

SENATE*Tuesday, June 10, 2003*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Madam President: Hon. Senators, I have granted leave of absence to the following Senators from today's sitting: Sen. The Hon. Knowlson Gift and Sen. Amb. Christopher R. Thomas. I have also granted leave of absence to Sen. The Hon. Dr. Lenny Saith until July 01, 2003.

SENATORS' 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 Knowlson Gift 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-SMITH, to be temporarily a member of the Senate with effect from 10th June, 2003 and continuing during the absence from Trinidad and Tobago of the said Senator Knowlson Gift.

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 4th day of June, 2003.”

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, June 10, 2003

“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: MR. BASHARAT ALI

WHEREAS Senator Christopher R. Thomas 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, in exercise of the power vested in me by section 40(2)(c) of section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, Basharat Ali, to be temporarily a member of the Senate with effect from 4th June, 2003 and continuing during the absence from Trinidad and Tobago of the said Senator Christopher R. Thomas.

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 3rd day of June, 2003.”

OATH OF ALLEGIANCE

Senators Magna Williams-Smith and Basharat Ali took and subscribed the Oath of Allegiance as required by law.

DISTINGUISHED VISITOR

Madam President: Hon. Senators, let me on behalf of the Senate welcome to our sitting today, the Hon. Baden Allain, Speaker of the House of the Assembly of St. Lucia who is with us for this sitting, and also our own Speaker of the House of Representatives, Hon. Barendra Sinanan. [*Desk thumping*] Speaker Allain will be spending one week in Trinidad and Tobago to observe how our Parliament functions. [*Laughter*] I am certain that Senators will give him every reason to be proud of our Senate. So, once more, I extend a hearty welcome to Speaker Allain.

INCOME TAX (AMDT.) BILL

Bill to amend the Income Tax Act, Chap. 75:01, brought from the House of Representatives [*The Minister in the Ministry of Finance*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate.
[*Hon. J. Yuille-Williams*]

Question put and agreed to.

ORAL ANSWERS TO QUESTIONS

Revenue Stabilization Fund

57. Sen. Wade Mark asked the hon. Minister of Finance:

Could the Minister inform the Senate of:

- A. The total sum appropriated to the Revenue Stabilization Fund as at December 24, 2001;
- B. The total sum appropriated to the Revenue Stabilization Fund between December 25, 2001 and the present time;
- C. The total sum withdrawn from the Revenue Stabilization Fund over the period December 25, 2001 to the present time and the purposes for which such withdrawals were utilized?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, with respect to this question, hon. Senators should note that a similar reply was given in response to question No. 42 in the Senate on April 08, 2003.

The total sum appropriated to the Interim Revenue Stabilization Fund as at December 24, 2001 amounted to \$1,035,367,980.33 of which the sum of \$1,015,272,000 represented transfers to the fund and the sum of \$20,095,980.33 accrued interest.

The total sum appropriated to the fund between December 25, 2001 and as at March 31, 2003 was \$1,060,749,780.33 of which transfers remained unchanged at \$1,015,272,000 and accrued interest amounted to \$45,477,780.33.

Madam President, there have been no withdrawals from or transfers to the Interim Revenue Stabilisation Fund from the period commencing December 24, 2001 to date and, as a consequence, part (c) of this question is not applicable.

Sen. Mark: Madam President, could the hon. Minister indicate to us what quantum of revenue has the Government been able to enjoy as a result of the recent oil windfall between January 2002 to the present time, and if the Minister could tell us, as a result of the quantum enjoyed, what percentage did the Government earmark for the Revenue Stabilization Fund, if any at all?

Sen. The Hon. C. Enill: Madam President, I would love to answer that question, however, those details are not currently available to me.

Sen. Mark: Madam President, could the hon. Minister indicate to this honourable Senate whether this country, Trinidad and Tobago, has enjoyed oil windfall from January, 2002 to the current period, and if the country has, in fact, experienced an oil windfall, what has happened to the excess revenue insofar as channelling that into the Revenue Stabilization Fund?

Sen. The Hon. C. Enill: Madam President, in terms of windfall, the way that petroleum taxation is calculated is based on weighted average cost, production schedules and a number of variables which require determination at the end of the fiscal period, therefore, the question of windfall and excess revenue will arise when the Government looks at the fiscal year, and the difference between the estimated price at which the budget was set, and the weighted average cost that the Government received after taking into account all the deductibles that are available to the oil producers and, therefore, at this point in time that question and the answer to that question is clearly not appropriate, because for the next quarter the situation may change.

Additionally, revenues are based on what companies expect to happen in the future and, therefore, all the payments that are made at this point in time are simply payments made in respect of finalization of this activity. Once that is completed, the Government is committed to looking at those numbers, and making a determination in terms of what amounts should go to the Interim Revenue Stabilization Fund.

