

Leave of Absence

Tuesday, June 14, 1994

SENATE

Tuesday, June 14, 1994.

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave to Sen. Carol Mahadeo and Sen. Stanford Callender to be absent from today's sitting of the Senate.

PA SYSTEM

Mr. President: I also have to advise you that the Public Address system is down, so if you hear me speaking a little loudly, you will understand I am indicating to you how you would have to speak during proceedings this afternoon. *[Laughter]* You have natural voice control today.

PAPER LAID

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. President, I beg to lay on the Table:

The Transfer of Prisoners (Declared Countries) (Strasbourg Convention) Order, 1994.

In laying this paper I wish to advise Senators that this completes all the necessary requirements on the part of the Government of Trinidad and Tobago to facilitate the transfer of prisoners.

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

Sen. Muntaz Hosein: Mr. President, I beg to present:
The First Report of the Public Accounts (Enterprises) Committee (1992—1996 Term).

ORAL ANSWER TO QUESTION

The following question stood on the Order Paper in the name of Sen. Diana Mahabir-Wyatt:

**Princess Elizabeth Centre
(Ombudsman's Recommendations)**

57. Can the hon. Minister of Health tell this Senate what action has been taken to implement the recommendations made by the Ombudsman that Act No. 15 of 1953 in reference to the Princess Elizabeth Centre for Handicapped Children be "Repealed and Replaced"; that "The Centre's funds be managed by individuals whose competence and integrity are beyond question" and to deal with his statement that "The Rules of the Association have become obsolete and cannot effectively administer the current needs and facilitate the development of the Centre"?

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. President, I regret to say the answer to this question is not ready. I ask that the Senate defer this question for two weeks.

Question, by leave, deferred.

LAWLESSNESS (ESCALATION)

[FOURTH DAY]

Order read for resuming adjourned debate on question [Tuesday, April 26, 1994]:

Whereas the law abiding citizens of Trinidad and Tobago are suffering from the escalation in general lawlessness, criminal activity of all kinds, and, in particular, crimes involving violence to the person; and

Whereas despite repeated promises by Government that this rise in crime, violence and lawlessness will be dealt with, there has been a steady deterioration in the situation:

Be it Resolved that this Senate urge the Government to implement immediate and effective measures for the reform of the police service, the improvement of the administration of justice, the control of criminal activity and the protection of all citizens. [*Sen. D. Mahabir-Wyatt*]

Question again proposed.

Sen. Hydar Ali: Mr. President, first of all, I should like to congratulate Sen. Diana Mahabir-Wyatt on tabling this Motion and for the eloquent manner in which she did so. We on this side were very disappointed that this Motion could not have come up for debate much earlier, but the method by which Motions are chosen is probably very fair, so we would not argue with that.

But, Mr. President, the delay in the start of debate and the continuation of debate—

Sen. Huggins: There is no delay!

Sen. H. Ali: Yes, Mr. President. As he did not use the mike, I did not hear him. *[Laughter]*

It served to underline one thing. This Motion appeared on the Order Paper in November, 1993. This is the fourth day of the debate; we could use any of the parameters to determine whether there has been an escalation in the number of crimes committed but we shall use the number of murders. I do not have all the parameters, but one could use the number of murders as one parameter. I really do not have these figures in any chronological order, but there was an article in the *Trinidad Guardian* of January 12, 1994 headlined: "Grisly Start to 1994". There were 12 murders in 10 days and the number stood at 71 murders on the last day this Motion was debated. I do not know what it is, 77 or 78, at this time. If this motion was urgent when it was placed on the Order Paper in November, 1993, it has become more urgent now.

Now, I have looked at the file provided to us by the Parliament Library and I have tried to get the feeling of the public. Because in this Parliament people on that side have said that people on our Bench and the other Bench have created hysteria and paranoia, but that is not the case. People are very much worried about the crime situation.

I would like to quote from a letter I read in the *Guardian*—you will note, Mr. President, that I said the *Guardian*—of February 2, 1993 captioned "Decisive action needed on crime" which says:

"Today, the entire country is held under siege by the criminal elements in our society. The situation appears to be hopeless. Innocent people are being robbed and murdered by criminals. Our mothers are being raped and our daughters are being deflowered by vicious and heartless young men all over the country."

I think this assessment is typical of the articles appearing in the newspapers daily. One would see in the *Express* an article entitled "A Nation Under Siege"; that word "siege" has been used to describe the crime situation in our country for a very long time. Perhaps a stronger word cannot be found to do this and I disagree with the Attorney General who was quoted in the *Express* of March 4, as saying that Trinidadians are not living in fear".

