

**THE  
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

IN THE FIRST SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD  
AND TOBAGO WHICH OPENED ON OCTOBER 17, 2002

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SESSION 2002/2003

VOLUME 3

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**SENATE**

*Tuesday, April 15, 2003*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Madam President:** I have granted leave of absence to Sen. The Hon. Conrad Enill for the period April 10—15, 2003.

**SENATOR'S APPOINTMENT**

**Madam President:** Hon. Senators, I have received the following correspondence from His Excellency the President of the Republic of Trinidad and Tobago.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency GEORGE MAXWELL  
RICHARDS, President and Commander-in-  
Chief of the Republic of Trinidad and  
Tobago.

/s/ G. Richards  
President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Conrad Enill is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MAGNA WILLIAMS-

*Senator's Appointment*  
[MADAM PRESIDENT]

*Tuesday, April 15, 2003*

SMITH, to be temporarily a member of the Senate with effect from 15<sup>th</sup> April, 2003 and continuing during the absence from Trinidad and Tobago of the said Senator Conrad Enill.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 14<sup>th</sup> day of April, 2003."

#### OATH OF ALLEGIANCE

*Sen. Magna Williams-Smith took and subscribed the Oath of Allegiance as required by law.*

#### ORAL ANSWERS TO QUESTIONS

##### CEPEP

##### (Cost of Tasks)

- 28. Sen. Wade Mark** asked the Minister of Public Utilities and the Environment:
- (a) Could the Minister tell the Senate what is the estimated cost to the taxpayer to cut one metre of grass and to clear and clean one metre of drain?
  - (b) Could the Minister state when compared with the daily-rated workers of the Ministry of Works and the various regional and municipal corporations whether it is costing taxpayers less to perform tasks identified at (a) above under the Community-based Environmental Protection and Enhancement Programme (CEPEP)?

**The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas):** Madam President, the Minister cannot tell the Senate what is the estimated cost to the taxpayer, to cut one metre of grass and to clear and clean one metre of drain under the Community-based Environmental Protection and Enhancement Programme (CEPEP), as these costs are not easily quantifiable. Under CEPEP, work teams are simultaneously involved in a variety of tasks and not specifically cutting grass or clearing and cleaning drains. For instance, before grass is cut from an area, garbage is first collected, sorted, bagged and removed from the area. The grass is then cut; placed in heaps away from the roadway; then collected and transported to compost sites. All inorganic wastes that cannot be reused or recycled are taken to the landfill for appropriate disposal.

Examples of the other types of work being done are the creation of parks; playgrounds, hiking trails and other recreational areas; reforestation of denuded forests; beautification of dump sites; cleaning of dump sites and the cleaning and maintenance of primary schools, coastal areas and rivers. As a consequence, the cost of CEPEP must be viewed in the context of the variety of works being undertaken, as well as the alleviated cost associated with the abuse of the environment.

In terms of advising whether it is costing taxpayers less to perform tasks identified above, under CEPEP, when compared with the daily-rated workers of the Ministry of Works and Transport and the various regional and municipal corporations, the Minister cannot advise, as the objectives, work organizations and methods, institutional structures and outputs of the programmes are different.

The objectives of CEPEP are preservation and enhancement of the environment through the removal of waste from public areas and the natural environment; the maintenance of the road verges and drains; rehabilitation and creation of parks and open spaces; creation of business entrepreneurs; job creation; social reform through the provision of clean and clear open spaces that contribute significantly to the safety of individuals.

The Ministry of Works and Transport and the various municipal corporations may address some of these activities but, not all and, differently. Therefore, an appropriate comparison is impossible.

**Sen. Mark:** Madam President, the hon. Minister talked about compost sites. I wonder if he could tell the honourable Senate where the compost site is located.

**Sen. The Hon. R. Dumas:** The Minister would be pleased to give exact situation of a number of sites but, at this point, a specific site, I cannot give you all.

**Sen. Mark:** Can the Senate conclude that there is no compost site?

**Sen. The Hon. R. Dumas:** It would be totally inappropriate to so assume.

**Sen. Mark:** Madam President, could the hon. Minister indicate to this Senate whether he is aware that because of the chaotic approach CEPEP is taking towards this bush accumulation exercise, CEPEP is responsible for most of the bush fires that we have in Trinidad and Tobago?

**Sen. The Hon. R. Dumas:** Madam President, if I were less than kind, I would suggest that the Member is trying to mislead the Senate.

**Sen. R. Montano:** Could I ask a supplemental?

**Madam President:** Yes.

**Sen. R. Montano:** Would the Minister not agree that the answer he has given to this honourable Senate is obfuscation and a misleading of the Senate and, would he not agree that if he had sought proper and competent advice, the answer would be available?

**Sen. The Hon. R. Dumas:** The Minister would agree that the question in the first place, is exactly the product of muddled thinking and unclear questioning.

**Sen. Mark:** In the whole area of efficiency and accountability, the Government ought to provide this honourable Senate with some appreciation of the cost per metre, in terms of drain cleaning as well as the question I have raised. I am wondering if we are seeking to promote efficiency levels, whether the hon. Minister cannot provide some possible estimate to these questions?

**Sen. The Hon. R. Dumas:** Madam President, I want to suggest that if the Member wants to ask a question about efficiency measures within the project that might be a question he should pose.

**CEPEP  
(Money Spent)**

29. **Sen. Wade Mark** asked the Minister of Public Utilities and the Environment:

Could the Minister advise the Senate about the total sum of money spent to date by the State on the Community-based Environmental Protection and Enhancement Programme (CEPEP) to ensure its preservation and continuance?

**The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas):** Madam President, the total sum of money spent by the State on CEPEP to the end of January 2003, is \$59,769,524.

**Sen. Mark:** Madam President, I asked specifically, as you would see, to date. I imagine the hon. Minister must have figures as of March 31, if not the present time. Could he indicate to this honourable Senate, what has been the sum expended by the State up to the present time? I would go to March 31, 2003.

**Sen. The Hon. R. Dumas:** This question was posed at some past date. The date on which this question was posed was not in April. I answered this question to the end of the month in which the question was posed.

**Sen. Mark:** Madam President, he is misleading the Senate. This question was posed in the month of March. If he is saying that in March when he was

compiling, it was too late, he could have given an estimate of expenditure of the programme as at the end of February. Madam President, you would note that every time we ask a question, it is the end of January. We want February and March as well.

**Sen. The Hon. R. Dumas:** This Government has nothing to hide. I am saying, as the Senator knows, that there comes a closing period in every set of financial arrangements. The closing period during the time in which he asked this question was January. If he wants a specific date, I would advise him to ask that question. We would be quite happy to answer.

**Sen. Mark:** Madam President, could I ask how many square metres of work have been accomplished for the \$60 million of taxpayers' money?

**Sen. The Hon. R. Dumas:** The Government takes responsibility for the cleanliness of the whole nation.

**Sen. R. Montano:** Madam President, before we continue, the Minister has failed to answer question No. 29. I request, through you that the Minister answer question No. 29 properly, failing which, I am going to request that the Minister be referred to the Privileges Committee.

**Sen. Mark:** Madam President, you would have to guide me on this matter. When a question is submitted even though it is a month in advance, should not the Minister be allowed to give this Parliament at least the latest figures given the period of time? This was posed in the month of March. If I say up to date or the latest, at least the Minister should have given us an answer until the end of February.

**Madam President:** The last reply the Minister gave was that the last summary of expenses was at the end of January. If you want to get February and March, you can bring a question especially for those two months. That is what he said in his last explanation to your question.

**Sen. Mark:** Madam President, would you not say that that is a level of incompetence on the part of the management of CEPEP?

**Sen. D. Montano:** Madam President, this is question time. This is not time to debate.

**Sen. Mark:** I am not debating.

**Madam President:** Sen. Mark, I suggest to you that you bring another question requesting if you wish, month by month expenses over the last few months. Specify a date that you want that information.

**Sen. R. Montano:** Madam President, I had submitted to you that the Minister had signally failed to answer the question. I agree with my brother Sen. D. Montano that this is not a debate, it is question time. I also know that at question time, questions are meant to be answered. The question is very specific: Could the Minister advise the Senate about the total sum of money spent to date by the State?

**Madam President:** Sen. R. Montano, I just clarified that point with Sen. Mark. The Minister said that he was giving the question up to the last date that there was information for him to give. I have asked Sen. Mark to bring a question for the other months that he would like the answer and to specify up to what date. In that way he would get the most up-to-date information.

**Sen. Mark:** May I ask, in the future, when I am posing a question, up to what particular month should I pose it up to? It seems to me that if I say to date it is a problem. I do not know if I say February/March that would do. Would that be better?

**Madam President:** Yes.

### Daily-rated Workers

**30. Sen. Wade Mark** asked the Minister of Works and Transport:

Could the Minister state whether:

- (i) The government intends to contract out work currently performed by daily-rated employees in his Ministry?
- (ii) The government intends to retrench thousands of daily-rated workers in the public sector?
- (iii) The public works currently performed by companies under CEPEP Programme pose a direct threat, if not, challenge to the future employment of daily-rated workers in the public sector?

**The Minister of Works and Transport (Hon. Franklin Khan):** Madam President, the Ministry of Works and Transport has no policy with respect to contracting out work currently performed by our daily-rated employees.

This Government has no plans or policies regarding the retrenchment of daily rated workers in the public sector.

Public works currently performed by companies under CEPEP do not pose a threat or a challenge to the future employment of daily-rated workers in the public sector.

**Sen. Mark:** Madam President, could the hon. Minister indicate when he made a public statement a couple of weeks ago at a meeting in Mayaro, that it was the intention of the Government to replace daily-rated workers by CEPEP workers, whether that was a personal position being taken by the Minister or the Government's policy?

**Hon. F. Khan:** Madam President, it seems as though the Senator was almost wishing that I answered in the affirmative. As a trade unionist, he should be happy to hear the response I have so advanced. I also want to state that what you purported to have heard me say at Mayaro—you were not present—you read it on the newspapers. I say no more.

**Sen. Mark:** I want to put this in the form of a question. Is the Minister denying a statement that was attributed to have been made by him at a public meeting in Mayaro, on the question of retrenching and replacing daily-rated workers by CEPEP workers?

**Hon. F. Khan:** I am denying the statement the way it was reported. I continue to reaffirm that you should be happy with this answer. It is exactly what you should want to hear as a trade unionist.

**Sen. Mark:** Why did the hon. Minister not publicly deny that statement prior to today?

**Madam President:** Sen. Mark, I think that he has already answered your question by denying the report.

### **Magistrates' Court Appeals**

**47. Senator Dana Seetahal** asked the Attorney General:

- A. Could the hon. Attorney General provide the following information:
  - (i) The number of appellants sentenced to terms of imprisonment who are still in custody awaiting the hearing of an appeal for more than one (1) year?
  - (ii) The number of such appeals arising from the magistrates' court?
  - (iii) The number of appeals referred to in (ii) above that have not yet been fixed because of the failure of the magistrate/magistrates' court to provide notes of evidence and/or magistrates' reasons?
- B. Could the Minister state what measures, if any, are being affected to speed up the hearing of magistrates' court appeals?

**The Attorney General (Sen. The Hon. Glenda Morean):** Madam President, the hon. Members of this Senate are advised that the records of the Judiciary indicate that there are 71 appellants sentenced to terms of imprisonment who are still in custody awaiting the hearing of an appeal, for more than one year.

Of such appeals, 56 arise from the magistrates' courts.

There are no appeals not fixed because of the failure of the magistrates' courts to provide notes of evidence and/or magistrates' reasons.

I wish to inform hon. Members that the Judiciary has advised that the backlog of appeals in the magistrates' courts has been in the main attributable to two factors: One is the unavailability of typed notes of evidence and the other is the inefficient system of note taking. In this regard, several measures have been employed to deal with this issue. This includes the introduction of a pilot project for reducing the backlog of magisterial appeals to March 2002, in which the notes of evidence await typing in the San Fernando and St. George West Magistrates' Courts. Notes of evidence are being typed and forwarded to magistrates for reasons. The Judiciary has been advised that this project is nearing completion.

The scheduling of a full month of magisterial appeals for April in preparation for which a list of outstanding appeals prior to 2000 has been compiled and forwarded to the clerk of appeals for attention. It should be noted that where custodial sentences have been imposed, these matters have been highlighted for urgent attention.

There is also the initiation of a pilot project to introduce a system of audio digital court reporting to provide for a more efficient method of recording notes of evidence. This project is concentrated initially in the St. George West district, with the installation of an audio digital court recording system in two courtrooms. The Judiciary has advised that it is envisaged that ultimately the audio digital system together with the support transcription staff would be the means by which proceedings in the magistrates' courts would be recorded.

The introduction of a more efficient system of monitoring appeals; a new system of monitoring the case flow of appeals from the time of notice to the time it reaches the Court of Appeal is also being implemented, so that matters involving custodial sentences could be dealt with expeditiously. This system would be used to ensure the expeditious production of the positions in committals.

**Sen. Seetahal:** Madam President, a supplemental question. Hon. Attorney General, I understood you to say that there are no appeals not listed or fixed because



of the unavailability of notes of evidence. Of the 56 of those persons who are in custody for more than one year, the reason for the non fixing of appeals is the failure of the system to provide notes of evidence and or magistrates' reasons.

**Sen. The Hon. G. Morean:** That is the answer I have given.

**Sen. Seetahal:** I have information that there are many prisoners, one of whom is Edward Singh who was sent to prison for 12 months in 1998. His appeal is still outstanding because of the failure of the magistrates' court to provide notes of evidence. I find it passing strange, the answer you have given. I am reporting a case.

**Sen. The Hon. G. Morean:** I think that what the Senator has raised is legitimate. This is the answer I have been given from the system. However, if you have information that can refute this, perhaps, you can provide me with information so that I can verify that what I have is either correct or not correct and get the correct position.

**Sen. R. Montano:** Madam President, could I ask something here? Did I hear the Attorney General correctly? As I understand it, question time is not for the Minister to say that is the answer from the system. The Attorney General must give correct answers. If she fails to give the correct answer she misleads the Senate. She is responsible for that. With the greatest of respect we cannot get an answer from the Attorney General, "Well if I am wrong I would come back and tell you."

**Madam President:** The Attorney General said this was the information that was given to her from the Judiciary.

*The following question stood on the Order Paper in the name of Sen. Prof. Kenneth Ramchand:*

### **Relocation of Parliament**

- 50. A.** Could the Minister of Trade and Industry and Minister in the Ministry of Finance provide this House with the following:
- (i) The names and qualifications of the investigators used to gather information for relocating the Parliament;
  - (ii) the dates when the investigation began and ended;
  - (iii) the facts established by the investigations; and

- (v) the arguments based upon the facts gathered by his ministry's investigation which led to the recommendation that there is need to construct a new building for Parliament?
- B. Could the Minister supply to Members of this House, copies of the report submitted by his investigators?

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, this question should be answered by the Minister of Public Administration and Information. With the kind consent of the hon. Senator, I wish to ask that the answer be deferred until the next sitting of the Senate.

*Question, by leave, deferred.*

**Magistrates' Court  
(St. Vincent Street)**

**51. Sen. Prof. Kenneth Ramchand** asked the Attorney General:

Could the Attorney General tell this House:

- (i) What funds have been allocated for the year 2003 and how much has been expended in 2003 on works connected with the magistrates' court on St. Vincent Street?
- (ii) If there was no allocation or spending in 2003, when was the last time that funds were spent on works connected with the magistrates' court referred to?
- (iii) What is the total sum so far expended on the magistrates' court?

**The Attorney General (Sen. The Hon. Glenda Morean):** Madam President, the sum of \$300,000 was allocated for the fiscal year 2002/2003 for the magistrates' court on St. Vincent Street, Port of Spain. As at April 09, 2003, the sum of \$340,276 has been paid in fiscal year 2002/2003 for the works connected with this project. These works pertain to additional safety and security measures identified by the Judiciary.

In the light of my answer to part (i) of the question, part (ii) does not arise. On April 08, 2003, I answered an almost identical question in this honourable Senate as posed by Sen. Seetahal. The following sums have been expended to date:

- (a) \$24,401,472 on the refurbishment of the old magistrates' court at the corner of St. Vincent and Knox Streets, Port of Spain and, construction of the new wing of the court at the corner of St. Vincent and Duke Streets, Port of Spain;

- (b) \$535,849 on additional security safety works at the new wing of the court;
- (c) \$195,573 was paid in the previous fiscal year;
- (d) \$340,276 in the current year.

#### WRITTEN ANSWER TO QUESTION

**Sen. Wade Mark:** Madam President, under Written Answers, Sen. The Hon. Dr. Lenny Saith made a commitment to this Senate that he would make available to me, through the Clerk, some information on a disk as well as a hard copy. That was almost two and a half weeks ago. I am yet to see that information.

**Sen. Dr. Saith:** Madam President, I was not aware that it had not been made available. I would make a note now and ask that it be made available.

**Madam President:** I should point out to the Ministers that there are some written answers to be brought within the next 28 days, to some of the questions filed for written answers.

**Sen. W. Mark:** Madam President, could the hon. Minister indicate when I could get that information? It was three weeks ago that he made that commitment. I want a definite time today when I can get my answer. [*Crosstalk*]

**Madam President:** Gentlemen, no crosstalk here, please.

**Sen. Dr. Saith:** I believe that the hard copy was made available. I would try to get in touch with the office and find out what has happened.

**Madam President:** Sen. Mark, you have that commitment.

#### Contract Workers

2. **Sen. Wade Mark** asked the Minister of Public Administration and Information:

Could the Minister give a detailed breakdown of contract workers employed by the Government in the various ministries, statutory authorities, state enterprises and public utilities during the period January 2002 to the present time and continuing as follows:

- (i) names, addresses and positions occupied;
- (ii) terms and conditions of service (inclusive of monthly salaries and allowances): and
- (iii) duration of their respective contracts?

*Written answer lodged in Parliament Library.*

**KIDNAPPING BILL**

*Order for second reading read.*

**The Minister of National Security (Sen. The Hon. Howard Chin Lee):**  
Madam President, I beg to move,

That a Bill to provide for the punishment of kidnapping for ransom and other related offences and for matters incidental thereto, be now read a second time.

The Bill before the honourable Senate is the anti Kidnapping Bill. This Bill is of paramount importance at this time, since it is designed to send a clear message to criminals and “want to be” criminals, that the act of kidnapping for ransom would carry with it, severe penalties which invariably would serve as a sure deterrent to persons who want to take part in this crime. For example, the Bill originally proposed that bail would not be given to persons charged with the act of kidnapping, as well as increased towards kidnapping for ransom, knowingly receiving a ransom, as well as knowingly negotiating to obtain a ransom. As hon. Senators are fully aware, the criminal act of kidnapping for ransom has escalated in our beautiful island over the last five years.