Sen. Mark: Madam President, is the hon. Minister aware that in the fiscal period 2001/2002, the budgeted price that was made by the Minister of Finance, and the price that was actually realized on the international market varied to such an extent that Trinidad and Tobago enjoyed an increase in the price of oil for the fiscal year 2001/2002? If the Minister is aware, could the Minister indicate to this honourable Senate what was the size of that windfall for the fiscal year 2001/2002?

Sen. The Hon. C. Enill: Madam President, that statement is actually not correct. If the Senator is talking about the period 2001/2002, the budgeted price for oil was US \$22 a barrel with actual weighted average price for the year at US \$24 a barrel. However, the US \$2 increase in the price of oil did not result in any surplus revenue, instead there was a deficit of over \$1.6 billion; production fell by 5.7 million barrels; gas income fell by approximately \$231 million and capital

allowances and operating expenses for oil companies exceeded the budgeted figure by over \$1.2 billion. In those circumstances, therefore, no deposits were made.

**Revenue Stabilization Fund
(Legislation)**

58. Sen. Wade Mark asked the hon. Minister of Finance:

Could the hon. Minister indicate whether comprehensive delegated legislation in respect of the administration and management of the Revenue Stabilization Fund has been drafted for introduction to Parliament?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, the entire policy framework of the Revenue Stabilization Fund is currently under review by this administration, and a Bill for the establishment of the fund will be presented by the end of 2003.

I also wish to report that the fund is intact as there have been no withdrawals by this Government. [*Desk thumping*]

Sen. Mark: Madam President, through you, could the hon. Minister indicate to this Senate why this administration has taken so long—after 18 months in office—to bring comprehensive legislation to this Senate to establish a legal framework to deal with the investment of the revenues in the Revenue Stabilization Fund?

Sen. The Hon. C. Enill: Madam President, with pleasure. What the hon. Senator should note is that there are currently 24 pieces of legislation with respect to the financial services sector of which this is piece. Our position is very simple; we look at the policy position as it relates to the Government's policy and we approve it and on that basis we draft legislation to effect that.

In the circumstances of the Interim Revenue Stabilization Fund, the formula was changed under the last administration in which there is a percentage allocation that talks about the fund, and another percentage that talks about dollar for dollar. Our position on dollar for dollar is that it needs to be reviewed and, therefore, in the context of that total review, the legislation is being looked at. That exercise is taking some time and, therefore, this piece of legislation would come to the Senate as soon as those matters are resolved. The Government wants to ensure that when it brings something here it is thought out, it is consistent with the policy and it is based on what the Government had promised, and that is the reason there is a delay at this time. [*Desk thumping*]

Sen. Mark: Madam President, through you, could I ask my hon. colleague whether it is the intention of the Government to treat with excess increases in natural gas similar to that of crude oil and whether the Government intends to utilize the Revenue Stabilization Fund for ploughing excess increases in gas prices into the Revenue Stabilization Fund?

Sen. The Hon. C. Enill: Madam President, as I reported on the last occasion, our approach to the energy sector is one in which we are currently engaging a consultant to look at the evolution of revenues derived from both gas and oil sectors. That exercise is due to be completed shortly, and that will inform what we do in the future however, in the current circumstances, gas revenues are considered as part of the total equation, and we see no reason at this point in time to change that. [*Desk thumping*]

Madam President: Hon. Member, could you tell us what is the position with respect to question No. 59?

Sen. Yuille-Williams: Madam President, I regret that the Minister of Planning and Development is not here at the moment and I would ask that that question stand down for a while please.

Madam President: Could we move on then?

Trinidad and Tobago Television (Sale of)

70. Sen. Robin Montano asked the hon. Minister of Public Administration and Information:

- A. Would the Minister state whether or not an agreement has been reached for the sale of Trinidad and Tobago Television Company (TTT) either as part of the National Broadcasting Network or by itself?
- B. If the answer to (A) above is in the affirmative would the Minister please confirm that the purchaser is a consortium consisting of Citadel Limited, the Newsday Newspaper and Ambassador Jerry Narace or their respective agents or assignees or associated companies in which they have an interest?
- C. If the answer to (A) above is in the affirmative would the Minister also state whether the proposed sale was ever advertised, and if not, why not?
- D. Would the Minister give the criteria used to select or invite those persons or companies who would have indicated an interest to bid for the company?

The Minister of Housing (Sen. The Hon. Martin Joseph): Madam President, in response to paragraph (A) of the question, as of Friday June 06, 2003, no agreement has been reached for the sale of Trinidad and Tobago Television Company (TTT) either as part of the National Broadcasting Network (NBN) or by itself. As a result, it therefore follows that paragraphs (B) to (D) of the question are not relevant.