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That is not true! Everyone is living in fear in Trinidad and Tobago. I am sorry that the Attorney General made such a statement. Imagine that statement made in March 1994, was repeated in this debate.

1.40 p.m.

I am worried that someone like the Attorney General is making such statements. He gives the impression that nothing terribly wrong is going on here, so that we need not pay that much heed to it and we need not take any corrective action in relation to crime. This is what worries me, not so much the inaccuracy of the statement, but its repercussions.

Sen. Huggins: It was accurately reported.

Sen. H. Ali: This mike is really affecting us.

As blame is usually attached to the media, and their reporting, let us look at a very authentic report. This report is titled: "Building National Consensus on Social Policy For Trinidad and Tobago, Volume 1. An Overview And Action Plan; Final Report Prepared For The Inter-American Development Bank, August 1993." I think this is the report that people referred to as the McIntyre Report. On page 2 of the "Executive Summary", paragraph 11 it states:

"Crime, of both a serious and minor nature, is assuming alarming proportions, and is now being given priority attention by the government."

And I am sure the Minister of National Security will tell us more about that when he speaks in this debate. It goes on:

"Of particular concern is the low percentage of prosecutions, and the even lower proportion of convictions. It is generally believed that the escalation in crime is linked to the spread in drug use and trafficking. The situation is extremely urgent since it is probably eroding some of the basic foundations for economic development and social stability"

So it is not just the media; it is a group of people as important as this group here, headed by McIntyre and others, who are making such a statement.

Again, there was an article in a newspaper—I cannot remember which—but basically it was about a family who returned from the United States thinking that by returning home they would get away from crime. They were disappointed as the situation here is no better.

It is our position here that when matters like these arise, we have to highlight them, and I think the Minister of National Security when he replies, should tell us what has been happening on the issue of crime. I have seen in the newspapers that mobility is being attacked in some way. The Chamber of Commerce has repaired some vehicles; British Gas has donated a few Land Rovers; some foreign government has donated bullet-proof vests, and it is reported that these are being used, especially the bullet-proof vests, around the coastal areas nowadays.

One of the points the Motion deals with is the role of the police, and over the past few months much has been said about that. I wonder whose job it is to reform the police. Is it the job of the Minister of National Security, the job of the Police Commissioner or the Police Service Commission? It seems that the last two have some responsibility, because there was some attempt to get rid of the Police Commissioner and an attempt in this Parliament here to reform the Police Service Commission via the Constitution (Amdt) Bill, 1994. I think both failed. I do not know if there was an attempt to remove the Minister of National Security. I know there was some suggestion, but I think the inner circle can tell us whether anything was done about that.

A very significant article appeared in *Time* magazine of May 2, 1994—this is the one that carried a report of Brian Lara's world record in Antigua. There was a caption and this was before the inauguration and after the election in South Africa which stated that police in South Africa have to be reformed. According to the caption they were trained to uphold apartheid; now they have got to be retrained to enforce law and order. I ask whether that is the situation here.

I know some years ago the police force changed its name to the police service, and I wonder if that was just a nominal change or a real change; from a force to a service. Perhaps that matter should be addressed.

Again, it is recognized that there are deficiencies in the training of the police. There is an article in the *Daily Express* of February 2, 1994 in which the Minister of National Security acknowledged the fact that there are training deficiencies in the police service and this has led to the low detection of murders. Again, it is surprising that his colleague, the Attorney General, when he spoke in this debate, said that there has been a high rate in the solving of murder crimes. We raised several objections to the use of the word, "solve", and he said he meant people were arrested and charged and it is not that the crimes have been solved.

The Minister of National Security said that the police ought to be exposed to more advanced techniques. While we are on this area of the training of the police,

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I wonder if we have detectives in the police service of very high calibre, because this is related to the low detection rate. I remember when I was younger, there were many famous detectives. You do not see that kind of thing in the newspapers. I wonder if any emphasis has been placed on training or encouraging members of the police in detective work, because that is, of course, connected to the detection rate.

I remember a recent incident in which a burglar was killed in Curepe at a recreation club, the Commissioner of Police mentioning that it was very fortunate [*Inaudible*]. He was trying to establish the fact that there was a great disparity in the type of weapons in the police service and the weapons used by the criminal elements in the country, where the police use revolvers and the criminals use automatic weapons.

I think there are people in the police service who are able to tackle the crime situation. Provide them with bullet-proof vests, automatic weapons and vehicles. If they are provided with these tools the situation might improve. I understand they are willing, but not very many of them have the equipment, and they ought to be provided with these things.