In 2002, the total reported kidnappings for ransom as at December 31, stood at 29. Out of the 29 persons that were kidnapped for ransom in 2002, 13 cases were solved and 38 persons were charged for this offence. Out of the 38 persons that were charged, 20 of those individuals were released on bail to continue their trade. For the year 2003, there were 12 reported cases of kidnapping for ransom; 18 persons were arrested and eight charges laid. Two of the suspects are out on bail and three cases were solved with the initiation of prosecution. What is most disturbing in the year 2003, is that five children were kidnapped, whilst in the year 2002, one occurrence took place.

I now pause to ask the question of this honourable Senate: How long can we allow these reprehensible acts to continue? I give these statistics to simply show that the crime of kidnapping bears no allegiance whatsoever to political parties, ethnic considerations, nor does it influence political partisanship. Perhaps, there can be some justification in concluding that not only businessmen, businesswomen and their families are targeted, but also persons from all walks of life. This is the time that we should pull together as a nation and send a clear message to “want to be” kidnappers, that we mean business. As law-abiding and caring citizens, I am sure that we all feel the trauma of the families of the kidnapped victims. We can all identify with the fear and the psychological eruption of the victims; the helplessness; total mental confusion of the innocent

infants and last, but by no means least, the resentment and anger towards those criminal elements who do not possess a sprinkling of empathy for the citizens whom they imprison for the sole purpose of monetary gain.

My personal experience is that I have learnt a great deal of the psychological impact faced by many members of these families as their loved ones have been kidnapped. I have shared the families' pain and anguish. I have visited many homes of kidnapped victims during their ordeals. I have shared their sorrow as loved ones waited and prayed for the successful outcome of the victims. I have also shared in the successes and joy as the loved ones returned home safely. Their minds are in a total quandary. Where could the kidnapped infants or victims be? Are they locked away in some isolated room? Are they constantly deprived of their daily nutrition? Would physical pain be inflicted on them? How would I deal with the permanent scars of those persons kidnapped? These are some of the emotionally painful questions occupying the thinking of the parents of the kidnapped victims. Something must be done here now in this esteemed Chamber. We owe it to those we serve to send a clear, powerful and unambiguous signal, that we mean business and we would not allow so few to terrorize so many. [*Desk thumping*]

In order for us to find the solution to this problem, we must first identify the causes. What are the causes of kidnapping for ransom? The act of kidnapping for ransom is a business perpetrated by criminals. To give a quick overview of the act of kidnapping and who are involved, one must understand that there are three essential components to persons involved in kidnapping. These three areas are the area of surveillance, negotiation, as well as the area of actual abduction. The Kidnapping Bill seeks to target all three areas. The surveillance is the area with persons who are involved in providing information to abductors; information about your assets, whereabouts and bank accounts. Those persons are part of the crime, as well as individuals who negotiate for ransom who may not be involved in the abduction, as well as the individuals who do the abduction. All belong to the same network of terrorism. This is the time for the lawmakers of the country to launch a relentless assault on those brazen kidnapers. Our citizens are at risk and our children need your protection.

I would now outline some parts of the Bill. There is a 25-year imprisonment; the absence of bail allowance; a \$50,000 fine imposition for information withholding; the empowerment of law enforcement officers in the execution of their duty; a 15-year jail sentence for aiding and abetting and a five-year term of incarceration for inside leakage of confidential banking information. All are intended to make a career in kidnapping the most risky business a criminal

*Kidnapping Bill*  
[SEN. THE HON. H. CHIN LEE]

*Tuesday, April 15, 2003*

could undertake. It is a money-making venture. By its very nature it is about economies of scale; returns on investment and a cost associated with that; large returns with little cost or, by passing this legislation, large returns with costs to their lives. Criminals would therefore, if deterred, migrate from this business.

With your concurrence, I would like to shift the focus from the crime of kidnapping to the fundamental role of the Legislature. Notwithstanding the legal and administrative operations of our business in Parliament, one of our major responsibilities has to do with meeting the legitimate expectations of our citizens. The population anticipates that on matters where their safety and security are at risk, the majority and maturity of the legislators would rise above the subjectivity of party politics. The welfare of citizens must stand paramount to all other considerations. In other words, stop playing politics with peoples' lives. [*Desk thumping*] Stop holding our children to ransom! Stop making excuses such as "we need constitutional reform."

On the area of constitutional reform, you would recall previously the Government's efforts to have the Constitution (Amdt.) Bill, 2002, the Police Complaints Authority Bill, 2002 and the Police Service Bill, 2002 passed. These items of legislation were devised on the initiative of the hon. Patrick Manning, then Opposition Leader, to work out measures including any legislative action which may be required to provide solutions to problems affecting the police service. What was clear was the issue of crime in particular and national safety and security in general were too pressing to be stumbled upon by partisan politics. The situation is such that the police service at this time needs to become more effective. This can only be done by changing the system from one of administration to one of management. Management is different from administration. Essentially, administration means following instructions and management means the achievement of results. The main change in management proficiency is for the organizations to focus on output instead of input.

The protection of life and property cannot be fully realized unless there is a more substantial devolution of managerial authority to the police service. We are experiencing a fundamental modernized shift, which when realized, would place Trinidad and Tobago in a position of admiration, insofar as temporary law enforcement progress is concerned.

Just to overview the Constitution (Amdt.) Bill, 2002, as it relates to the management structure of the police service, it proposed to do certain things. I would go through a list of what the Bill proposes. It proposes to revoke the Police

Service Act; to amend the Constitution of Trinidad and Tobago to abolish the Police Service Commission and create a new oversight body for the police service, to be called the Police Management Authority.

**Sen. R. Montano:** Just so that I understand the rules. Does this mean that we would be allowed to debate the Bill that is not before the Senate? I want to know if I would be allowed in my contribution to make reference to the Bills that the Minister is making reference to.

**Madam President:** No, Sen. Montano, you would not be allowed.

**Sen. The Hon. H. Chin Lee:** Madam President, I seek simply to speak of the management of the police service in the context of improving the anti kidnapping squad.

**Sen. R. Montano:** Then, on a point of order. If I would not be allowed to refer to those Bills, then surely, it is not right for the Minister to be allowed to refer to those Bills.

**Madam President:** The Minister is making his case for the Bill before us. Continue.

**Sen. The Hon. H. Chin Lee:** Madam President, the Bill seeks to appoint and promote officers to the ranks of senior superintendent, assistant commissioner, deputy commissioner and commissioner. It also seeks to have power to remove from office and exercise disciplinary control over the entire First Division, including monitoring efficiency and the effectiveness of the discharge of their functions. In carrying out its functions, the Authority would act in accordance with the Constitution and the revised Police Service Act and regulations, as well as revoke the Police Service Commission Regulations; the Commissioner of Police through constitutional amendment and the new legislation will be given inter alia, the powers to ensure direct control over his human, physical and financial resources.

On this note I wish to revisit the initiative of the hon. Member of Parliament for Barataria/San Juan. While one can discern a clear willingness to assist in this crime reduction objective, it is important to be forever mindful of the need to operate within the strict confines of the law. Your input in the detection process is vital. A key mechanism which has been utilized by the citizens of Trinidad and Tobago is the crime stoppers' hot line. I call on Members and citizens that in the event of information this can be very useful in solving cases of kidnapping.

The business community together with the police service have been instrumental in setting up this crucial anti crime information device. The national

*Kidnapping Bill*  
[SEN. THE HON. H. CHIN LEE]

*Tuesday, April 15, 2003*

community must make maximum use of it if we are to confront the kidnapping situation. I would like to make it quite known that many of the cases of kidnapping were solved because of the crime stoppers' hotline and information given to us by the public. I am pleased to report that information has been successful in closing some cases and to the arrest of many kidnapping suspects.

The Anti Kidnapping Squad of the police service is relentlessly pursuing implementation of measures to curb the increase in kidnapping. This unit has been increased fourfold and has been known to share with highly technical surveillance equipment. They are fully organized around specific major objectives which include safety and security of victims; the identification; location and prosecution of those involved and prevention measures. These objectives were instituted recognizing that among the various types of kidnapping; kidnap for ransom is the one being executed here. Simply put, it is a criminal act in which a person is seized with the objective of obtaining a ransom for his or her release.

The Anti Kidnapping Squad is a professional unit of the police service which is going through a combination of in-depth skilled training upliftment, coupled with other forms of empowerment. These include manpower expansion; technological advancements; intelligence coordination and strategic positioning. The hardworking officers of the Anti Kidnapping Squad are generating positive results in their battle toward ridding the nation of these callous kidnappers. As I mentioned earlier, to date, there has been a success rate of 44 per cent of the cases being solved, when internationally, it is three per cent. The solve rate and persons being released without a ransom being paid is at 55.2 per cent.

The second aspect of this plea incorporates the enabling input of the Opposition. I have already chronicled the effects of being kidnapped. The present and potential kidnappers are eagerly awaiting the outcome of the passage of this crucial piece of legislation. The optimism would essentially lie in their anticipation that political fractionalism would redound to their benefit. They would be triumphant if this Bill suffers from any level of handicap or death. They know that the citizens would like to see the positive fusion of both Government and Opposition as both Houses vote overwhelmingly to ensure that kidnappers remain impotent.

The population cannot wait for constitutional reform when these professional kidnappers are constantly exploiting the absence of stringent restrictive laws regarding their criminal trade. This is the pillar upon which the Kidnapping Bill is hinged. While recognizing all this, you know that these kidnappers are of the view that in keeping with the politics of adversarialism, the necessary, the urgent, and



the imperative would not be achieved. As a consequence of which they would continue to inflict indescribable, psychological pain and suffering on the citizenry so as to extract what is to them, the almighty dollar.

The police have been doing their work. I would review some cases in which persons were charged. Had we passed this Bill earlier, the following offenders would not have been allowed to roam our streets. One person was charged with the kidnapping of Mr. Maharaj and Mr. Boodram; four persons were charged for the kidnapping of Clint Arjoon; two persons were charged for the kidnapping of Rishi Permanand; one person charged with the kidnapping of Luis Demas Brito; three persons were charged with the kidnapping of Louis Woodruffe and two persons were charged for the kidnapping of Primnath Jeelal.

In order for us to solve this problem of kidnapping, three areas have to be fought. The area of surveillance which is what we are doing and the area of improved training to the police and Anti Kidnapping Squad. This is what we are constantly upgrading in the police service and the area of tougher legislation. This is what we seek to pass.

In closing I anticipate that the hon. Members of this august Chamber would stand resolute in their conviction and deny those criminals the satisfaction of repeating this heinous crime.

*Question proposed.*

**Sen. Arnim Smith:** Madam President, I am glad to hear the hon. Minister say that in order to solve the problem, we must find the causes. Clearly, the causes in most cases are the friends of the Government. The Government must stop embracing their criminal friends by compromising the police in doing their work. When their friends are reported to be involved in kidnapping and they are in government, then the police have to tread very carefully.

I want to find out if the people on the other side were not ashamed a few Mondays ago, when the clipping of the deceased Guerra and his friends were shown on television walking through Laventille and John John with his boys, who was in their company? The hon. Patrick Manning, Prime Minister of Trinidad and Tobago. We are speaking about passing a bill to stop kidnapping. When the police released the record of Mr. Guerra, we saw all kinds of things. It was a "big" long record. Did the Prime Minister not know all of that as head of the National Security Council? When he died and the press told him that Mark Guerra was killed, the Prime Minister's response was that he was concerned that it did not escalate into gang warfare in the East Port of Spain area. That is a

*Kidnapping Bill*  
[SEN. SMITH]

*Tuesday, April 15, 2003*

man he was telling the public was a community leader he was dealing with all the time. If a community leader is murdered, then I would expect the Prime Minister to speak about the loss and value of that person to the community, not that it would escalate into gang warfare. He is admitting that he knew who the man was all the time! [*Desk thumping*]

We have the Special Branch and the secret service to give him all the information. To come here now and say to support a bill to stop kidnapping is putting the cart before the horse. They must drop their friends and colleagues and send a serious message to them that they would not protect them. Even though they are not protecting them, they should not give the police the impression that they are protected. [*Desk thumping*] They must do that. They must put things in place. Proper legislation! Do not tell us about short-term measures to support a bill. Put proper legislation in place to arrest these people. When we support a bill that says no bail and 25 years in jail and there is nothing in place to arrest these people, who are we going to take before the magistrate for the magistrate to tell “no bail”? Shadows and spirits? We must put things in place first to arrest these people.

**230 p.m.**

Madam President, \$61 million worth of high-tech equipment—I am speaking because I have the invoice here [*Desk thumping*—was brought in through a vehicle maintenance company at 22 Beetham Gardens, on September 09, 2002, which was bought from the Government of Israel. The hon. Minister of National Security who is now piloting this Bill and who was supposed to bring in any equipment like that did not bring it but the Government sees it fit for him to pilot this Bill. This equipment was brought in by the Vehicle and Maintenance Company of Trinidad and Tobago (VMCOTT) and it went straight to the Office of the Prime Minister and yet still there are no trails on criminals, so when one says that these equipment was brought to terrorize innocent citizens then one is justified in making that statement. [*Desk thumping*]

Every public pay phone in this country has a number. These equipment could have been better used to tap victim’s family phones when there are kidnappings, so that as a phone call is made from a public phone booth, the police could say: The man is there at Park and Frederick Streets; he is on the promenade; he is in San Juan and they could close in on these people. The Government does not really want to hold anybody. It just wants to “gallery” because local election is coming and it wants to score political points. [*Desk thumping*] I am saying that if we do not deal with the ills in the society; if we do not deal with the criminals who are

the perpetrators of these crimes; come together and deal with the crime situation as responsible representatives of the people—then we would not support this Bill in its present form. If those on that side want to campaign on a bill for local election, we are prepared to pay the political price. We are not prepared to compromise the people of Trinidad and Tobago! [*Desk thumping*]

The Member for San Juan/Barataria announced that he was forming community groups in order to combat the crime situation. He did not say he was going to do it on his own; he said he would talk to the Commissioner of Police. When he announced that, do you know what they said? They said we do not want any vigilante group. The Attorney General said that it was illegal—I just heard the Minister of National Security say that.

Madam President, this is a calendar from the Western Division of the Trinidad and Tobago Police Station: “Police and community must work together as a team in order to achieve our goals.” This is Diego Martin, Carenage and St. James Police Stations coming together. The police are asking for it—look at it—and the Government is saying no, but it is telling us that it is serious about kidnapping. “Dem making joke.” [*Desk thumping*] We are saying if you are serious about kidnapping then let us talk. We are prepared to support but let us get together. Do you know what is their response, Madam President? Well, if you are serious, then support the Bill. “It doh wo’k so!” We must blindly support a Bill. We are saying that if you are serious, then let us talk.

There are rumours of corrupt elements in the said Anti-Corruption Squad that the hon. Minister is praising. Who are checking their bank accounts? Who? Are we so naive in this Senate to believe that the three policemen who are before the courts for kidnapping are the only three policemen in the police force who are involved in that? Is that what we are saying? If we, as an Opposition, have vital information to work with Government to eradicate or to help minimize the kidnapping in this country and we are saying that we want to work—well, you do not want to, you want crime to run away, because you are saying if you want to work with me come in this Senate and say yes to this Bill. Are we robots? We must betray the people of this country by having information that we could give to the Government to deal with the crime situation and it must blackmail us by saying: come and support the Bill or it would campaign that the Opposition is against the Bill so that it would lose the local election. We are prepared to pay the political price. Let us lose if we have to lose! [*Desk thumping*] It does not work so, Madam President.

There is a clause in the Bill that says that persons under 18 years cannot give consent. If a girl runs away with her boyfriend—

**Madam President:** What clause are you referring to?

**Hon. Senator:** Clause 3(2).

**Sen. A. Smith:** I do not have the Bill in front of me, if I did, I would read it so we have the hon. Senators to answer. A girl under 18 years cannot give consent but you know something, Madam President, every girl in the maternity ward under 18 years is making babies! *[Interruption]* They cannot give consent to what?

**Madam President:** Hon. Senator, would you address me please?

**Sen. A. Smith:** Yes, Madam President. We saw a girl under 18 years make triplets and she was married at the age of 14 years but the law says she cannot go with her boyfriend. If she goes with him—although she was married at the age of 14 years—her parents could say he kidnapped her. That is the consent I am talking about because she cannot give consent to go but she could give consent to having the babies. Even though she has children with the father, she cannot go.

Madam President, I want to tell you how dangerous this no-bail situation is. I am glad to hear the hon. Minister say that 12 persons were arrested this year and two got bail, 38 persons were arrested last year and 22 got bail. He is clearly saying that the magistrates have the power not to give bail. *[Desk thumping]* The magistrate would give bail based on the merit of the kidnapping. *[Interruption]* Well, before the case is finished. Must an innocent person sit in jail for five years before they could tell him he has won his case, because it is no bail across the board? Madam President, that sets up the society for victimization.

When I was a young boy, I lived at St. Joseph Road and I knew this couple who had about four children together. The gentlemen lived with someone else. The lady took him to court for maintenance. It seemed as though the two of them still used to be together and whenever she sent to call him and he was locked up at home with the other lady—he used to give her money for the children but he was not paying maintenance in the court—she would go to the police station and bring the warrant man in front his door and they would take him away. She would then tell the woman that none of them would have him. Madam President, this is the kind of thing this could expose. The father could ring the mother on her job and say: Well, I am passing to pick up the child today—the mother has custody of the child and she is not at home—and then when you pass and pick up the child—she is a jealous mother; she is against you for something—she could then say that you came and kidnapped the child, and under no condition you could get bail. We must guard against these powers that we are giving to the police.

Madam President, I would rather have bandits come in my house, gag me, tie me up and rob me because when they come in my house, if I get the opportunity, I could kill them; a neighbour could see and he could call the police. But when the police have the power to do that to you, your whole society gone through. [*Desk thumping*] And that is the power they want to give to the police?

I am still saying that we are prepared to sit with those on the other side and discuss the Kidnapping Bill. We are not prepared, however, to be blackmailed into supporting a bill for political reasons. If, in the local election campaign they are prepared to talk about bill, bill and bill, we are prepared to go on the road as them and explain the Bill too. We would not be blackmailed. [*Desk thumping*]

Madam President, in addition to that they are speaking about short-term measures—this is what the hon. Minister said—to send a message, but is not a message sent for murder? Murder is popping your neck and no bail and even though one goes through all the constitutional motions not to get his popped he would spend about 15 years in one condemned cell and when he is taken out, he spends another 20 or 30 years in prison. Clearly the penalty for murder is way more serious than anything in the Bill. But there were 63 murders for the year and the Minister said there were 12 kidnappings. So murder “triple-tithing” kidnapping even though the penalty is worse, there is no guarantee that the law and the penalty would solve the problem.