I thank you. [*Desk thumping*]

Sen. R. Montano: Would the Minister please state whether or not it is the Government's intention to sell TTT and, if so, are there active negotiations going on now?

Sen. The Hon. M. Joseph: Madam President and Senators of this honourable Senate, the question as to what the Government proposes to do with TTT is to be the subject of a Cabinet decision, and as soon as that decision is made the information will be brought to the attention of both the national community and the individual stakeholders.

Sen. R. Montano: Madam President, with the greatest of respect, would the Minister not agree that that answer was an obfuscation? The question is a plain and simple one, and if the Cabinet has taken no decision then what the Minister is saying, in essence, is that at the moment there is no proposed sale of TTT and that there are no negotiations going on with anyone. Is that what the Minister is saying?

Sen. The Hon. M. Joseph: Madam President, as far as I am concerned, I have indicated that as at June 06, 2003, no agreement has been reached for the sale of TTT, either as part of the NBN or by itself. [*Interruption*]

[*Sen. Mark and Sen. R. Montano on their feet*]

Madam President: Excuse me Senators; I cannot have two Senators on the floor at the same time. Sen. Wade Mark, it is either you give way to Sen. R. Montano or—

Sen. R. Montano: With the greatest of respect, I speak English, and I believe that English is the official language of this country. Would the hon. Minister please answer in plain terms; the question is simple. Is the Government in any negotiations with anyone right now for the sale of TTT, yes or no and, if so, who?

Sen. The Hon. M. Joseph: Madam President, I am not aware of any negotiations that are currently taking place.

Sen. Mark: Madam President, through you, could the hon. Minister indicate to this Senate whether a report on the future direction of TTT is currently before the Cabinet of Trinidad and Tobago and is the Minister prepared to indicate whether a decision will be taken on that report within the shortest possible time frame?

Sen. The Hon. M. Joseph: Madam President, I am not aware of any report that is before the Cabinet of Trinidad and Tobago at this time.

**San Fernando Fish Market
(Relocation of)**

71. Sen. Sadiq Baksh asked the hon. Minister of Agriculture, Land and Marine Resources:

- A. i. Could the hon. Minister say whether his Ministry intends to relocate the San Fernando Fish Market?
- ii. If the answer is in the affirmative, could he tell this Senate the starting date for the relocation of the fish market?
- iii. If the answer is in the negative, could the Minister give an update on the improvement work and/or relocation of the San Fernando Fish Market?
- B. i. Could the Minister give an update on the provision of berthing facilities for the Fishing Co-operative?
- ii. If there are no provisions for berthing facilities, could the Minister give a starting date for the commencement of the construction of berthing facilities at the San Fernando Waterfront Development Project?

The Minister of Agriculture, Land and Marine Resources (Hon. John Rahael): Madam President, the relocation of the San Fernando Fish Market is still in the planning stages. The relocation exercise is the second phase of a project to upgrade the facilities for the marketing of fish and the provision of facilities for fishermen.

No starting date for the relocation of the San Fernando Fish Market has been determined since the Water and Sewerage Authority (WASA) is in occupation of the site for the proposed relocation site at Kings Wharf, San Fernando.

The San Fernando Fish Market will be upgraded on the relocation of WASA from King's Wharf.

The Ministry of Agriculture, Land and Marine Resources has included the provision of berthing facilities for the San Fernando Fishing Co-operative in the upgrade.

The construction of berthing facilities for the San Fernando Fishing Co-operative as a part of San Fernando Waterfront Development Project is proposed for commencement in the financial year 2003/2004.

Madam President, I thank you.

Sen. Baksh: Madam President, is the Minister aware that in the Budget Speech delivered for 2002/2003, the Government indicated that it would commence refurbishment work on the San Fernando and Claxton Bay fishing facilities?

Hon. J. Rahael: Madam President, as I indicated, because WASA is in occupation of the site and they have not been relocated work could not have commenced.

San Fernando Waterfront Project (Status of)

72. Sen. Sadiq Baksh asked the hon. Minister of Works and Transport:

- A. Could the Minister give an update on the status of San Fernando Waterfront Development Project?
- B. i. Could the Minister state whether contracts were awarded for the first phase of the San Fernando Waterfront Development Project?
ii. If the answer is in the affirmative, could he state what is the present status on the execution of the contract?
- C. Could the Minister provide a Progress Report on the project and could he indicate whether the project is at a standstill?
- D. If the project is at a standstill, could the Minister state the date for the re-start of the San Fernando Waterfront Development Project?

