have to live with it day after day and live in prison?

One of the suggestions I also have, Sir, is when they set up this court, they must be able to bring these crooks to court who are assumed to be guilty or alleged to be guilty, and caught for doing this. They have to bring them there within 24 hours, and within 48 hours they must try them. They must not have this case postponing for 10 years. They must make it mandatory that the case must be completed within a year or we should fire the whole set of judges or lawyers or anybody who is dealing with that.

If we pass that kind of law to protect the citizens of this country I would understand that. We are not only talking about catching the criminals. You see, marijuana, cocaine and alcohol, all those are dangerous drugs, as dangerous as this bill in certain aspects. We have to bear that in mind. It is a Dangerous Drugs Bill and we have to be very careful that we do not make the bill itself dangerous. I think the learned Attorney General and the Members of the Government should understand what I am trying to say. I am not here to criticize, as I have said before. I am here to make suggestions, to contribute to the future generations. Sometimes we are misunderstood, we are called people from the Opposition, and what we are

Dangerous Drugs Bill
[SEN. MOONAN]

Tuesday, August 27, 1991

saying is wrong. That is not important. We are here to help make laws, and good laws, with which everybody will be able to live.

Another thing that I do not like is how advertisements are portrayed in the press. You see, when they are advertising in the press, you see here, when “coke” the soft drink is being advertised, I think they should have something marked coca cola. When they are advertising for drugs to be used for sick people, they should mark “medical drugs”, because the word “drug” is so ambiguous. It could mean dangerous drugs, it could mean anything. The advertisement should state “medical drugs”, so we would understand that.

Trinidad and Tobago is only a small area and the word “coke” is internationally used, but we are thinking about laws to protect our citizens in Trinidad and Tobago, not the whole world. What I find is, people read statistics from this part of the world and that part of the world, but we are living here. When we are starving and we are hungry and suffering the crime penalties, it is in Trinidad and Tobago, not what is happening in India, or Africa, or maybe in Russia—like one Minister when he lost the election, he cried; the other one said he cried because Gorbachev lost his seat. These things worry me. We are not crying for what is happening here in Trinidad and Tobago.

Again, I want to suggest to the Attorney General that we should eliminate the advertisement of the word “coke”. We should be very specific. And another thing I would like to recommend is, when a medical term is used, the ordinary people do not understand the medical term. We should do it in layman's language also for people to understand what medicine or what drug they are using. Therefore, I am also recommending—I cannot tell you what to do, because as we know the ayes always have it. We cannot beat the ayes because the ayes are more than the noes. Therefore, I want to bring this thing quite clear that we are not doing this because we want credit. We want to assist wherever possible because we all are citizens of Trinidad and Tobago, this lovely country. There is no country better than Trinidad and Tobago. I tell you this because I have travelled widely, and I mean that from the bottom of my heart. *[Interruption]*

5.55 p.m.

The Central Bank has money abroad too, you know. *[Interruption]* Mr. President, I am surprised that the Senator has so much power to say what I am not entitled to.

Mr. President: Please allow the Senator to continue his contribution.

You do better when you concentrate on the Chair.

Sen. Moonan: Mr. President, what I want to put forward again, you see, there is no need for checks and balances in this bill, because certain Government Ministers might use their political influence to get certain things done. I could prove it and it has already been proven, that there are certain Members on the Government side presently who are agents for foreign contractors and the same thing I am worrying about could happen in this drug bill.

As I said before, I am not here to make long speeches, because I again support the bill. We have to start somewhere.

Mr. Smart: If the hon. Senator will allow me, he has made a statement—I was not sure whether he said Government Ministers or Government Members—that certain Government Minister are agents for foreign contractors. That is a very serious allegation, Mr. President, and I would like the goodly Senator to support his statement or withdraw it.

Mr. President: Can you substantiate the statement?

Sen. Moonan: Yes. Do you want me to call names, Sir? I would be willing to call names. I wanted to be a little discreet, but if the Attorney General wants me to call names, I am willing to call names and I will give supporting documents for that. I did not walk with that document to prove that. We could go to court to prove that.

Mr. Smart: It is an extremely serious allegation, and not one that can be take lightly. If the goodly Senator has evidence, let him present it, otherwise he must withdraw the statement.

Sen. Moonan: I would be willing to present documents. I cannot present them now.