When someone plans to commit a crime that person does not plan to get caught, so he is not afraid to commit the crime. They feel they would get away so you could put all the prison sentences you want, if it is 15 years for kidnapping and it is raised to 25 years—So you think the “fella” might say, it is 25 years now so I would not do it? If he does not care about the 15 years he would not care about the 25 years either and that is the point. The point is to deal with the problem: try to deal with the perpetrators; let us put things in place to track them down and arrest them; use the \$61 million worth of equipment that was brought in to spy on innocent people to solve the crime problem.

My advice to those on the other side is that if they want the support of the Senators on this side, they must be prepared to sit and work hand-in-hand with us; they must drop their criminal friends. We will not sit and talk with them and their criminal friends because they may go back and tell them and we do not know what would happen to us. We are prepared to sit and work with them in the interest of this country.

I thank you, Madam President.

**Sen. Prof. Ramesh Deosaran:** I must compliment the last speaker; he really took me by surprise, Madam President. On the question of bail, in my view, his comments were quite sensible, even if one may not agree with him. One of the major reasons for this—in spite of what the Minister told us previously—is the question of the police service and the question of confidence in the system in respect of efficient investigations and the fairness involved in arresting persons. I will not fast-track my contribution but I must, in all fairness, compliment the last speaker on his contribution. [*Desk thumping*]

On his comments on deterrents, as well, I was also really impressed, because from my knowledge about the motivations for crime and the cost-benefit analysis that goes into criminal conduct, the difference between 15 years and 20 years to a criminal mind, is of little or no significance. So I must, in all fairness—Sen. Smith, I hope you will reciprocate in due course. [*Laughter*]

More seriously, Madam President, with respect to the presentation by the Minister himself, I think his clarion call for a bipartisan approach to this serious question certainly cannot fall on deaf ears. In fact, in spite of my little humour just now, I think this is a moment where we should appreciate the grief, the weeping and the bleeding across the country. That is how I had intended to start my contribution, by referring to the expressions of such grief by people who have endured kidnapping recently. When you read their stories—the families who are victimized—for example, the family of Geewan Jeelal as published in *The Probe* dated April 13, 2003:

“I work hard and make sacrifices for my children and these boys are the ones who will eventually inherit the business’...

But with this kind of experience, they may not even return to Trinidad to continue the business.’

Geewan (P) said it hurts his heart to be separated from his children, but he did not have another choice.”

And so he went on.

There is another story about a Cunupia family which was hit on more than one occasion by the kidnapers. Their story relates how the family has to “lock up” by five in the evening, debar their children from going out, they are scared of what would happen to them when they go to school and so they live as frightened victims in a democratic society where you have freedom of movement and association in your Constitution. I think it is an afternoon of sadness facing the Senate, which honourably calls itself the Upper House, hoping that we will take a higher view of the very critical issue facing this country which is, as I said,

bleeding, weeping and grieving. Whilst we might want to indulge in semantics and in intellectual acrobatics, some of the times—features, which are quite welcome during the debate—I think we should recognize the human touch and the calamities which these families face.

There is another victim in the *Daily Express* dated March 22, 2003:

“‘But I remember my wife and four children, and although all the blood I lose had me disoriented, I kept running through the bush and swimming rivers until morning reach,’ he told the *Express* yesterday.”

This was a guy named Selwyn Simmons. I am merely recalling these narratives to try to convince my distinguished colleagues that there is, indeed, a challenge before this Senate. You see, Madam President, when a patient is ill; if he is suffering from haemorrhage but he is hospitalized for a more serious illness requiring major surgery, you cannot attend to the major surgery until you stop the haemorrhage. You cannot do the major surgery—and you will pardon my intrusion into your own profession, but I am making the question as relevant as can be for your own satisfaction—you have to stop the haemorrhage; and the country is haemorrhaging; grieving and suffering.

When a country is under this type of duress, naturally and dutifully, the people expect their Parliament to do something. I wish to stand corrected on this point during this debate, but that is how I see our responsibility, on both sides, in a matter as this. The climate is certainly not a pleasant one. The last speaker is correct, there is a loss of confidence in the police service. There is nothing to deny that! Here is a letter—and this is one of many, I am merely using this for illustration, given the constraints of time, Madam President—dated April 11, 2003 *Daily Express* by O. James from Belmont and he is telling Senior Superintendent Gilbert Reyes, head of the Anti-kidnapping Squad, and I quote:

“Stop mouthing and begin investigating and you will find out who these men are.”

Some of the kidnapers are, indeed, inside the police service. It is an allegation and I do not necessarily support it but when you speak about widespread concerns about the police service you have to deal with that upfront. I will elaborate on that point toward the end of my contribution.

We seem to forget that in this same Chamber people were captured and held hostage and it was a terrible period for the country. I would think, even on the basis of empathy and the increase in the reported kidnappings from 1995 to last year, which as the police figures indicate, 300 per cent increase and with those figures it seems as though we are heading into an epidemic.

*Kidnapping Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, April 15, 2003*

My job, as a professional, is not to conduct surgery but to examine social issues and to make predictions and try to prevent problems from escalating. It is on that basis that I have on several occasions tried to indicate to various governments; different ministers of national security, and sometimes this honourable Senate, as to the predicament we face and the intensity that would face us with the particular problems, which is crime and poverty. I must tell you that I am not heartened by their responses over the years, except to say on this occasion that if certain things are not put in place in a more deliberate and well-fashioned manner, things will get worse; kidnappings will get worse. I am not trying to be the local Nostradamus or any local obeah man in making these predictions, ominous as they might sound, but with due respect, Madam President, I think the warning bells ought to be sounded early. We have already missed the boat on several occasions; and Sen. Smith is right about community policing; what could be done and the role of information.

Madam President, let me deal with the legislation itself. The Minister is correct; the Bill seeks to provide a deterrent. As it is, some surgery has, indeed, been performed on it from one House to the next and it will have diminished effectiveness. In fact, even in its original form it already had diminished effectiveness. The Bill as it stands—and given the nature of the problem, the complexity of the problem and the increase in the incidence of kidnappings—looks like a mouse that is really trying to roar or, to put it another way—as it comes from one House to the next—as a tiger that has lost its teeth.

I am very surprised; in fact, shocked to hear the Commissioner of Police publicly telling the country he had not seen a draft of the Bill. I stand corrected; I am willing to concede but these are the connections that suggest to me that this Bill is not taken as seriously as it should. I say so with due respect, opening up myself. I have some suggestions; I am not merely going to criticize without trying to see what assistance I can provide, but so far I do not think the Bill—even though it seeks to deal only with the question of punishment—rises to the challenge. In any case I really do not believe that punishment is the priority issue in this phenomenon of kidnapping. That is the last train, as it were; that is the last point in the process.

In fact, the most powerful deterrent is effective investigation, proper arrest and conviction. You disable the kidnappers and you immobilize them and, of course, the Minister made those points about surveillance and forensic analysis and I think on that point—as far as the attempts to detect are concerned—he has given us some assurance.



Of course, I, myself do not wish to get into the legalities of it because this was part of the common law, and if I remember rightly there was an amendment, No. 16 of 1989, which shifted the jurisdiction of the magistrates' courts to deal, summarily, with some matters of kidnapping and so on. There were occasions when we could have tackled the problem. But how do you convince a government to deal with a problem when it is still small? How do you convince them that it will get bigger in time and to allocate resources towards that problem? It is a difficult public policy issue. There were signs that kidnappings were high on the agenda both in terms of the severity of the act and its frequency. The next stage is school children. I agree with the President of the Trinidad and Tobago Unified Teachers Association (TTUTA) because it is now becoming fashionable and when you are dealing with punishment you first have to prevent, I would think.

What has also surprised me is the question of bail. I understand Sen. Smith's point about bail and civil liberties. Over the years, however, I have been intrigued by the inconsistency in the manner in which magistrates and even judges deal with the question of bail. I will not dwell too much on that aspect except to point out to this honourable Chamber that on Wednesday, November 06, 2002 three men were held for kidnapping; the magistrate in the Port of Spain court denied them bail because, as she said, of the prevalence and seriousness of the offence. But about two weeks afterwards the same three men appeared before another magistrate and they were granted bail. So we are not dealing merely with the principle of bail as an issue of civil liberty, we are dealing with how magistrates seem to treat these things in a very inconsistent manner. On that point, the Bill in its original form, attempted to put some consistency and stability into that aspect of the administration but it did not succeed for reasons which were well, but briefly, enunciated by the Minister and which were elaborated upon by Sen. Smith.

With respect to clause 5, the role of information is a matter as clandestine as kidnapping is very critical. On page 6 of the Bill clause 5(2), I would suggest that this implicit desire to debar people from taking part in the discovery of the victim, or taking part in the negotiations, be amended. So you have now clause 5(2), which is an improvement, given the context in which kidnapping—and the way in which people would like to help resolve the problem. But as an amendment I would like to add a phrase in 5(2), "in good faith". I think the words "in good faith"—when the proper time comes I will submit an amendment, I would wish, at the committee stage, for that phrase to be considered.

I also wish to argue further that given the situation with the police in terms of suspicion over corruption, and the reluctance by members of the public to give the

*Kidnapping Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, April 15, 2003*

police strategic information, I hope that problem is temporary. I hope in time that situation is cleaned up. It has been with us for too long and it sits as a yoke upon the public shoulders. In all these circumstances I would suggest that the time has come for us to have a system of licensed private investigators to assist the families; licensed under the Ministry or the Attorney General's office. It has been done, unofficially, I think, the Sabga kidnapping initiated a new twist as to how people could use their own security system to assist and we should not block them from so doing, but to make it legitimate or legal and properly constituted. I would suggest that the Government consider—as part of its general approach to this problem—a system of having licensed investigators who will have the integrity, the resources, and the skill to assist in discovering the kidnapped victim.

In clause 11, I think the informer is a key person in this entire connection between planning and executing the kidnapping. When we think about the informer we usually think about an ex-convict or somebody who is involved in the darker side of life but that is not necessarily so. We have to get smartened up and perhaps some of this is being done already with the use of plainclothes police officers and other forms of having an informal system. But what I am worried about is exposing the informer.

I do not want to speak about the Clint Huggins case and all those other antecedents, but I would hate to think that an informer, in his own frightful, but concerned condition, gives information which leads to arrest and prosecution and in clause 11(3), the last line puts up a condition whereby the identity of the informer will be disclosed. That sends—to quote a famous statement of some election ago—shivers up my spine. I would like the role and the identity of the informer, who has acted in good faith to be preserved—I dare say and here again I stand to be corrected—at all costs, as far as the administration of justice is concerned, unless he wants to disclose himself. I would like to bring an amendment to that effect.

Clause 9, I wanted to say one of the hearts of the Bill but I should say it is the heart of the Bill. I have known, and so have the police—I can imagine there are many persons who knew about crimes before they were committed, several families; brothers, sisters, cousins, spouses knew about a crime before it was committed and they knew about crimes after they were committed and with all boldness some of the families would say: “I know he used to steal a bit, you know, but I did not expect him to kill the man”, and stories of that kind. In fact, I think this particular clause about disclosure of information by people who knew about a kidnapping should be applied across the board. I would like to see it

enforced much more. It is called aiding and abetting an accomplice and so on. Those things are not enforced at all; that is why your prevention mode is so weak in the country. You are bringing in forensic this and forensic that, perhaps things are too simple and when it is too simple people think it is not important. Information could be gathered and matters of this kind should be more effectively enforced but sad to say, they are not. To strengthen the provision, at least in this particular respect in the Kidnapping Bill, I would even suggest that the fine should be raised to \$100,000 and two years in jail, hon. Minister, and through you, of course, Madam President.

If you are telling me you want to send a clear message; the message should reside not only in the sentencing, but in the circumstances and the conditionalities, which would lead to the crime, especially in its prevention side. This is where the informer and the person with information that would guide you to the kidnapping incidents would reside. So you put some emphasis there as well, even within the narrow framework of the Bill on the prevention side.

Madam President, I would also consider an amendment to clause 7(4). It is a small amendment but with due respect to the legal profession—they look for the smallest comma and the narrowest loophole, and they are right, they have to defend their clients. I want to make sure—perhaps during the committee stage I could also be advised and I would withdraw—that where you have an electronic data, I would, of course, phrase it in the proper way by adding the word “computerized”. I am not too sure if all electronics could be assumed to be computerized. I merely want to make doubly sure that when a matter goes to court—as we have had so many times, where the wrong date was on the summons or the receipt had the wrong information and cases were thrown out, of course the Attorney General in her own wisdom would advise accordingly—whether the word “computerized” should be included.

Madam President, the question is, how did we get to this stage—such a grievous position in the country—where Sen. Smith is so alarmed by the stringency of the bail as initially proposed. You see, political irresponsibility creates a sad legacy and over the years there were a lot of things that should have been done—crime prevention—which were not done. Everybody prefers the dramatics: motor vehicles, refurbishing of stations, big announcements, \$40 million for this or \$20 million for that and nobody stops to properly ask the question: Is the public getting value for its money in terms of crime reduction? No. The rate of serious crimes over the years has been about the same and minor crimes have gone up.

*Kidnapping Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, April 15, 2003*

I heard recently something which had some plausibility in it. I have spoken to the hon. Minister trying to be helpful on this particular problem that the crime statistics are not accurate. When we examine them closely—and we do not want to push this point too far because we need our crime statistics—we need an alternative system of crime reporting now, and I have suggested that to the Government. We need a specialized unit, not only in terms of recording but the machinery and quick retrieval. I have said several times in this Senate that the success gained by the New York Chief of Police, Mr. William Bratton, was mainly based on the computerized system of crime reporting where they were able to put police in strategic positions. Publish your figure! The police in this country treat the crime statistics as if it is their personal private property. These are figures that affect the community. The people from La Brea must know what their crime rate is in their district. The San Juan Police Station must have the crime statistics to distribute. The people in San Juan must know if robbery is high, larceny is high, housebreaking is high, so it will encourage them to mobilize themselves together with the police and take preventative measures. But everybody is in the dark until the police is ready—halfway into the year, if at all so early—to disclose through a press conference, as if it is a secret that they are announcing to the community which is being victimized.

Madam President, you do not hide the truth from your patients. I do not want to get into—[*Laughter*] You show them your records and you tell them their heartbeat is so, and so their pressure is high or low. Tell the public if the pressure on them is high or low because their hearts are racing with anxiety over this matter of kidnapping. It is a big point and another time, perhaps, I could deal with it more fully.

Madam President, the point I wish to make on this occasion—and this is why bills are passed and laws come about. The public feels that when a sentence is increased from 10 to 20 years the problem is solved, because that is what the headlines tell you. We have a way of being moved by headlines, the newspaper sets the agenda, they have a job to do, but we have a job to do as legislators, requiring sober thoughts, balanced judgment and in this context a bipartisan approach.

I was very happy, Sen. Smith, with your last remark that you were willing to sit with the other side if they would concede certain things and work out a common solution to this serious problem. That was a very happy announcement and I wish that would materialize this afternoon. It is a wonderful gesture for the national community to see how parliamentarians, regardless of party, could rise to

an occasion under the imperative of bipartisanship. We look forward to stopping the cat and mouse games and the exchanges, especially, over this matter.

I understand what has happened to the Opposition. Those of us who have been in public affairs for a long time know that the system is geared, in Parliament, to put pressure on the Opposition, to demolish the Opposition because of their numerical inferiority. In fact, I would not hesitate to say that after you spend four or five years on the Opposition Benches you might end up with an inferiority complex. [*Laughter*] There is nothing much you can get done if the other side does not want it to get done. That is not how a parliament is supposed to work. So this adversarial system really should be subjected to major surgery, constitutional reform [*Desk thumping*] after we deal with this Kidnapping Bill. It would be a step of shared good faith to the national community. It would be two steps in the right direction, but I am puzzled, you see, because assuming I were in the Opposition's place—support for this Kidnapping Bill, even with amendments, is good politics and it is also good governance.

My friend, Sen. Danny Montano, in his unique, articulate way gave us a memorable line, equal only to that enunciated by Sen. Wade Mark. Sen. Montano told us two weeks ago in this same Senate, that "Politics is not about power, it is about governance." I have put that at the back of my head because it is true. By happy coincidence, the Leader of the Opposition on that same occasion told us—"Information is the oxygen of democracy"—but with equal alacrity he said, "We, as parliamentarians should put the public interest first and our partisan issues after." He said that when he was speaking about the BWIA issue. I commend him for that because that is the juncture at which we are today; governance and the public interest.

In a matter as serious as kidnapping I would suggest that if the both sides agree to meet—and they should meet on this specific point—the Opposition should submit some amendments; they are free to do so; they are free to change the Bill, as I am trying to do in my humble way. I might not get through but I am making an attempt. They have more power than I have. They said; 300,000 people voted for them. Nobody—well, anyhow—[*Laughter*] [*Interruption*] Well, I did not go up this time you see. So we need some repairs to Parliament, not only the building, at the cost which were enunciated here, we need to repair the function and the integrity of our parliamentary existence.

Only yesterday I was telling members of the media that people have lost a lot of respect for the Parliament. When Parliament was closed it became a "pappy-

*Kidnapping Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, April 15, 2003*

show”. People said the Parliament was irrelevant and that people were drawing money for nothing. Let us not compound our stature in that light. Let us rise to the occasion. Let us repair ourselves, fully and wholesomely. We could do it, that is the challenge. I hope I am not sounding as if I am questioning the rights of the Opposition to be vigilant—and they have been. You would remember in the debate on the Information Bill I said that governments all over the world have to be watched carefully; that is part of the adversarial system. When the UNC was in power they never liked some of the things anybody else would tell them. Sen. Mark, as a Minister, used to sit right where Sen. Titus now sits and he used to get some thunder; his body language shifted—nobody likes to be criticized but once you are in government that is part of the challenge.

I would encourage the Government, if the Opposition insists, in good faith, Madam President—because too much is at stake with this Kidnapping Bill, not that we should stop at this Bill. I am sure the Minister of National Security would like to come back with a wider portfolio of strategically connected proposals to deal with the matter in a coordinated manner. Some proposals I will submit to him, and in his own kindhearted way, I am sure he will accept some of them.

Put the Caroni (1975) Limited plan on the table! What is the problem? Minister John Rahael came here several times and said that he had a plan. It reminds me of the play Julius Caesar, when Mark Anthony kept telling the people, “I have the Will; I have the Will.” I never knew, after reading the whole play of Julius Caesar by Shakespeare, whether “The Will” was really presented to them. He got them mobilized to follow his cause. Well, you should have the will to put the Caroni (1975) Limited plan on the table—[*Desk thumping*—]—and let us see what the Opposition would do. This is what I call part of proper politics. That is when a parliament is brought to life, when we can see each other’s side and be prepared to concede, as Sen. Mark said, in the public interest.

I would also take the opportunity to be even of greater nobility, make an announcement about constitution reform; let us know what track you are taking. We cannot do it in one month or six months, but do that too, because that is what the Opposition is insisting upon. Make everybody faithful to the cause of the Parliament in which we sit.