The Minister of Works and Transport (Hon. Franklin Khan): Madam President, the San Fernando Waterfront Development Project consists of two phases. Phase I involves the following activities:

- (a) Reclamation of 1.9847 hectares of land in the vicinity of the existing derelict jetty;

- (b) Demolition of the derelict jetty;
- (c) Construction of a landing facility; and
- (d) Coastal protection works.

Phase II involves the following:

- (a) Construction of a 15 metre wide causeway extending 1,300 metres into the sea, with a jetty to accommodate ferry-type vessels;
- (b) Coastal protection works;
- (c) Construction of a breakwater and a sheltered basin dredged to 4.0 metres; and
- (d) Provision of facilities for both general cargo and passengers.

The Port Authority of Trinidad and Tobago acting on behalf of the Ministry of Works and Transport approved the award of a contract on January 21, 2001 to Trinsalvage Enterprises Limited for the San Fernando Harbour Development Project phase I, in the sum of \$6,740,894. Gross expenditure to date on the project is \$3,503,328 VAT exclusive.

Meetings were scheduled with the contractor on three previous occasions: May 16, July 17 and August 08, 2001 with a view to signing the contract documents. However, the contractor, on all occasions, failed to keep these appointments.

The signing of and the lack of interest shown by the contractor to sign the contract documents have been a source of concern, and the Ministry is now seeking legal advice on this matter.

At the present time, phase I of the project is 65 per cent completed. The following works have been undertaken:

- (a) Site clearing including wreck demolition;
- (b) Reclamation of approximately 1.7 hectares with coastal protection; and
- (c) Delivery of concrete sheet piles.

Outstanding works to be undertaken to bring this project to completion are as follows:

- (a) Reclamation works of approximately .3 hectares with coastal protection; and

(b) Demolition of jetty and construction of a new jetty/landing facility.

The absence of complete access to the site has delayed the completion of this project, and in this regard the Ministry of Works and Transport and all the parties involved with the execution of this project are now in the process of ensuring its completion.

Sen. Baksh: Madam President, could the Minister indicate whether the project is at a standstill at present and, if so, when will the project commence?

Hon. F. Khan: Madam President, as we speak, the project is at a standstill and there are a series of meetings carded for the coming weeks, hopefully to get the project back on stream, but it has a lot to do with the response from the contractor who seems to have dropped the contract, as it were, and is not interested anymore in proceeding with the work.

Sen. Baksh: Madam President, is the Minister aware that the San Fernando Development Project is a project on the cards of the PNM administration since 1956? I want to quote from the Budget Speech—

Madam President: No, Senator. Are you going to answer the question?

Sen. Baksh: Is the Minister aware that this dream for the development of the San Fernando Harbour is a dream since 1956?

Hon. F. Khan: Madam President, for the record I was born in 1957. [Laughter] While I spent much time reading the historical documents of the PNM, I am not so aware.

Sen. Baksh: Madam President, those who forget the past are condemned to repeat it.

San Fernando Waterfront (Relocation of Squatters)

73. Sen. Sadiq Baksh asked the hon. Minister of Housing:

- A. Could the Minister indicate to this House whether he is aware that the Ministry of Housing in order to facilitate the construction of the San Fernando Waterfront Development Project has agreed to relocate one hundred and sixteen (116) squatters from the San Fernando Waterfront?
- B. If he is aware, could the Minister give a status report on this matter?
- C. Could the Minister state how many squatters have been relocated to date and when will this relocation exercise be completed?

The Minister of Housing (Sen. The Hon. Martin Joseph): Madam President, the Minister of Housing is aware that the Ministry of Housing, in compliance with the decision of the then Cabinet had agreed to relocate 115 squatters from the San Fernando Waterfront.

A survey, which was conducted on May 21, 2003, revealed that there are 100 squatters occupying the area proposed for development. Of the 100 squatters, 28 are owners of boatsheds which are used for storing equipment; 71 are households and one is the owner of a parlour.

Further, it is important to note that three of the 71 households constructed their houses after January 01, 1998 and, therefore, they cannot be regularized in accordance with the State Land (Regularisation of Tenure) Act, No. 25 of 1998.

During 1999, 16 squatter-families who occupied the area proposed for development at the Waterfront were afforded lots at Tarouba South. To date, four houses have been completed while five houses are at varying stages of completion. One of the lots whose owner is now deceased was granted to a person who did not occupy a structure at the San Fernando Waterfront. The remaining six lots are unoccupied. The relocation exercise will resume, as soon as possible, in order to facilitate the proposed programme of works for the development of the San Fernando Waterfront Project.

Thank you.

