

SENATE*Wednesday, August 28, 1991*

The Senate met at 1.30 a.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**DANGEROUS DRUGS BILL**

[THIRD DAY]

Order read for resuming adjourned debate on question [August 27, 1991]:

That the bill be now read a second time.

Question again proposed.

Sen. Salisha Baksh: Mr. President, the social, economic and political impacts of the drug trade in Trinidad and Tobago are rapidly escalating and the prevention, and hopefully, ultimate elimination of this problem, is everybody's concern. What began in 1960 as marijuana seizures has become, in 1991, mafia-type drug operations. Because of the increasing use of drugs, crimes have sky-rocketed and our citizens live in the constant fear that the fabric of our society will soon be torn to pieces.

We need to combat the drug problem by formulating and implementing means which attack the problem in a holistic way. However, we must be wary that in the war against illicit drugs, we do not wield our weapons so indiscriminately that we disturb the foundations of the very institutions that we ostensibly seek to protect. What is the real reason for our present predicament of the booming drug trade? To answer this question we need to acquaint ourselves with some historical facts about the growth of the drug trade in Trinidad and Tobago.

In the beginning there were marijuana trees which were discovered by the acre. However, although the authorities knew the locations, the major problem was accessibility. Thus, they decided to use the service of the National Security helicopters. The task was considered too onerous for the police and so the regiment was also recruited.

Unfortunately, the marijuana growers remained one step ahead and they used trap-guns in an effort to protect their plantations. By 1980, marijuana had made a name for itself on the local and foreign markets. Although over 2,000 persons

were arrested for possession of/or trafficking marijuana, and more than five and a half million trees had been uprooted, the marijuana trade continued.

In the meantime, in the 1970s, another dangerous drug, cocaine, raised its evil head in various parts of the world. Colombia was the main producer and exporter of cocaine; and in order to transport the merchandise to various destinations, Trinidad and Tobago was chosen as one of the trade routes. Many people were attracted to the illegal life of drug trafficking because it made them instantly rich, with very little work.

The more money these traffickers made, the more necessary it became for them to protect their properties. Thus, large numbers of weaponry were smuggled into this country. Dangerous drugs were coming in at nearly every point of entry, as there was no effective sea patrol. Back then, little was achieved by the one boat operated by the Police Marine Branch and the slightly better equipped Coast Guard. In 1989, more boats were provided but the drug problem continued to escalate. The rest of this sad story is history because even though the police seem to know the identity of the major drug lords in Trinidad and Tobago, they have never been able to arrest any of them. The reference made yesterday to Mice being arrested—Mice was convicted for being in possession of marijuana. It had nothing to do with trafficking.

In 1991, our country continues to face a rapidly worsening drug crisis. Thus, the Government has decided to introduce the Dangerous Drugs Bill. This bill seeks to consolidate the existing law on the control of narcotic drugs and psychotropic substances, and also to provide for the recovery of property obtained from the proceeds of drug trafficking and matters connected therewith.

The Government hopes that the extended powers given to the respective bodies in the bill will enable the authorities to make convictions which will put drug offenders behind bars for as long as they deserve. But all the power in the world will not help in combating the life-destroying menace of drugs, unless it is accompanied by effective, efficient and incorruptible enforcement.

The existing law relating to drug control is contained in three pieces of legislation. First, we have the Narcotic Control Ordinance 1961, as amended; second, the Narcotic Drug and Psychotropic Substances Control Act, 1985, which is read in conjunction with the 1961 Ordinance; third, we have the Antibiotic Act which deals with the importation, storage, distribution, sale and the use of antibiotics.

Clause 61 of the bill seeks to repeal the 1961 Ordinance and the 1985 Act. However, many of the provisions of the 1961 Ordinance are contained in this present bill. Although one may argue that there is need for more legislation dealing with the control of drugs and the recovery of property obtained from drug-related crimes, the fact remains that with the present law, which will form an integral part of the new law, the drug problem remains almost uncontrollable.

The solution to the problem, therefore, is not simply to create new law or to consolidate existing legislation, but rather to ensure the effective and efficient enforcement of the law itself. It would be foolish for anyone to believe that proper enforcement of the law will be achieved by transferring various provisions from one Act to another Act with a different name. This is why it is so important for us to examine the reason or the reasons for the failure of the present laws to control the drug problem in our country. We must bear in mind that there are two limbs that comprise an effective law. The first is that the provisions must be properly drafted and the second is that these provisions must be efficiently enforced. The ineffectiveness of the present laws dealing with drug control is undoubtedly related to the second limb.

1.40 p.m.

At present, there is widespread mistrust of authority. There is mistrust and fear even among the people who are trained and paid to wage the war on drugs. Some police officers have met their deaths under mysterious circumstances when they apparently knew and saw too much. Thus the efficacy of the existing legislation dealing with drugs is adversely affected by the alleged incompetence and corruption, which plague the police force.

Perhaps, we should address our minds to the equally serious problem of the police force, because as agents of authority it is their duty to protect and serve our citizens. However, with the present lack of confidence displayed by the public toward this body, law enforcement has become an arduous task. Our attention should therefore be focussed on the measures and methods that have to be adopted in order to regain the support and trust of the public towards the police force.

Further, the bill before us gives police officers a wide ambit of powers and hence the need to ensure that all such persons remain faithful to their oath to protect and serve the public, and to perform their functions in good faith at all times.

As mentioned earlier, the first limb which comprises an effective law is that it must be properly drafted. The phrase “properly drafted” in this context means that the legislation as a whole must reflect the intention to cure the particular mischief, and in this case we refer to drug abuse, but that is not all.

In fighting the problem, the law must always protect the basic fundamental rights and freedoms enjoyed by our citizens. If the law has to resort to the abrogation of any of these constitutional rights for some “greater good”, then there must be no possibility of error or abuse of power in the enforcement of the law. All the machinery for effective law-making and enforcement must be in proper working condition. The first step to ensure maximum efficiency is the examination of the provisions of this bill in the light of surrounding circumstances and guided by the tenets of the fundamental principles of justice.

Under the existing law based on section 3(2)(b) of the 1961 Ordinance, the Minister may issue licences for the cultivation, gathering or production at a stated place of opium, poppy, marijuana or coca plant. This clause is similar to that of clause 5(b) of the 1991 bill. By virtue of this section, the Minister is allowed to make regulations for these licences which, according to clause 58 of the bill, include the issue, duration, terms and forms of the licences.

What exactly is the purport of this clause? One may argue that opium, poppy, marijuana and coca plant are used for medicinal purposes and, as a result, it is necessary to regulate the cultivation, gathering and production of these plants by authorized persons. Even if this argument has any merit, the fact remains that making regulations is one thing and ensuring that they are obeyed is another.

Further, the criteria for issuing these licences should be made very clear because we do not want every Tom, Dick and Harry to become registered producers and retailers of heroin, marijuana and cocaine. Let us take a very practical example. A person is granted a licence under clause 5 and thus becomes a legal, authorized cultivator and producer of opium, poppy, marijuana or coca. On the land at the stated place, a large number of these plants are growing. Bearing in mind the ingenuity of our criminals and the escalating crime rate, someone gets access to the land, steals some of the plants and uses them for illegal purposes. The authorized cultivator is none the wiser that some of his plants have been stolen.

Therefore, my concern is not so much the necessity for clause 5 in the bill, but rather the guarantee there will be proper checks on these persons who have been granted licences to ensure that such persons have their fields properly protected,

and that they are using the plants for the stated legal purpose. Further, these licences should not be readily granted because we are not large-scale manufacturers of medicines, nor exporters of raw pharmaceutical products in this country.

The investigation of drug-related criminal activity is a highly specialized field and thus personnel have to be suitably qualified. Under the existing law, by virtue of section 11(1) of the 1961 Ordinance, the Minister may appoint one or more persons to be inspectors for the purpose of the Ordinance. This provision closely resembles that of clause 13(1) of the 1991 bill which provides that the Minister may by order appoint any person to be an inspector for the purposes of the Act. During his presentation, the Attorney General indicated to us that inspectors for the purpose of the bill will be persons chosen from the Ministry of Health. But this stipulation is not enough. The powers of an inspector who must be accompanied by a police officer are very wide and include certain powers of search without a warrant.

The inspector will be performing functions similar to a criminal investigator and may, at times, be exposed to grave danger. We must always remember that illegal drug activity is similar to gangster-type operations and, if inspectors would be exposed to risk, then they should be prepared to handle them. Therefore, we believe that if this provision is to be retained, then there should be added some qualifications to ensure that competent persons, who will act in good faith, will be appointed to this important and sometimes dangerous role.

1.50 p.m.

An important question is: To what extent should we allow the Government to create legislation which abrogates certain constitutional rights in the name of dealing with a specific crime? If the expected results of this bill are not obtained, should we then turn a blind eye to further encroachment of human rights? And if it is all right in the case of drugs, what prevents the Government from presenting even tougher legislation relating to other crimes which some future minister may consider just as heinous as drug trafficking? As I have stated time and time again, the fundamental concern about this bill is the efficient and effective enforcement of it. We, as legislators, have an important role to play by ensuring that this bill provides the strong measures and wide powers necessary to combat the drug problem, without unnecessarily infringing the fundamental rights and freedoms of citizens.

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The police force and other law enforcement agencies have an equally vital part to play in the drug war. It is these bodies that will determine the effectiveness of this bill by their exercise and enforcement of its provisions. One of the criticisms often made of the police, is that they have not sufficiently utilized the means already available to them, for the detection and apprehension of drug traffickers. Going after the drug lords is the job of the police, but with all the resources now at their disposal, the police must be able to do so within the framework of respect and regard for the provisions of the Constitution.

There are a few suggestions which the Government should consider implementing in order to make the present legislation relating to drugs, and the new bill, if it is passed, effective in fighting the war against drugs. One blatant inadequacy is the lack of mobile units presently available at our various police stations. Far too often police officers are stranded at their particular posts and they are unable to assist citizens in need because there are no vehicles available. There has been a recent increase in the number of vehicles allocated to the police force, but this addition still does not satisfy the minimum requirement for an efficient and effective police service.

The system of identification of criminals by witnesses has to be changed immediately if we hope to obtain the co-operation of our citizens. The present system, which involves finger-pointing at face-to-face contact, is totally obsolete and unacceptable, especially when one is dealing with serious crimes in which informants and witnesses deserve the state's protection. It is now time to adopt the internationally recognized system of the two-way mirror process of identification. By so doing, we will restore the confidence of people who presently feel that the law offers insufficient protection towards personal safety.

There is definitely a need for better surveillance by law enforcement agencies. We must keep in mind that the drug lords often use the most up-to-date methods to camouflage their illegal activities. Radar systems must be designed so as to detect low-flying aircraft commonly used in drug trading. There should be sufficient boats to patrol the seas in order to prevent drugs from coming in or leaving our shores. There are certain noted points of entry, such as Cedros and Icacos Point, and despite their drug fame, nothing has been done to solve the problem. It is really a pity that the efficiency and ingenuity of the drug traffickers greatly outweigh and outshine the tactics of our protective services.

A Government which is committed to the control and eradication of drug abuse which is destroying the foundation of our society, will no doubt envisage the formulation and implementation of a programme based on a policy which attacks the problem from all angles, that is, both demand and supply reduction. A thorough analysis of the problem may well indicate that the drug problem may be dealt with far more effectively from the demand, rather than the supply side. We must remember that human nature is such that it always discovers ways around prohibitions. The law is useful in making the discovery of these ways as difficult as possible. However, legal solutions to the drug problem are not, and will never be, sufficient. The only long-range and truly effective methods are those which go to the root of the problem—addiction.

2.00 p.m.

With the widespread and escalating incidence of drug abuse and its related problems of crimes, domestic violence, road accidents and morbidity, it is of paramount importance that the Government mounts a comprehensive and co-ordinated attack on the problem in its totality. Addressing one dimension of the problem will prove to be hollow and meaningless and be reflected in an exacerbated degree of the social decay of our society, and physical and psychological destruction of the victims of drug abuse.

We recognize that the conferring on the state and its agencies of new powers, necessarily carries with it an increase in the opportunities for abuse. We are supportive, in principle, of the need for more effective detection, prosecution and punishment, of those engaged in the drug trade. Drug abuse threatens to impair the minds and destroy the future lives of many Trinbagonians, especially our children. Unless we begin to educate our youth at an early age about the risks and dangers of drug abuse, we may lose an entire generation. Education to reduce the demand for drugs, coupled with vigorous law enforcement to reduce their supply, are the key forces that must be allied against the problem of drug abuse in Trinidad and Tobago. Thank you.

Sen. Roland Crawford: Mr. President, permit me, in true parliamentary tradition, to congratulate Sen. Lawrence Maharaj, my learned friend, on his maiden contribution in this Senate. His contribution was spirited, in similar vein as his usual contributions at the Bar, where yesteryear we did formidable battles both at the Assizes and the Court of Appeal, side by side. But here we have met again and we are battling on the same field in the highest court in the land. I also compliment

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the Attorney General on his presentation on the Dangerous Drugs Bill 1991. My only regret is that I was not fortunate to obtain a copy for a study until Monday, and, as a result, my contribution this afternoon will be short as a lady's skirt and brief enough to cover the subject.

At the outset permit me to applaud the Government's consistency and tenacity in ensuring that this important piece of legislation be placed on the statute books in order to combat the crime-wave sweeping the country, which, in my view, is due to the economic situation brought about by the decline in oil revenues and the urge to make the quick dollar by the unemployed who turn to crime and the sale of narcotics.

I will be gilding the lily to suggest to this honourable Senate that narcotics have already reached to the heart of our nation's youth and have left a sense of rage among its law-abiding citizens, who will go to any length to see the drug trade liquidated, with the Government as official receiver. It is a pitiful sight to see all over our principal cities and towns, vagrants roaming the streets, searching dustbins and competing with our lower animals for existence.

A recent article in the *Guardian* highlighted the enormity of the drug problem in Europe, under the headlines "Europe under White Powder Invasion". The writer claimed that the citizens of Europe were the new growth market for Latin American cocaine, since the white-powder barons were no longer able to supply the booming markets in the traditional manner by smuggling cocaine into Spanish syndicates which distributed the drug throughout the continent. It described the Latin American traffickers as being bolder by bringing the white powder by sea direct to the ports of Western Europe.

Mr. President, the writer pointed out that the European governments and police forces were rapidly building alliances to combat the new criminal menace, an event which the Government described as an invasion of the continent. In 1990 alone, the article pointed out, the authority seized about 13 tons of cocaine, almost double what it had seized in 1989. The authorities, by forming alliances had been able to cut the trade from 60 per cent to 20 per cent.

Mr. President, there is still hope for Trinidad and Tobago in this fight against the drug barons of Latin America. Our hope lies in the formation of an alliance with the Latins, sharing and pooling scientific methods and information in combating the crime. Let us not be ashamed to ask our Latin American neighbours for help through Interpol, to which we are affiliated. That is our only hope, for we

cannot fight the white flood by ourselves. Our protective forces need to co-operate with each another and fight the drug menace by land, sea and air.