I submit a picture in the *Trinidad Guardian* dated Monday, March 31, 2003. Look at this picture! What is more inspiring to a country to see, on the front page, in about an 8 inches by 4 inches photograph, the Leader of the Opposition, not only shaking hands, but in his full mirth, laughing so happily and equally

reciprocated by our handsome Prime Minister. [*Laughter*] I thought that would mean peace and that was a signal of good things to come only to hear on the same night on a platform somewhere, “Licks like peas.”

Now, we know the politics, we are not naive, but I would still hope, time and time again, that we rise to the occasion and we consider that we are serving a country, not a party and not ourselves. That is why I hooked on to Sen. Mark's words: “public interest” and Sen. D. Montano's words: “It is about governance” and not so much the exercise—especially if it is arbitrary—of power. We cannot tell the national community that our reason has fled to brutish beasts. We are capable of doing greater things.

I have listened to Senators on the front Bench—Sen. Kernahan with that passion and research; Sen. Carolyn Seepersad-Bachan, she must know some parts of the Internet by heart because of the voluminous information she delivers to us, well studied—and I would also see the frustration in them. Now when we—just one point to illustrate the context in which we operate—examine delinquency in schools we have certain explanations, one is: frustration leads to aggression and aggression leads to deviance; it is more elaborate but that is the configuration of the explanation. So we need to make school children less frustrated by giving them proper curriculum, recreation, teacher quality and so on.

I think the frustration that the adversarial system puts upon the Opposition causes them, sometimes, to behave as aggressively as they do at times. In other words, whilst you may not agree with the action, it is understandable in the context in which we operate. I am hoping, through constitutional reform, that such breaches be healed and we have a better flow of public interest legislation.

In my final minutes I want to make some suggestions. All of them may not be quite acceptable but most of them would need further thinking and I certainly do not have the time, as you would well imagine, to elaborate. I think it is time for the Opposition and other interested parties to get together with the Government, at the Minister's initiative, and to start talking—it is complex and expensive—about the national fingerprint base and the national DNA base, if we want detection and prevention. I would also suggest that you set up immediately, if we want to send a clear message to the national community and we want to instill the role of informers and the kind of intelligence systems—you already know my view about our intelligence system, I need not repeat it—I think the Government should establish a \$10-million safety fund to provide for information that leads to arrest and detection. The money will mean something. I do not think we should depend

*Kidnapping Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, April 15, 2003*

only on crime stoppers and private enterprise initiatives and so on. The Government has to take a fuller responsibility and I think this is a key way in sending a clear message as the Minister commendably announced, he said: "A clear and unambiguous signal."

Another point is to have a deliberate and strategically organized system of informers across the country; I will not elaborate, I have alluded to that but connect to your community-policing programme. The community-policing programme, I have had something to do with it with the officers over the years but I must tell you that the problem is administration of the community policing. It is not so much that they are unwilling; it is not so much that they do not have the knowledge, but I do not think that the administrative apparatus is there in police station by police station to invoke community policing as the very pervasive, civic-connected programme, so it is lying flat, if not low. You have to awaken your community-policing systems on a police station-by-police station district and it has not been done, to my deepest regret.

If you can have street captains, for example, when election time comes there are these street captains; everybody gets busy because they want to win the election; that is the motivation. Well crime prevention should be a motivation too. Just as you have street captains let each street now link up with community policing, on the surface and underground, you have the informer system and a network reliably controlled and organized.

Another point is to use Channel 4 for community safety. There are a lot of programmes about German life, Japanese life, and Chinese life; all that is good, but we need to look after ourselves too. Use this channel for community programming and crime prevention. It would be a motivation to have officers come in, or different districts come in to tell the nation what they have achieved. Put the focus on crime prevention.

If you look at the kidnapping incidence, and as well, the robbery incidence, with respect to the getaway car, the highest proportion is a Sentra, now that tells me something, that that is a tool for investigation. The licensing office might take some time but at least you have a lead.

**Madam President:** Hon. Senators, the speaking time of the hon. Senator has expired.

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

*Question put and agreed to.*



**Sen. Prof. R. Deosaran:** Thank you, Madam President. Before I go to number six about the police and the matter of bank accounts, I really want to recall my happy experience with Sen. The hon. Glenda Morean-Phillip in 1993. There was a raging controversy in this country and I am alluding to that because we did produce a document, which I have and we did send it to the then Minister of National Security, I think, Mr. Huggins. It is a very interesting document. There were several charges about rape which had racial undertones; the charge was African men were raping Indian women in Central Trinidad and it really disturbed the national community. So at the university we established a team which had as part of its recommendation this same question of community policing and the provision of accurate information. That is the point I want to make and that is why I recall, happily, the role of Sen. Glenda Morean in this exercise.

**Madam President:** Senator, please give the name of the document.

**Sen. Prof. R. Deosaran:** Yes, it is entitled: *Crime, Race and Related Circumstances in Central Trinidad*, dated July 08, 1993, published by University Psychological Research Centre, where at the time I was director. So I invited Sen. Morean-Phillip as an indication of the high regard I have always held for her—well not held—hold for her. We got together with a team and I am also happy to announce that another member of the team is here with me which also expresses my high regard for that colleague. Sen. Seetahal was a member of the team. We also had Dr. Mustapha, Dr. St. Bernard and I was the Chairman of the team. We did a lot of work and we came up with the suggestion about strengthening your community information base to help the police. That is why I said at the beginning, I am not too happy with the response from the administration about these suggestions. We always wait for a crisis to happen to make a new law, which is always on the punitive side—higher sentences, longer jail, and stiffer bail conditions—without looking at the role of information in preventing crime. Maybe it is too vague; maybe it is not tangible enough.

### **3.30 p.m.**

Sen. Smith made one of the most serious points. I know people do not like to express unfavourable views about the police because we only have one police service and we really do not want to demoralize them unnecessarily. At the same time, it is proper that we call a spade a spade, otherwise how will we embark on the mission of reconstruction?

I think it is time to take a concerted and sustained attempt to weed out the indiscipline and corruption in the police service. Whether we have a new police

*Kidnapping Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, April 15, 2003*

management bill or not, I must tell you it is festering in the police service. To every district you go, people tell you what police officers are doing. That is why we have a jury. That is the role of a jury. If the population should be the jury in this matter, they would pronounce the police guilty several times because they would not wait for the rigour intellectualism of a cross-examination in the court. They would merely allude to the facts of the matter as they know them, where knowledge to them is sufficient, without any kind of judicial proof. The country is mad with this particular phenomenon.

I share your concern, Mr. Minister. I know the challenge, but you have to signal to the community that the Government is serious, and perhaps you can convince them, through the police reform bills. You have to take a very strong look and send a clear and unambiguous message to the police that this Government means business in terms of police integrity and vigilant, fair investigations. You should check on police bank accounts, too. It is time. You should not only give them drug tests; you have to be serious. This is one way you can express that seriousness. Let there be an accounting by the police of their finances—their bank accounts. Both sides of the Senate should agree on this, and they could.

I know staffing is a problem for the Attorney General and the DPP, but if you want to send a clear message on kidnapping, set up a system of special prosecutors, well trained in matters of that kind, with swift trials. The Bill is dead unless you make it alive with these kinds of policies and mechanisms; otherwise you are speaking about print. It can only come alive, in reference to your words about sending a clear and unambiguous message, if such mechanisms are put in place.

As I said, number 8: increase the use of electronic surveillance, which is another ticklish point. The Opposition is giving a little chuckle because of the issue you raised about the \$61 million. I am not speaking about that necessarily. I am speaking about wire tapping in a proper way, which could be considered by both sides of the Senate and other interested people in the country. We have reached very far with this kidnapping issue and I know the implications for civil liberties just as well as anybody else, but the time has come for us to look at these measures.

That is the point I was alluding to when I said that through repeated acts of political irresponsibility, year after year and regime after regime, we are faced with oppressive and drastic measures, which sometimes come close to fascism, because we have left things to grow enormously. That is the situation in which we are. We cannot have our cake and eat it. We have allowed these things to grow so intensely over the years that now we are talking about privacy in the context of surveillance. What else can we do, if we have to combat this menace?

As I said, we must encourage the use of licensed private investigators. I have already spoken about that. My last point is about these private shops that make these licence plates. If they cannot do the big things—I do not mean it so brusquely, but through you, Madam President—they have to tell me what is the difficulty in stopping these private shops from making number plates—I will send the photograph to you—in two or in five minutes as they advertise.

I took my staff around certain districts—“Number plates made here in minutes”. We know the implication of that in terms of a police investigation. What kind of intelligence service do you have? What kind of police force do you have? What kind of machinery do you want? Laser? Satellite? When on the ground floor you have something like this being exposed, it means that you can change a number plate in two minutes and drive off. The police will be looking for PBA 6142 and in two minutes it becomes PBC 4621, and police “woo woo” all over the place; looking for what? There is noise and excitement and the same kidnapers passing them by.

Madam President, I invite you to look at this picture. Here is another one. Those are just two. It is more than that. If you just check the yellow pages, it is big business; about 15 such private shops. Again, I stand corrected. They will tell me that the police cannot interfere; that is, there is some law restricting police intervention. Again, I stand corrected, but on the face of it, it is a risk situation that should be quickly corrected because the means of transport in kidnapping is motor cars, especially Sentras. I am giving them two hard leads that they can work on and I submit those with respect.

It has not been a happy exercise for me to speak on this Bill, but I, like the Minister, have done my duty by visiting the homes of kidnap victims. It is a commendable exercise. I myself have done so with the Ramsingh family of Baratania and it grieves my heart to know that, not only are people kidnapped, but also we need to do so much more and we could indeed do so much more if both sides could get together on this occasion.

It is at this point that I commend my contribution. If I should succeed in nothing else, I would wish that Sen. Smith’s words bear fruit and the Government show some concession and good spiritedness by reaching out and joining hands with the Opposition to have this Bill properly revisited and passed as the beginning of a harder mission to deal with the menace of kidnapping.

Thank you very much.

**The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Danny Montano):** Thank you very much, Madam President. The first thing I would like to do is speak on a couple things that Sen. Smith referred to. He referred to the Prime Minister walking in Laventille and suggested that he was walking with criminals. That was his suggestion, if not this words. When the Prime Minister walks among the people, whoever they are, they are free to walk alongside him. He does not discriminate.

**Sen. Smith:** On a point of order, Madam President!

**Sen. The Hon. D. Montano:** On a point of what?

**Madam President:** Was it a point of order?

**Sen. The Hon. D. Montano:** Or a mere interruption?

**Madam President:** Both of you sit down. Is it a point of order, Sen. Smith?

**Sen. Smith:** A point of order—he is misleading.

**Madam President:** State your point of order.

**Sen. Smith:** I never said—

**Madam President:** Which Standing Order?

**Sen. Smith:** He is misleading the Senate. I said the Prime Minister was walking with Guerra. I never said he was walking with criminals.

**Madam President:** Hon. Sen. Danny Montano, please continue.

**Sen. The Hon. D. Montano:** Thank you, Madam President.

To continue. When the Prime Minister walks, whoever wants to walk with him is free to do so. He does not discriminate and his security takes care of any dangers that might arise. I would like to remind the Senator that the leader of his own party—I said this on the last occasion and I will remind him again—said he was willing to sleep with the devil to gain political power; not governance, power. What happened as a result of that, I would remind the goodly Senator, was that there was a Minister who became widely known as the gun-wielding sheriff and who was well known to fraternize with some of the most dubious in our society.

**Sen. Seepersad-Bachan:** Madam President, on a point of order—Standing Order 35(1)—the relevance of this.

**Madam President:** Senator, continue please.

**Sen. The Hon. D. Montano:** I would remind Senators who this fellow used to fraternize with and where that took him. Notwithstanding the caveats and the warnings that we made on this side about the behaviour of members of the UNC government, they persisted in doing what they were doing and we see where it has led them.

Sen. Smith said also that the UNC was prepared to pay the political price for not supporting the Kidnapping Bill. Indeed they may, but, notwithstanding that, whether they win or lose—and they would likely lose the debate; they would likely lose the next local government election—that is not the point. The point is that it is still of concern and it is distressing to the Government that they should treat their responsibilities to this Parliament and the people in such a disgraceful manner.

I would like to deal with some of the comments that my very good friend, Sen. Prof. Deosaran made. The first is that I always enjoy what the Senator has to say. It is always said with a great deal of wisdom and thought. I do not necessarily always agree with everything that he says, but it is always of value. That is the spirit. That is why we come here. That is the purpose of the Parliament.

He made a suggestion in closing about licence plates and it is a valuable suggestion. I am not the substantive Minister of National Security, but I would be inclined to think that the suggestion that he made is a useful one. A colleague on my right, Sen. Gift, suggested to me that in Washington—just to take the Sen. Prof. Deosaran's idea one step further—when a person gets a licence plate, he gets it for his life, not the life of his car. These are the kinds of things that need to come forward when we have a debate on any issue, whether it is the Kidnapping Bill or the Police Reform Bill. We come here every week with whatever pieces of legislation, including the Kidnapping Bill, and we look forward to the contributions of all Senators, including those of the Opposition.

I state the words of somebody very close to me, who advised me seven years ago, when I was first going into the Senate. He told me that the purpose of my being in opposition was to make good law better law. Those were very wise words and all through the six years that I was in opposition I followed that policy. I would like to think that all Senators in this Chamber would take that kind of approach.

I just want to deal with some of the things that Sen. Prof. Deosaran said. Specifically, he questioned whether the Chief of Police had received a copy of the Bill. I am advised that he did and that the Anti-Kidnapping Squad was part of the

*Kidnapping Bill*

[SEN. THE HON. D. MONTANO]

*Tuesday, April 15, 2003*

development of the Bill. So, the police, and specifically the unit involved, were actively involved in the process. There was no way they were left out of the situation.

He spoke about the Opposition and how frustration leads to deviant behaviour. Frustration does lead to deviant behaviour, and we have seen some of it in this Senate over the past few months and you, Madam President, had cause to bring us up on it last week. You were quite right to do so.

I had the privilege to be in this Senate, albeit in the Opposition, for some six years. While it is true that there is a measure of frustration in the sense that you cannot necessarily do what you want, the reality is that you have a job to say what is right and what is good, and to make your point heard. If they fall on deaf ears that is all you can do. That is the democratic way. You speak your mind and hope that the people listen. If they do not listen then you are not only wrong, you are irrelevant.

I sat there for six years and it was a long arduous six years, but we worked hard at it and finally we succeeded. While I may have been frustrated and while all six of us on that side may have experienced a certain level of frustration, never once were we accused of deviant behaviour. Never once did the President have to stand and read a statement to chastise the behaviour of the Members of the Opposition.

**Madam President:** Senators, I want to make one correction and that is: I chastised the entire Senate.

**Sen. The Hon. D. Montano:** Madam President, the *Hansard* would show that I used the word “us” meaning all of us in the Senate.

Never once did the President of the Senate ever have to chastise us—the entire Senate. We behaved ourselves and, notwithstanding the fact that we conformed to the values and the systems of the Standing Orders, we were still able to succeed because the people respected what we said and did.

Sen. Prof. Deosaran is absolutely right. I would like to thank him for referring to the statement I made the other day. We are here in the best interests of the people, whatever that might be. We are all here to do the same job as effectively as we can.

He spoke about the effectiveness of the police. This is a major issue. I recall, some years ago—I do not remember the bill—that I had the opportunity to read the O’Dowd Report. If you would recall, Madam President, I think this fellow came from Scotland Yard and did a review of the police service in Trinidad and

Tobago. I read extensively from the report and put it into the *Hansard* and it is still there. I did that for a reason. The reason was, notwithstanding some of the things the good Senator thinks might be a quick fix, when we look at the structure of the police service and see the rot and decay that exists, then we begin to realize the magnitude of the problem and how difficult it would be to make any meaningful changes unless we change the structure of the police service.

The police reform bills came as a result of a joint effort between the Government and the Opposition, when we were in opposition. We do not know exactly what the fate of this is going to be, but it seems it would be caught under the umbrella of the statements that they are not going to do anything at all unless there is overall constitutional reform, without the UNC having articulated the reforms they want.

Do we have a problem? Yes, we have a problem. Madam President, what I want to do also, this afternoon, I want to do for a purpose and I hope that you will allow me to do it. I would like to read fairly extensively from the editorials of the *Newsday*, the *Express* and the *Guardian* of last week—I will give you the dates as I get there—because these are the three major dailies in the country. While they may or may not represent the voice of the people, they certainly speak on behalf of a great many persons in the country and the wording in these editorials is so good that I do not think I could say it better myself. More than that, you must understand too that what is said in the media serves to form and shape public opinion and it is important that the UNC Opposition understand the damage that they are doing, first of all to themselves, and also to the rest of the population.

It is not the desire of the Government to destroy the Opposition. On the contrary, we would like to see a viable alternative to the propositions that the Government articulates on any given issue. We wish to see that because that is in the best interest of the people. When the people understand and can see both sides of a situation, then they can decide fairly for themselves. That is what governance is all about.

Allow me to read from the *Newsday*, Tuesday, April 8, 2003. I will paraphrase and take little bits and pieces from it.

“We would like someone...to solve the paradox, or mystery, which the spate of kidnappings, on the one hand, and the UNC’s approach to this dreadful problem, on the other, present to the country.

The essence of the paradox is the following contradiction. Almost all of the criminal abductions take place in UNC constituencies and almost all of the victims appear to be either supporters of the Opposition party or the children of such supporters. If only for this reason alone, one expects that the UNC would be

*Kidnapping Bill*  
[SEN. THE HON. D. MONTANO]

*Tuesday, April 15, 2003*

anxious to cooperate fully with the authorities in the effort to deal with the proliferating crime. But no, the UNC remain adamant in their policy decision not to support Government legislation which includes the Kidnapping Bill designed, among other things, to make the offence unbailable and to empower the authorities to seize the assets of abductors.

Now would somebody please explain that mystery to us?

We do not believe we labour under a delusion when we expect, indeed demand, that those elected to seek the people's interest should exhibit a respectable degree of logic, consistency, insight and clear-headedness in their approach to solving national problems. The strange thing is that the UNC appear to be quite agitated and frustrated by the kidnapping situation. However, instead of supporting the effort to improve the relevant legislation..."

—with any amendments that they might want to put forward—

“the party is coming up with such dubious ideas as setting up a kind of vigilante anti-kidnapping squad, importing foreign mercenaries to liquidate kidnappers and again calling for the resignation of National Security Minister Howard Chin Lee.

It appears, then, that apart from their confrontational rhetoric and obstructionist stand, the UNC themselves have little or nothing to offer in terms of addressing the crime, particularly the kidnapping, problem.”

They go on:

“Why, on the one hand, the UNC proposes such a radical and foolish idea as hiring foreign ‘hit men’ to rid the country of kidnappers while, on the other, they are objecting to the two main purposes of this Bill?”