Sen. Baksh: Madam President, is the Minister aware that without the relocation of the squatters the project will be doomed?

Sen. The Hon. M. Joseph: I do not know if the project will be doomed, but what we do know is that we have to work hand in hand with the other Government agencies to ensure that there is a collaborative effort to make sure that the relocation exercise takes place within the time frame so that the project could be completed.

Sen. Baksh: Madam President, could we expect 100 of the 10,000 houses that the Minister plans to deliver to be given to the squatters?

Sen. The Hon. M. Joseph: Madam President, if my maths is correct, there are 52 households that need to be relocated. If one takes into consideration the three households that are outside of the time frame and include the three households then we are talking about only 55 households to be relocated, and, as I indicated in the response, 28 of these houses are boatsheds.

Sen. Baksh: Madam President, if it is 53 or 58 would the Minister make arrangement to have 58 of the 10,000 houses allocated to the squatters?

Sen. The Hon. M. Joseph: Madam President, tell Sen. Sadiq Baksh, let not his heart be worried. The Government will ensure that persons are properly relocated. [*Desk thumping*]

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

**City of Port of Spain
(Development Plan)**

- 59.** A. Could the hon. Minister of Planning and Development state whether there is in existence a development plan for the City of Port-of-Spain which involves the relocation of the Parliament and other institutions such as the Magistracy and Judiciary?
- B. If the answer is in the affirmative, could the Minister provide this Senate with copies of such plans?

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, let me apologize for Dr. Rowley's absence at this time. I am sure that Dr. Rowley meant no disrespect to the Senate to answer Sen. Wade Mark's question. I have asked Sen. Wade Mark if he could defer the question for a week, and I think he has agreed in good faith.

Sen. Mark: Madam President, you know that we are entitled to three questions each week—and Dr. Rowley is not here because of no fault of mine—I would imagine that the Senate would agree that I would need four questions next week on the Order Paper, otherwise I would ask you to defer this question until 5 o'clock this afternoon when the Minister will get Dr. Rowley to the Senate. [*Laughter*]

Madam President: Hon. Senators, question No. 59 is deferred for one week. [*Interruption*] I am not going to make that ruling now, Sen. Mark.

Question, by leave, deferred.

KIDNAPPING BILL

[Fourth Day]

Order read for resuming adjourned debate on question [April 15, 2003]:

That the Bill be now read a second time.

Question again proposed.

The Minister of Education (Sen. The Hon. Hazel Manning): Madam President, I rise in support of this Bill because the Government firmly believes that this Bill which provides for the punishment of kidnapping for ransom and other related offences and for matters incidental thereto will drastically deter kidnapping in Trinidad and Tobago.

This crime of kidnapping has increased in popularity in our Republic, and as a responsible Government, we feel that we must take all legitimate measures necessary to pursue all avenues necessary to prevent the committing of this crime.

We believe that there is a causal relationship between the Kidnapping Bill and the unacceptable levels of high crime in this country. Therefore, this Government is very much concerned about this Bill and the kidnapping of children.

Madam President, there is a saying, “it takes a village to raise a child” and now it would appear that the village is invading the schools, and we are standing by helplessly looking on, but this Government does not intend to be held to ransom. This Government believes that persons who commit these crimes must be brought to justice and must be incarcerated for a long period of time.

Kidnapping by its very definition speaks of the fear and the force that it brings to bear. By law it is the taking away of a person by force, threat, deceit, and with intent to cause that person to be detained against his or her will.

Clause 4(1) of the Kidnapping Bill defines “kidnapping” as:

“A person who, whether for ransom, reward, service or for any similar purpose unlawfully leads, takes, decoys, inveigles or entices away, abducts, seizes, carries off or detains any person without his consent or with his consent obtained by fraud or duress and without lawful excuse, to the intent that such a person...is held, confined, restricted or imprisoned or prevented from returning to his normal place of abode or sent or taken out of Trinidad and Tobago.”

Clause 4(2) further states:

“A person under the age of eighteen years is deemed incapable of consenting to being led, taken, decoyed, inveigled or enticed away, abducted, seized, carried off, detained, held, confined restrained or imprisoned.”

This simply means that consent cannot be used as a defence by someone charged with committing this crime against anyone who is under the age of 18 years.

The highlight of the proposed legislation as outlined in clause 1 states that the term of kidnapping should be 25 years; it is mandatory. There is no fine or alternative punishment.

This Government believes that the consequence of a 25-year term of imprisonment is likely to prevent the kidnappers from committing this heinous and serious crime.