The persons who are aides to the drug barons, called mules, are now resorting to carrying the cocaine in cellophane bags which they swallow in an effort to beat the detection of the scanners and sniffer dogs. It is reported that the Jamaicans swallow the cocaine in sealed packages and fly to Italy where they deliver the drugs. The Italian police now refer to the risky Jamaicans as human suitcases. Spain remains an important link to Europe for the Colombian drug trade.

The article pointed out that in early June in Great Britain, the use of cocaine and its derivatives such as, crack, was growing so fast that Britain had established a new crime intelligence service in order to co-ordinate anti-drug measures. In the month of May alone, it was pointed out that the British police made their largest cocaine haul in history, by confiscating some 500 kilos of that drug. The cocaine, it is said, originated in Latin America, was smuggled into Spain and later shipped to Scotland.

2.10 p.m.

Mr. President, I make this quote to show hon. Senators the enormity of the problems of the cocaine trade we are now facing in Trinidad and Tobago. Therefore it behoves us, as legislators, to launch an attack on the cocaine trade, by passing this bill into law now, and later putting into place the checks and balances necessary to make the legislation work. We must remember that Rome was not built in a day, it took the Romans years to build that beautiful city.

Mr. President, India passed its Narcotic Drugs and Psychotropic Substances Act in 1985. The Act consolidated and amended the law relating to narcotic drugs, so as to make stringent provisions for the control and regulation of operations relating to narcotic drugs, and psychotropic substances. The objects and reasons of the bill in India state that statutory control over narcotic drugs is exercised in India throughout a number of central and state enactments. The principal central Act, namely The Opium Act of 1837, The Opium Act of 1887, and the Dangerous Drugs Act of 1930, were all enacted a long time ago.

With the passage of time and the developments in the field of illicit drugs, drug traffic, and drug abuse at national and international levels, many deficiencies in the existing laws relating to narcotic drugs were revealed. In view of this, there was an urgent need in India for the enactment of a comprehensive legislation package—as

probably we are doing now—on narcotic drugs and psychotropic substances which, *inter alia*, consolidated and amended the existing laws relating to narcotic drugs, strengthening the existing controls over drugs of abuse, considerably enhancing the penalties—particularly for trafficking offences—and it made provision for exercising effective control over psychotropic substances, and made provision for the implementation of international conventions relating to narcotic drugs and psychotropic substances to which India had become a party.

The Act has definitions of "cannabis plant"—and I think we may take something from it—"coca leaf, coca plant", as well as "opium poppy" and "poppy straw". There is also a definition for "narcotic drug" which is defined as "coca leaf, cannabis, hemp, opium, poppy straw", and includes all the manufactured drugs. This shows the wide way in which that definition is framed. There is also a definition for "psychotropic substances", which means "any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material included in the list of psychotropic substances which is specified in the schedule". The legislation also carries a definition of "production", which means, "the separation of opium, poppy, straw, coca leaves or cannabis from the plants from which they are obtained".

I suggest we, as legislators, should look closely into widening the net to catch all types of narcotics in whatever form it raises its head. The Indian Act gives the central government power to appoint a narcotics commissioner and, as such, other officers as it thinks fit for the purpose of the Act, and also power to appoint an advisory committee which is called "The Narcotic Drugs and Psychotropic Substances Consultative Committee", which consists of a chairman and some 20 members.

The Act prohibits, "cultivation of any coca plant, opium poppy, or cannabis plant, and production, manufacture, possession, sale, purchase, transport, warehousing, use, consumption, import and export inter-state, import into India, export from India, or trans-shipment of any drugs or psychotropic substance, except for medicinal and scientific purposes and to the extent and the manner provided by the Act and the rules made thereunder". This shows how wide it is.

Contravention in relation to the substance and drugs carry rigorous punishment, for a term which shall not be less than 10 years, but which may extend to 20 years, and has also fines up to 100,000 rupees, and may extend to 200,000 rupees. Similar punishment is made for embezzlement of opium, as well, by

licensed cultivators; illegal import into India, export from India or transshipment of narcotic drugs and substances. External dealings in narcotic drugs and psychotropic substances in contravention of the section was also included, and punishment is meted out for allowing premises to be used for the commission of an offence, and preparation to commit offences is also punishable under the Act. Enhanced punishment is provided for certain offences after previous convictions.

Mr. President, the Act empowers, in addition to metropolitan magistrates, or First-class Magistrates, as they are called, and specially empowered Second-class Magistrates—that is a division of the Magistrates—even gazetted officers, departments of the central government, the border security force, or any such officers of the Revenue Department, Drug Control, Excise, police or any other department of the state government empowered in this behalf, to issue warrants. So you see how wide it is; it is not only confined to your going to a judge, as we are doing here, or to a magistrate even, but officers, because you have to trap these people at the earliest hour. You cannot wait to get to a judge's house in the night, or a magistrate's house, to get a warrant. It is done outside that. The very persons in the various departments of Revenue, and departments of Customs and Control can sign and issue these warrants.

I have brought this to your attention to show the enormity of the problem and how they are tackling it. It is true that we are confined by section 13 of the Constitution, our Human Rights Provision, but we have to go all out on this war against drugs.

Then these officers of the above departments, are also empowered to arrest, search, and seize without a warrant or authorization between sunrise and sunset. In order to even go that far you must get a policeman to go along with you; they have their warrants and they execute them. Apparently, we have a provision in the Customs whereby you can get an authorization from the Comptroller and on which you can go in and enter houses and arrest for offences under the excise law and probably I do not see, if we have that there and it has stood the test of time, whether it cannot still stand the test of time under our Constitution as existing law.

If such officer has reason to believe that a search warrant or authorization cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of the offender, he may make a search at any time between sunset and sunrise after recording the grounds of his belief—just

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recording it. Every holder of land in India is required by the law to give information of illegal cultivation of the opium poppy, the cannabis plant, or the coca plant, to the law enforcement agencies. If such holder of land knowingly neglects to give such information, he would be liable to punishment. Provision is also made for the confiscation of the sale proceeds of illicit drugs and substances.

The Indian Act goes so far as taking the jurisdiction away from civil courts to entertain suits or proceedings against any decision made or order passed by an officer or authority under the Act. That is if the officer searches or puts out a search warrant or did not have a search warrant in the proper way, the Act nullifies any legal action that one can take to get compensation under it; it is far-reaching. I am just drawing it to your attention. As I say, we have to watch our Constitution, section 13, our human rights, and see what we could do. But surely, if you pass this piece of legislation under the aforementioned section and it is justifiable in a society which has respect for law and order, indeed it can stand the test of time.

Mr. President, the Dangerous Drugs Bill of 1991, seeks to consolidate existing law on the control of narcotic drugs and psychotropic substances and also to provide for the recovery of property obtained from the proceeds of drug trafficking and matters connected therewith. But our law, as I pointed out, is circumscribed by the provisions of section 13 of our Constitution, and declares that although it is inconsistent with the human rights provision of our Constitution, it shall nevertheless have effect unless the Act can be shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual. Further, the Act must be passed by a three-fifths majority vote of the Senate.

Therefore, it behoves us to ensure that especially Part V, dealing with confiscation of proceeds of drug trafficking, Part VI, dealing with restraint orders, and Part VII dealing with investigations into drug trafficking, can be justified in the courts of our land, in a society which has respect for the rights and freedoms of the individual.

Mr. President and hon. Members, I wish you will bear with me as I point to some of the provisions of the bill which, in my view, require some amendment. I have already drawn attention to the definition clause of our bill as compared with that of the Indian definition made in the Indian Drug Act under narcotic drugs, and I do not think I should labour on that any more. But permit me to look at a few

clauses to see whether, at this stage, or probably when we come to the committee stage, I cannot, myself, offer some suggestions that would assist the effectiveness of bill. There is in the definition clause, the following:

- “(4) References to property held by a person include a reference to property vested in his trustee in bankruptcy or liquidator.
- (5) Proceedings for an offence are instituted—
 - (a) when a Magistrate or Justice issues a summons or warrant under section 39 or 42 of the Summary Courts Act in respect of offence;
 - (b) when a person is charged with the offence after being taken into custody without a warrant;
 - (c) when an indictment is preferred against an accused person.”

It has the "definition of proceedings for an offence". To my mind, these are obvious proceedings, and we do not need to have this in our bill at all, when proceedings are instituted. Obviously, it must be instituted when a magistrate issues his warrant; obviously it must be instituted when a person is charged with an offence; and obviously, when an indictment is preferred. So this is a definition that we really will not need in our bill.

Subclause (5) goes on:

"and where the application of this subsection would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times.

- (6) Proceedings for an offence are concluded on the occurrence of one of the following events:
 - (a) the discontinuance of the proceedings;
 - (b) the acquittal of the defendant;
 - (c) the quashing of his conviction for the offence;
 - (d) the grant of the President's pardon in respect of his conviction for the offence;”

Because when the President grants a pardon, you cannot go behind it, you cannot even bring it to the courts and inquire into it. That is my opinion on it.

"(e) the court sentencing or otherwise dealing with him in respect of his conviction..."

Again, why do we have subclause (6) in the bill? All the things listed there are obvious.

I suggest that in clause (6), our fines should be steeper: \$25,000, why not \$50,000? Why I am suggesting this is, you give the magistrate or the judge a leeway according to the gravity of the case. You confine him to 25 years, but let him have the maximum 50 years, so he can use the scale as he wants. It may appear harsh, but you have to be harsh in these circumstances when you are dealing with persons who undermine the very fabric of society, who pass these drugs onto infants and, in the next 30 or 50 years, we will not have that generation existing among us because of these ruthless persons who only think of their pockets and not the welfare of our state and our country. So the fines, I suggest, can be steeper and our sentences, as well.

Turning to other definitions where we have a fine, under subclause (7) of the same clause, of up to \$60,000, why not \$100,000? Why not the imprisonment of 15 years or 20 years? I am suggesting in this type of bill if we are being serious, we must give them the jitters; we must give them the scare, so that we can get them away from this type of trade which is affecting the fabric of society.

On the question of the pharmacist under clause 9(1) of Part III, it is stated that:

"Subject to the regulations, no pharmacist shall supply a dangerous drug to any person except upon receiving a written order or prescription therefor dated and signed by a medical practitioner, dentist or veterinary surgeon whose signature is known to the pharmacist receiving the order, or if unknown, then verified before the order is filled."

It is true that we are tightening our net, but what is the need for the pharmacist to know the doctor or know the signature? What we are saying to him is, "Do not fill the prescription". What I would rather suggest is probably he may keep the carbon copy of this prescription, so that he can be—normally, I think, with a dangerous drug, he keeps the whole prescription, so he can be justified that he gave it. But asking the chemist at all times when he is doing his job and earning his living, to verify or call the doctor wherever he is—maybe he is not in Trinidad and Tobago—to verify it and then the patient who is really in need of that drug will not have it. So this is another subclause which we will have to look into.

The other thing I find peculiar about the bill is the question of when these drugs are picked up by the police or whatever, there is a provision here which says that the drug must be handed over to the Minister. I am wondering, myself—in a peculiar way—I mean, what is the Minister doing with these drugs? I mean, why should these drugs not be handed over to the Commissioner of Police for destruction, or the Chief Medical Officer? But why the Minister? Why must he be involved in this idea of storing drugs? He has other duties to perform of a political nature. I think these should be left to the agencies that are accustomed to dealing with drugs and others.

Then there is clause 10(2) in which the Minister is put at a disadvantage that he may then pay compensation. Where does the Minister get the money to pay compensation? From the coffers of the Government. Then you have, of course, the Treasury there, and you have better agencies where he can direct it for payment, but the question of his having to pay compensation for these drugs that are taken up, I am not happy about that clause.

Then there is clause 13 which says: "An inspector accompanied by a police officer..." Why an ordinary police officer? If it has to be, why not a sergeant? I am suggesting when this inspector goes out, he had better have an officer in uniform. Because you know what can happen, when you go along these days, when these drug pushers are looking for the cocaine, they will just go along and say, "I am an inspector", the next one will say, "I am the police officer", and they will pick up drugs where they know they can be picked up. But surely, when you have a police officer in uniform, that person, when you are searching the house, will then know that his house is being legally searched and a warrant is properly produced.

Then, again, there is clause 13(2)(a) which says, "enter any place where, on reasonable grounds, he believes..." I am suggesting that it should be "suspects". We are accustomed in our legal language—and I am sure my legal friends will bear me out—to the expression "suspects". It may be argued that this is a new introduction by this new Drug Bill for the word "believes". Because I have not seen in many of our legislation, the word "suspect" should be used instead. He must have some suspicion.

All along, where I am suggesting that this police officer goes on, he must be in uniform. I suggest that there is a parallel for it under The Gambling Act, whereby a police officer goes to a turf or these other areas, or he is searching for "whe-whe

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marks”, he must be accompanied by a police officer in uniform. I suggest we follow this pattern in this Dangerous Drugs Bill.

The other one, I think, which follows closely our unlawful possession offence; where the officer goes in the first instance and in transit to any place you can arrest without a warrant. But when you have to go into a building where it is the person's private home, a warrant is necessary. I think, indeed, we made provision for this and did not invade the privacy of the home or affect the constitutional rights of the person to liberty and protection of property.

Again, I must conclude that when we come to the question of confiscation of proceeds, under Part V, and under Part VI, where we deal with the restraining orders, I suggest that we have to look carefully at these parts, particularly Part VI which is a very important one, where our Constitution is concerned with investigations into drug trafficking and the question of our going after addicts.

Mr. Speaker, I thank you.

Sen. Clarence Warner: Mr. President, hon. Members of the Senate, it is incumbent on me to speak on such an important bill before this honourable Senate. One of the main reasons being that I am in the fortunate position of having come from a part of this country which at one time we boasted of being unspoilt. But because of the presence of these dangerous drugs in both Trinidad and Tobago, Tobago's face has started to change.

I recall, Mr. President, that many years ago I worked in the Magistracy. I was Clerk of the Peace in Tobago, so I was in touch with the police and lawyers. Tobago was so unspoilt that at the time, the magistrate was the sub-registrar, and handled all High Court matters. On many occasions when the judge visited Tobago for sessions, Circuit Court, the sub-registrar would hand him a pair of white gloves, which indicated, at the time, that there were no criminal matters to be heard before him. Tobago remained that way for a number of years. It is only quite recently, because of the increase in various offences, that we have had cause to have two magistrates. But up to about 1986 or 1987, or thereabouts, Tobago had one magistrate for the entire island and he dealt with all matters: criminal, civil. He had time to deal with rent assessment and all sorts of matters. Today we have cause to have two magistrates.

Sen. Dr. Persad: Would the hon. Member give way to a question? Through you, Mr. President, for our information, would the Member indicate—I got the

impression from his statement that up until 1986, 1987, the crime situation in Tobago was very low. Now it has changed. Is that what he is saying? Could he elaborate?