That editorial speaks very largely to the essence of the situation. We have a situation of lawlessness in the country and the UNC's approach is to be lawless themselves. Hit squads are not legal in the country; not even can the police—

**Sen. Mark:** Madam President, on a point of order. I think that the editorial is misleading and I also believe that it is totally wrong to indicate to this Parliament that the United National Congress is involved in any activity to hire hit men or mercenaries to get rid of kidnappers. That is a totally misleading editorial.



**Madam President:** Sen. D. Montano, instead of reading those editorials, I think you should try to get the gist of them and put them into your contribution.

**Sen. The Hon. D. Montano:** Madam President, I never said anything about the UNC being involved in anything. I said this was their suggestion. How could a responsible Opposition suggest such a thing?

**Sen. Mark:** We did not suggest that. You are wrong.

**Sen. The Hon. D. Montano:** That is what the newspaper reports. Madam President, with your leave again, I would just like to quote pieces from the editorial of the *Express* on Friday, April 11. The language is important.

“In his latest insistence to the leadership of both the Downtown Owners and Merchants Association (DOMA) and the Hindu Credit Union, Mr. Panday absurdly argues that ‘the fight against crime should be a national effort, but to have a national effort you must have national unity. And you cannot have national unity if you are discriminating against half the nation.’”

The issue of discrimination somehow becomes a fact in the imagination of Mr. Panday. It goes on. Some of this is opinion, but it expresses my own opinion so well that is why I am using this language.

“Even for a man whose political career has been distinguished by an instinct to say any old thing at any old time this represents a new low for Mr. Panday. As crime swirled both around and in his administration (1995—2001) the then prime minister threw his hands in the air and, remarkably, lamented publicly that the war against crime in Trinidad and Tobago would never be won.”

Remember that? In any other civilized country, that would have cost him office immediately. Notwithstanding that, we in Trinidad and Tobago are easy going and we allowed him to get away with it. We cannot be so easy.

“It is clear, therefore, that shorn of a single positive idea about how to chart a return to power Mr. Panday, as the political leader of the United National Congress (UNC) has hit upon the negative, indeed nationally destructive, strategy of doing nothing in his power that would help prevent the country from sliding even further down the slope of criminal anarchy.

Put another way, by Mr. Panday’s way of thinking, the more kidnappings the merrier. It is remarkable that a former prime minister and one who, presumably, still has his eyes fixed on that office should be thinking and behaving in this way.”

*Kidnapping Bill*  
[SEN. THE HON. D. MONTANO]

*Tuesday, April 15, 2003*

Madam President, it is instructive because it deals directly with what Sen. Prof. Deosaran was saying and that is that we must act in the public interest. We must do what is right. I would like to go on, again with your leave. This is the *Guardian* dated Wednesday, April 09, 2003.

**Madam President:** Try not to read the whole thing, Senator.

**Sen. The Hon. D. Montano:** I will not.

The title of the editorial is “Irresponsible Opposition” and again it is dealing with the same situation. It is talking about the meeting between Mr. Panday and Mr. Manning. It ends like this, if you would allow me to read the last paragraph:

“...the Prime Minister was stonewalled by unusual requests, the Opposition Leader made irrelevant demands, and the country continues to suffer without respite.

This is an Opposition in danger of defining itself as having no purpose save that of opposing.”

Madam President, one of the things that I would like to point out in terms of accepting one’s responsibility as a Member of Parliament, whether a Senator or a Member of the other place, is that one must recognize that one always has a duty to protect the values of the Constitution as a whole. Our structure and form of Parliament comes from the United Kingdom, commonly referred to as the Westminster model. We have an example that we should follow and I would like to refer my colleagues in the Opposition to a very recent example of statesmanship in the UK concerning the war with Iraq.

The situation was that the sitting Prime Minister, Tony Blair, was on a path a few weeks ago to enter war with Iraq in partnership with the United States. Notwithstanding the tremendous opposition of the people and, in the absence of a referendum, he had a political mandate to do what his government felt, so there was a debate and a vote in the House of Commons. One third of his government voted against him and, notwithstanding that, the Conservative opposition majority voted with the government. The point is that they felt that they were doing what they believed was in the public interest and not what was necessarily politically expedient. That is responsible opposition. I draw that as an example for the UNC Opposition to follow.

There is much work that has to take place in the country in all the ministries: from public works to education, water, telephones and crime, to dealing with the legal system. While we in government believe that we have a vision and that we

know how it can get done, we are not deaf and we are still in the position where we will listen to what the people have to say. Whatever pieces of legislation we bring to Parliament are brought in the best interest of the people to look at the situation and determine what to do next. This has been driven first of all by a national policy and the legal draftsmen have put this into a particular legal framework that we feel will work.

When it comes to this Parliament, there are three things that can be challenged: the first is the legal drafting itself; the second, the policy that drives the document; and the third, there may be suggestions that had not previously been thought of by the draftsmen and the ministry putting it forward. In every case, even on policy issues, this Government will receive the suggestions and recommendations of the Opposition and the Independent Senators. We will always do that. We will stand by the policy, but if it can be shown that, in the execution of the policy, we may be creating some harm—as has happened before that inadvertently, because of the drafting of the legislation, we are doing some wickedness—we will correct it. I have seen, on so many occasions, where the policy can be slightly modified by changing the drafting and it is all done in the interest of the people.

While I talk about doing things in the best interest of the people, I say here that we as Senators do not directly represent anybody. We represent the party that we come from and, standing here as a Minister on our side, I represent the Ministry that I have. I represent the Government and in that way I represent my party and, by extension, the will of the people. I do not have a constituency. There is no place that I go to that I can say that the people voted for me. I cannot say that and nobody else in this room can stand and say that either. Therefore, we must not think and talk about the constituency that we represent. We must think in terms of “the people”, the one people, no matter where they come from. We speak on behalf of all the people and that includes the Independent Senators. They have as much right to speak on behalf of “the people” as the Government Senators have. That is their role.

The role of the Senate is to act as a check and balance on what happens in the other place and so often the contributions made in the Senate tend to shape and form the structure of the laws that come out of any Government and that is the value of the Senate. If you read the Constitution and understand how it was set up and you look at the situation here, we are 15/15 and, therefore, we have no standing majority except through you, Madam President. We, therefore, depend for the success of legislation on trying to persuade Senators on the other side,

*Kidnapping Bill*  
[SEN. THE HON. D. MONTANO]

*Tuesday, April 15, 2003*

whether the front row or the back row, that the legislation should be supported. It is disheartening and disappointing to the people when UNC Senators say that no matter what legislation we bring, they are not going to support anything until and unless we deal with their agenda. That is the tail wagging the dog.

That is not supposed to happen in the Constitution. If it is not designed in the Constitution, why should we allow it to happen? It must not happen. We have to protect the Constitution, however flawed it might be, for the benefit of all of the people.

I, therefore, implore the Opposition to use good sense that when we come here, to look at the legislation and consider how they might make good law better law. We need that kind of input; that is precisely why we are here. We are here to sit and listen and to take their advice. We reserve the right to disagree, but we are here to listen to what must be said. What they say is important. The Senate is not a place to come to misbehave, speak loudly, interrupt and become irrelevant. The Senate is a place that must be respected above all things and, Madam President, the Chair that you occupy must be revered above all else.

**Sen. Smith:** Madam President, a point of clarification.

**Madam President:** What is your point of clarification?

**Sen. Smith:** The Senator said that the UNC Senators said that, regardless of what they say, what they bring or what they do, we are not supporting the Bill. [*Crosstalk*] Madam President, last week you spoke about the crosstalk. If you want me to behave myself, they have to behave themselves too.

**Madam President:** Sen. Smith, will you please ask for your clarification.

**Sen. Smith:** I am the last person who spoke on behalf of the UNC. I am saying that we are prepared to work with them to support the Bill.

**Sen. The Hon. D. Montano:** Madam President, as I was saying, above all else, your rulings must stand as paramount and must be revered and respected in the same way as we in this room respect and revere the Constitution, however flawed it may be. Even if—I am not saying that you do this—you make a ruling that is flawed, it still must be respected on the occasion that it is rendered. That is what has to happen. I have never seen, in the six years that I was in the Opposition, the type of behaviour on the part of any Senator, as I have seen over the past three months. I have never seen that in my life and it is distressing to be a member and party to an organization like this to have it disrespected in such a way.

Understand me. I have no ego in this. I am just a little boy from San Fernando.

**Sen. Smith:** On a point of clarification. I can recall, when I came to this Senate and was making my first contribution, I clearly stated that I did not come here to be involved in crosstalk, mauvaise langue and bacchanal. I came here to make a contribution on behalf of the people. The Senator said that he has never seen this kind of behaviour. I started responding when I realized there was no control.

**Madam President:** I got your point. Sen. D. Montano, I would like you to come back to the Bill.

**Sen. The Hon. D. Montano:** Madam President, I was saying that I sit here as a Minister of the Government of Trinidad and Tobago. I do not sit here in my own right. The name here is only the holder of the office, but it is the office that is here in my person, so there is no ego here at all. That is why we are referred to by title and not by name because the individuals are not here; the offices are here. Members on that side, we always refer to as Senators because they are not ordinary citizens, they are Senators and must be respected as such. It is a disgrace to the Senate—

**Sen. Mark:** Madam President, on a point of order, Standing Order 35(1), what is the relevance? You have already ruled on this matter. This Senator is boring us to death!

**Madam President:** Hon. Senator, I agree and I think you should come back to the Kidnapping Bill, please.

**Sen. The Hon. D. Montano:** Madam President, I will come immediately back to the Kidnapping Bill.

One of the major plights of the Kidnapping Bill was to remove kidnapping as a bailable offence because a lot of the kidnapping is being done by the same persons. They go into the magistrates' court and they come out the next morning and they go back and do the same things again and again. It is like a revolving door. The police know this. That recommendation came from them. In the absence of reforming the structure of the police service, one of the things that was immediately necessary to give the police the tools they need to fight kidnapping, is to be able to charge prisoners and hold them in detention until their matters can be heard. It is no different from murder. Kidnapping is a very serious offence.

We need to understand that someone who is kidnapped is being threatened with his life, so it is an "almost" murder. They are saying to the parents, wife,

*Kidnapping Bill*

[SEN. THE HON. D. MONTANO]

*Tuesday, April 15, 2003*

father or cousin that if they do not do it, they will kill the person. It falls into the same category as murder. Madam President, do you know that there are countries in which it is against the law to pay a ransom? This means that someone can be kidnapped, but their family cannot pay the ransom, which means that there is no kidnapping. We considered going down that road, but that seemed a bit too radical and we knew that with the stance of the Opposition, we could never go down that road, so we retreated from there.

The reality is that kidnapping is such a heinous offence worldwide that some jurisdictions have had to deal with it in the most radical of ways. This was the major plank of this Bill. Therefore, when the UNC says it will not support the major plank of the Kidnapping Bill, they are trying to torpedo the whole Bill and make it virtually ineffective. It will still be effective and I believe that, with the support of the Independents, we will get some modifications and improvements and make it even better than it is. That is what we are here for.

In terms of dealing with the crime situation, the removing of the bail was an important objective. I have said this repeatedly. I said it when I was in opposition and I say it in government. It is not the penalty that tends to deter citizens from committing a crime. What tends to work is the threat of getting caught. That is the deterrent. It has been shown over and over again. Even the threat of losing his own life for murder does not deter a person from committing murder. It is the threat of getting caught and, therefore, what is necessary is to have an effective police service.

Sen. Smith said, when he was making his contribution, that in a marital situation, in a family dispute, if the husband or the wife picked up the child, one of them could be arrested for kidnapping. In family disputes like that and in the normal affairs of human beings—

**Madam President:** The hon. Senator's speaking time has expired.

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

*Question put and agreed to.*

**Sen. The Hon. D. Montano:** I was referring to something Sen. Smith talked about in his contribution about a family-type dispute; whether a parent could be charged for kidnapping, for running off with a child. In the normal course of human affairs, while things like these happen, if you pick up the child and spend two hours with it, it does not mean that you are guilty of kidnapping. The police

still have to investigate and charge you for kidnapping and you would have to have a motive as defined by this Bill. You would have to meet all the matters that are outlined in this Bill as to what kidnapping is all about, with the intent to hold someone for ransom and so forth, before you are actually charged with kidnapping. The fact that you had an argument with the mother and picked up the child does not mean that you are guilty of kidnapping. You have to be charged with it first. Understand what family affairs are all about. They are not going to charge you with kidnapping because you are having an argument with your wife or girlfriend. In the normal course of events, people understand what life is all about and things are not so trivial.

That certainly is not an argument that could be used sensibly or intelligently to say that the major plank of the Bill should not be included in the Bill. Look at the injustice that is already being done to the persons who are being kidnapped. You have to keep your eyes on the Bill. Even if there are injustices, you have to keep your eyes on its major objectives. You have to keep your eyes on the larger picture. What are we trying to achieve? We are trying to achieve the security of the State. That is what it is all about.

If there are minor inconveniences where the wife calls the police and says that her husband has the child, and the police intervenes—he has not been charged—I doubt that he would be charged. That is a minor inconvenience when you consider the public good that would be done by the provision of the Bill as originally intended.

At this point, I thank you very much for giving me the opportunity to talk on the Bill. My voice is becoming a little sore. It is almost the tea break.

**Sen. Mark:** Madam President, on a point of clarification, I would like to get something from you. I have heard the circulating views that amendments are to come. I want to indicate that a practice has developed in this Senate that instead of bringing these amendments before Senators make their contributions, they are brought at the committee stage. It does not facilitate proper debate on matters. I would like to suggest that if the Government has amendments they circulate them today so that we can all see them.

**Madam President:** We shall now take the tea break. This sitting is suspended until 5 o'clock.

**4.26 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Madam President:** A matter was raised just before we took the tea break and I wanted to check the Standing Orders before giving a ruling. What I would like Senators to do is, if you make amendments while you are speaking, immediately after you are finished, could you please hand those amendments in to the Clerk so that she can have them prepared and circulated? Of course it will come as Members speak. Thank you.

**Sen. Dana Seetahal:** [*Desk thumping*] Madam President, from the contributions of the previous speakers, it is clear that what they are all saying in different ways is that legislation alone will not stop crime and will not stop kidnapping. Now, whilst we know that, it is a fact that at present we have a prevalence of kidnappings in the country. The Commissioner of Police, as at April 09, 2003 indicated that we have had some 60-odd kidnappings this year. That is at odds, it seems, with the figures given elsewhere, but those are the figures that he had given—66, I think, as at April 09, 2003. The point is, we have a prevalence of that offence, many, many more than we have had in previous years.

While it is true to say that legislation will not stop everything, the fact remains that currently this is one offence for which we have absolutely no laws. It is a common law offence pure and simple. It is an offence for which we look toward the English cases and the English texts. We do not even have our own penalty for this offence. Murder, for instance, is a common law offence but at least we have a penalty provided in our statute. Attempt is a common law offence as is conspiracy. For all of these we have penalties but not for kidnapping, which is, as one speaker said, almost murder, although I do not necessarily agree with that but the point he made was, it is a very serious offence. So I think that any reasonable parliamentarian ought to recognize that the time has come for us to put in place legislation to deal with that offence, that we must, in fact, have our own law or laws on kidnapping and that is my position at the outset.

Now, let me just say that I was somewhat amazed, and pleasantly so, by Sen. Montano's statements—many statements, many, many statements—to the effect that our purpose here, and he repeated it, and as I am repeating what he said, is to help make good law better and it is all in the interest of the people and that their side, meaning the Government side, is willing to listen and that they will be listening for the benefit of the people and that they are willing to entertain amendments and matters of that kind. I have to say that in my short time here I was not too sure about that, but, now that it has come straight from one of the horse's mouths so to speak, I am reassured to quote one of my colleagues on the other side. In that vein, I will now make my contribution really squarely on the



proposed Bill and not on ancillary matters attendant thereto, as I have seen others do.

My first question, Madam President, is, why does the Bill deal only with kidnapping by ransom? The hon. Minister of National Security and Rehabilitation, who is not here at this time, said that kidnapping for ransom is the most serious type of kidnapping we have now and that it is the most prevalent type at present. He indicated more or less that we have more kidnapping for ransom than anything else. If I may refer to 2003 crime statistics in the *Newsday* newspaper, Thursday, April 10, 2003, it said that the following is a list of crime statistics for the first four months provided by the Commissioner of Police, Guy. I think we are to assume that this is what we will call the official crime statistics or the OCS, as in some countries they are called.

In January, according to these crime statistics, there were 31 kidnappings, of which two were for ransom—one child kidnapped. In February we had 17 kidnappings—two for ransom. That is according to the Commissioner of Police official crime statistics. In March—13 kidnappings, five for ransom and in April—four kidnappings, three for ransom. The point is, there might be an increase in the percentage of kidnappings for ransom but it is not true to say that, of the number of kidnappings in this country, the highest proportion is of kidnappings for ransom. It is certainly not true to say and that. That is why I asked, why are we providing in legislative form, in other words, why are we statutorizing only the offence of kidnapping for ransom?

Now, it is said oftentimes that imitation is the best form of flattery and what we have done in this Kidnapping Bill is copied many of the provisions of the Kidnapping Act of Singapore. I mean, I do not think anyone can doubt that but if they do I can go through all the sections of that Act that I have here and compare them with the sections we have and you will see that is so. Now, there is the Kidnapping Act of Singapore, Chap. 151, which provides for kidnapping for ransom and we have copied that and more or less the other provisions, but when we are copying legislation we must bear in mind what legislation the other country has.

In Singapore they also have other legislation on kidnapping. They have kidnapping from lawful guardianship, there is kidnapping for prostitution, kidnapping to confine a person, kidnapping to murder and kidnapping or abduction of a child. The point is, Madam President, we are going gaily along copying their legislation for kidnapping for ransom and making provision for one type of kidnapping without providing for any other categories.

*Kidnapping Bill*  
[SEN. SEETHAL]

*Tuesday, April 15, 2003*

Now, if there are all these kidnappings—kidnappings for spite, kidnappings as a threat, kidnapping of a witness in a case to prevent him from giving evidence—that is a common thing—it might be said, well, we go back to the common law. Why should we? If we are dealing with kidnappings, we deal with them—and this is a Government word—in a holistic manner. If we are talking about a kidnapping bill, one would expect to have all the variations of kidnappings, and why not? This Bill has been before us for months. We have been promised it since the Budget Speech. I remember it was October 28, 2002 it was debated in the Senate and there was talk of this Kidnapping Bill and what we have here is a Bill with only one type of kidnapping and I think that is entirely unsatisfactory, Madam President. The Minister of National Security and Rehabilitation said we must send a “clear, powerful and unambiguous signal” that we mean business. When we say we mean business it should be not only for one type of kidnapper. If we are talking about people who are kidnapping witnesses, are we only going to send messages to those who want money? Is that what we are saying then?