And now the question comes; just who are the Opposition Senators representing by voting against this Bill? It cannot be the parents of 9-year-old Micah Bernard, a student of Barataria Anglican School, who was abducted on March 15, 2003 and detained for three days. It cannot be the parents of 8-year-old Adriana Ramsingh of 11th Street, Barataria who was found one day after her abduction. It cannot be the father and the extended family of 6-year-old Marc Prescott who was abducted on Wednesday, May 14, 2003 from his school, San Fernando Boys RC School, at Harris Promenade, San Fernando.

According to the *Newsday* newspaper dated May 17, 2003, he was last seen by a teacher running out of his second-year classroom to meet the bus which usually transports him to and from school. The bus driver reported the boy's disappearance to the school authorities after the youngster could not be found on the school's compound. To date, young Mark Prescott has not been found.

Again, I ask the question: Just who are the Opposition Senators representing by voting against this Bill? It cannot be the father and extended family of 9-year-old Keiwon Sullivan. On the *Sunday Newsday* newspaper dated May 17, according to police reports, at around 4.00 p.m. on Thursday May 15, Keiwon's relatives received a telephone call telling them that the boy had been kidnapped, and an hour later, an off duty prison officer on his way home, heard moans coming from an abandoned house, and on checking he saw Keiwon lying in a pool of blood with chop wounds about his head and body."

The article goes on to say further that the doctors at the Pediatric Hospital at the Eric Williams Medical Sciences Complex in Mount Hope, have described 9-year-old multiple-chopping victim Keiwon Sullivan as a fighter, who despite his near fatal injuries is expected to make a painful but full recovery. Sullivan is a Standard 2 student of Aranguez Government Primary School, and he was brought to the hospital in a semi-conscious state on Thursday evening, after he was found bleeding inside an abandoned wooden house. The Opposition Senators cannot really be supporting this.

Kidnapping Bill
[SEN. THE HON. H. MANNING]

Tuesday, June 10, 2003

On the *Newsday* newspaper dated Friday, May 16, 2003, the worried father said that the family had received a ransom demand of \$10,000 prior to Sullivan being found in the abandoned house.

Again, I ask the question; just who are the Opposition Senators representing by voting against this Kidnapping Bill? It cannot be the parents of Kerri Greaves, a 21-year-old student at the School of Business and Computer Science. Kerri has been found sick but, unfortunately, Marc Prescott is still missing. I have been praying that he would be released without harm; the Government has been praying and the whole country has been praying that he would be released without harm.

It is the fervent belief of this Government that this Kidnapping Bill will prevent abductors from engaging in an apparent profitable business, because that is what kidnapping appears to be now. For what else is this wanton and flagrant disregard for the rights of the children of this country?

Guided by the Government, we at the Ministry of Education have taken the initiative by putting in place 24-hour security guards in over 300 schools, and we are preparing to do likewise in all other primary schools in the country. We have also beefed up security in secondary schools by building security fences; increasing security guards; and putting security cameras and electronic screening devices in schools.

The Ministry is now contemplating engaging with principals to put in place a crisis management programme for schools with situations of high risk. But how many guards could we put in place? How many fences could we build? How many times would we have to cower and hide behind walls? Is this another form of civil disobedience?

Our aim is to bring back peace in the classroom; to bring back peace in the country, peace that would support the development of an education system that would produce a kinder, gentler citizen; an education system that would provide opportunities for all students to develop spiritually, morally, emotionally, intellectually and physically; an education system that will provide opportunities for all students to develop numeracy, literary, scientific and technological skills; an education system that will promote national development and economic sustainability; an education system that will promote an understanding of the principles and the practices of a democratic society, and an education system that would support the holistic development of all of our children, and create a citizen who would be able to help in the development of this country, Trinidad and Tobago and who would be able to take his or her place on the world stage.

Madam President, I rest my case and join with Senators on this side in supporting this Bill.

Thank you. [*Desk thumping*]

Madam President: Sen. R. Montano, are you able to stand and do this or do you want to sit?

Sen. R. Montano: May I sit, Ma'am?

Madam President: Yes, go ahead.

Sen. Robin Montano: Thank you. Madam President, although I have spoken before in the Senate since my injury, this is the first effective major speech that I am making. [*Desk thumping*] I wonder if I would be allowed just to divert for one moment from the Bill, and make a plea on behalf of disabled persons. [*Laughter*] I am disabled, all be it temporary. Madam President, I do not think that this is funny and I am very serious.

Since my disability, I have contemplated bringing a Motion to the Senate on the question of trying to improve the lot of disabled persons. I have hesitated so far because the truth is that the Motion would probably just languish on the Order Paper forever and forever. In the circumstances, this afternoon, through you Madam President, I would like to make a plea to the Government that they bring a Motion at the earliest possible day to deal with the plight of disabled persons.