Sen. Warner: I said there is now need for two magistrates in Tobago, and the list that is prepared for the judge when he comes there, includes narcotic matters. This was not so a few years. That is why I said in my opening remarks that Tobago has been grossly affected by the presence of narcotics.

Before I go further, I want to mention that I was particularly impressed with the contribution made by Sen. Dr. Ramesh Deosaran, yesterday. In fact, after having listened to him, I was wondering whether there was any necessity for further contributions. I personally congratulated him, because as I have said, I have heard contributions before, but I was very, very impressed with his contribution yesterday. Then Sen. Furness-Smith made some vital remarks, and in particular that remark made the headlines today.

Now, what is the motive of a drug trafficker? To me, the motive of a drug trafficker is to get wealthy at all costs; even at the expense of the suffering of people. That is why I am of the firm opinion that what Sen. Furness-Smith said yesterday—if it is at all possible—should be effected, because the lives of our young people are grossly and greatly affected.

When one takes narcotics, Mr. President—we all know the effects of narcotics, and the seriousness of narcotics. If it is at all possible, this matter should be handled very carefully. I am of the opinion, Mr. President, based on what Sen. Furness-Smith said, that the penalty to be imposed should be like the sword of Damocles. It must be a very serious penalty for trafficking in narcotics, in particular. Trafficking in narcotics is what I call a premeditated offence, and that is why I am of the opinion that drug barons are indirect murderers. They are nothing short of, what we call, a menace.

2.40 p.m.

As I said before, what is the motive of these drug traffickers? It is to get wealthy, not taking into consideration the health of young people, and they should be held culpable for the consequences of their act.

In Tobago, in 1990, 125 persons were held for possession of marijuana and 39 persons were held for possession of cocaine. In 1991, there were 71 persons charged for marijuana and 23 charged for the possession of cocaine. Previous to

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1986 or thereabout, this did not exist in Tobago, and something serious should be done about this because of the gravity of the offence and the effect that it is having on the young people.

Mr. President, the price for development is very great. With development in Tobago we find that narcotics enter Tobago, both by air and by boat. This, as I said earlier, is the price for development. A few years ago, someone entered Tobago through the backyard and not knowing the situation in Tobago, went to the Port and asked for a ticket to travel to Barataria, not realizing that he or she had to get a ticket to Port-of-Spain. I mention that because of the fact that the coastline in Tobago is not at all secured, and many persons have been entering Tobago, to Trinidad, through the back door. Places like, King Peter's Bay and Bloody Bay are places which we may refer to as havens for drug traffickers coming from other islands. That is why I would like to see more coast guard surveillance around the island of Tobago. Englishman's Bay and Bloody Bay are ports that can be infested with drug lords.

So far this year, we have had 71 cases for the possession of marijuana laid by the police. We have had 23 charges laid for cocaine. In 1990, 125 persons were charged for marijuana and 39 persons were charged for having cocaine in their possession. We all know the effect of this drug on the young people, and that is why something ought to be done early to eradicate this menace.

Earlier I said that I have been attached to the Magistracy for a number of years. I have been privileged to be a Justice of the Peace for nearly 30 years, and I have been associating with these types of offences. I feel that maybe my attitude might be the wrong one, in that, I am very tough when it comes to the bailing of persons found trafficking in narcotics. Many times, persons would come to my home for assistance and I would refuse because I categorize drug trafficking as an offence which is tantamount to, what I may call, "slow murder".

2.50 p.m.

We all know, and people know the effect of narcotics on young people. That is why I had no objection, at all when I heard Sen. Furness-Smith saying yesterday that the penalty for trafficking in narcotics ought to be capital punishment. Because one has to realize that narcotics are very dangerous to the well-being and welfare of young people; and if it is not handled properly, soon we may have a whole community extinct, because it is killing these people slowly. That is why I support this bill in its entirety and hope that all Senators will support it.

There are two things I would like to mention. One is that quite recently, there was a conference at one of the hotels in Trinidad, and the question of disposal of narcotic exhibits was discussed. I understand at that conference that persons who made contributions from other islands stated that when exhibits are taken to court and the matter is not determined right away, to avoid any corrupt practices, most of the drug is disposed of, after the magistrate certifies that some of it is taken, labelled and put away. The reason for that is to make maximum use of space where these things are secured.

I am wondering whether the hon. Attorney General may not consider something similar to that, because the temptation might be great when you have this quantity of narcotics in the possession of prosecutors, over a period of time. That is why I am wondering whether we could not follow what happens in other islands, where some of it is taken out and kept to be used at the time of the hearing of the case.

I was looking at the various clauses of the bill, and one of the things that strikes me is that no provision is made for the bailing of persons who are charged for these offences. I understand that provision is made elsewhere, but I am wondering whether offences such as trafficking in narcotics, should not be placed in the same category of say, praedial larceny or illicit rum, where, when persons are charged, they be taken straight to the magistrate and there, obtain bail, if possible. I feel that offences such as trafficking in narcotics should be non-bailable offences, particularly, if the person has previous convictions. I feel that one has to take the seriousness of this matter into consideration, and no bail should be granted to persons who are charged for trafficking in narcotics.

There is something else that I would like to bring to the attention of this honourable Senate. That is, I understand that no provision is made in the statutes for police officers to search vehicles which they suspect contain illicit drugs. I understand that provision is made to search for firearms—maybe the Minister of National Security would speak more on that—but no provision is made, if even a constable on duty suspects that a vehicle may have a quantity of narcotics in it. I understand that the law does not provide for the constable, or any policeman, to stop and search that vehicle. So, I am wondering whether adequate provision could be made in the statutes to take care of that.

Earlier, I said that trafficking in narcotics and cultivating narcotics—the planting of marijuana, *etc.*—could be classified as premeditated offences, because

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you have to plant the marijuana, spend months taking care of it before you actually reap and sell it, and you know the effect of these drugs when they are sold. That is why, in my humble opinion, it can be classified as being premeditated, because you plan your action from in front. Similarly, when you traffic in narcotics, you know the effect of it on the minds of young people and, as such, that is also premeditated. It is said that an individual is held culpable for the consequences of his act; because they know the effect the drugs would have on these young people.

When one considers the serious effect that this menace, or evil, has on the society, it reminds you of, in biblical days, what they called a plague. Taking, drugs, using them and trafficking them, is nothing short of a plague and it is very important that this Government—of which I am proud to be a part—take all necessary steps. It may be impossible to eradicate it, but at least take the necessary steps to have it under proper control. The incidence of trafficking of dangerous drugs in Trinidad and Tobago is becoming too rampant.

Mr. President, and Members of the Senate, I would request that we treat this matter with the utmost seriousness and I am sure that after the committee stage of this bill, we would have no difficulty in passing it unanimously. Thank you.

Sen. Wilton Paul: Mr. President, I would like to welcome Sen. Lawrence Maharaj, a legal personality whom we all have heard so much about and congratulate him on his opening contribution yesterday.

I, along with most of the hon. Senators, congratulate the Government, the Attorney General and all the honourable Members of the special committee who have assisted in re-orchestrating this bill for the control of narcotic drugs and psychotropic substances and to make provision for the confiscation of the proceeds of drug trafficking and other provisions in connection with drug trafficking and matters connected therewith.

Before the restructuring of the previous bill, by amendments and deletions, I fear that the bill seemed to have been drafted in desperation, which would have led to the infringement on the rights and privileges of the people of Trinidad and Tobago. I am pleased that this new bill has turned out the way it has, and even with punishments for various categories of crime that may increase in severity. I congratulate the Government for presenting something which we could put to work for the betterment of the Trinidad and Tobago citizens.

Desperate, I say the previous bill was, because it seemed to have been a result of the desperate state in which the country was, or the state in which it had found

itself, seemingly ineffective in an effort to control the trafficking of illegal drugs which is crippling and killing our youths, in some cases, potentially valuable citizens of the country.

Being one of the younger nations of the world, it is good—as the hon. Attorney General has mentioned—to have guidelines with which to work, as in the case of the United Kingdom's legislation, also the United States. We are grateful for that.

I have heard in debates eloquent speakers suggesting a lapse of time to allow the legal and judicial system of the country to correct itself in preparation for handling such offences. No, no, no. The bill is too long overdue and any further delay in implementing or enforcing it, would be—to quote one of my school teachers—“imprudent”. Now is the time and as soon as possible, this must be put in effect.

I have heard debate from eloquent speakers, suggesting we get to the root of the cause that makes the use of illegal drugs so prevalent. We may try. But drugs of this nature have been in the world from time immemorial and all the psychologists and psychiatrists in the world today, have so far been unable to prevent this scourge and epidemic that is with the world today.

I have heard debate on getting to the root of what is the cause of the illegal drugs. What roots, I ask myself? There are drugs in the medical profession, not for medical purposes; there are in the legal profession, not as exhibits but for personal use; there are drugs in athletics, not necessarily drugs for increasing power; there are drugs amongst musicians, artists, poor people, white people, black people, rich people, people of immaculate backgrounds, special achievers, non-achievers; you name the place and illegal drugs are there.

3.10 p.m.

The only understandable situation, to my mind, is one where—as in Colombia—people are born into an environment where the drug may practically form part of their heritage, and they know no different. At which route should we start? Where does the commonality lie except in personalities over which we, on this side, have no control. I have heard the debate towards legalizing marijuana; I have heard this debate from eloquent speakers; I have also read from authority that marijuana leads to further harder, illegal and more addictive drugs. I have read the history of addicts who have started off on marijuana, stepped to heroin, morphine and they are now dead.

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Since I have attended this honourable Senate, this is the second bill dealing with a problem which we in the Chamber are not going to be able to solve. The first one was the Domestic Violence Bill. However, we can at least try. We can try to control the further decay by the use of drugs in our country. There is no use repeating the ill effects and the usage of illegal drugs, as these are all well-known the world over. They range from dehumanizing of oneself to self-destruction. So now is the time to act in the effort to put some restraint, some deterrent on the unscrupulous drug traders, who shower themselves with silver and gold, while our youth continue to wallow in their decadence. We must stop it now.

The bill itself must have some further amendments as in clause 7, where one is not certain who should be visiting the psychiatrist. In my opinion, the user should be the one, but when one sees what is happening with the person trafficking the drugs, one wonders whether he or she should not have his head examined as well.

In the light of punishments, there is a lot of talk about possession, but usually the person in possession is the user and he has already got a burden, more than likely, of addiction to deal with. I recommend that users be fined minimally, but try to be confined to some kind of home for rehabilitation. The people who are responsible for trafficking the drugs for gain by profit must be punished very, very severely.

Constitutionally, the word "conviction" appears which is a good one, so that once a trafficker is convicted there is no limit to what his final punishment can be. There is a wide range of punishments world over which end in the death penalty. At this point, I think we are much too young in that sort of atmosphere to impose the death penalty as soon as this. However, I get the feeling that the death penalty has been derived from the fact that constant warning, constant penalizing has worked nowhere. In certain countries they inflict the death penalty. If it continues, it may have to come to that. One never knows but as far as punishments go for drug traffickers who are crippling our youths, I do not feel that the Government could have made a better effort. I wish the bill to be implemented as soon as possible.

I thank you, Mr. President.

Sen. Haji Ralph Khan: Mr. President, before moving on to my contribution on the debate before this Senate, I feel impelled to compliment this Government for the very keen spirit of compromise as exhibited in the handling of several bills presented to us here within recent times. It is my view that the Government, in a

serious mood of compromise has even bent backward on occasions to accommodate several amendments proposed both by Independent Members of the Senate, as well as Members on our side. I feel therefore that this development should not go unnoticed and that this Government should be credited for such an open kind of disposition. Therefore, when we get to the committee stage of this bill which is before the Senate, I would anticipate exactly a similar type of compromise when amendments are proposed before the Senate.

Because of the deep-rooted disgust and deprecation which is held generally by the public of Trinidad and Tobago for this despicable trade which we know as drug trafficking, and which is traumatizing the entire society, the destructive and devastating effects of which seem to be growing daily; growing worse day by day, resulting in the production of several human derelicts, I regard it both as an opportunity and a privilege to be able to make a contribution on what I regard as a bill of paramount importance and tremendous magnitude, with very far-reaching consequences for this nation, especially moreso, since we indeed certainly recognize that within recent years the unprecedented spate of violent crimes, rape and kidnapping in this once tranquil nation of ours have not only become intolerable to our generally docile and peace-loving citizens, but for multifarious reasons have attained uncontrollable proportions and also many of these crimes are drug related as claimed by the competent authorities.

As a matter of fact, ever since my entry into this august Chamber, I have been looking forward with eager anticipation to the introduction of a bill of this kind in preference to even some of those which have come before, because of the gravity of the situation. In my view, the need for such a bill cannot be overemphasized since we must recognize that we live in a very degenerate and decadent society; a society which not only seems to have lost its sense of morality and direction, but the very soul of which seems to have disappeared into thin air.

Indiscipline and corruption have festered to the extent that they are now accepted as norms in the society by many, so much so, that as an example, even when a son of the soil who has spent many years abroad and who has developed a culture for hard work returns to this land in a managerial or supervisory capacity, and tries to enforce that type of practice, there are certain elements who gang up against him and they agitate for his dismissal. We have reached that stage of corruption, not only in the state of drugs, but our minds are being corrupt in all sorts of actions in our daily lives and our lifestyle in the country. It is pitiful to

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know that when such a person tries to enforce the syndrome of a fair day's work for a fair day's pay, then the elements gang up and agitate for his dismissal instead. Where are we heading?

3.20 p.m.

As parliamentarians, in addressing the problems that face this nation, it is paramount that we examine the socio-economic scenario in the particular setting. In so doing, what do we find? We find that the quest for material ascendancy amongst the citizens of this country is just overwhelming and that the "get rich quick at any cost" syndrome, as obtains currently, particularly among drug dealers and drug traffickers, has developed to such an extent that these drug demons—I do not call them drug barons, Mr. President; I regard the word "baron" as a decent word—are prepared to let no obstacle get in their way, be it either man or mammal and they are prepared to go to extremes even if it means the extermination of whatever obstacle comes in their way.

Unfortunately, the illegal use and abuse of dangerous drugs, drug trafficking and money laundering, are not only confined to this small society of ours, but their cancerous growth can be likened to a hydra-headed monster which is daily tightening its grip, tightening its tentacles mercilessly on the wider and larger international community. Consequently, this nation of ours should wake up from its deep slumber and strive to make every effort humanly possible to address the problems that confront us in our struggle to combat this plague.

At this stage, I want to reinforce the point of view expressed by our previous contributors. When I say our previous contributors, I refer to the Senators on our side. They have all expressed their support for this bill and it is sad to note that in certain quarters it has been misconstrued that some of us do not support this bill. I want to say that we support the bill unequivocally. Obviously though, as I have indicated, when we arrive at the committee stage, then we shall sit and meet and discuss where we shall compromise.

I wish to crave your kind indulgence in permitting me to read from an article which I wrote and which appeared in the *Trinidad Guardian* on Monday, October 10, 1988, titled "Innocent Travellers Paying for Evil of Drug Traffickers". In other words, it is a problem to which I have addressed my mind even before. I had an opportunity to address the situation that has presented itself to this Senate.