From what I have noticed about the police service, I have a different perception of what the police service is all about. Although they are citizens and have needs similar to the rest of the population, they ought to think of themselves as being in a different category. I, myself, do not think that policemen should be marching around the Red House. Police associations should exercise care in making and issuing statements, for example, about the manner in which a leader of a party and its members should behave and I am noticing a lot of that recently in the newspapers. I think they ought to realize that they have a special role to play and that there are certain restrictions on the way they operate and they have got to accept that.

1.50 p.m.

One of the things that bother the population is the response of the police to their calls for help. We have seen instances, recently, where they were able to respond. For example there was a call to the UNC office in Laventille and there was a march in Monroe Village where the police were able to come out in full force very quickly. But with another incident in Maraval where a citizen acted as a decoy for over 10 minutes with this criminal who had escaped [*Inaudible*]

Instances like these particularly—the last cause—the population to lose faith in the police service.

Mr. President, I was going to talk about security, but I do not see a full complement [*Inaudible*] I would tell you why I am worried and I am glad that he anticipated my worry. I do not see any evidence of these policemen having the wherewithal to defend us or themselves. While this may be hidden, I wonder if someone were to come up here what would be the response...[*Inaudible*]

Mr. President, I know that getting a complement of policemen here to serve on a Tuesday or Friday is not easy. I understand police officers are enlisted from far away police stations like Matelot. [*Interruption*] Yes, that is why some reach here and they have not even slept. These police officers are not recruited exclusively from the Port of Spain area. Officers come from far away and, presumably when they get here they are hungry and tired. Some of these policemen come here soon after they leave court. When we go to have our sumptuous tea in the lounge, I gather they are not allowed to leave. I do not know whether they are served, but I would like to see that they are more comfortable and happy.

While we are on security, I wonder if we can have a statement today—seeing that we have come so far—on how that cellular phone was found in the prison. We have just been told that it was found and some prison officer has to be congratulated on discovering the bag with it. What about attaching blame to those who might be responsible for allowing the cellular phone into the cell in the first place. [*Inaudible*] Mr. President, I want to go back to the comments the Attorney General made—though he is not here—on the *Gurley Report*. I got the impression that everything in that report was being implemented, more or less and the implementation time given. The Attorney General mentioned—in response to a newspaper article headlined "Crisis in the DPP's office" or something like that—that police prosecutors are being used to prosecute in the Magistrates' Court.

That is another area on which the Gurley Committee made recommendations. If one looks at page 59 of the Report it says:

"That the practice whereby Police Officers prosecute in the Magistrates' Court be discontinued and that they be replaced by prosecutors who are Attorneys-at-Law. A cadre of legal officers should be established under the aegis of the Office of the DPP. The institution of this cadre of legal prosecutors would also serve to dispel the present perception of unfairness and conflict of interest in having the

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Police investigate crimes and lay charges in respect of them, only to have such charges prosecuted by the colleagues of the complainant."

That is one of the recommendations which have gone unheeded. What about the other one relating to the family court?

Mr. President, you will remember when we debated the Children (Amdt.) Bill, I mentioned then that there was only a one sentence reference to the family court. I now read from page 77 of the *Gurley Report*:

"(i) A unified 'Family Court' with exclusive jurisdiction in all family law matters (with a higher and lower jurisdiction) should be established as a matter of urgency."

So, it is very clear that there are certain recommendations in the *Gurley Report* that are not being implemented. *[Inaudible]*

Mr. President, much has been said in this debate—I recall the comments of Senators Daly and Capildeo—about the administration of justice and problems in the Judiciary. These comments have been made not only in this debate but in others. If one looks at the *Trinidad Guardian* of June 13, 1994, one would see similar views in an article under the headline: "Law body wants say in promotions":

"Law Association of Trinidad and Tobago has expressed 'grave concern' at the 'continued failure' of the Judicial and Legal Service Commission to consult the Association on the appointments to the higher judiciary.

A statement from the Association's president, Allan Alexander, notes that..."

SITTING OF THE SENATE

Mr. President: I announced earlier on that the public address system is down. As you know, we have to have a verbatim report of the proceedings known as *Hansard* and the reporters are experiencing much difficulty in getting an accurate record. In the circumstances, the leaders of the three groups in the Senate have agreed to bring today's proceedings to an end, but when the debate resumes, Sen. Ali will be allowed to restart his contribution.

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Motion made, That the Senate do now adjourn to Tuesday, June 21, 1994 at 1.30 p.m. [Sen. Dr. The Hon. L. Saith]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 2.01 p.m.