Madam President, this is something that ought to be nonpartisan; this is something that we ought to deal with. For me, getting up here each week is an ordeal, and God alone knows what it is like for people who have to face this for the rest of their lives. My disability will last only another two or three months, but there are people whose disability will last forever. We ought to have an answer for them and we ought to have help for them. I pray that we in this Senate will take the lead and bring a Motion so that we could discuss it. I would urge that we discuss this Motion in a nonpartisan manner. I do not propose to throw stones. I do not want to throw stones. I want to help the people.

Madam President, if I might turn now to this Bill, I would dearly love to support this Bill; nothing would give me greater pleasure. My brother and I are the only Senators in this Senate who have had the misfortune of having a loved one kidnapped and murdered, and of the two of us, I am the one who had to deal with that tragedy on behalf of our family from start to finish. I know all of the details and I was involved in the whole episode from that Monday morning on February 17, 1997, when I was hauled out of court with an urgent telephone call

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telling me that my cousin had disappeared. As a result, I not only know an awful lot about my cousin's kidnapping and murder, but I know how it feels.

The Minister of National Security and Rehabilitation and the Minister of Education have both spoken eloquently about what it must be like to be a family member of a kidnapped victim. I cannot speak for the terror that my cousin must have felt at the moment before his murderer, who incidentally was a police officer, put a gun to his left temple and pulled the trigger. God alone knows what terror he faced, but I can tell you that as a family member it was awful, and with the leave of this honourable Senate, I would like to give you just a little idea of what it was like.

On Monday, February 17, 1997, I was on my legs in the Industrial Court when I got an urgent call to come outside. My cousin Albert Montano, better known as "Monty" had disappeared. To make a very long story short, I got my matter adjourned and telephoned then Assistant Commissioner of Police, Hilton Guy, who was tremendous in all of this tragedy. I went to my cousin's home in Fairways, Maraval—we could not believe it—and it was clear that he had been kidnapped. We went through the whole of that afternoon and evening waiting for that phone call that never came. We waited until 2 o'clock in the morning. I went home that morning sick in my stomach. I did not eat anything and I could not eat.

I was up at 6 o'clock the next morning and at 6.30 a.m. I was over by the house again waiting for the ransom demand that never came. By 9.30 a.m. or 10.00 a.m. I was desperate; we were all desperate to know what was happening and, obviously, he had been kidnapped. Madam President, when you get desperate like that you do not know what to do. I am a very proactive person, and if I have a problem I look for solutions and try to solve it, and I will go inside the box and outside the box to try and solve it.

I had read somewhere and I have seen on television programmes that sometimes psychics could be used and had been used by the police in the United States and England to help solve crimes well, why not? I had never been to a psychic before but why not? It cannot hurt. So I phoned a friend, who phoned a friend, and finally around 11.30 a.m., a friend, through a friend and so forth, got me an appointment to go and see one of this country's most famous psychics. I got an appointment to see her at 2.30 p.m.

When I went to see her, she gave me a lot of information and all of it turned out to be true. The psychic told me, for example, that my cousin had been killed about 2.00 a.m. on that Tuesday morning. The pathologist later told me that my

cousin had been killed between 10.30 p.m. and 2.00 a.m. She told me that he would be found before noon on Wednesday, the next day. My cousin was found at 11.20 a.m. She told me that he would be found in the West near water under a grove, and he was found in Chaguaramas under a bamboo grove very near to the sea and so forth. The physic told me an awful lot.

In any case, I went home that afternoon desperate and feeling very sad. I told my cousin, Monty's brother and his son about my visit and we went and searched in Chaguaramas for about four or five hours that afternoon. We searched all over but we did not find him. There were two reasons we did not find him; we did not look in the right spot and we did not find him because he had not been taken there as yet; he was not burnt until that Tuesday night, but we did not know that at the time. What I am trying to get across to this honourable Senate is the absolute feeling of despair, fright and terror. All we were concentrating on was getting our loved one back and we could think about nothing else.

On the next day, which was the Wednesday, a call came from the police saying that they had found Monty; they found his burnt skeleton. When I went there I saw his skeleton and all that was left of him was partial skull, his shoulder blades, ribcage, backbone and pelvis. The bones of his arms and legs were completely burnt and destroyed. The police told me at the time that a fuel accelerant more flammable than gasoline had been used.

2.30 p.m.

His car and the skeleton were found approximately a quarter of a mile from a police armoury in Chaguaramas. The place is so quiet that you can hear yourself breathe during the day; God alone knows what it is like at night. When I saw my cousin's skeleton I walked a little way and collapsed behind the police Land Rover discovery jeep. I vomited and I cried. It was awful. Even today, six years later, I can still remember it. So do not come to me and tell me to think about the families.