"As a prelude to this bit of correspondence, I wish to indicate that this letter which was written since June 20, 1988 was really intended for possible

publication around that particular period, since your editorial on the following subject was published on June 18. However, the original contents are as follows; and for the benefit of your vast network of readers, I shall be grateful if you would kindly publish same, due to the most serious drug menace facing the country, especially during these very difficult times.

The drug-related incident involving one of our prominent local citizens, local beauty queen, Jackie Sanatan-McKenzie, recently sentenced to a 12-year term of imprisonment in a British jail for attempting to smuggle cocaine through London's Heathrow Airport, has impelled me to recall a most humiliating, infuriating and frustrating experience encountered some months ago at the hands of the immigration authorities at the Lester B. Pearson International Airport, in Toronto, Canada.

Before relating this experience, I wish, however, to digress, since I think it most appropriate to focus my attention to the subject contents of that editorial which I fully endorse and which, in my opinion, helps to amplify the gravity of the particular circumstances I am about to relate. I quote from the *Guardian's* Editorial of June 20, 1988:

“Worse still, she has done damage to her country abroad for having tried to smuggle cocaine from Trinidad.

She has not only hurt herself, but indirectly, all of us. When such incidents happen the Customs Officials of the affected countries tend to look on holders of Trinidad and Tobago passports with suspicion.

They pull us out of lines for strip searches. They detain our airplanes and search for illicit drugs.

Some of this has already been happening in Canada, where several nationals have been caught, or are on suspicion of dealing in cocaine.

We all know what has been happening with Air Jamaica planes in North America and it could well happen to us too.”

Since the publication of this editorial, may I add, it is common knowledge, I believe, that our own national airline BWIA has been subjected to seizure and impounding by the North American authorities until very, very substantial fines imposed in circumstances have been paid at the expense of our taxpayers.

The foregoing information and sentiments in the editorial quoted above, in very straightforward, simple and explicit language are so very true. They are

unchallengeable, and the free admonitions given here should be heeded at once, by all and sundry, by every citizen of this nation before it is too late.

And now for my personal experience. Precisely on September 14, 1987, several of my immediate relatives and myself, boarded the regular afternoon BWIA flight at Piarco International via Flight No. 604, for Canada, in an emergency situation, with my eldest sister lying critically ill at a Toronto medical nursing facility.

After a very smooth flight and on arriving at the Lester Pearson Airport, approximately at 11.00 p.m. on that day, we soon realized that several flights from other destinations had landed at approximately the same time, a matter which we hardly took notice of, having faced similar situations at other international airports on many previous occasions. So we fell in line with the other arriving passengers and headed to customs as usual which only took a few moments, and then to the immigration post.

Here is where our troubles and our frustrations began for myself and another brother of mine, since our other accompanying relatives, mainly females, were very smoothly and expeditiously cleared by the immigration authorities without a hitch.

As for myself and my brother, when our turn came, although we were in different queues, we were asked individually to step aside and have a seat in a waiting room.

Whilst the clock kept relentlessly ticking away at this late hour, we were growing more anxious to meet our Canadian resident relatives who had come to receive us. During this time, we were made to sit and wait, with no reasons being given by the immigration authorities for our detention.

3.30 p.m.

Immigration officers meanwhile, were both continuously and most expeditiously clearing other passengers who were being called in various categories, consisting of Canadian citizens, Canadian residents, immigrants and persons granted study permits and so on, from among those who were asked to wait in the same room. These comprised a large number of people.

Since no reason was given for our detention, an action which I considered to be very arbitrary, both my anger and my frustration began to mount

increasingly to the point where I got enough courage and forthrightness to approach the first immigration officer in sight, with a view to sorting things out.

In my dialogue with her, and I made it crystal clear that the purpose of our visit was to see a critically ill sister, resident in Canada. Despite the fact that her location was very close to the airport, we were yet very far, since we had already spent double the time taken to drive up to her medical facility. It was a case of emergency on which we had travelled. Sensing that something was wrong, I also indicated to her that both myself and my bother had brought along only one small piece of luggage each and that she could exercise the right to search the both of us, physically, as well as our luggage, since we had absolutely nothing to conceal.

Here I reiterated once more the urgent nature of our visit—to visit my critically ill sister. She then retorted very tersely: “What are you saying, that I should see you now?”

In the circumstances, I humbly replied, “if you are prepared to do this for us, then we shall be most grateful.”

As a result of my approach, we were eventually interviewed and immediately went through immigration, but not until a full anxious 30 minutes or so had elapsed—30 full minutes of unsolicited tension and suspense. The crunch of the matter is, however, no sooner than we were met by our eagerly awaiting relatives and we made mention of our detention by the immigration authorities, we learnt from them of the most perturbing and disconcerting news, that a record number of Trinidadians numbering 25 or so, including females, had been picked up by the Canadian police authorities, in one fell swoop, just around that same time, everyone, without exception, for drug-related offences, including possession and possession for the purpose of trafficking, and so on.

The lesson behind this all is, that despite being innocent citizens, yet we were made to endure some kind of punitive action for the crimes of our brother and sister Trinidadians, notwithstanding the fact that we were in the course of pursuing our own genuine business."

Dr. Basdeo: Would my honourable friend give way? Mr. President, this is certainly a most reprehensible and a most bizarre story and I would like to enquire

from my distinguished colleague, whether he had brought this matter, when it occurred, to the attention of the relevant authorities in the Government of Trinidad and Tobago, in this particular instance, the Minister of External Affairs, and International Trade, or the relevant Minister at that time.

Sen. Khan: Mr. President, I did, not because I did not think that it may help in that direction. Probably I was wrong. I cannot say. But I made it public news so that the relevant authorities might have been able to take it up—to take up the gauntlet.

Dr. Basdeo: If you do not mind, can I elicit information as to whether in the information available through the media or through the Government at that time, the matter was taken up at all?

Sen. Khan: Mr. President, through you, not to my knowledge. I have not read this because of fancy, but several important factors emerged from this. We are dealing with several issues when we are dealing with a bill of a dangerous nature like this bill.

One of our colleagues on the "Opposition Benches"—which we are termed so often—brought up and emphasized the question of the swiftness of justice. That was endorsed by an Independent Senator and other contributors. So you see when our Trinidadian beauty queen was locked up at London's Heathrow Airport, justice was more than swift. There was expediency. She was dealt with immediately and there was no question of being incarcerated while pending trial for five or ten years and then have an abortion of justice because of the delay in the system.

Secondly, Mr. President, is the question of our international reputation being smeared when these things happen. You go through a lot of humiliation when you are strip-searched. Of course it is a degrading, a dehumanizing, a demoralizing, and a humiliating experience. Then we talk about the seizure and the impounding of our national airline aircraft. What are we talking about? These are very serious issues and we find as a result of these things, that citizens of Trinidad and Tobago are obviously discriminated against because of their involvement in the drug trade, whether so or not. So the innocent, as a result, has to be made to pay for the guilty. Mr. President, these are very serious consequences here. I did not read this article because I felt like reading it.

To back up this issue here and in relevance to the debate which is before the Senate, I also wish to crave your indulgence to read another article of mine

because it is in consonance with the bill before the House. This time I call for the title of the bill which appears here in a publication of the *Trinidad Guardian* of Thursday, February 16, 1989 and is titled "Time for a Gun Court in Trinidad and Tobago.

3 40 p.m.

As I mentioned in my preamble about a spate of violent crimes and kidnapping and a series of criminal elements and situations that exist in the country, and these are things that I recommended at the time. With your indulgence, I want to read parts of this, if possible:

"As I continue to monitor in the media the regularity with which offences of a criminal nature; namely, robbery, rape, violence, and ruthless killings are being perpetrated mainly upon hardworking and law-abiding citizens of Trinidad and Tobago, all the more I am convinced that the Government should implement expeditiously something like the 'gun court system'. This system was introduced by the Jamaican authorities some years ago when the use of firearms in crime and killings reached unbearable proportions."

Despite other matters of urgency with which the Government of Trinidad and Tobago might be currently faced, this is one area that should top their priority listing. Since the traumatic experiences suffered by numerous families at the hands of criminals in this once peaceful land, the fear and trepidation which virtually envelop the lives of so many of our business people, their employees, innocent housewives and children in their own homes, many people seem to have given up hope and are bent on immigration at any cost. It is time for concerted action not only by our present Minister of National Security, but by our lawmakers in both Houses of Parliament.

I can recall some years ago, one of our eminent jurists and now retired Chief Justice, Sir Isaac Hyatali, had publicly appealed for sweeping changes to some of our laws, recommending, *inter alia*, confiscation by the state of individuals' property or income gained through drug-related activities, gains which should not be substantiated legitimately. He even, quite rightly, in my opinion, went so far as to suggest the imposition of life imprisonment in certain circumstances involving drug dealers. But his call was completely ignored by the powers that be. What a real pity! For today, we seem to be paying the price. Again, some time later, and fairly repeatedly after his initial appeal, our present Chief Justice, Clinton Bernard, strongly advocated law reform in several areas, particularly relative to bailable and

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non-bailable offences for certain categories of criminals and crimes. But after a loud, hue and cry by a minuscule minority, once again such a serious matter continues to drag along over the years; or possibly has been confined to the flames by those in authority to effect change.

The time has now come to ask precisely, where is this nation heading with its continuous escalation of almost every imaginable type of crime and violence? To go back momentarily to the proposed system, this should be implemented in such a way as to provide for speedy trial and the administering of the appropriate kind of penalty on those found guilty, a penalty that would also act as a deterrent. All offences falling under this system should be non-bailable with the right of appeal to a special body appointed specifically for this purpose. Other systems of this kind, as well as that of Jamaica, can be studied in detail and the changes made, if necessary, by a special panel of our top jurists. But this must be done without any delay whatsoever in the process.

“As we delve further into some of the types of crimes which are becoming more commonplace, one that strikes me immediately is the most recent case of the slaying of Gerald Stone.”

That was a very brutal slaying at the time. That was an incident that really motivated me, among others, to write this letter.

"Moments before his death, he had been returning to his normal routine, having withdrawn a reportedly substantial sum of money from a Port-of-Spain bank. Personally, I do not categorize this as a strange or rather unexpected sort of happening, that is, not as far as the individual is concerned; but the type of crime in itself I wish to reiterate. Before my readers begin to anticipate however, what I really mean by this statement, let us look at the all-round scenario in its ready-made conditions which exist in the country for this type of crime.

Since the departure of our colonial rulers from these shores, we have been experiencing a general breakdown in discipline in almost every sector of the population. Like it or not, this is a fact which I state without prejudice. Such a situation, however, has been greatly exacerbated by the chaotic situation with pavement vendors that have developed in our cities and other urban areas. And up to this day, people, genuine shoppers, workers and even tourists can hardly walk the streets and go about their business peacefully and unmolested.”

“In addition, the exercise of moneys being checked and double-checked at banks for withdrawal purposes can also be easily and clearly seen by criminally-minded persons through the plate glass of every bank, more or less. I wish to state that until and unless appropriate laws relative to loitering, blocking the free passageway, illegal sidewalk vending, and so on, are properly enforced, conditions would exist in which innocent citizens would easily become the prey by those who set out to live by acts of banditry and lawlessness. This cannot and should not be tolerated any longer.

Consequently, I wish to advise the authorities in my humble capacity as an ordinary citizen, even though it may seem a voice crying from the wilderness, clear the sidewalks now! Although these suggestions may not completely eliminate the risks which Gerard Stone unfortunately had to face before his death, such measures, if implemented, would undoubtedly help to minimize the risks. For despite the laws having been well laid down in the statutes, we are woefully lacking in the area of satisfactory enforcement by the agencies responsible for enforcing those laws”.

Mr. President, the rationale and the logistics behind my reading of this article are self-explanatory, but I think I shall reiterate one or two of the points, again, because of what has been mentioned here, and the contributions that have been made by other speakers who emphasized certain areas of the bill, the need for us to do certain things in the consideration of the bill.

I wish to refer, again, to the woefully lacking area of satisfactory enforcement of the law. You see, when our prominent jurist here, Ramesh Lawrence Maharaj, made certain points, he was personally attacked in one or two instances, and I do not think that was necessary. I also believe that his statements were misconstrued, because when he mentioned, among other things, about setting up a commission of inquiry, he meant, and he stated, that the bill should be passed. He did not intend that the bill should be held back. He did not imply that the bill should be held back, because he is for the bill. He asked that a commission of inquiry should be immediately set up to report on steps which may be taken in the interim, to halt and possibly reverse any further deterioration in this regard, and in order to properly implement this bill. So, you see, the big hullabaloo about that is a question of a misconstruction and a misapprehension.

However, I shall proceed in another direction. I think I have said quite a bit as far as the dangers of certain elements are concerned, and I will now go into

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another area. I think it is very important that we deal with some of the real dangers of this bill, which are some of the dangerous drugs. In dealing with some of these various drugs, I think one that has not been given any sort of prominence by previous speakers is alcohol. In my view, and from scientific data which have been collated by world-renowned authorities and authors, it has proven to be one of the most dangerous and lethal drugs that exist in this part of the world, and a licensed one at that.

Before delving into any specific details about the uses and effects of any of these, Mr. President, I would like to give a definition of what is an intoxicant, because in dealing with drugs of any kind, it has a somewhat intoxicating effect. The medical dictionary describes an intoxicant as, "a drink or a drug that can produce a pathological state of the mind by being toxic to the central nervous system". In dealing with some of the various kinds of mind-bending drugs, I wish to begin with the number-one killer, which is alcohol. I shall deal with the drug alcohol very comprehensively.

This is oft times overlooked, since it is a licensed drug, but alcohol is the most dangerous drug on earth, a drug that can, unfortunately, be taken legally in most countries of the world without fear of police harassment. Alcohol users feel secure because they believe they are using the safe, legal drug. Alcohol is the cause of more serious deaths than all the other drugs combined; namely, cocaine, marijuana, heroin, and others.

In alcoholism, memory disintegrates. Alcohol is a well-known thief. It takes away cash from families, childhood happiness from abused children, chastity from young women, reasoning from the educated, productivity from the working class, and years of life from the alcoholic.

Dr. Charles Richet, of Paris, Nobel Prize winner in physiology says:

"Alcohol soon overcomes the strongest man and turns him into a raging beast, who with empurpled face and bloodshot eyes, bellows forth oaths and threats against his surroundings and insults imaginary enemies. Never in animal species, not among pigs, nor jackals, nor donkeys is such ignominy to be found. The ugliest thing in creation is a drunkard, a repulsive being, the sight of whom makes one ashamed to belong to the same living species."

Per capita consumption is a good indicator of the level of alcohol-related problems in a country. Reference R.G. Smart—*World Health Forum*; Volume 12 page 99 to 103, (1991):

"World commercial production of alcohol increased by 50 per cent between 1965 and 1980".