Moving along, and, as I said, I am basing my contribution squarely on this Act, there is a provision in this Bill for certain sentences and it has been touted in another place that this Bill provides—I am saying “Act”, “Bill”, but really it is the Bill now—for mandatory sentences. This is not so, Madam President. If you want to provide for mandatory sentences there is a way to do it. At present, the sentences in all these clauses say that the person is liable. For instance, in clause 3(1), it says—this is the main offence, Madam President—that:

“A person who, whether for ransom, reward, service or for any similar purpose unlawfully leads, takes...commits an offence is liable to imprisonment for twenty-five years.”

Since when is that a mandatory offence? If you want to say that it is a fixed penalty, you say, “shall” not “is liable”—“shall be imprisoned for 25 years” or whatever it is. That is how you do it. So let us just begin with the position that it is not stated as mandatory. Clause 13 of this Bill, we are talking about the Kidnapping Bill—says, and I read:

“Section 68(2) and (3) of the Interpretation...”

I presume it means Act. The word is missing here but that is a defect of the several defects:

“does not apply to the penalties prescribed in sections 4, 5, 6 and 7...”

So we are talking about penalties 4, 5, 6 and 7. I believe it means 3, 4, 5 and 6 because 7 is not a section creating any penalties. So this would have been the previous clauses in the other place, I am sure.

Nevertheless, if we look at sections 68(2) and 68(3), they cannot have any effect. Section 68(2) of the Interpretation Act says:

“Where in any Act or statutory instrument provision is made for any minimum penalty or fine, or for any fixed penalty or fine, as punishment for a criminal offence, such Act or statutory instrument shall have effect as though no such minimum penalty or fine had been provided...”

It goes on:

“or as though the fixed penalty or fine was the maximum penalty...”

The point here is that that subsection is saying that if an Act specifies a fixed or a minimum penalty, you will act as if it does not exist. So the point is, since we have no minimum penalty in this legislation, we have no fixed penalty, what is the point of saying section 68(2) does not apply? Why was that put there by the drafter? I must say, I think it is very embarrassing for the various ministers to have to come here and explain positions of the drafters in legislation like this when they just make no sense. If we do not have fixed penalties in the legislation then section 68(2) is useless.

Section 68(3) is also useless because that section says:

“Where in any written law more than one penalty linked by the word ‘and’ is prescribed for an offence, this shall be construed to mean that the penalties may be imposed alternatively or cumulatively.”

The point is, there is no such penalty in this Bill again, Madam President. What I say is, overall in this Bill before us, which is to be the Kidnapping Act, there is no fixed penalty, there is no mandatory penalty, so there is no reason for having clause 13 which says that those sections of the Interpretation Act shall not apply. I guess I will have to submit the amendments saying to delete when the time comes—there are many other trivial sections we have to renumber—but do away entirely with clause 13 is my recommendation.

The second point flowing from that, is, if the Government now say that they wish to make this a mandatory sentence, and, let us say they suggest, well, let us change that phrase to, “shall be sentenced to imprisonment” rather than “is liable”, now that we have talked about it and they may want to be open as Sen. Montano says and listen to other people, then they might realize okay, it is just

*Kidnapping Bill*  
[SEN. SEETHAL]

*Tuesday, April 15, 2003*

like, let us say, the receiving offence. The receiving offence says a person who is guilty of receiving, such as Frankie Boodram would have been, is liable to imprisonment of 15 years and we know that he only got seven years, so that should prove or suggest to you all that when you say “liable” it is not a mandatory sentence. If the Government wishes to turn that around I would suggest that that is unfortunate because it would not encourage persons who are accessories or accomplices of others to give evidence by—they could plead guilty, get a lower sentence and give evidence against the masterminds.

We all know, if we had followed the case of Dole Chadee, that you may have a mastermind somewhere else and he may have the other people going to perform the actual acts. Those would be called in law the principals and he would be called an accomplice. You would be a counsellor. Would he not be more guilty in general terms, or morally, legally and everything, if we are thinking about that, than the little people? However, if we make this a mandatory penalty then there will be no way we can deal with that situation short of giving them complete immunity, and that is not acceptable. It is not acceptable to do that. What the legislation must do is allow some discretion for the court to go down in lowering sentences so that you can catch the big persons. If you want to have a law that will make sense and that will be effective, that is how we must go.

Madam President, I said at the outset that imitation may be the best form of flattery but not when it comes to legislation. We ought to take the legislation that, say, we are copying from Singapore and make it applicable to our situation by recognizing what is different in that country. This brings me to clause 8 of the Bill. As I said, I might sound like I am making a dry contribution, but this is exactly my purpose here, to deal with the provisions of the law and not to masquerade under any other kind of position. Now, clause 8 says:

“In the course of an investigation or proceedings into or relating to an offence by a person under this Act or of a conspiracy to commit or an attempt to commit, or an abetment of such offence...”

I would suggest that we delete “abetment”. Any reference to abetment in this Bill should be deleted because our law already takes care of that. Any person who aids, abets, counsels or procures is as guilty as the principal. We do not need that word. To continue the provision says, the DPP may apply to a judge in chambers for an Order requiring a person to furnish a sworn statement, and it goes on under (b). What we have here is a provision which enables the DPP to get an order requiring a person who is a suspect or a person charged with an offence to give a statement.

Now, there is something in our law called a right to silence. There is something called a right against self-incrimination. A right to silence is part of our right to a fair trial. You all may have been in court and have heard the police say when they arrest someone, “You are not obliged to say anything but whatever you say will be taken down and may be used in evidence.” That is what is called a caution and that is part of an accused person’s—a suspect and a person when he is charged as well—right to remain silent, okay, his right to be free from self-incrimination, Madam President. Clause 8, by giving or purporting to give the Director of Public Prosecutions power in applying to a judge in chambers to ask that person to furnish a sworn statement in writing enumerating all moveable or immoveable property and so on, and, (b) again, to furnish a statement of any money or other property held, takes away that right.

At present, a person must or need only give a statement voluntarily and I am sure those of you who pay attention to what goes on in court will know that if a statement is not given voluntarily, it will be thrown out. In fact, if it is shown that you are oppressed, you do not get food and so on, the statement will be thrown out. So this is an infringement of established constitutional rights and it is right there in this proposed Bill, a Bill for which there is no provision for a special majority.

Now, one may ask, how come it is in the Singapore Act? It is really exactly as worded there in the Singapore Act, section 8, by the way, so we know it is a direct copy, power to obtain information. It is called “power to obtain information”. The reason is, Senators, that in Singapore there is no constitutionally enshrined right to a fair trial in their Constitution Fundamental Liberties Part IV. There is no right to a fair trial, which we should be able to boast that we have. There is no right against self-incrimination—protection against self-incrimination. There is no right for respect of private life.

If we, as Sen. D. Montano said about four times, have proper respect for the Constitution, and our Constitution, as flawed as it is, if we are to have that, we must respect that Constitution and ensure that we do not bring before this Senate or any other House legislation which contravenes, clearly—it is fundamental—such serious rights as the right to a fair trial, the right to protection against self-incrimination and the right to privacy. These things we have taken for granted, you know. They cannot be lightly taken away.

Now, it is all well and good to want to deal with kidnapping. We all would like to see that and other offences too, but especially this one because of the prevalence and the threat to the economy, everything, we want to see it curbed.

*Kidnapping Bill*  
[SEN. SEETHAL]

*Tuesday, April 15, 2003*

No one could ever eradicate crime, Madam President, if we want to see it brought under control, this is not the way to go and, even if it is the way to go, you cannot bring it like this without an acknowledgement that we are really contravening the fundamental human rights of the individual in that section. My suggestion would be that we delete that clearly. We cannot force a person who is arrested, charged, or otherwise a suspect to incriminate himself. At least we can, if we pass it with a special majority, but I think that goes against the grain, the foundation of our criminal practice and court procedure.

I have been in that area for 24 years and I have never seen in this country any legislation coming before which seeks to take away such basic rights as that. You are forcing somebody to give a statement against himself? That is not right. There are many people out there, Senators, you may not be aware, in the prison system—the Minister of National Security and Rehabilitation may know that—who are functionally illiterate. A high proportion of those on death row and in maximum security cannot read or write properly. They might just be able to read small words and many of them have been forced, it has been shown in the system, to give confessional statements.

We do not know what will happen now—people incriminating themselves in a way which we cannot even control? This is just like going to the prison and saying, “We want ah order. Sit down here and give us a statement and incriminate yourself.” You might say, “If he has nothing to hide well he has nothing to say”, but that is not true. People are afraid. People will admit to anything to go home. That is the common thing. Every prisoner brought there just wants to go home. “I want to see mih wife” or see whoever else, but they want to go home, and that is my suggestion that we delete that section. It is too serious. If you want to make this Bill clear, you want to send a clear, powerful and unambiguous signal, this is not the way to go.

Maybe you should adopt what Singapore did. They said that the penalty should be “life” so you give the judge the discretion to go up there, in cases that are deserving, for want of another word. You can go up to that and you can specify the maximum sentence but not—in fact, they actually have caning there too but we know about the society. They continue to use that. I think we are prevented, by signing various Conventions, from adding that now, but caning is a common thing there and death is the penalty for kidnapping in that country but, again, we have signed enough Conventions to know that we cannot make any new offences punishable by death. Some people may find that is a bad thing but,

remember, we are supposed to be leaders and we are supposed to be looking at the conscience of the country and we are supposed to be thinking that that kind of penalty is not necessarily good for us, for our development spiritually and otherwise. Anyway, the point is, we cannot go for death for those reasons.

Moving along, Senators, that is my second main suggestion, the breach of the constitutional right. This is my third: There is one provision in clause 10 with which I really fear I have some problems in agreeing. It deals with the evidence of pecuniary resources or property. In short, what this section hopes to do is to say that if you have a lot of money, you know, like somebody who is not expected to have that kind of money, and you cannot satisfactorily account for it, or you have property disproportionate to your known income, then that can be considered, if it is proved, as corroborating the testimony at a trial that you were, in fact, the person who received the ransom.

Now, it seems reasonable that that should be evidence but I do not know why it should be corroboration. In our law, Madam President, and some people may not know that, “corroboration” has a special meaning. It is independent evidence, that is, independent from the person who needs corroboration, so it must be independent from the accused himself or on a material fact that implicates the accused. Now, all I say is, it is evidence anyway but it is not corroboration. We do not need the word “corroboration”. That kind of evidence would always be admissible as circumstantial evidence. Merely because it is a provision in the law of Singapore does not mean that we have to take it here where we have slightly different laws and use it. What I say, therefore, is, you delete the words “as corroborating the testimony of any witness in the trial or enquiry” and just put “as evidence”. That is good enough. It is evidence and that is what we use a lot of these things for. We do not have to go there and try to create more problems for ourselves, and that is the problem with this Bill.

There are many provisions which I think could have been adapted to our situation instead of taking it wholesale, at least not every single thing, but most of the provisions are taken, as I said, from the Kidnapping Act of Singapore without many amendments, and this reference to “abetment” all the time is something almost irritating to any practitioner in the criminal field because anyone who is familiar with criminal practice will tell you that in the Accessories and Abettors Act it states at section 2:

“Any person who aids, abets, counsels or procures the commission of any indictable offence may be indicted, tried and punished as a principal offender.”

*Kidnapping Bill*  
[SEN. SEETHAL]

*Tuesday, April 15, 2003*

A person who aids, abets or counsels may be indicted and tried as the principal and this is what happens in many cases. Dole Chadee is just one.

So if we are copying legislation, for goodness sake, delete all the references to abetment. It creates unnecessary confusion. People will wonder, well, what does it mean? Is this some kind of special thing? Is it that a person who abetted before could not be charged? You know, you do not want to create confusion. You want to make good law better, I hope, and if one wants that then one should be willing to listen to suggestions which would improve the law and hopefully make it more effective.

If the Government passes this Bill, let us say they get the majority, they go through with clause 8, I can tell you that soon enough, not only that clause but everything, the Act, possibly, could be struck down and if you rely on any convictions, rely on this evidence, the evidence provided for in clause 8 where a person has to give a statement for any convictions, all of those convictions will go down and then people will say, "Or, you know, it is a legal technicality." It is not a legal technicality. The simple thing is, you cannot require this kind of self-incrimination and pass this legislation and then say, "You know, we are trying to do it for the best of the country." You are not because it is going to be defeating the purpose of making good and effective laws.

People have been talking arbitrarily about this as if it is only possibly some Members of the Government who want this and they are relating directly to the people of the country and the rest of people are just there being obstructionist. I do not know about others but I have heard Sen. Smith say they are willing to talk and I take him at his word. That might be a changeover in reported positions from other members of his party, and, if that is so, that is fortunate and that is to be commended, but there are many of us here who sit on this side—and I speak for myself particularly—who want to contribute towards making legislation better, and oftentimes you feel, Madam President, that, you know, it is a useless exercise because it is just going through and then at some later date people might take the point and that is the time when—I would not want to use the actual term, the idiom, but—something will break loose and then you know what will happen.

So the point is, let us deal with these things now. Let us look at this Bill. If it is too late—I hope it is not too late—to include categories of kidnapping, let us deal with what is here and try to make this workable. As you have said and it is clear that I am saying, what we have here as it stands is not necessarily the best. It is not the best that we can do.



**Sen. Morean:** May I just ask the Senator to give way? I just wanted to assure the hon. Senator that in my presentation next day I will produce a list of amendments which have taken care of most of the observations made by her in respect of the Bill and we will, of course, on the next day, take into consideration any new ones.

**Sen. D. Seetahal:** Thank you very much, hon. Attorney General. Thank you Madam President, through you, for that assurance.

Let me just, before I conclude, before I wrap up, make a couple of other suggestions, since it has been suggested that we make known our amendments. I think in clause 14 where we are dealing with amendment to the Demanding with Menaces Act that at the end of that it should be made clear:

“Section 31 of the Larceny Act is amended by deleting the word ‘ten’ and substituting therefor the word ‘fifteen’.”

Wherever it appears, because it is more than once you have “ten” in that section 31. You have it in both subsections (1) and (2). That is one.

In relation to disclosure of information, I have a concern here and perhaps the Minister and the Attorney General can address it. In clause 6 we are dealing with disclosure of information. You are saying persons who have information about kidnapping, in other words, should be made to disclose it.

“A person who directly or indirectly and whether by letter, writing, word of mouth...discloses to a person accused of an offence...information relating to the bank accounts...owned by a kidnapped person or relative or friend of a kidnapped person...”

Will be liable. The problem I have there is the word “friend”. The word “friend” there is too indeterminate. If a person is accused, at some point in time you may be—my colleague on the right may have many, many friends and if per chance that person now is accused and has at some point talked to any number of his friends, he would be caught? It is too loose. That is my suggestion. You have to tighten up the legislation to make it workable because, if it is not, there will be a lot of people whose accounts could be tapped, whose accounts could be checked by the police. You might be opening up the Pandora’s box. You might have big brother watching you everywhere now. So I think we have to be careful about things like that.

Someone mentioned the question of informers. I think I will leave that to my other colleagues to deal with, the question of whether informers should be protected fully or whether you should disclose the identity of an informer when

*Kidnapping Bill*  
[SEN. SEETHAL]

*Tuesday, April 15, 2003*

the time comes. I will stop there because there are too many other things with which to deal but I think others will cover what I have missed.

Thank you, Madam President. [*Desk thumping*]

**Sen. Carolyn Seepersad-Bachan:** Madam President, I know that the debate on this Bill will probably not conclude this afternoon, however, what I would take the opportunity to do is just to make a few comments on the Bill and deal with some of the comments that have already been made by contributors to this debate.

Madam President, much has been said about the Opposition's position with respect to the support for the passage of this Bill. I say from the outset that I fully endorse all the comments that my colleague has made, and that is Sen. Arnim Smith. I was glad to see that some of these very same comments were also endorsed by some of the Independent Senators. You see, Madam President, before us in this particular Bill we have a situation where we have seen the outlaw or the law being taken into your own hands by several people within our community.

One of the other issues—and I want to bring this point out because I heard Sen. Montano from the other side go into a very long debate before tea time all about the UNC and why we are not supporting this Bill. Before I go to that point, let me just address some points that I know have already been made and I would put them in the context of what we see as the role of the Executive, the role of the Legislature and the role of the Judiciary.

You see, Madam President, like Sen. Arnim Smith said, not everything can be dealt with by legislation. We cannot attempt to legislate every single thing in this country and there are situations and problems that must be dealt with by proper management. This is the role of the Executive, to take charge. They are the Government, they are responsible for the lives of people in this country and they have the resources at their fingertips, so at the end of the day they have to take responsibility when something is not functioning. I bring to the fore the New York City issue.

We have heard of Mayor Giuliani and we have always heard about the high crime rate in New York City and just very recently we were able to see where that crime rate was able to come down almost to the point where New York City is now considered to be one of the safest cities in the world. Why was that? That is because the mayor himself took the responsibility and said, "You know what? I am going to get to the heart of the problem" and we cannot skirt around a problem. So when we come in this Legislature and we want to use it to skirt a

problem, it is not going to solve anything. You could put how much you want in black and white and, as Sen. Smith said, whether it is for good politicking or not, it will serve no purpose and will achieve no end. Sen. Prof. Deosaran also said that.

Now, we know that there is a current problem with the perception and I say that because perception right now means reality. If we do not instill public confidence back into the law enforcement bodies and officers of this country, we will be going nowhere. How else are you going to get the community and this nation to cooperate if you do not have that public confidence? What is undermining that public confidence? That, Madam President, must be dealt with. If we know that we have a situation, and this is by no means to condemn all police officers or all politicians, if there are rogue elements and there are elements within the service that are casting this perception on the police service, then we have to deal with it because, at the end of the day, as a victim, I will have no confidence in dealing with that situation.

You see, Madam President, the solution is not to bring a bill that says, okay, no bail and, I mean, we agree here. Although I know I heard the Minister rightly saying—he raised the issue again about the bail, although it is not within here, I know that clause was removed after the Bill left the other place, but the whole issue of a non-bailable offence, if we go back to the role of the Judiciary, give the magistrates—we cannot undermine the Judiciary. They have a role to play. They are qualified, you know, and if there is a problem with a magistrate giving what we consider a second-time offender bail, then we need to deal with that, but we do not try to legislate it because when we take away the discretionary powers from those who should have those discretionary powers, we create other problems.

So, Madam President, this is why I am making the distinction. I think I have made this distinction before in this Parliament for us to understand the role of the Legislature and the role of the Executive. The Executive has got to buckle down, settle down and get its job done. They must ask themselves why they have not been able to break this particular ring of kidnappers. They must ask themselves why there have been so many arrests. They must ask themselves why those people were given bail. Was it because there was not enough work done by police officers to ensure that the evidence necessary was brought forward to convince a magistrate that no bail is allowed? Madam President, this brings me to another point.

When we start confusing roles between the Legislature and the Executive and the easiest solution or the panacea to everything is to come to this Parliament and

*Kidnapping Bill*  
[SEN. SEEPERSAD-BACHAN]

*Tuesday, April 15, 2003*

say, “Okay, we will pass this amendment”, or “We will pass this bill and it will solve this problem”, not only are we creating other problems but they themselves are creating a situation—they are creating a black hole for themselves because they will not end up dealing with the problem itself, putting their finger or what we call the thumb on the pulse of the problem. So, Madam President, that is the role of the Executive versus the Legislature.