Mr. President: Will you kindly withdraw the statment until such time as you are able to substantiate it?

Sen. Moonan: Mr. President, I would withdraw the statement. As I said before, the ayes always have it—the Government side. That is why I am saying there should be checks and balances.

Mr. President: Senator, you are allowed freedom of speech in here, but the greatness of freedom of speech is to know when not to abuse it. What you said was a serious allegation. All the Minister is asking you to do is substantiate it. You are saying you cannot substantiate it now, therefore, I feel that you should withdraw it. That is all.

If you have proof, as you say, there are ways and means that you can use what you have at your disposal to have it done more effectively here or somewhere else. But in the meantime, since you cannot substantiate the statement, I think it is only fair that you should withdraw it.

Sen. Moonan: Well then, I withdraw it this afternoon.

Mr. President, you see, as I said again, and I am forced to repeat myself, we must have checks and balances, because I want to make sure that innocent people are not put in prison and they do not have the right to defend themselves. They will be placed there for two years and then they will be brought to court and the matter will be postponed. This is what is worrying me in this bill. That is why I am saying that the bill is a good bill for those who commit crime, but it is very dangerous for those who are innocent, and the court—by unscrupulous person or persons, who might think in their view the man is guilty and should be put in prison; or the police might think in his opinion, "I have the authority, I will put him there". This is what worries me, Mr. President. Therefore, I have to again mention, Sir, as other speakers have said, we may pass the bill, certain things might work, certain things might not work, okay.

At this stage, I have some statistics here: during the years 1980 to 1989, there were 25,477 cases of marijuana arrests, and 3,500 arrests for cocaine. Are these cases completed? How many people have been convicted? How many people have been left off the hook? How many innocent people were there out of these 25,000 arrests—between 1986 and 1989 we have had 8,000 arrests.

If they cannot give all the facts and figures, I would like the Attorney General to get that information, eventually, when he is winding up.

Mr. Smart: I wonder if the Senator could let us know, Mr. President, what is the source of his information.

Sen. Moonan: I prefer at this stage not to reveal the source.

Okay, Mr. President, would I be privileged to bring this information tomorrow, when I am coming to Parliament; could I have that opportunity?

Mr. President: If you have the information you can pass it on to the Attorney General at any time, but try to avoid making statements that you cannot support, that is all.

Sen. Moonan: These statistics we got from the police department show that in 1980 it was 2,281, and I have a whole breakdown. Now, I do not have the facts to submit a letter to substantiate and say, "Yes, I got this from so-and-so and so-and-so and get the details". I do not have those facts, Sir. So if it is anything, I withdraw it.

Mr. Smart: You see, Mr. President, I thought he said that in 1989 there were some 26,000 drug cases.

Sen. Moonan: No, I said from 1980 to now. I also said that the figure for 1986 to 1989 is about 8,000.

Mr. Smart: I see. I thought he said there were some 29,000 arrests since 1989—26,000, which seemed a little far-fetched to me. That is why I asked him for the source of his information. It is not that I was attempting to cause a problem, it is just that I wanted to know what the source was.

Sen. Moonan: Sorry, Sir, if I have caused any misunderstanding. I apologize again for that.

As I said before, all I am trying to do is give some information, so therefore, the hon. Attorney General and other people would be able to source it. As I said, where there is smoke there is fire, so if I give some information and they are in authority to get the information—we are all here, Mr. President, to try to improve Trinidad and Tobago and make it a better place by getting certain facts.

When we make it personal and say, "You know, you have to give this and you have to give that", it makes it difficult. You know, when you try to catch a criminal and you say, definitely you have to do so-and-so, people will be scared to give you information. Therefore, the criminal is left outside. All I am trying to do is give some information, Sir, and if I am fearful of doing that here and it is misinterpreted, therefore, ordinary people would be more fearful than I am to give information. That is what I am trying to do, not to try to humiliate or find somebody wrong and say they are not trying. That is not my intention. I have said so before. Because this country, as I said, is for the younger generation. We have to prepare it and leave it to our younger people, and for the 21st Century—a better place to live. This is all, Sir.

Sen. Furness-Smith: Could the hon. Senator tell us, Mr. President, whether he is alleging that there have been grave miscarriages of justice in respect of the administration of the previous Drug Bills? Expressing the concerns he has, is that his allegation?