B. Walsh and M. Grant, "The alcohol trade and its effects on public health". *World Health Forum*, Volume 6, pages 195 to 199 of 1985:

"Heavy consumption of alcoholic beverages (above 15 litres per adult), is mainly a feature of certain western and southern European countries, while in North America, the remainder of Europe, Australia, and New Zealand, the levels are also comparatively high. (10 to 15 litres of pure alcohol per adult, each year)."

World Health Organization Technical Report Series, Number 650, "Problems Related To Alcohol Consumption", page 34 of 1980:

In a Third-World country like Trinidad and Tobago, in 1986, 20.2 million litres of beer, 3.4 million litres of stout—malt beer, that is—and 10.3 million litres of rum were produced for local consumption alone, for a population of approximately one million. That is Pan-American Health Organization Report, Scientific Publication Number 522, pages 192 to 193, of 1990.

The United Nations Demographic Yearbooks for Population Estimates, 1968 to 1970, give the following countries: Yugoslavia, 10.7; German Democratic Republic, 7.8; Poland, 7.4; Sweden, 7.3; Netherlands, 7.3; Trinidad and Tobago, 7; Finland, 5.8; Cuba, 2.9; Turkey, 0.7. But in 1990, Finland had the greatest consumption of alcohol per head in the world. Five million Finns consumed 250 million litres of alcohol in that year. Alcohol gives seven calories per gramme. One teaspoonful of alcohol equals two teaspoonfuls of sugar in terms of energy—I do not know if Sen. Dr. Martin Sampath wants to query any of my information—a fifth of a bottle of whiskey will give more than our 2,200 Kcals., which is more than our total energy requirements—

Sen. Dr. Sampath: Thank you for giving way. Seeing that my name has been called, I wish to state categorically that I prefer sugar to alcohol any day.

Sen. Khan: No offence meant, Mr. President, I was just pulling his legs as a very good friend.

A fifth of a bottle of whiskey will give more than 2,200 Kcals., which is more than our total energy requirements when the body is at rest. Hence even if we do not eat our food containing proteins, carbohydrates, fats, vitamins and minerals,

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we can still get all our energy requirements from alcohol alone, at the expense, however, of severe deficiencies of proteins, vitamins, minerals, *et cetera*. Alcohol is not a stimulant. It only provides calories and dulls the consciousness of fatigue. Many people are not aware of these facts.

In Government hospitals, Mr. President, one out of every two patients occupies a bed because of alcohol-related problems, while, on the street, one out of every five persons has problems because either he drinks or because someone else drinks. Accidents at work, and the home and during sporting events are more frequently related to alcohol consumption than is widely recognized. These are facts which we do not really recognize; we brush them aside too easily. The death rate, Mr. President, for non-alcoholics—this is fantastic news—is 250 per cent less than those expected for alcoholics.

Alcohol is estimated to be responsible for 28,000 deaths per year in the United Kingdom. These statistics are taken from the *British Medical Journal*, Volume 302, titled, "Warning: Alcohol Can Damage Your Health", page 679, dated March 23, 1991. So these statistics which I am providing are not spurious, Mr. President.

Alcohol is involved in three out of every four cases of homicides; two out of every three cases of unsuccessful suicide attempts; one out of every three cases of successful suicides; one in two cases of rape, including incest; three out of four cases of robbery with violence; one in two cases of family quarrels and brawls; also, in many cases of child abuse, divorce, head injuries, *et cetera*. LJ West Edition, "Alcohol and Related Problems", the American Assembly, Columbia University, Prentice Hall Incorporated, Englewood Cliffs, New Jersey, 1984. A-class statistics, indubitable.

Alcohol and gasoline, Mr. President, is a more deadly mixture than most of us recognize.

Mr. President: Sorry to interrupt your intoxicating address, but your speaking time has expired.

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

Question put and agreed to.

Sen. Khan: Alcohol and gasoline is a deadly mixture. A car in the hands of a drunken driver is as deadly as a revolver in the hands of a killer. Death due to

traffic accidents is the single largest health hazard of the youth. Approximately 75 per cent of the car drivers have been drinking before the accident. In them, the vehicular accidents are due to the delay in reaction time, slower reflexes, and loss of judgment. Safety of others may depend on one or two persons in control, and hence, the following jobs demand extra care and sobriety, for example: Bus operators, airline pilots, taxi drivers, surgeons on call—in fact, all doctors at all times whether on duty or not, fire fighters, police, babysitters. These are only a few to mention. Commercial airlines forbid alcohol or the use of alcohol by pilots within eight hours of flight time.

For the benefit of this Senate, I would like to discuss a few hints as to where and how alcoholism begins and how it is perpetuated throughout life. One, alcoholism may begin in the womb for no fault of the foetus. The mother drinks the alcohol and the poor unborn child in the womb gets the first taste of it. The baby may be born suffering from the withdrawal effects of alcohol, Foetal Alcohol Syndrome, or may be born with congenital abnormalities. Two, the child grows up. With the first attack of fever or influenza, the parents give the child a shot of brandy. Three, the child comes home from school and watches television and what does the child see? He sees alcoholic beverages outnumbering other beverages; he sees young characters eager to start drinking; he sees older people resembling his parents, teachers, and elders who grab the bottle before it is served. He watches a sporting programme, for example, car rallies, football, *et cetera*, and he finds that alcohol is heavily advertised on the walls, on clothing, with brand names and attractive logos. He begins to associate excellent performance in sports with the use of alcohol. The message to the public on the television media in many instances, therefore, portrays that drinking alcohol could make them glamorous, sexually desirable, socially acceptable, with a prominent status in society.

Legislation, therefore, should be introduced—and I direct this remark to the hon. Sen. Broomes on the committees that we set up—enforcing radical changes in the advertising format necessary for the telecommunications media. He finds that every film or commercial shows alcohol as a way to face a crisis; he finds every hero on the screen drinks alcohol to project his macho image.

At home, when parents drink alcohol, as well as serve alcoholic drinks to the guests, the children once again are exposed to this influence and they grow up with double standards. Double standards exist not only in the home, but also in the country, and at the individual level. Some of our own medical doctors—and not

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my good friend, again—drink again and again when attending one update after another. Then they lecture to the patients and to the public about the dangers of alcohol and smoking. How ironic is it! They do the same where smoking is involved, chain smoking, some of them do—that is generally speaking. Of course, there are exceptions.

Even when our youths go to sports clubs, alcohol is abundantly available as well as being advertised on the walls. When thirsty, they are encouraged to take a glass of cold beer. As an adult, to close a business deal, he drinks alcohol himself and gives it to the potential customer—"let us go to lunch". That is the norm to close the deal.

The company of friends who drink alcohol is also a strong influential factor in causing one to become an alcoholic. The daily worker squanders his wages at the corner bar on his way home after the day's work, where the day's pay may be frittered away on alcohol the same evening.

Finally, the time comes that such a person takes alcohol as a mere nightcap, or as an escape valve from some little anxiety and frustration when this man, now already a father or a grandfather, goes in search of his old friend in the bottle.

Subservience to alcohol-containing drinks becomes the hallmark of this alcoholic. He would gulp drinks before going to a party to be sure of getting enough; he wants to prime up. Finally, he may join the Alcoholics Anonymous. Or if he loses his house and his job, he may take to the streets as one of the homeless alcoholics.

Now, we talk about the action of alcohol on the body, what does it do? Mr. President, I would like to elucidate on this point with the few minutes left before I close. Alcohol is primarily a depressant of the central nervous system and hence should be classified as a mind-altering drug. It slows the brainwave in the electroencephalogram. One may argue that alcohol is a stimulant and not a depressant because a person starts to move and walk faster immediately upon taking an alcoholic drink. I am explaining now that this is because of its depressing effect, and not because of its stimulating effect.

Alcohol depresses the inhibitory centres of the brain. The last of what we have learnt as our finer qualities are the first to be depressed, and what are they, judgment, social limitations, shyness, talking only when necessary, self-control. These are the qualities that distinguish a human being from the lower animals, and

these qualities are the first to be depressed, and hence the person who drinks alcohol reverts to more primitive behaviour, becomes garrulous; judgment is impaired, thereby causing car and other accidents, unjustifiable behaviour, and wrong decisions. God alone knows how many wrong decisions have been made by kings and by presidents, by rulers of governments because of suppression while under the influence of alcohol.

So you see, alcohol does not stimulate sexual desire, as some people think, but because of suppression of inhibitions, it causes more reluctant females to become agreeable to immoral actions. These are things that we must address and we must know about these things. Alcohol at first depresses the higher brain centres called the neo-cortex, which is the new brain found in human beings which controls judgment and other learned inhibitions. Hence, the person may become garrulous and anti-social. The association cortex which associates sensory information and relays it to the motor areas is very large in the human being, and this association cortex clearly sets humans apart from the lower animals. Our intellect, personality, and the capacity for speech, all derive partly from the function of this association cortex.

As drinking continues, the deeper and more primitive areas of the brain are depressed, leading to loss of motor co-ordination in the musculoskeletal system of speech and of vision. When more alcohol is consumed, the respiratory and cardiac centres in the medulla are depressed and the person becomes comatose. The lethal dose of alcohol is around 0.5 per cent. One or two drinks affect reasoning, memory and caution; while three or four drinks affect judgment and self-control; five or six drinks affect co-ordination; seven or eight drinks cause imbalance; and 10 or more drinks affect the vital senses in the medulla causing coma.

4.10 p.m.

Legal intoxication is a blood alcohol level of 0.15 per cent, as a result of approximately five drinks, causing slurred speech, blurred vision and impaired physical control. For each one-hour time lapse, blood alcohol concentration falls by 0.15 per cent or approximately one drink. This is taken from D. A. Girdana & D. Dusek Editions "Drug Education" Third Edition, Asdidon-Wesley Publishing Company, Massachusettes. Pages 55—89 (1980).

With continued use, alcohol produces disease in virtually each and every organ of the body, for example, liver, heart, brain, pancreas, sex glands, immune systems, and so forth.

Mr. President, with the time left at my disposal, I would like to make just a few recommendations. Some of us in this Senate may find that I am an unreasonable individual, but be that as it may, reason and logic prevails amongst the majority. I wish to recommend the following:

1. That Government agencies, the private sector and the voluntary organizations must all put forth combined efforts in campaigning against alcohol.
2. Encourage development of coffee and teashops, soft drink industry, sporting programmes and other places that can provide alternative to drinking alcohol. For example, the establishment of community centres in various districts.

Experimentation begins with tobacco and alcohol, the age for tobacco being 11 years and for alcohol, 12 years. Tobacco should be prohibited in schools. There is a law for that right now, but the use of tobacco in schools is very rampant. Tobacco is a gateway drug to alcohol, marijuana and other drugs.

3. Make it difficult for the average person to indulge in alcohol by:
 - (a) increasing the price of alcoholic beverages to unaffordable levels. The number of traffic accidents decreases proportionately with the increase in the price of alcoholic beverages. Banning alcohol in the advertising media, press, radio, sporting events, and the TV. Some countries such as, Egypt and Cuba have banned all public advertising of alcohol.
 - (c) Putting warning labels, in bold letters, on the bottle that alcohol is extremely dangerous and that both "Buyers and Sellers should Beware".
4. Ending all tax deductions for advertisements on alcohol and in addition impose a 10 per cent levy on alcohol advertising, the proceeds of which should be spent on health education.

The alcohol manufacturing companies always threaten us that tax increase will cause high unemployment due to retrenchment. Do you believe there is any truth in what they say? Of course not. Employment reductions in the alcoholic beverage

industry would result in increase in employment elsewhere in other sectors of the nation's economy, because the amount of dollars in circulation in the country will remain constant and, indeed, may increase. Of course, the people out of jobs would be the directors of the alcoholic beverage companies, and not the working masses.

5. Leaders in every discipline and in every community shall set an example to the juniors by themselves refraining from alcohol. Doctors and pharmacists can play a leading role.

Mr. President, because of the serious nature of this bill, much has been said on different aspects of it and I am convinced that all hon. Senators fully recognize the dangerous consequences of the use of dangerous drugs, trafficking, and all other relative areas.

In closing, I wish to reiterate, that with the obvious compromises that we expect from the Government side when the committee meets to consider the amendments, we shall be giving our unequivocal support to the bill, generally.

Thank you very much, Mr. President.

The Minister in the Ministry of National Security (Sen. The Hon. Hochoy Charles): Mr. President, let me follow in the tradition of this Senate and congratulate Sen. Maharaj on his maiden contribution. I must also congratulate Sen. Deosaran on, what I consider, a very inspiring contribution to this honourable Senate. Thirdly, I wish to also congratulate my good friend, Sen. Haji Ralph Khan for, what I consider, a dissertation or a thesis in medicine and on alcohol.

Mr. President, when I listened to the contribution of Sen. Maharaj yesterday when he was talking about the backlog of cases before the courts, and the support systems which are necessary to be put in place before the passage of this bill, I was tempted to ask him a very important question, but I thought that we have this tradition that we must uphold: that we must not interrupt Senators on their maiden contribution. I wanted to ask him whether, in fact, he was suggesting that because of the situation in our courts—the backlog of cases—Parliament ought not to continue with its business and should suspend the passing of any future or further legislation. I know he would have been able to respond to that, but I did not ask him that question yesterday.

Sen. Maharaj: Mr. President, on a point of order. I did not say, and I did not imply, that the bill should not be passed before these things are put in place. As a

matter of fact, I took great pains to write out, in manuscript, what I had to say, for this specific purpose. I did say, in the closing part of my contribution, that a commission, which was advocated, should be set up to implement the bill. So it entailed the passing of the bill but at the same time a commission to implement the bill.

Sen. H. Charles: Thank you for that intervention. It was not my intention at all to raise any controversial matters and to get into any controversy with any Senator, because I am sure that he really indicated yesterday that he, and all Senators on that side, will support this bill, so I do not think I have a problem at all with that.

I must say, Mr. President, that I had no intention whatsoever of speaking on this bill, because in my view, we had ventilated our positions and expressed our concerns on these matters in 1989 and 1990 and there is very little new substance, with all due respect to the valuable contribution made by my hon. friend, Sen. Deosaran yesterday, to be added to this bill. I say so because I want to take this opportunity to refer to parts of my own contribution that I made in 1989 on the drugs bill.

4.20 p.m.

I recall that at that time during the debate in 1989, there was a lot of talk about deprivation of fundamental human rights and freedoms. I remember that was a major issue during the debate. I see my friend Sen. Furness-Smith shaking his head in appreciation. During that period, I quoted section 4(a) of the Constitution of Trinidad and Tobago and then I asked the question: What was the greatest human right; whether it was not the right to life? Then I made the point that drug trafficking and the use of drugs was depriving those individuals of those fundamental human rights in the most wicked and vicious way, and not by due process according to the Constitution and law and not by the state, but by criminal elements within and without the national community. I quote from *Hansard* part of that submission which I made then. It is very important and very instructive:

"I submit that the taking of drugs is destroying lives, especially of our youth and if we have to do something drastic to save our young people, let us do it now and do it without hesitation. Let us stop the hemming and the hawing. Let us stop the hypocrisy with this particular issue.