Let me come back now to the other issue, and I just want to make this very quick because I have heard so much from the other side. Before I deal with Sen. Montano’s comments, we hear all about constitutional reform and why both sides do not want to cooperate, but let me bring this—I want to bring a real scenario. We are talking about a perception right now, outside, that only one set of people is being attacked. That was one issue that was before us as a country, as a nation, that only certain people were becoming victims of this kidnapping ring. Now you bring before us a piece of legislation that says it addresses that problem, but when you look at this piece of legislation you see the call for more powers to be vested in the police service. I say this because when I read this Bill, and I am no lawyer, one of the first things that alarmed me is when I started looking at clauses 8 and 9, and I think probably Sen. Seetahal dealt with that in her contribution.

When you start vesting in the Director of Public Prosecutions the power to go into anybody’s books, not just a financial institution but any other non-financial institution, any business, any individual, you are also saying you are allowing for accessibility to people’s personal information, financial records, and here I also have a doubt in my mind about whether or not the people who are investigating these things are also involved in the kidnapping rings, are on the other side. How much trust must I have? I ask the other side, if they were in this position representing constituents—and this is why I want to say to Sen. Montano, the UNC is not just about politics. The UNC is about representing the people of Trinidad and Tobago. [*Desk thumping*] We will always seek the best interest of Trinidad and Tobago.

How could I, at the end of the day, in all honesty, conscientiously take a decision to support such a clause when what will happen—and I say perception because perception is their problem. They have to clean up the perception. The perception is that your people or that, through you, through a political agenda, you are using the elements within the police service to victimize others. How do I know that this will not be used? How could I just blindly close my eyes and then come and say, okay, I support this clause? This is the reason the UNC is saying, whereas we recognize that there will be need for legislation like this, it must be done in the right context. You cannot give

powers to bodies about which we now have suspicions. You cannot give powers to bodies in which we do not have full trust or in which there is no public confidence. That is why we keep saying we have to set that right first.

So, Madam President, when we speak about constitutional reform—and that is why I want to take this opportunity to put it in the right context, Sen. Prof. Deosaran, and that is, the UNC has been advocating constitutional reform because we have recognized that in trying to pass bills like this you will have to beef up the legislation. You do have to. This is why we say it requires a constitutional majority. It is because you have to vest increased powers which may cause the infringement of a constitutional right of an individual, in this particular case, the right of privacy. What is there in place right now for me to believe or, if I am an average citizen, to believe that as I put this amount of power that I also have the equivalent amount of trust in that body, that it will not be abused and used against me? What is being put in place? Where is the context? Where is the framework to deal with that?

This is why the Leader of the Opposition of the United National Congress has been advocating constitutional reform. We have reached the juncture where we are demanding legislation because the hon. Minister spoke about the police reform bill. He went into it at length and I agree, we need police reform. Nobody is saying no to that but let us put that in the right context, Minister, through you, Madam President. Here again we are asking for certain powers. We want full autonomy by a police commissioner. The bills themselves say all the right things but if that bill is not within the proper legislative framework or in the right framework, would it be as effective or can it be used against the citizens of Trinidad and Tobago? This is what I want the other side to understand.

When you place all these powers in the police commissioner for disciplinary action, et cetera, what guarantees do we have that it will not be used against the very good serving police officers in the—right? What about the other people? What about the citizens of Trinidad and Tobago? How do you know that justice will continue to be served and that in that situation where you have full autonomy in the police commissioner, he will not become a tool of a political agenda, you know? *[Interruption]*

Yes, Madam President, through you, you know, Sen. Dr. Saith will understand, it is not a matter of whose bill or what bill or when it is, it is what is right for now, what is suitable for a country like Trinidad and Tobago, what is

*Kidnapping Bill*  
[SEN. SEEPERSAD-BACHAN]

*Tuesday, April 15, 2003*

required for the citizens of this country, and that is why I keep saying, when they keep talking about whether or not we have a duty, yes we have a duty. We have a duty to ensure that we protect the interest of the people of Trinidad and Tobago. [*Desk thumping*]

So, Madam President, after identifying these roles and not having us confuse these roles—and you know it is amazing because Sen. Prof. Deosaran also mentioned the press conference. He alluded to the press conference yesterday in which the function of these joint select committees was made known to the public, and one of the important issues, which was so prevalent among the media, was the role of the Executive and the Executive having this inbuilt majority, they cannot see justice being served. This is why it is becoming a burning issue, the separation of powers between the Legislature and the Executive at this point in time. So every time we bring a piece of legislation—[*Interruption*]

**Madam President:** Members, could I have a little quiet please? Continue.

**Sen. C. Seepersad-Bachan:** Every time you have legislation or bills coming before this Parliament and they need that constitutional majority, that question of rights—and rightly so. The United National Congress does not just take a decision for the UNC's sake or because it is marked UNC. What we do is hold public consultations with the stakeholders and we ask their views. So, Madam President, when we put forward views here today, or any other day in this Senate, it is because we have consulted and we are trying to represent the people's interest. We know what their concerns are and these are the concerns.

I mean, we have heard so many stories about kidnapping. I have a friend whose daughter was kidnapped and I remember, you know, speaking to her afterwards. They told her that her daughter was released and so on and they came back to her and they told her, “You know, your son may be next on the list” and so on. She said to me, “You know what I told them?” She said, “I have lost so much confidence.” She said, “It was because of the will of God that I got back my daughter.” She said, “And I tell you something. You know what I told them? I do not want to see another police officer. If that happens I will continue to hold prayers and I will leave it to the will of God because I have no confidence in anything, in any system that will bring back my son, because the amount of money I had to pay out et cetera whether to all the various stakeholders”, she said everybody got and that was the end of that.

You know, Madam President, that touched me, where somebody could give up and say, “You know what? I have nowhere to turn. If it happens to me again I

will have to leave it to the Almighty and he will deal with my problem for me.” You know, when we get to a situation like that and, you know, we keep on with the amount of crosstalk and the nonsense that goes on in here, we need to understand that. The Government of the day has to understand that, because, when they sit here, they do a lot of “kicksin”. So yes, Sen. D. Montano, when I first stood in this Parliament for the budget debate everybody would remember me saying that I will act in the interest of the people of Trinidad and Tobago because that is the oath that I took, that I will serve the people of Trinidad and Tobago. [*Desk thumping*]

I was the one who stood and asked them, you know, to get off the political platforms, but every time you stand here and try to make a contribution or you give any ideas, you are shutdown in this Parliament. They are not interested in listening to any ideas, you know. I can tell you that. Every time—you just have to look at their body language. They are not interested in hearing anything you have to say, so why even bother to ask us? You could research how much you want and you could come and tell them, they are not interested in that because they are so concerned about local government elections. They are not concerned about the people’s business. Debate after debate we have come forward, we have done our research, we bring ideas but they are not interested. They are interested in how much to score points, how much to accuse this side of corruption, how much to accuse this side of this, that and the other and they do not even understand that, at the end of the day, they are not even serving their own constituents when they do that. [*Desk thumping*]

Madam President, I just want to deal with some of the issues that Sen. D. Montano brought up this afternoon because it was just a perfect example of Sen. D. Montano doing the usual of trying to hide behind the Bill, just fill up time in order to say, “Okay let me just fill the time because I doh really want to hear anything this other side has to say.” I mean, that has always been his stance in this Parliament so nothing is different about that, but he stood there and talked about how the police service has rotted and how it is so terrible, but who has been in power for 30 to 40 years? It has been the PNM. So, if anybody has to clean it up, you clean it up. You are in power, you are the Government! Clean up the act! Just get down to the job and do it! [*Desk thumping*] You talk about compromising, making better law. We are here about better law! We are! We will deal with that but you deal with your management problem!

Madam President, he talked about consultation. Every time I read the newspapers all I see is: “Hilton Guy, I did not know anything about any bill. I wasn’ really

*Kidnapping Bill*  
[SEN. SEEPERSAD-BACHAN]

*Tuesday, April 15, 2003*

consulted. I am not aware. I wasn't aware that there was this clause" et cetera. Ask the members of the Judiciary how many of them were consulted? Why did you take away this? Why are you trying to take away all the discretionary powers? I mean, throughout this Bill there is a section that deals with evidence, what they want to use as corroborative evidence, yet that is a discretion that belongs to the magistrate or a judge. Why are you taking away that? I think Sen. Seetahal spoke on this issue. I think it was clause 11 that speaks about the protection of informers and about a witness shall be obliged or permitted.

If you look at past legislation you will note that the word "obliged" alone is used and not "permitted" because what you are trying to say is, leave it to the court. You leave it to the magistrate to say, okay, in his discretion he will determine what level, if there is the need for disclosure on the informant. These are the sorts of things I do not know if they had consulted with members of the Judiciary to get their comments. Madam President, they would remember the legal fraternity as well spoke against certain clauses in the Bill, about better drafting. Sen. Dana Seetahal spoke about the categorizing of kidnappings. Why has that not been done?

When we want to treat with a bill and then we just want to deal with one problem, we "doh" understand that when we try to deal with this, as you would be aware, you create another problem. We cannot just deal with that one sore that appears. We have to look for the causes and you have to look at the symptoms and deal with the cause of the problem. In that way we can take a more holistic approach to legislation, Madam President. So those are one or two of the issues with which I wanted to deal.

Sen. D. Montano went on to talk about all that was being done but this is the same Senator—and this is why it was very interesting when we saw in the *Guardian* on Sunday this whole issue about "Carnivore". It is really like a carnivore, you know, that flesh-eating—it is violating civil liabilities. This is the *Sunday Guardian*, Madam President, and it said that the operation of this piece of equipment should have been governed by legislation and this is where, again, I make the point that we are confusing the roles.

This is something that should have been brought to this Parliament. There should have been legislation in place to govern the use of this equipment, and this was clearly stated in this article, [*Desk thumping*] Madam President, because it is invading. This is infringing on our right to privacy, that right that we have because,



if you notice what is happening here, according to this article, it copies everything. The way it is utilized in another country is that it snoops and takes out only messages that could be incriminating. It does not take everything. So here you have this piece of equipment operating with no rules or legislation governing its operation, and it is infringing on the rights enshrined in our Constitution and what for, Madam President? It goes to the Prime Minister's office. For what purpose? We do not know.

So then, explain to me. If all of this has been happening, why have we not broken this criminal ring? More so, do you not understand that is what gives credence to the very rumours that go around and creates that perception which becomes reality that all you are using these resources for is your own political agenda? This is the same Sen. D. Montano, who, last week in the same debate on the amendment to the income tax laws—and I listened to him carefully—when he spoke about tax reform, he would recall that the United National Congress started that exercise with the IRS. Do you know what is his outcome? “Now that we are ready to implement, what we going to do? We going to make sure we go into everybody bank account.” That is what you are taking the resources of the State to do? That is how you are utilizing the resources, to witch-hunt for your own political agenda?

**Sen. D. Montano:** Madam President, on a point of order. I said nothing of the kind and I have the *Hansard* right here in front of me. I said nothing of the kind.

**Madam President.** Both of you cannot be on your feet at the same time. Are you giving way? Yes.

**Sen. D. Montano:** I said nothing of the kind.

**Sen. C. Seepersad-Bachan:** Madam President, what he stated—and it came out in the *Newsday* newspaper, is that it will be used to go into—

**Sen. D. Montano:** Madam President, on a point of order.

**Sen. C. Seepersad-Bachan:**—UNC's bank accounts, members of the UNC's bank accounts.

**Sen. D. Montano:** I said nothing of the kind.

**Madam President:** On a point of order, Senator.

**Sen. D. Montano:** I have it in the *Hansard* right here.

**Madam President:** Sorry?

**Sen. D. Montano:** I have the *Hansard* right here. I said nothing of the kind.

**Madam President:** All right, so, desist from imputing improper motives.

**Sen. C. Seepersad-Bachan:** Well, Madam President, he should deny what came out in the *Newsday* of last week, which reported from this very Senate [Interruption] but they do not. They hide behind that because that is what came out in the *Newsday*, that it will be going—because everybody called about it. Whose bank account are they going into? These are the kind of wild statements which, when you all make them, are reported in the press and then they end up outside there. [Interruption] Well then, you want to know why you have that perception? Right? [Interruption]

Well, why did you not deny it? Deny it in the public domain. [Interruption] Because you all are allowing that perception to go through and this is what I am dealing with. [Interruption] This is why we have a perception, Madam President, and this is why the UNC cannot support a Bill like this because of that perception outside there. There is a perception that all the State resources, including “Carnivore”, including tax fraud unit that is being set up by the Ministry of Finance to go into UNC bank accounts so that you could lock up UNC people and their supporters, Madam President, and they have got to—if they want—they want to talk, they want cooperation? We have to deal with those perceptions that are outside there otherwise the country will continue being divided.

**Sen. D. Montano:** Madam President, this is what I said, if I may be allowed to put the record straight. This is my *Hansard*. I said:

“You know, there are former Ministers with bank accounts with millions of dollars flowing through them and as Sen. Seepersad-Bachan pointed out, Inland Revenue can now look into those bank accounts and ask where they got that money.”

**Madam President:** Continue, Senator.

**Sen. C. Seepersad-Bachan:** Well, I think you just confirmed what I said, Senator, that is all, because that is why you allowed—that is why the press could have reported what you reported, instead of—

**Madam President:** Senator, please come back to the Bill. You were doing very well before this. Please come back to the Bill.

**6.00 p.m.**

**Sen. C. Seepersad-Bachan:** Madam President, it is a real issue, because every time you want to talk about people’s bank accounts, there is the perception

outside there that that is where the information is coming from. The political party in power is using the resources of the State to go into people's personal information, to go into personal bank accounts and release that information to their friends, as Sen. Smith alluded.

**Sen. D. Montano:** Madam President, the Senator is imputing completely improper motives to every member of the Government. She has absolutely no basis to say that, whatever.

**Madam President:** I uphold that; Senator, just be careful. Get back to the Bill.

**Sen. C. Seepersad-Bachan:** This is why, at the end of the day, everybody is so afraid. Do not think that it is only the UNC members. There are people who call us every day and ask us not to support this Bill, because of that very same fear of victimization. It is a reality that we have got to deal with. [*Desk thumping*] That is what I am trying to tell these goodly people on the other side; they have got to deal with the issue.

Do you want support for this Bill? Do you want these clauses to be included? How could we, in all conscientiousness, sit here and give support to clauses like these, which allow you to go into people's accounts and their ledgers— [*Interruption*]

**Madam President:** You are not listening to my ruling. I said to leave that alone and come back to the Bill.

**Sen. C. Seepersad-Bachan:** Madam President, I am dealing with clause 8, that is why I raised the issue, because this is one of the clauses that we are having problems with, and which we feel needs a constitutional majority. [*Crosstalk*] Has it been deleted? I do not know. [*Crosstalk*] It has not been deleted; it is here.

**Sen. Mark:** It is there.

**Sen. C. Seepersad-Bachan:** Madam President, I am dealing with clause 7(1), (2), (3) and (4) which speaks about the power to order inspection of books, accounts and so forth. That is one of the problems we have. It is one of the things that we discussed. This is one of the things that people bring to our attention. We feel that this particular clause needs a constitutional majority—vesting that sort of power in the police officers who we feel, at the end of the day, can be easily manipulated to take the very information, under the guise of an investigation, and use it against people, and for informing kidnapers. This is what we are trying to deal with.

*Kidnapping Bill*  
[SEN. SEEPERSAD-BACHAN]

*Tuesday, April 15, 2003*

When people say we do not want to support the Bill, it is because we feel that the Bill, itself, can open a can of worms. This Bill speaks of giving and vesting powers in police enforcement officers, and, right now, there is the perception that they are manipulated by the politicians and that this is forming part of the political agenda of the Government of Trinidad and Tobago. Let us not lose sight of that; it is an issue that we need to deal with.

Do you want support for the Bill? It is not just about the UNC supporting this Bill; it is about the whole of Trinidad and Tobago wanting this piece of legislation passed. If the Government wants cooperation on this Bill, then they have got to deal with that perception. If they do not, in all conscience, we cannot support the Bill.

So, Madam President, that is one of the issues I wanted to deal with in terms of constitutional majority. This is why the UNC on this side does not want to support this Bill, whether here or in the other place. If we just blindly give that constitutional majority, without any undertaking on the part of the present Government that we will have other remedies available to address these very significant concerns, such information, when given under an enquiry, or if we vest the Director of Public Prosecutions (DPP) with such power— Madam President, you will remember that the issue on constitutional reform deals with the separation of the DPP from the office of the Attorney General. Right now there is that blur and there is the perception that the offices are not operating separate and distinct from each other.

For example, whether party A or party B is in power, let us not put legislation that will allow any particular party to abuse the system, whichever political party may be in government, because you know what goes around comes around, every rope has an end. If we want to vest that power in the DPP, where in clause 9, by going to a judge in chambers, he can be given the power to summon all the books and so forth of a particular company or individual, then we must ensure that there are other remedies in place so that such information is not used or abused in any way to victimize people.

Madam President, that is the point that I am about this afternoon. This is why Sen. Smith spoke about cooperation and the two sides getting together to talk. We want to know what remedies would be put in place to clear that perception and what sort of action or sanctions would be taken against such officers to ensure that that does not happen. We want to ensure that this Bill itself does not empower, foster and facilitate that kind of behaviour. This, to me, is very serious. I try to put myself in a businessman's position. If I have a company and, probably, because of

a falling out with the political party in power or a police officer, what stops them from saying, “I have enough evidence and I want to come and enquire”? You may release your information, and if the same enforcement officers are involved or act as informers for the kidnapping ring, what is going to stop them from passing on that information? These are the real issues that we have got to deal with in this particular Bill.

Before I close, Madam President, let me just finish off with Sen. D. Montano. [Laughter] [Crosstalk] They created their own problems; no one else did. They have dug their own hole. Their own constituents are disgusted at the manner in which they behave. [Desk thumping] When they look at their associations and the friends they are keeping—the Senator got up and tried to defend it all the way down the road, but it is a fact. We are not going to cooperate with any government which continues to keep friends with and embraces criminal elements; that is the end of the story. We are not doing that! [Desk thumping] [Crosstalk]

Do you want cooperation? You have to set the stage right first, and stop the nonsense. You want the moral authority to deal with crime in this situation? That is what you need to regain, but not through some piece of legislation. Do you think, even through politicking and local government election, you could gain moral authority on this issue by standing up here with a piece of legislation? No, Madam President. They want to deal with this issue and they want the moral authority to deal with it, then they must settle down and get rid of all those friends they have, and they would see results. [Desk thumping]

They talk about consultation, but not one day have I seen any meaningful consultation between the two sides, whether it is on the issue of the President, Caroni or BWIA; there has never been. They have openly stated that we are irrelevant; this Parliament is irrelevant. I do not even know why we worry so much, because they say they do not need us. They do not need the Opposition; we are irrelevant to them. So why are you asking for a constitutional majority? Why do you want our support? We are irrelevant, so move on, get on with your business. If you feel you can do everything on your own, go ahead.