Sen. Moonan: No, I did not make any allegation. I am making suggestions of these things happening, I am using my own knowledge outside. I did not read the previous bill, so I am not talking about any allegation in the bill.

Sen. Furness-Smith: My question was that the hon. Senator said we have to be careful of this bill for future generations—which one says of every bill—but is he alleging that there have, in fact, been miscarriages of justice in respect of the administration of the drug laws of this country? Because, if no, I do not understand where he is coming from.

Sen. Moonan: Mr. President, I shall answer that question. I am willing to support the bill as it is. I am merely suggesting that we should have guidelines put in there, for the future generation. Because we would pass a bill here now, and might accept it as being workable, but it might not be workable 10 years from now. Therefore, we have to be careful how we are wording the legal language. I am not a legal man; unfortunately, it is too late for me to study law.

Mr. President, I observed the name Sir Ellis Clarke was called a while ago by one of the hon. Senators. That same Sir Ellis Clarke appointed him to be in this great House of Parliament. When a man is not there, we lose sight of the good he has done for this country. I think that the Constitution that fellow has written there, is a fantastic Constitution. We can only despise that when we go outside and try it in court.

Sen. Furness-Smith: On a point of order, Mr. President. I am the only person who mentioned Sir Ellis Clarke and I do not think I said anything disrespectful about him, at all. In fact, I was suggesting to the hon. Attorney General that he should be consulted, if his time was available.

Sen. Moonan: He did not say that. He said he is working for somebody of a lower standard than the state I do not agree.

Another thing, Sir, one of the Senators made a statement, and I do not want to continue with beating a dead horse—this is mostly jocular: when you beat a dead horse sometimes it gets manicou inside it. Mr. President, sometimes you have to raise these little points, because you have to see the far-reaching effects when they

are well said by professors and well-educated people. I am taking it literally, because I do not understand their language sometimes. You see, I do not understand big words. I try to communicate as a child of three years, to understand what we are talking about, not using big words.

We are saying that in the bill we must educate our people, our children. so I am saying the churches have to get involved, the schools have to get involved. The religious bodies have to get involved, to educate, so we would eradicate the drug problem. We have to go right down to the nitty-gritty. But sometimes when we use a word in this Parliament, I, myself, have to go and get two dictionaries. Sometimes some of the dictionaries do not have it and I have to refer to another dictionary because the smaller one does not have the word. I wonder what will happen to the little child of three years or five years, whom we are trying to educate. This beats me sometimes, Mr. President. Maybe I am wrong, I do not know. It is the people here, or the nation, who have to judge and tell me if I am wrong or right. But we have to educate the younger ones. Even if some of us are lawyers or doctors, when we go home and we have small children, we have to talk to them in a different language for them to understand. And the drug bill is as serious as that.

You see, again, one of the Senators said, we must eradicate the drug problem. I say we cannot do that. We can minimize the problem; we can reduce it. That is the language we should use. We will try. We cannot eradicate something that is there from generation to generation, which was there hundreds of years ago, maybe in a different language as we said. One Senator said, legalize. They legalized homosexuality in Britain and do you know what happened? We have the AIDS disease. So, I was wondering if we legalize marijuana, what would be the effect thereafter. This is what worries me; we cannot legalize certain things. So I am completely against legalizing marijuana or any type of drug. It would become like The Homosexual Act of Britain, where they legalize it and now there is AIDS.

So, Mr. President, I do not know what we are talking about. I do not understand. I say most probably somebody has to define it; someone has to sit with me and explain. I do not understand; unfortunately, I do not understand certain things, and I apologize for that. Since I am in this Parliament I have learnt to apologize a lot.

Sir, another thing I found out is that if certain drugs are sent to the post office, the package should have the sender's name. I was so frightened when that

Dangerous Drugs Bill
[SEN. MOONAN]

Tuesday, August 27, 1991

suggestion came, because if I do not like Mr. Amar, I would send something to him and mark the sender so-and-so and put another name, and so on. You know, certain things we have to be very practical about. It looks nice on paper. A good accountant will tell you if a business is bankrupt, he could show you how nice it is. But you see, Sir, we have to be practical. On paper many things look flowery and nice. What I am trying to say is we have to live in reality, not on documentation. You know, Sir, I have said before, this is the Upper House, and certain people should understand when they sit here their behaviour has to be like the House of Lords. But unfortunately, some people get in the House of Lords—as you know, some of the Lords are the ones who first started homosexuality, and you know what is happening today. So nothing is wrong in that, Sir, if you find one or two people like that; I accept that; we expect that.