I submit that drug trafficking is worse than murder. Drug trafficking is mass destruction. It is mass murder, especially of our young and innocent. It is

clearly an act of genocide, a deliberate extermination of our young people and should carry a penalty equal to that crime."

That was my contribution in 1989.

In my view, having said that, what is required to be done at this stage is to get this bill as quickly as possible to the committee stage, to deal with any amendments that may be proposed and to pass it into legislation. Having regard to some of the comments made during the contribution yesterday, I wish to make a few points raised by some Members. This is one reason why I rise to make this contribution at this stage.

First of all, let me deal with something raised by Sen. Baksh today, very quickly—as I said, I do not want to enter into any controversy—just to put the record right. She made the point about the two-way mirrors. I know that the Attorney General may respond to that in due course; the need for better surveillance by our law enforcement agencies; the question of radar and more patrol boats. She also made mention of the number of points of entry to Trinidad and Tobago, places like Icacos and nothing has been done to prevent whatever is happening there illegally.

May I just say that there is a National Security building which has recently been constructed at Cedros. It provides facilities for immigration, customs, coast guard and police. Those facilities are due to be opened for official use very shortly. We all know of the illegal trade, the free movement of citizens between Venezuela and Trinidad and Tobago. We have in fact addressed that situation.

I have a report in my possession which deals with the whole question of the sea ports and marine security. For various reasons and may I just say for national security reasons, I am not able to give the details but may I assure her and just quote from a part of this report. It is not an easy job on the police. Sometimes we get down too hard on our police officers. I am not saying sometimes some of the things that you see are not really genuine; sometimes they are not deserved.

According to coast guard estimates, about 700 marine craft operate in our waters on a daily basis. There are approximately 432 kilometres of coastline surrounding the country; 10 designated sea ports and a number of sufferance ports. Only three of these are Government controlled: Port of Spain, San Fernando and Scarborough. The others are all privately controlled notwithstanding the presence in varying levels of immigration, customs, police and coast guard.

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I could say this and this is the point of interest I think I want to make. It is a fact that San Fernando Harbour is completely unsupervised by the permanent presence of any of the relevant agencies. We admit that. This is an open Government. We hide nothing. We are now taking steps in order to address that particular problem. I must say, that did not start with the NAR Government. I have just indicated to you—and I will continue to do so—some of the things which we are doing to address some of the problems, in spite of our very, very difficult financial situation in Trinidad and Tobago.

The point I want to make is that the deterioration of our marine craft both in the police service and the coast guard did not begin with the NAR. We have in fact changed that situation and we continue to change the situation as fast as financial resources become available.

On the question of radar, we have just installed one at Piarco and one at the coast guard at Staubles Bay. That is the point raised by Sen. Baksh. I am not going to be dealing with the details of that, because I do not want to send out information to the criminal elements as to the capability of those items. I do not want to compromise the security of this nation, so I will refrain from giving details on some of these matters. Sometimes I think we talk too much about national security matters not recognizing the consequences and the implications of what we say.

May I just make reference to some statements made—nothing controversial—by my very good friend Sen. Persad. I think he asked if the bill is passed into law, whether we can enforce it. He spoke about the entry levels in the police service and said that we should encourage university graduates into the police service. He also made reference to the Scott Drug Report in which some police officers were said to be involved in the drug trade.

I think I should add what Sen. Horne said so I can deal with both matters simultaneously. Sen. Horne was also concerned about the word “force” in clause 24 of the bill. I want to see what clause 24 says because I want to make a statement on that. It says:

“(1) A police officer who has reasonable cause to suspect that any dangerous drug is kept or concealed for any purpose contrary to this Act in any store, shop, warehouse, outhouse, garden, yard, vessel, aircraft, vehicle or other place, may, by day or night, search any such place for the dangerous drug, and if necessary, by force, bring it before a magistrate;”

Mr. President: You can resume after the break. The sitting is suspended for approximately 30 minutes. We will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. H. Charles: Before we took our tea break I was quoting clause 24(1) of the present bill and I was making reference to the concern expressed by Sen. Horne on the word "force" used in that clause. I am sorry that she is not here at the moment but I will nevertheless make the point.

I want to inform her and, by extension, the entire Senate, that guns are the instruments or tools used by drug traffickers to protect their commodity and we should not expect that the police who have responsibility for protecting all of us, should not have that authority to deal with that particular situation. Look at the type of violent crimes we are having in the country today. Long ago, as you know, people used to just lock your neck and take what you have. Today, the simplest type of offence committed in this society, some kind of weapon, gun or sharp weapons are used, and we cannot sit here and pass legislation to send the police out there with only a baton to deal with submachine guns. We have to give them the authority to be able to deal with that kind of situation. This is point I want to make.

I recall that in my contribution also in 1989, I made the point and I want to repeat something that I said then. After I quoted extensively from a passage of dialogue of March 1989, the very passage quoted by Sen. Fr. Winston Joseph, yesterday. I quoted that in 1989, extensively, and after quoting that section, I made this point, and I want to quote from *Hansard*. I made this point after quoting that section and I want to repeat it here today:

"The criminal organizations running drug businesses are both skilful and ruthless and because of that fact, the police and other drug enforcement agencies must be given an advantage to be able to deal with that situation. You cannot tie their hands. You cannot go for any half measures. You have to give them freedom to do their duties..."

and at that time I did say,

"La Tinta Bay incident, notwithstanding".

I am aware that we must, of course, have officers of integrity but that is largely, as you know, a matter for the Public Service Commission, the Police Service

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Commission and the Judicial and Legal Service Commission, for the time being. I insisted at that time that somebody had to be trusted to do the job of law enforcement and to clean up the mess in the country. One can only use one's best endeavours and efforts to select the best persons for the job. If they let you down, there is legislation to deal with that situation. I made that point and I repeat it today. How do we expect to deal with the crime situation in the country, especially drug-related crime?

I have information that 75 per cent of the most violent crimes committed in Trinidad and Tobago are drug related. This is why we cannot go for half measures in this bill and I will submit that if that is so and we concentrate our efforts in this country in addressing the drug problem, we will, once and for all, be tackling at least 75 per cent of the violent crimes in the country. This is why we need this type of legislation.

I continue to quote from *Hansard* again, during 1989:

"We have to trust people. We need to give the law enforcement officers the power to investigate to obtain the evidence on which to prosecute. We cannot do otherwise."

I recall and I must make reference to this and I say we have to give them that authority and that power to be able to go in and to investigate these matters to make available the evidence on which to prosecute, and that includes the use of force. Sometimes, as I said, when I hear the remarks about being scared of police officers; we do not trust them and we do not trust this and we do not trust the other, I wonder if we really consider that statement. Could you have your defence force, your police service, guarding you all the time with all those guns outside there and you go to bed and sleep in the night and say you do not trust them? I think that anybody who makes that statement should re-examine it. You have to trust people.

I continue, Mr. President, the last quotation from my contribution then, when I ended the quotation by saying that I must remind the House at that stage that the business of illegal drugs is like a hornet, a jack spaniard. If you cannot kill it with the first blow, do not strike at it at all or else you will be destroyed. That is the nature of the drug business. You have got to deal with it and do so with one comprehensive blow or stroke, or else you are in jeopardy, in danger.

I must also assure my good friend, Sen. Persad, based upon the points he made to which I made reference, I am now going to provide him with some answers; not

in very much detail, but I must assure him that there are on-going programmes of training in the police service—programmes of training overseas and in-house. Could I pass out this piece of information also, that presently while we are here, we have 20 officers, officials from the Ministry of Justice and National Security, in the United States of America undergoing specific training to deal with matters of this kind. May I also inform him that there are 20 other officers, including police officers, who will also proceed to the US by the end of next month to also do another three-week course to deal with matters of this kind. We have been preparing. That takes me to the point made by Sen. Maharaj yesterday, about the preparation required. We have been preparing for the implementation of this drug bill when it becomes law. That is what we have been doing. We have not been waiting and I will have more to say on that at a later stage.

5.10 p.m.

We are now looking at the question of the re-introduction of the system of what was called, cadetship into the police service. Do you know that was once so, where you bring in certain people at a certain level in the police service and you called them police cadet, at the officer level and they would proceed from there until they did their in-service training and on-the-spot training. It is university students I am talking about. That was suspended some time ago, for whatever reason I do not know, but we are now looking at the possibility of re-introducing that into the police service. That should be able to deal with the point made about using university graduates in the police service to assist in its development.

Mr. President, I must admit and I must say that there has not been—and this is not only now; for the last twenty-something years I have not seen any record of this—any succession planning and career development planning in the police service, none whatever. That, in a large measure, is what is responsible for the state of the police service today. We have now established a Research and Planning Department in the police service, to assist in those matters; to deal with the whole question of career development and succession planning. There has not been any. We had almost got to that stage at one time—I am not saying now—where you may have had all the senior police officers at the top level, what you call the executive level, who may have reached retirement age almost at the same time, because of the lack of career development, planning and succession planning in the police service. We are now addressing those problems. That was the PNM administration, not NAR. We are addressing that.

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Systems are now being put in place—and this would address the point raised by my good friend Sen. Maharaj—for a more vigorous screening of entrants into the police narcotics branch, including things like background investigation on these entrants, psychological testing, very important and necessary—I know my friend Sen. Dr. R. Deosaran could make that point—for people working in that particular area; and testing for drug use. Those things are now being put in place in the police service. They are now non-existent. Polygraph testing—what you call the lie-detector test; and possible re-screening at six-month intervals. I am not sure about that. There is no decision made on that as yet. But possibly re-screening at six-months intervals. The testing to which I referred earlier, would be extended to existing members of the branch.

We want the best. We are talking about money laundering. You have to keep up-to-date with the technology. You have to keep up-to-date with what is happening in those areas—forensic accounting and all of those things. We have to train our police officers having regard to the recruitment policy. We have a particular problem but we have to address it. We cannot fire the entire police service and now recruit that type of individual. You have to deal with what you have, and at the same time introduce new systems in order that you could be able to bring into the service, the kind of skills that may be required to deal with the pressing problems of today.

Mr. President, I said earlier on, that I did not want to say anything controversial, but I must make this point, that these are the problems which, those who were in the NAR before and left, could not have dealt with. They ran away from them. They could not deal with them at all. But we have shouldered our task manfully and we are addressing these problems.

Dr. Persad: Mr. President, I thank the hon. Senator. He has made a very bold accusation. Maybe he could back it up by some evidence, about those who left or were put out or whatever, were in a position to change. I think he should provide some information to substantiate this charge or position.

Sen. H. Charles: Mr. President, that is not a point of order. I know you will allow me to continue my contribution.

Mr. President, I must make this point, that sometimes the Government is accused of not being able to deal with some of these problems in the police service and other problems, expeditiously. But there are serious constraints and they are

not only financial constraints. There are some constitutional, legislative and other constraints. This is why I must make this point so that people would not go away with the idea that the Government is actually empowered to deal with a particular situation and it is not dealing with it.

In terms of the police service, I think there are several problems. Some of them I do not think I should mention. There is a pressing need, in dealing with some of these problems—in answer to Sen. Persad—for a rationalization—I am talking now as the Minister in that Ministry—of the various authorities which now influence, in varying degrees, the personnel management functions of the police. A very serious statement.

Reference is made here to the Police Service Commission. I cast no aspersions at all. I am just saying, because of my involvement in the police service, I see the problem and what is required to be done to deal with them—matters that do not reside or rest with the Government only, the Chief Personnel Officer's function, and of course, the Ministry of National Security's responsibility for the police.

The collective impact of the influences of these different authorities result in the considerably reduced influence of the organization's leadership on personnel management decisions. The principal problems appear to be:

- (i) a genuine lack of understanding in all of these authorities of many of the peculiarities and special requirements of the police personnel management;
- (ii) it should be noted that the Trinidad and Tobago police, an armed paramilitary organization, will differ in requirements from the majority of US police forces, as well as British police organizations.

By the same token, Mr. President, it will not be successfully managed on the basis of "civil service-type regulations". I made the statement on the budget debate in this Senate, a very significant statement.

5.20 p.m.

The second problem appears to be the difficulty of successfully co-ordinating the inputs of the different authorities mentioned about a serious problem. I give no details. I make no conclusion about them at all, but that is the problem and the major problem. Once we have a police authority, a police force, Mr. President, that

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will tell you that I am only working with the tools that have been given to me by an authority outside, over which I have no influence; no control. I can only work with the tools that they have sent. There has been no consultation and no communication on the question of appointments of these people. I work with the tools that they give me. I am saying that is the greatest problem in the police force today and we have to address it.

Sen. Furness-Smith: If that is the hon. Minister's problem, which has been going on for five years now, why has he not brought legislation to Parliament to change the Constitution?.

Sen. H. Charles: Mr. President, that problem has not been going on for five years, it has been going on for more than five years. Mr. President, you will recall—I do not want to get into controversy—one of the first acts of this Government was an act to seek to amend the Constitution dealing with these service commissions. You remember the public uproar over that particular matter. And, as you know, the Constitution Commission has been appointed, they have reported, and that matter is now before a joint select committee of both Houses. So we are addressing the problem.

Sen. Crawford: Mr. President would the hon. Senator give way? Is the Minister aware that, especially whenever appointments are being made, the Commissioner of Police and some other officer are always present for consultation? Is he aware of that?

Sen. Furness-Smith: I must ask the hon. Senator, when will his Government learn that it does not deal with problems by appointing a commission or a team or an inquiry. You do not deal with problems like that.

Sen. H. Charles: I would be grateful for your recommendation or suggestion as to how we should deal with those problems. I know that we know—

Sen. Horne: Mr. President, I would like to know whether the joint select committee dealing with the Constitution has already held a meeting.

Sen. H. Charles: Mr. President, I am fortunate to be a member of that joint select committee. We held three meetings already.

I think that Sen. Crawford was referring to the Promotion Advisory Board of the police service.

Sen. Crawford: Not at all. I am referring to the Police Service Commission. Whenever they are having appointments, the Commissioner of Police is called in and consulted before they make they appointments.

Sen. H. Charles: I do not want to deal with that particular matter, but as he says, they are not members of the board, but they are called in for consultation. I do not want to say any more on that. They are called in only for consultation and that is the point I am making.

Sen. Crawford: That is so they can give their points of view and put it to the Commissioner so they then can make a selection.

Sen. H. Charles: Their recommendation can be accepted or not accepted. That is the point I want to make.

Sen. Maharaj: Can the hon. Minister say that because of the existing procedures which he considers have to be followed, that it is impossible for the Government to effect reform in any other way?

Sen. H. Charles: No, I have already alluded—in fact, I have specifically stated that we are, in fact, addressing the matters of reform in other areas. But with respect to that specific matter, we cannot deal with it except the Constitution is amended. That is the point I am making.

Now, Mr. President, may I proceed. I want to say that in light of what I have just said, a new strategy for personnel management in the police service requires—and if they had given me a chance they would have listened to what I had to say—first of all, a less complicated mechanism for achieving the safeguards intended by the existing provision for control by the police service commission, the CPO, and the Ministry, that is one prescription.