Sen. D. Montano spoke about a particular issue. I know that it is an issue that touches him. I know that the truth offends, especially when it hits home. [Crosstalk]

[Madam President knocks gavel]

*Kidnapping Bill*  
[SEN. SEEPERSAD-BACHAN]

*Tuesday, April 15, 2003*

He talked about Tony Blair and so on, but I wonder if he remembers that in the United Kingdom whenever there is a disagreement in principle, people resign. We have never seen that. We have had nonperformance on their side for the longest while; we have crime getting out of control, [*Desk thumping*] kidnapping and murders are the order of the day, and what happens? We see no resignations. [*Crosstalk*] Ever since I made that contribution, I know that it hurts, because every Senator on that side gets up and talks about it. [*Laughter*] [*Crosstalk*] I could deal with them.

**Madam President:** Ladies and Gentlemen, please. Let the Senator finish her contribution.

**Sen. C. Seepersad-Bachan:** I know that hurts so much, because every day I have to hear about it. Whether it is in constitutional reform, every Senator on that side has to allude to the fact that I called for resignations. Oh my gosh; the truth really hurts.

The important thing is your track record. I always wanted to say this: it is performance that counts. Through you, Madam President, the Government of the day wants to score points, let them establish a good track record and deal with the issue at hand. Do you want to deal with crime? Do as Sen. Smith said: get on with the business and start doing the job of the people of this country. Do not come here and say “yuh kicksing” around every minute. If you are really serious about this legislation, we will cooperate with you, but it is going to be on our terms and conditions.

I think you, Madam President.

**Madam President:** Hon. Senators, the Government wishes to revisit item of business No. 13 entitled “Introduction of Bills”. This arrangement will require agreement of all sides. Is that the wish of the Senate?

**Hon. Senators:** Yes.

**Sen. R. Montano:** What? What? [*Laughter*]

**VALIDATION OF THE FOURTH REPORT  
OF THE ELECTIONS AND BOUNDARIES COMMISSION  
(LOCAL GOVERNMENT) BILL**

Bill to validate the Fourth Report of the Elections and Boundaries Commission under the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 for the purpose of Local Government Elections [*The Attorney General*]; read the first time.

*Adjournment*

*Tuesday, April 15, 2003*

#### ADJOURNMENT

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I beg to move that this Senate do now adjourn to Tuesday, April 29, 2003, at 1.30 p.m., at which time we will deal with Private Members' motions.

**Madam President:** Hon. Senators, there is a matter to be raised on the motion on the adjournment of the Senate.

#### **Severe Acute Respiratory Syndrome (Government Policy)**

**Sen. Dr. Jennifer Kernahan:** Madam President, thank you for allowing me the opportunity to raise this matter on the adjournment. The matter at hand is the question of the implementation of government policy with respect to Severe Acute Respiratory Syndrome (SARS), given the current tension in the health sector in our country.

The disease known as SARS first showed up in the Guangdong Province in China, in November last year. Since then, it has spread to over 20 countries. It has killed more than 140 persons and sickened over 3,000 persons. There is no known cure for this disease at present, and the symptoms include: shortness of breath, fever, coughing and body aches.

This disease has taken and is projected to take severe toll on the economies presently affected, more so China, Singapore and Hong Kong. It has made tremendous impact on the tourist industries in the countries affected, on air travel, in the business industry, and schools have been closed down in some of these countries. In fact, Madam President, the fourth largest airline, Cathay Pacific Airlines in Hong Kong, is considering grounding its passenger flights completely until the situation with SARS can be brought under control. So the health sectors in these countries affected, as well as all countries in the world, are mobilizing themselves to deal with a possible or potential invasion of this disease.

Madam President, there are some issues that need to be taken into consideration in looking at this disease. Some of the issues that other countries are looking at right now are, for one, the whole question of notification, which is extremely important. As has been done in Trinidad and Tobago, this disease has been made a notifiable disease with issues of quarantine involved. This is one of the major points that you have to deal with, the whole question of the notification. There is also the whole question of the quarantine procedures and the logistics of

*Severe Acute Respiratory Syndrome*  
[SEN. DR. KERNAHAN]

*Tuesday, April 15, 2003*

the quarantine, because it is not easy, in any particular country, to deal with a certain quantity of people to be quarantined, to be stationed, to be treated and to be organized. The logistics of that has to be dealt with very carefully, and how you are going to treat the patients and the quarantine stations that you are going to set up.

There is tremendous social fallout from this disease, as you would appreciate; the whole question of the lack of earning power. When people are quarantined, how are they going to continue to earn? You may have a situation where breadwinners may be quarantined, unable to work, so there is tremendous possible social fallout from a serious invasion of this disease for countries as small and as vulnerable as ours.

What are the risk factors with respect to us? In the last *Sunday Express*, Dr. Austin Trinidad, who is the Chief Medical Officer of the San Fernando General Hospital, identified Trinidad and Tobago as being at risk for this disease. He said:

“...wouldn't be surprised if a case of SARS was reported in Trinidad and Tobago with the amount of travel that takes place”

So we have been identified as a country that may be at risk. To this end, it was mentioned in this same article, that a proclamation by President George Maxwell Richards declaring SARS as a dangerous and infectious disease, effectively meant that under the quarantine laws of Trinidad and Tobago, specific freedoms of SARS sufferers will be severely limited. So this is the situation at present; we do have SARS declared as a dangerous disease in this country, with the relevant quarantine laws in place.

The concern on this side of the Senate and the people who are looking at the situation, is that, given the fact that we have been identified as a country at risk, there is this proclamation in place and that we will have to quarantine any suspected sufferer of this syndrome, we want the Minister to tell the people of Trinidad and Tobago what is the status of the health care centres or the areas identified for quarantine for this particular disease.

In this same article, it was made known that:

“Caura Hospital was first identified as the medical facility at which SARS victims would be quarantined but, now, isolation wards are being prepared at Port of Spain General Hospital and the Eric Williams Medical Sciences Complex instead.”

It seems that these two facilities will be the areas for quarantine of any suspected SARS patients. But it brings us to the next question: What is the level of service



being effected or given to the public by these two institutions, at this point in time? What is the level of mobilization and organization that exist in these institutions, given a potentially catastrophic situation that can occur at any time by the introduction of this disease into our country? What is happening at these institutions?

I quote the *Express* newspaper of Friday, April 11, 2003, with respect to an article headlined:

“Senior doctors continue sickout”

I am going to quote parts of this article to substantiate what is currently happening with these institutions in our country.

“As the Joint Regional Health Authority negotiating team awaits a reply from doctors’ representative—the Medical Professionals Association—on its proposal for House Officers (junior doctors), patient care at major health facilities continued to be compromised yesterday as senior and junior doctors stayed away.

Clinics and surgeries at the Eric Williams Medical Sciences Complex and Port of Spain General Hospital have been cancelled as these facilities operate in emergency mode only.

Chief Executive Officer of Northwest Regional Health Authority, Lennard Jaggessar said facilities are ‘struggling’ to provide services to emergency cases. Several patients (adult and paediatric) had to be transferred to private facilities. At the San Fernando General Hospital the Accident & Emergency department was most affected. Scores of people seeking medical attention, many of whom hospital authorities said were in serious condition, were turned away.”

This is the state of mobilization and activation of the health care service in ordinary, everyday circumstances now in our country, and we are talking about a country which is potentially threatened by a catastrophic disease which kills and strickens hundreds of people. What is the projection for the future with respect to the health care service and what can our people expect from this Government?

The article goes on to say:

“The doctors have vowed to step up their action this week. The doctors intensified their action yesterday even though their latest proposals are before

*Severe Acute Respiratory Syndrome*  
[SEN. DR. KERNAHAN]

*Tuesday, April 15, 2003*

the joint negotiating team of the Regional Health Authorities for consideration. The last meeting between the parties was held on Monday.

Meanwhile, *Newsday* understands that despite the worsening situation at the nation's hospitals, chairman of the Joint RHA team, Imtiaz Ahamad and SWRHA CEO Vade Mohammed are preparing to proceed on vacation leave."

I find this information extremely startling and frightening in the context of what is happening around us internationally.

That is not all, Madam President. We have a situation at the San Fernando General Hospital. A headline in the *Newsday* of Friday, April 11, 2003 states:

"Woman sues over baby's death"

This is the level of health care delivery to our country. A young woman, Samdaye Harrilal, is actually suing the Government. Her lawyers are contending that the hospital acted negligently and ought to have provided doctors on the ward. When the hospital could not provide doctors, Harrilal said it acted negligently by refusing to transfer her to a private nursing home. Because of that situation, she lost her nine-month-old fetus. This is horrible; it is totally unacceptable to the people of Trinidad and Tobago who have just voted a new government into office; a government that came into office on the mantra that they would save Trinidad and Tobago. In Trinidad and Tobago we are actually losing a lot of citizens who have not even had the chance to see the light of day under this Government.

Madam President, over the weekend I was looking at a movie about a boy who had no natural immune system so he had to live in this bubble to protect himself from the outside environment. [*Interruption*] I would submit to this Senate, that our contention on this side is that the whole PNM Government lives in a bubble.

**Madam President:** Senators, I would appreciate some silence.

**Sen. Dr. J. Kernahan:** The whole PNM Government can be said to be "bubble boys and bubble girls", because they are totally isolated from the reality in this country. They are totally isolated from the pain and suffering that people are undergoing in this country. From the state of the health sector, they have to be living in bubble.

Madam President, the *Sunday Express* of July 13, 2003 carries a message from the Minister of Health on the occasion of health promotion month 2003.

**Madam President:** Senator, you have three minutes more.

**Sen. Dr. J. Kernahan:** Here we are talking happily about promoting seminars on health, eating healthier foods, healthier living and all these extras and the basic questions of life and death are not being dealt with in this country. They want to introduce short-term stopgap measures, like introducing Cuban doctors. *[Interruption]*

**Hon. Senator:** She is not a Cuban doctor?

**Sen. Dr. J. Kernahan:** I ask for your protection, Madam President, so I can make my contribution, please.

**Madam President:** Hon. Senators, the Senator has two and a half minutes more.

**Sen. Dr. J. Kernahan:** I submit to this honourable Senate, the fact that the Cuban socialist society has been able to train hundreds and hundreds of doctors every year, they have a surplus of doctors in that country—

**Mr. Imbert:** Including you.

**Sen. Dr. J. Kernahan:**—it is because the socialist government of Cuba is totally committed to the health care of that country. They put health first. The government and the doctors work hand in hand to deliver a high quality health care system; that is their culture. We cannot import that sort of dedication and culture here; it has to be engendered right here with our own doctors, from within our own society. The PNM are fooling themselves if they feel that they can solve the problem of health care by importing doctors. *[Desk thumping]*

Madam President, we have to do it by building nationalism and a culture of caring and giving and by respecting the doctors here; by the Government taking the political leadership as one which is not committed to just mamaguying and politicking with the issues of life and death, and by actually ensuring that we have a situation where health care can be delivered to this country. The solution is not to import Cuban doctors. They are excellent doctors, but that would not solve the problem. We have to encourage a culture of caring to deliver health care.

So the problem is that we have a health care system practically in shambles: babies and children are dying, and we have a potentially terrible situation of SARS, for which we are at risk, and the people of Trinidad and Tobago want to know what the Government is going to do in its bubble about this situation.

**The Minister of Health (Hon. Colm Imbert):** Madam President, it would appear that the Senator did not watch the entire movie. *[Laughter]* The bubble boy

*Severe Acute Respiratory Syndrome*  
[HON. C. IMBERT]

*Tuesday, April 15, 2003*

developed immunity after four years. [*Desk thumping*] [*Laughter*] As my colleague said, the whole story is never given by the other side. I would also say that a healthy lifestyle is equally important to the treatment of diseases and surgical procedures. In fact, we can avoid many chronic diseases if we practise healthy lifestyles. [*Desk thumping*]

I think it is important for me to give the Senate some information relating to SARS, and this is not from the newspaper. If the Senator gets her information from the newspaper, then she may be misled. In fact, there was a story in the newspapers about a SARS case in Port of Spain, which was totally false. We had to ask the media to be very careful about publishing these stories, because SARS is a very serious disease, and it can lead to panic if people believe that there is a case in Trinidad and Tobago.

Let me start at the end. There are no cases, nor are there any probable cases of SARS in Trinidad and Tobago, at this time. That is the fact. Let me tell the Senate what the reality is in the world. This is the World Health Organization (WHO) bulletin that I received yesterday, so these are the figures up to April 14, 2003. I got these from WHO, not *The Probe* or some other newspaper like that.

The total number of reported probable cases of SARS in the world, as of April 14, 2003, is 3,169; the number of deaths, 144. Some countries have been categorized as being affected. These are countries where there is a local chain of transmission. These countries are: Canada, Singapore, China, the United States of America, the United Kingdom and Vietnam. In fact, of the 3,169 reported probable cases of SARS, 100 are from Canada; 1,418 are from China, 1,190 are from Hong Kong, 158 from Singapore, 174 from the United States and 63 from Vietnam. So the Senate can see that the reported probable cases of this disease are concentrated, effectively, in five countries. There are a number of countries where no probable cases have been reported since March, and these would include countries such as France, Italy, Switzerland and so on.

In Trinidad and Tobago, we have asked the President and he has signed a proclamation to proclaim SARS as a dangerous infectious disease and a notifiable disease; that has been done. What we have been doing since then is putting preparations in place to deal with a case of SARS, if it comes to Trinidad and Tobago. The national response has four essential components; one is information. We are in the process of stepping up our programme of information, at this point in time, so people would understand what are the symptoms of the disease. Essentially, there are two main symptoms; one is a very high fever of 38 degrees Celsius, the other is respiratory problems.

In fact, that alleged SARS case in the hospital had no fever, and, therefore, I was a bit surprised. When the Chief Medical Officer checked, he too, was a bit taken aback that someone who had no fever could have been believed to be suffering from SARS. So these are the two primary symptoms: respiratory problems and a high fever. The person must also have been in contact for a prolonged period of time with people suffering from the disease. It cannot be a casual contact. An example of prolonged contact would be someone on an aircraft in a confined space for several hours or a person living with someone who has the disease or in a school with someone who has the disease.

The second component will be enhanced surveillance at ports of entry, and this has begun, where travellers, especially from those regions of the world that I mentioned before, will be required to report, when they come into Piarco Airport or any of our other ports of entry, as to whether they travelled to those countries in the recent past. In fact, the cut-off date is now November 2002. The information I have from WHO is that in China there were cases of atypical pneumonia which are now recognized as being probable or possible cases of SARS. So surveillance has begun on travellers to Trinidad and Tobago who may have visited these countries that are at risk as points of transmission of this disease.

The third component would be screening of suspected cases of SARS at district facilities such as health centres, departments of accident and emergency, various hospitals and institutions. If, in fact, a suspected or probable case were determined, then there would be isolation and management of the case. The reason that Caura is no longer being considered as an isolation camp is because there is a requirement for ventilatory support, intensive care, and it was felt that in order to get the intensive care and ventilation facilities up to scratch, it would take some time. There already is intensive care support at our major hospitals, so, in the first instance, the ministry has decided to look at isolation wards in our general hospitals, because the ventilatory and intensive care support are readily available in these hospitals.

If someone is a probable or suspected case of SARS, the person would be kept in isolation areas, which will serve as holding bays at ports, district facilities and regional hospitals. This would be in the community or ports of entry. If someone is suspected of having the disease, he or she will be kept in a holding bay. The person would then be taken from that holding bay, by the Emergency Health Service or ambulance, to the San Fernando General Hospital, the Port of Spain General Hospital or the Eric Williams Medical Sciences Complex. The arrangements are as follows: there are beds available at ward two of the Port of

*Severe Acute Respiratory Syndrome*  
[HON. C. IMBERT]

*Tuesday, April 15, 2003*

Spain General Hospital and beds in the thoracic medical ward in the Eric Williams Medical Sciences Complex. For children, an isolation area has also been identified in the paediatrics hospital at the Eric Williams Medical Sciences Complex. In San Fernando, the interim arrangement is to house patients in ward two of that hospital, and additional space is being prepared in Building 20, if it is necessary, at Eric Williams Medical Sciences Complex as well.

Further management of the cases will be determined after evaluation by the receiving hospitals and will include barrier nursing, and, where required, any other necessary treatment. Persons requiring ventilatory support will receive this support at the hospital. We have made arrangements to procure the necessary stocks of gloves, masks, gowns and other supplies that are required to deal with people suffering from SARS.

We are continuing to inform our medical practitioners, our emergency medical technicians and all health personnel on how to properly screen, diagnose and transport patients to and from the various hospitals. Swabs, blood samples and other tests will be taken on probable cases and will be sent to the Caribbean Epidemiology Centre (CAREC) for analysis. This plan is now in effect and will be adjusted as necessary.

In the mean time, we have regular meetings with a committee comprising representatives from the Pan American Health Organization (PAHO), the World Health Organization and other interest groups in the country. I wish to repeat: there are no probable or suspected cases of SARS in Trinidad and Tobago, and I expect that if any occur the medical fraternity would rise to the occasion and deal with the problem appropriately.

I thank you, Madam President. [*Crosstalk*]

### **Easter Greetings**

**Sen. Wade Mark:** Madam President, we are going into a long period for Easter. It is only appropriate for us on this side to extend to the entire Christian community, our colleagues and their families—even though we have pulverizing moments here—a very happy and holy Easter. We know that the Almighty God granted his only son to us. He died on the cross. He rose again for love, peace and security. So, on behalf of us here on the Opposition Benches, we want to wish the entire community of Trinidad and Tobago and the world and, particularly, the Christian community, a very peaceful and holy Easter.

**Sen. Dr. Eastlyn McKenzie:** Madam President, on behalf of the Independent Bench, I also wish the country and, especially, those of us gathered here, a very

*Easter Greetings*

*Tuesday, April 15, 2003*

happy and holy Easter. We all know that Easter in Tobago is the time to be in Tobago, so I extend an open invitation to my colleagues to visit Tobago and enjoy the sea, crab race, goat race and all that goes with it. Happy Easter everyone.  
[*Desk thumping*]

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I wish to associate myself with the remarks of the Leader of the Opposition in the Senate and Leader of the Independent Benches, on behalf of this side on this occasion. Sometimes when I sit here and listen, I realize what a great man Jesus Christ was. [*Laughter*]

On behalf of the Senators on this side, we do extend to the Christian community and the nation, our best wishes for the Easter.

**Madam President:** I, too, join with Members of the Senate in wishing the community a very happy, holy and peaceful Easter.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.41 p.m.*