It happened in the country, our motherland, the country that gave us the background, to come and have Trinidad and Tobago; who brought us here, to make a beautiful Trinidad and Tobago. They are the ones who also passed the laws for homosexuals. That, we would not pass here. I am sure that no Senator in this Chamber, excepting maybe one, may pass such a law like that. Mr. President, I do not know, I am just saying this.

Another point I have heard in this Upper House this afternoon, is that lawyers protect criminals. I think the Constitution of Trinidad and Tobago, and even the constitution of the United States of America, require the criminal to have a lawyer. Therefore, legal people have the right to represent people of any type, and if they are represented 10 times they have the right to do that. If the man is found not guilty 10 times or 20 times that is quite right. The laws are there and we deal within the framework of the law. If the lawyer is better than the judge and he is more knowledgeable, I mean, who is to be blamed? The state has appointed these people as judges. I am not claiming that they are not good people, we all make mistakes sometimes, we overlook a little part of the Constitution—I am not a lawyer—therefore, we have to be careful what we say in this Upper House.

A client could be charged 10 times. I have gone to court and have won many times because of the law of the country. We work within the Constitution of the country. I think this country should work under the Constitution, and if we work under the Constitution and pass all the laws within the Constitution, I think we all would be very happy and this big bill here would be very useful as a start towards the drug problem.

Again, I will support this bill however, the Attorney General has to look at all the small points and bring them forward again until we amend it. Let him be magnanimous, let him be big, let him be broadminded, let him be great, let him go and say, "I have seen these weaknesses that these fellows have brought out in the discussions here and these are the things we will change". Let him be big, not to pass the bill because he says, "Hey, because X says so and Y says so, I say so, so I am Lord Almighty. I am the great baron", I did not say drug baron. "I am the big Sawatee, I could do that". That is not good enough. That is all I am saying.

Mr. President, I thank you very much for tolerating me for the last 45 minutes. Whatever my contribution could do to assist the people of Trinidad and Tobago—not this House alone—I am quite happy; and if it has not, then, again, I apologize. Thank you, very much, Mr. President.

Sen. Fr. Winston Joseph: Mr. President, first, I congratulate Sen. Maharaj on his maiden presentation, for a most edifying presentation, well balanced and well presented. I also, congratulate my friend, Sen. Deosaran, for his moment in time. I think one of the highlights of his stay in this Senate is his presentation today.

Mr. President, if I were to share my pastoral experience with this Senate, there would be many bleeding hearts. But I would not like to have Sen. Furness-Smith's heart bleed tonight, so I will refrain from sharing. I had hoped that we had gone through those emotional responses and those testimonies in the original debate and I was hoping that this would not take place in this debate. But, Mr. President, having heard Sen. Sampath, I need to caution this Senate about the glamour of drugs.

Now, one of the problems in this country, first of all, has to do with an advertisement that says, "You do not have to wait until Christmas, you can get it all year round." It was a reference to sorrel. I think it was unfortunate, Sir, because for young people there must be something to which they could look forward to. The problem in this society, especially with the young, is that they are getting things too easy; there is nothing to look forward to. The excitement is there; we give them what they want and, therefore, they are looking for new thrills and new excitements. When I hear that drugs are more exciting and nicer than sex, you know, I am curious, because, as far as I am concerned, sex is the epitome of a God-given gift that manifests the ideal relationship, and to me there is nothing better than that in terms of human experience. To tell me—and I still have some youth on my side—I got curious to experience this kind of high. Better than sex, Mr. President? Could you imagine what would happen when you

Dangerous Drugs Bill
[SEN. JOSEPH]

Tuesday, August 27, 1991

tell young people the kind of experience that they will enjoy if they participate in this demonic force?

Now, the argument today, throughout the world, has to do with whether to legalize or not. Sen. Deosaran hinted it; Sen. Mahabir-Wyatt mentioned it in her article on Sunday. But we must be reminded in this Senate, that the level of addiction with respect to cocaine as opposed to alcohol and tobacco, is a million times greater on the first experience. To me, that is where the argument of legalization stands or falls.