Secondly, another requirement is the increased influence of the police leadership. I want to repeat this for Sen. Crawford. Increased influence of the police service, police leadership in personnel management decisions, and I know what I am talking about. I am not talking in isolation or in a vacuum. This will answer the question that he just raised.

Thirdly—and this is a matter for the police, and it has to do with the Police Service Commission—improved performance appraisal and promotion systems geared towards better opportunities for promotion on merit. If these are matters that we could have dealt with, we would have dealt with them already, so

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we are highlighting them, and we are waiting until the necessary amendments are done to the Constitution and surely we will be in a position to deal with some of these matters properly.

There are several others which I think I should mention, and this will deal with Sen. Persad's point—a mechanism for attracting to the organization as many of the special disciplines as may be identified as necessary from time to time. This right now is a matter for the Police Service Commission.

I made this point before, the introduction of succession planning, which appeared to be non-existent up until quite recently. We are now addressing that problem. I mentioned that earlier on in my contribution.

Employee assistant programmes—my good friend Sen. Deosaran, I am sure, would be gratified in hearing this—because, as you know, police work is a very stressful kind of work and you would need these programmes to assist these people, the kind of stress that they have to go through, dealing with all kinds of crimes, all kinds of situations in the country; it is rape, it is murder, it is all sorts of crimes.

Introduction of an improved disciplinary code, a matter for the Police Service Commission again. Recommendations are being made, I am sure, and preparation of a court of conduct for officers with the principal objective being to improve the culture of the organization, as this relates to the use of power, and the exercise of authority.

Dr. Deosaran: Mr. President, I feel encouraged to ask the hon. Senator one specific question: What is the situation with respect to the internal affairs unit, or whatever name it is called within the police service itself, that is to say the body that conducts inquiries on matters of discipline within the police service? It was called an internal investigation unit at one time.

Sen. H. Charles: Yes, Mr. President, that body still functions. It needs review; it needs upgrading on those matters, as I said. One of the matters now is engaging the planning and research section to make those recommendations with respect to that. I know that quite recently there have been some changes in the procedure for that particular unit where, for example—and I think these are being published—a police officer below a particular rank may be involved with some matters of the public, for example, shooting and that sort of thing. Previously, the investigation

used to be carried out by one of his peers, possibly a corporal, a sergeant, or even a lower rank, and the public had no confidence in that kind of system. That has now been changed where the lowest level of officer that can carry out those investigations on junior ranks would be a superintendent of police. And if the offence is committed by somebody above the rank of ASP, it will be by the Deputy Commissioner, Crime. So those matters are now in place.

Other things are now being put in place, some of them I just cannot say, but that one I can give to the public. So those matters are now being addressed and I am sure that some of this information can be passed out to members of the public so that they can now have more confidence in the police service. Right now, there is very little confidence because people do not know what is actually happening. They feel it is a question of cover-up and all these sorts of things in the police service whenever one of their numbers or members is affected or is involved in some act or otherwise. But those matters are now being addressed.

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

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

Question put and agreed to.

Sen. H. Charles: Mr. President, I think that I will take that time to wind up, very quickly, because I indicated very early that I had no indication at all of speaking on this particular bill and I was told by Sen. Horne to take my seat. Anyhow, this is one of the few occasions that I have refused the advice coming from a senior citizen and, especially a female at that.

Mr. President, I think I will take the opportunity to wind up here, and I wish to make this point, that the Government's position on the whole question of drug trafficking is abundantly and absolutely clear; our position is very clear. I recall, Mr. President, that the Prime Minister of Trinidad and Tobago made the point not only here, locally, but overseas, as to what our position is. At international fora our Prime Minister has also expressed the Government's determination to assault this drug menace, this serious problem. He has not only done that, he has indeed offered specific suggestions for counter-narcotics strategies, the most notable being his recommendation for the establishment of an international criminal

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court as a mechanism for the trial of international crimes, including drug trafficking. So our position is clear, very, very clear; absolutely clear, on that matter.

The Government has also demonstrated a clear willingness to collaborate with individual countries—I do not want to talk about some of the programmes which we have, Joint Information Co-ordination Meeting Centre, where we share collect and share intelligence within a wide spectrum, internationally. All those matters are already in place and in operation in this country, where we give information on the question of the movement of persons, aircraft, and of vessels involved in matters of that kind. We are now part of that international network, sharing information, and this is why we are able, here, to deal with some of the drug problems which we have on our hand. But, as I said, legislation was lacking, because I am told by the police that the existing legislation—and I am not a lawyer and I would never pretend to be one—only gives them authority to arrest people who are involved, who either have drugs in their possession or under their control. That is what they tell me.

So the legislation does not give the police the authority to go beyond that. And as we know, the drug barons—and I think this has now been corrected to be drug demons or devils—do not touch the stuff, we all know that. So if you do not have it in your possession or under your control, the police cannot deal with you under the existing legislation. That is the problem. So when people ask, "Why cannot the police deal with the barons? Why are they dealing with the pushers on the street?" There is no legislation in place to give them that authority to deal with the barons because the laws say that they can only deal with those people who have the drugs under their control or in their possession. That is what I am advised.

I proceed very quickly. I was saying, before, that the Government has demonstrated a clear willingness to collaborate with individual countries as well as multilateral bodies in strategies against drugs, and to contribute to the collective security that is possible through international and regional co-operation. As you know, my Minister of External Affairs will tell you about our Trinidad and Tobago/Venezuela Mixed Commission on the question of drugs. He knows about that. He can tell you about our co-operation with the United States, with Canada, with France, and Great Britain, quite recently, in matters of the kind.

So, Mr. President, this Government is very clear. Our strategies and policies are very clear, and we are on the right path. I have no problem, because it has been indicated before, by the Opposition Bench, and, I think, members of the Independent Bench, that they will support this bill. I wish to commend this bill to this Senate for its unanimous support, and we should not be worried at this time about the mechanisms that ought to be put in place or that must be put in place in order to effectuate this particular bill. They have already been put in place and we are only awaiting the passage of this bill, so that we can do our legitimate duty. Thank you.

Sen. Robert Amar: Mr. President, it is indeed a pleasure for me as it may be among the younger Senators—with the greatest respect to you, Mr. Attorney General [*Interruption*—to have the opportunity to contribute on a bill of such importance to this society.

This country and the people of this country are aware of the difficulties with which we are faced, relative to the drug menace. I, for one, like the rest of the other Senators who have spoken before me, wish to say that we commend the Government in bringing a bill of this nature to the Senate, and that it will get my vote.

I am a firm believer that if we are to succeed in the society that we are in we must be able to make “mistakes forward faster”. By that I mean if we could find out today that we were making the mistake it would be better than making a mistake tomorrow. It is, however, important that we pay attention—I keep emphasizing this every time I get up to speak—with regard to the mechanisms for feedback with regard to this particular institution, or whatever it is: feedback to the public; feedback to the people involved; feedback to the Government officers; feedback to the police department; feedback to the Customs Department; feedback to the Immigration Department. We cannot bring these laws and not have a mechanism where a report goes back out where everybody understands what is taking place, *vis-a-vis* the benefits, the successes or the failures of the system, because the important ingredient in making any system work is its people.

We can pass any legislation or any law in this Upper House or anywhere in this country, if we do not have the support of the total people on the outside, we will always be ending up in difficulties in trying to make them happen, because we will have people resisting them.

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On this point, I want to just go into an area of which one of the aspects was drawn by our goodly Sen. Baksh, which was the system of identification. One of the biggest problems in the society today, relative to people wanting to give information, is to be able to feel comfortable that they can go home. You see, I have had the experience where I was held up at gun-point. Today I am living my second life. Many people do not realize how that feels, but as a businessman, I came out of my vehicle, was going into the recording company at Long Circular Road, and three bandits came up to my vehicle, one pointed a thirty-eight revolver at me and said “give me your money.” At that time, I tell you I did not panic, but I froze. Now, because of my understanding of the gun, I knew of the level of the guy’s experience; and knew if anything had to happen how I would approach it. Not everybody could accept that sort of no-panic situation. I tell you if I did not know, I would have panicked, and today, maybe, you would have been mourning my death. *[Interruption]* This was about 10 months ago.

I brought it to the attention of the authorities, and I must commend the police who, together with my people, acted expeditiously and we apprehended two of the culprits within quick time, and the third one was captured within a week. The problem of the captured third one is that I had to identify him. If any of you have the experience of what identifying a criminal is all about—I am sure the hon. Attorney General knows very well what it is—this aspect of having to go and say, “This is the man”, on a face-to-face kind of scenario. That is why, today, our rape situation is increasing, and our crime and drug situation continues to increase, because the people are fearful that if “I come forward to identify the person, I would be a victim of my own justice. Coming forward to tell you exactly that he is the criminal, I would have to pay the price.”

As far as I am concerned, this bill must address the identification process. We must immediately, in addition to passing this bill, change the present laws of identification in the Constitution and implement it forthwith that people can identify the assailant through a one-way glass, so that we can have that privacy. I think in all justification this is an important thing to which the Attorney General must pay attention.

Mr. Smart: I would like to advise the hon. Senator that this matter is being actively pursued. He may be surprised that within a very short period of time the procedures will be set in place for that.

Sen. Amar: I am very happy to hear that and I feel this whole country will be very happy to hear that. I guarantee the crime rate in this country will go down the day that is implemented.

The other aspect is that of risk and reward. If I am a criminal, and the risk to me is minimal, I think maybe I would take the chance, and the reward of course is great. If the risk is high, and the reward is high, I have to now trade off. Do I take the chance or not? This is a subject matter that I broached in this honourable Senate at the early stages of my contributions. We have got to get serious about the penalties that we are to enforce. Again, at the risk of my having problems when I walk out of the Senate today, I would say that the situation that exists right now relative to the non-implementation of the law in respect of some of those criminals who are sitting idly in the jail, for premium crime in this country, murder, *et cetera*, we must now enforce those rules as quickly as possible, because we cannot continue to have the law, and not live with it.

If I were in the position of the Government, I would definitely enforce that law without any sort of looking back at it again. I am talking about those people who, we are sure, are guilty as charged without any sort of escape route, except possibly using sometimes the judiciary and the legal profession to wiggle their way out. We are a democratic country like the others, including that of the United States of America, and if the United States of America can enforce the law in a country where there are 280 million people, I see no reason why we, in this country of 1.2 million people, relative to what Sen. Warner was talking about of the serene and good people that we have, who continue to be destroyed because of the few, why we must let a few people run our lives. I think it is time that the Government does what is right and implement the penalties as laid down in the statutes. On this point, I would like to say that I endorse, to a great extent, what Sen. Furness-Smith has said. I believe that if the risk is high, the chances of taking that chance would be reduced. I will therefore support him in trying to field an amendment to say that the death penalty must be part of the bill.

As my good friend, Sen. Khan, said the problem that we have in this society is the building of the drug habit starting from a very youthful position and elevating: the smoking of cigarettes, the drinking of alcohol. The Government needs to take a very serious look at the alcohol side. The smoking side, I feel is

very difficult to put in any kind of rules. That is a family's job and parental guidance is needed in order to help solve that problem because of their bringing of the child in the home. I, myself, have young children so I know very well the difficulties, because I have a 17-year-old son and I have similar problems like all of you who may have 17-year-old children. *[Interruption]*

The chip cannot fall far from the block. The situation is that the drinking side I feel is very, very important to address—and I must compliment Sen. Khan on his contribution relative to that aspect of it. I think it is not that it is anything that deals specifically relative with the drug bill, but I think it is an area to which we must pay attention if we want to reduce the position of possible drug influences based on this being the catapulting situation that leads you to become an addict.

Now, I have gone to some of these places all over this country, and the youths of this country go into these places and order any kind of drink, and these bartenders and people deliver them. As far as I know, and I am subject to correction, the laws of this land say that a minor must not be served alcohol. Now, in every country I have gone to where this law is enforced in the bar, identification must be produced if alcohol has to be supplied. I feel that is something—I do not know if it is in the Constitution; in the laws of the country. I asked around and I did not get the feedback that it was. I know that it says “minors”, but I would like to recommend to the Government that it writes to all alcohol distributors and get them to be responsible for putting up signs in these bars that say: “alcoholic beverages will only be served upon presentation of proper identification, and that anybody found in violation of this will be fined.” Of course, put the fine to the point of saying, “Boy, we have to close down your bar.” Now I do not want to take a job away from anybody, to interfere with the youth, the future generation of this country, but if that is the price we have to pay for it, I am prepared as a citizen of this country, to pay my price for it.

I am sure that the hon. Minister had the involvement of people like the Police Commissioner and heads of customs and immigration. When we talk about this drug situation, we have to be serious that it affects not only one quadrangle, it is a sort of multiplier effect. We talk about the unmanned areas, like maybe Icacos, as Sen. Baksh was saying, and Carli Bay, and maybe even Chaguaramas in some instances. We have to get all the people together to talk. I would like to think that on a bill of this nature, maybe one can recommend or suggest, because maybe there are some people who need to also give their contributions in order that we can get commitment—I do not know if the law provides for it. Forgive me for my

ignorance—people like the heads of customs, immigration, and the Police Commissioner.

Sen. H. Charles: If I may, I just want to pass on some information. The joint information co-ordinating centre which I referred, comprises the coast guard, army, customs, immigration, and police. They meet and they work together full time from January 9, 1991, and continuing.

5.50 p.m.

Sen. Amar: As I say, you have to forgive my ignorance with regard to some of these things. I am making a contribution to the point where I just want to suggest certain things, and if they have been done, I think it is admirable. I was trying to come a little bit different. You see, when people behind closed doors make decisions, their commitment to the society is slightly different.

The situation is that if we are in the position where—and as I said, I do not know if it can happen; I do not know if in this honourable Chamber it is permitted, but I suppose anybody can be sworn in as a Senator for a contribution, and I do not want to, in any way, take advantage of the protocol of the system. But if the Police Commissioner, for instance, were brought in here to give his contribution on this particular matter, I feel that the people outside there would know how serious he is and it would be like a milestone. Just like Sen. Maharaj was brought in to make his contribution because of his knowledge of human rights and his position. I am saying maybe there is a possibility, and the Government can see how it can involve some of these people, so that they themselves can come here and stand up in front of us, and go in *Hansard*, saying that I, an Immigration Officer, feel this way about this drug situation.

You see, I think we need, what is called, commitment at all levels. Maybe it is a crazy idea, but I would like the Government to think about this as being something that could possibly be brought into play to help the development of all of these bills and get them to be understood.

The situation of this drug position has a hell of a lot to do with the media. People must understand that the media play a very important role *vis-a-vis* the information that is disseminated with respect to the kind of perceptions that would be developed in the society. If we continue to paint the wrong perception, because the media bring across the message in a way that may be difficult to comprehend, then I think we will be heading up a difficult situation and we will end up with a

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problem whereby people will be misunderstood and we will have certain difficulties with regard to getting things done.

My point with regard to the media is that, this morning I was listening to the radio—if I am not mistaken, it was Radio 610—and they made a contribution with regard to Sen. Furness-Smith's contribution in the Senate, and they were talking about implementing the death penalty. Somehow or the other, in my view, they gave the impression—and I stand to be corrected—that this situation was one where—I do not think they gave enough definition as to a trafficker, and maybe the other people. When you give a half-side or a double-meaning position, it breathes a very difficult position for the population at large. Who knows, because of a misrepresented or misinformed position, the Senator could be looked upon in a bad light and end up in some kind of difficulty.

I am just saying that these things must be delivered accurately. I have a hang-up, because many of the media houses seem to believe that this is just a propaganda to sell articles or newspapers, or to sell TV time. I would like the media to play a more responsible role in passing out information in these critical matters that could possibly lead people to losing their lives. It is a difficult situation. I cannot point my finger at anyone. I would like to make it clear that I think in most cases they do a good job, but there are some cases, for instance, rape cases, where they publicize the information as if this is a scandal business and it leads to a lot of bad repute to the people who have to live in this society for the rest of their lives, because they have nowhere else to go. We must be sensitive, and I am appealing to the hon. Minister that when he is winding up, maybe we can get some kind of feedback as to how he is going to address that. We have freedom of speech, but the end result is that there must be some kind of professionalism in the freedom of speech which must be advocated at all levels.

I was happy to hear of the situation of the Tobago issue. It was brought to our attention that Tobago, specifically, did not have the problem many years ago. As a marketing person, I can only bring to you some of my marketing experience and see how we can apply this in trying to find out who are the culprits infesting Tobago. Trinidad is, what you call, a mature drug market. There are many people; there are many suppliers. Maybe there are only a few, what we call, barons but there are endless suppliers and small control at the top. Based on what you are saying, you can never catch this guy because he is so clean; it is not funny. He plants it on somebody else, and it is difficult to tie him up.

If one could start to look at the situation of the Tobago issue of the drug problem, I would say that we could first identify a few things:

1. Who were the people caught? Were they from Trinidad or from Tobago?
2. Where, in Trinidad, did they come from? Did they come from north, south, central, west, or east?

Depending on that scenario, we can have a visual picture as to where the sort of problems lie in Trinidad, because we are dealing with a new market. What will happen when you are going into any new market, first to go in there, it is the strongest, because in this kind of business, I feel—looking at television and all the other things—somebody wants to make a statement, so they go in there and say, "my territory." "Do not come into my territory! If you come into my territory I will get rid of you." So, hypothetically what we have now is a lot of information that is blossoming around the Tobago issue that, if analyzed, could paint a picture that could give some indication and as a result of that indication may help us to do a lot of good work in Trinidad. I am not saying that it is not being done, I am saying that it is a very good position to take that information and now find a way to use it in Trinidad and see how we could try and reduce this drug menace.

It is difficult for us to eradicate or stop it, but I think we could reduce it to a substantial level. By invoking educational programmes we could possibly help it to come to a point where we could live with it, because I do not think in this society we would ever be able to not have any kind of illicit narcotics. My reason for saying that is, we are not the growers or the makers of a lot of these highfalutin narcotics. Marijuana, yes, but outside of that, cocaine, crack, these are not things, to the best of my knowledge, that are manufactured here. So, we have a problem in the aspect of the importation of these things. This is one of the reasons I said that the customs must play an integral part. It is a very complicated situation because in order for you to sell cocaine, it has to come in. Now, look at how many people it involves. I hope we are keeping our eyes on that whole situation, because it is important for us to look at it in very much detail.

This morning while I was coming to work I could not help but hear a calypso that was sung by King Austin, called "Progress". This is a very substantial calypso, a lot of meaning, and in this country we must not put aside these old sayings and these calypsonians, because if we could reflect on those things, it helps us inwardly to understand how we must address the problems that exist.

The perception in this country about crime is that, "I can commit it and I will get away." I think this bill must make sure that we read the message clear to those people, that if they commit it, they will pay dearly.

Coming now to a point made by Sen. Maharaj who made a substantial contribution. I firmly believe that we have to make sure that we can implement the provisions in this bill, and I share the view of Sen. Charles that we ought not to worry about that because we will be able to do it once this bill is passed. My view is, we have to make sure that we keep a tab on this thing because we cannot make ourselves fools. The quicker we can get the messages telepathically sent out to the drug barons that, "Look, we are serious about this business," the faster we increase the level of the risk, and it is the more they will take the opportunity not to try it. If they do not get the message, they are going to end up giving trouble.

I had the opportunity of calling one of my legal friends and I asked him to go to the Home Office in England to pull some statistics for me, because the Drugs Bill is based on a substantial amount of information from the English law. The statistics out of the Home Office which were sent are England and Wales 1989, drug offences. There were 22,366, out of which 2,756 of the offences were committed by females. We have a situation where another picture is painted. Maybe, women are not really the problem. The men maybe are the greatest difficulty in this whole situation. This is in England. The part that was fascinating about it is that the total found guilty was 15,289. Out of that, the total that was pending for sentence was 15,210.

Now my own view is that we have to be conscious of this. I am only drawing this for reference because I am saying, "let us go on; let us make the mistake 'forward faster'". I am prepared to say that if we make the mistake "forward faster", we will correct it quicker. These people have made the mistake "forward faster". We could ask these people why did these 15,210 not sentenced? What caused it? What were the bugbears? Who were the trouble-makers? What were the influences that caused this thing not to happen? By so getting that information we would be in a position then, to come to Trinidad and Tobago and say "you see these problems"—which is what I think Sen. Maharaj was trying to say—"let us address them by doing X, Y and Z so we do not have the same kind of problem coming up to us which these people have experienced."

The other thing I thought about which I did not see in the bill, which I would like to recommend, is that we consider a reward system for people who bring

information forward relative to these drug cases. Nowhere have I seen we are telling people, "if you come forward and tell us something, there is a reward". I do not know how we would word it; whether it would be a monetary reward or some kind of thanks reward. I am not saying that you have to pay people for doing these things, but I am saying that in other countries there are situations where when crimes are committed, they put out rewards if you bring information relative to this. I think if we want to eradicate this thing, if we put in the protection programme, then we must attach a reward programme to it, because people will definitely come forward not only for the money, but I think they will more come forward because they want to get rid of the people. I think it will be nice to consider a reward programme relative to this particular issue.

Somebody in their contribution talked about the legalizing of marijuana. I am not in favour of the legalizing of marijuana, but I think we have various types of narcotics. The bill sought to put one standard penalty hypothetically, six months, \$25,000, \$50,000. I think we have some more dangerous drugs. All of them are dangerous but if you put them on a list and you put a tier, maybe crack, cocaine, and opium, these might be the ones that might come down from the top.

I feel that—not that I am trying to beg for the marijuana fellow—we have to be realistic. If you catch a fellow with a joint, I think the law must not be flexible, but it must be written, that the guy whom you catch with a kilo, an ounce or a gramme of cocaine or however it is sold, the kind of "licks" that fellow gets is greater than the "licks" the other one gets. We must put a sliding scale law. According to Sen. Maharaj, he says it gives the magistrate discretion. I always want to find out how we could dot the "i" and cross the "t". Do not leave the magistrate to use discretion. Let us give him a guideline to work with, then he could use the discretion from the guideline. Somehow I feel that the guys who commit the smaller crimes, if we could find out how we could sort them out, because they are just what you call the circumstance as a result of the issue. These are the guys who grow accustom, if we go back to history, I think my learned friend on this side tells me that in the old days the Arawaks and the Caribs used to smoke marijuana.

I am not saying that it is right, but somehow I think that we have to look at it from a point of view of seeing how we could make sure that these things are clear. If we could let the guy who is peddling cocaine know that the figure is \$1 million, and the guy who is peddling marijuana let us just hypothetically say, a fine

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of \$20,000; I think the marijuana one is easier for us to deal with than the cocaine. I think we could address the issue from that point of view.

I endorse the situation of the night court because I think that the night court is something very important and expedition of these things are important. Time-frames as Sen. Maharaj was talking about. We cannot bring this law and do not have time-frames to say these things must come within certain times. I think that we have to make sure that the time is a specific thing relative to this particular kind of crime.

The bail system is another thing which I think is important. Multi-offenders in this country continue to get bail. This is a point which was brought up but I am just reinforcing it. I feel that if you are a multi-offender the bail should be non-existent; if you are a one-time offender that is all right. If you are a multi-offender we should not be risking the honest population outside there for a multi-offender, by making sure he gets a bond for \$20,000 to come out to put lives at risk. I think if he is a criminal and he commits a crime, let us put him where he belongs.

One of the things that came up in my whole thought pattern was, do we really know who are the perceived kingpins? If the National Security has some conceptual idea of who these kingpins are, what are we really doing relative to keeping a watchful eye on their movements? The CIA and FBI have all these fancy things. I do not think we have them in this country. We may not need them, but we have to pay attention to looking at these guys. If we cannot pin them down or we cannot catch them, then we must know every move they make. I think if we know the moves they make, there is the old saying: "everyday is thieving day, one day is catching day". You just have to hope that guy makes the slip, because I tell you, human beings have a habit of slipping. We cannot be 100 per cent efficient 100 per cent of the time. I hope that we are looking at that and although I know we cannot do anything with them because we cannot pin them, we have to hope that they make a slip I think in everybody's life mistakes happen and they are no different to us.

I am not against any legal person, but I think the legal profession has a significant role to play and they must respect, tremendously, the law of the land. It is not that the society does not have what you call justification for wanting to defend someone. Legal people take on a job to say, I will defend you and I will get you off. My view is that we must decide what is our obligation to the country. We must take it from that point and respect our country and at the same time respect

the law. We must not put ourselves in a position where we jeopardize a society for one or two people.

6.10 p.m.

I am a firm believer in human rights. I stand strong on it. I am a firm believer in the democratic process. I am not a firm believer that one must go after and protect people who are assumed guilty, knowing for a fact that they are guilty.

It is important that I get some feedback from the Minister as to which country he believes is the most effective, relative to drug eradication. If Malaysia or Thailand are in fact the most efficient, I feel we must take a page out of their history book. Somehow or other, we can only look at it from the point of view of gaining experience and not necessarily implementing their laws, but looking at it from a point of view of just educating ourselves as to what they have done in their own peculiar environment and try to see how we, in Trinidad and Tobago, can look at that and come up with a plan that could possibly be as effective as theirs.

It is also important that we get some concrete feedback, and I think this was raised by Sen. Maharaj, relative to what are the statistics with regard to this industry. I keep discussing this thing about matrixes. Let us look at all of these guys whom we have charged; let us start to look at what area; let us look at their age group; let us look at everything. Let us sit and look at these things in clear, unambiguous terms and see what is the trend this thing really has. We cannot just use these things in our own time and I feel that this is relative in the complete industry and we must pay attention to it in total. If we could pay attention to that, it is my view that we will be able to see clearly what is really happening in this whole drug business. You see, the drug man is a smart man and he is smarter than most of us. He has no MBA and he has not gone to any university but he outfoxes you because he is two steps ahead of you, because he premeditates what you are going to do and he makes sure that he does something that is contrary to what you expect. My view is that we must out-think him and the only way we can do that is to sit and analyze what he does: look at his movements, look at his pattern, look at his lifestyle. Once you could look at that, you could perhaps come up with a formula of how to, maybe, cut him down. Because slowly but surely—we look at all these little shows like “the Godfather”, something that I keep referring to, these guys must have right-hand people and if we cannot hold the top, I am sure we could point a finger to the right hand and if the right hand knows the penalty he has to pay, I feel he will tell you who the top is. Now, this is a philosophical

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position and maybe it never could happen, but it is a point worth thinking about; it is not a point we should discard as being just "ole talk".

The final point I want to talk about is that of education and training. You see, in this country, I feel we have a misconception about education. I think what is necessary to make the whole drug situation come under better understanding is for Government to continue to plug away at educating the masses. I think the education must start first at schools. I do not see any problem with getting corporate citizens in this country to go to various schools and deliver some kind of prescribed address to the young students in these schools relative to the difficulty of drugs. It is important that if we have these things that they be publicized at the highest level of society because many people do not know what is happening. This has been one of the biggest problems in our society: the lack of communication from whichever ministry, to the citizens. Every time we talk about things, we always hear that something is in place. It is another thing to say how effective it is; and what are the results that we are getting by doing it the way we have done.

The situation in the country today is that if we do not spend the time as is required now, to educate the young population about all of the situations that exist in every different facet, from drugs all the way back to sex, we are going to be facing a situation when we elevate to the next level of our lives of not being able to handle those people, because they would not have had the foundation required in order to carry them to our level of elevation. Just as we mature and learn, they mature and learn, a point that was made by Sen. Khan, something very important on which to reflect.

When a child turns the television on, he sees somebody running and the next thing that person is drinking a beer. What is the telepathic message and at what age-level do these kids see this particular information? What are they going to do when this particular information comes to them? We must find something that will neutralize that. I am not saying stop the advertising because that is like saying, it is impossible to do it. You can ban certain things but you cannot ban all and if we are a democracy we must have some understanding as to how it is done. But we must be careful, and where there is one thing on the side, there must be something to balance it off. Right now it is only this, so there is no other side. These public service messages that are necessary must become something, I believe, on which the Government must put emphasis, in the bill, that will address the public service situation of information to the community at large relative to what is taking place. It must be like a weekly bulletin.

Training is important for the people who are going to be involved in the implementation of this law. They should be brought together to understand how they must operate it. If we do not educate, by giving information; train by repetition, then we could end up with a very serious problem, and a lot of the good work that has been done here would go to nothing because the people would have mishandled it and we would lose the battle, simply because they did not know how to address the issue. I cannot over-emphasize the importance of training these people as to what they are expected to do. We cannot just take any and everybody to put into this situation. I think Sen. Maharaj made that point. We must become conscious and we must get the best. If we could solve the problem, then the 80/20 rule will apply—20 per cent of those people give us 80 per cent of our problems. If we were to get rid of 20 per cent of those people, we will have 80 per cent of free time.

6.20 p.m.

I end by telling you, which I have done in the past, that any government or any person making any law, has two choices: they either be mindful or they be mindless. The mindful approach is the approach of having flexibility and all the other things that attribute to it, to make sure these are put into place and when they need to be changed, are changed expeditiously. The mindless approach is that of doing it in the continuous, old hereditary way which does not serve a nation any good.

I thank you very much.

ADJOURNMENT

Sen. Alloy Lequay: Mr. President, in moving the adjournment, permit me to make two very brief statements. One, the Land Acquisition Bill which was circulated is with the courtesy of the Minister of Planning and Mobilization and should not be taken as a formal introduction of the Land Acquisition Bill in the Senate. It is merely a draft that is out for public comment. Secondly, it is quite possible that we will have a late sitting next week Tuesday so that we could complete the third reading of the bill before us.

With these two brief remarks, I wish to move that the Senate do now adjourn to Tuesday, September 3, 1991 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.30 p.m.