Seeing that we are not here to re-invent the wheel—the hon. Minister in his presentation said that we are importing the English legislation because there is no need to re-invent the wheel—I have some problems with that ordinarily, in that in the Third World, especially in the Caribbean, we have this penchant for being intellectually lazy and we just take things without looking at our concrete situation, what I call, the existential situation. Be that as it may, I think with respect to this piece of legislation, it is important to look at what others have done, tried, and tested. Because of that, I want to use an argument and I will quote from *Dialogue*, the third issue of 1989. There is a massive debate on the question of whether drugs should be legalized or not legalized. I have just picked out the salient points, Mr. President, and with your kind permission I quote:

"The international drug abuse situation ranks with environmental dangers as one of the most life-threatening problems facing the nations of the world today. Drug production and trafficking are big and immensely profitable global businesses.

The criminal organizations running these businesses are skillful and ruthless. International boundaries have no meaning for drug traffickers. If one government is able to disrupt their activities significantly, they simply move their operations to another country.

Waging the global war on drugs, consequently, requires a major effort of international co-operation. Fighting the supply side is one aspect of this war, another front is the war on the demand. The United States and many other nations are attacking the demand for drugs through tougher enforcement of laws against drug dealing, education to alert people in the danger of drug abuse, and treatment and rehabilitation for drug users".

Those are the key elements: Tougher re-enforcement of the law, education to alert people, on the dangers, and the treatment and rehabilitation of drug users.

I think, from listening to the hon. Attorney General, that he is aware of what needs to be done. It continues later on by saying:

"The most successful drug-enforcement operations are those that succeed in identifying and destroying an entire drug trafficking organization".

To me that should be the goal. It continues:

"In the name of health, in the name of economics and morality, there seems no alternative but to keep drugs illegal and to fight the criminals who traffic in them".

Mr. President, let me congratulate the joint select committee which looked at this bill, because I have come to this debate curious to see what the select committee did with respect to some of the fears in the old bill. To me there were two fears in that old bill: The question, whether there were provisions in the bill that attack the fundamentals of democracy, and then the whole fear of the joint anti-narcotics committee. I am happy to say that has been removed and, therefore, speaking personally, I have no difficulty in commending and supporting this bill.

When we move further into the bill there is the question of the forfeiture of property. I would like to see, Mr. President, that some of the money gained from the forfeiture of property be used for drug rehabilitation. We need to use the media a little more creatively for educating our population with respect to the dangers of drugs; not the glamour, but the dangers of drugs. Then in the bill, we see the question of going to a psychiatrist and this whole psychiatric unit. Now, as far as I am concerned, anyone who touches this demonic force needs psychiatric help. So all of them really need to see a psychiatrist. But at the moment our unit is stressed and strained, so we are looking at a great quantum of public funds in order to really deal with this kind of problem.

After listening to Sen. Maharaj, I am of the view that in order to deal with this whole question of enforcement, we need a drug court. The purpose of the drug court would not only be to deal with some of the measures, but also to train and to develop a cadre of lawyers experienced in prosecutions. Because what you have at the moment—the Attorney General may not like me to say it, however, this is no indictment on his department—people are caught with drugs, and they get a top-drawer lawyer, senior counsel, and you match them with a young, university graduate. It is not that they are not bright, but they are inexperienced, having to work in a department that is understaffed. No wonder we have what exists today.

Dangerous Drugs Bill
[SEN. JOSEPH]

Tuesday, August 27, 1991

What worries me about this society is that every Tom, Dick, and Harry, Mary, Jane, and Sue, can tell you where drugs can be had, and yet they seem to be smiling all the way to the bank and no one is touching them.

6.25 p.m.

Mr. President, it seems to me that what we need is a chaplain for the police force. What we need is to seriously get at the root of the problem. That is, to weed out the undesirable in that insitution and try to help them to realize what a tremendous responsibility is on their shoulders with respect to reinforcement. If we do not deal with the problem, the problem will deal with us.

I thank you, Mr. President.

Motion made and question proposed, That this Senate do now adjourn to Wednesday, August 28, 1991. [Sen. A. Lequay]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.26 p.m.