I have experienced it first-hand and know exactly what it is like! [*Desk thumping*] I sympathize with every single family. I know the pain that they have gone through! I feel it! And when I hear about it I know the hell that they are going through, Madam President. Do not come and tell me about this, that and the other. Do not come and ask me who am I representing? Do not come and tell me "Oh, think about the children." Do not come and tell me that! Because I have felt the pain personally! Madam President, I want the Government to tell me how would this Bill help?

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There are two things that this Bill is not going to change. First of all, you have to catch the criminals. Secondly, you got to have evidence, beyond all reasonable doubt, to ensure a conviction. You have to catch the criminals and you are not catching them. Do not come and tell me “Oh, well this Bill would give us the evidence to catch them”. It would not. That is an obfuscation! It is not true. The Bill would not do that. You are not catching the criminals.

I do not want to get political this afternoon and start throwing stones and telling you about associating with thugs like Mark Guerra, who was involved in the kidnapping. The issue is too serious! I feel the pain every time I see somebody has been kidnapped. I feel the pain when I hear that it is a child. God knows how those parents must feel! I know it was my cousin whom I loved like my brother. He was 18 months older than I am. I have never known my life without him. His home was next door to mine. We grew up next door, in and out, to each other. I used to talk to him almost every day. I would see him two, three times a week. Do not come and tell me about children. No, I am sorry. Tell me how this Bill would help. You come and say things like “Oh, we are going to increase the penalty to 25 years”. Yeah! right. One prison year is eight months in jail. I am so bad at mathematics, I am going to get it wrong. In other words, 25 years is going to be about 17 or 18 years, and right now life imprisonment is effectively 15 years.

So you are taking a Bill that is attacking the very serious fundamental constitutional rights of our people—I could go through it, but Sen. Seetahal has simply taken many of the legal points that I intended to raise, and there is no point in repeating them. She has done it in a most excellent way—and not change a thing for an extra two, three years? No! Give me a break! Do not fool me. I am sorry. This Bill is an obfuscation of the real issue. You see the real issue is the corruption in the police service.

Let me tell you something. The Government intends to make this man—I know you cannot see it.

A picture of Commissioner John Grant shown to the Senate.

He is Assistant Commissioner of Police, John Grant. This is the *Newsday* of Friday, July 14, 2000. It is a report of what I said outside of this honourable Senate in the coroner's court, when I named this man that they intend to make the next Commissioner of Police as an accessory after the fact, to murder. The report is here if anybody wants to see it and if you want the details I would give them to you this afternoon. I repeat it. He blocked my cousin's investigation deliberately! He is an accessory after the fact to murder. Now—maybe or not—it may never

be solved. But they want to make him the next Commissioner of Police. I have to ask: Have you caught the kidnappers of these children? If you had this Bill how would you catch them? Simple question! What would this Bill give you that you do not have now?

The problem in Trinidad and Tobago is that we have very corrupt elements in the police service. The problem is that they need to be weeded out. The problem is that the crime situation in Trinidad and Tobago would not get better if we do not first solve the problem. This Bill is doing it before behind. Solve the criminal problem. Do not come and tell me when a citizen gets shot in a popular spot like Movie Towne, "Oh, well, that is collateral damage and the average citizen is not involved with that." Really? So if I get shot then by accident and I am collateral damage, am I now an extraordinary citizen? Is that what you are saying? Do not come and tell me that! You are going to tell me that the police do not know who did that! You are going to tell me that the police are not moving on these people. They have no idea who did it? A short two weeks earlier these men who were shot and killed were accusing Abu Bakr of certain things, and there was a big altercation outside Radio 102FM and you hear nothing about it. There is no questioning, no nothing. You have no idea, and yet the Government would have us believe that if this Bill is passed everything would be stopped and we would have the tools and we would go for it.

When Rudolph Giuliani became Mayor of New York, the first thing he did was to clean up the police service and then started dealing with legislation that he needed. He did not do it before behind. The country is under siege; the country is catching its tail and yet we find ourselves on a talk show. The Minister of Education's contribution this afternoon was beautiful: Our aim is to have a kinder, gentler nation. A system that would support the holistic development of all of our children. Who can argue with these sorts of statements? Nobody. All right, that is your aim, but in real terms what are you doing? Because the Government falls short every single time; they come out with beautiful statements and everybody says, "Yes, we agree completely with what you are saying". Now, what are you going to do about it? Nothing! It is the Opposition's fault. Really? Who are we representing? The Minister asked. Well, I would tell you who I am representing. I am representing the right-thinking, freedom loving people of Trinidad and Tobago who are not being taken by obfuscations and fluff, and who would like you to stop associating with criminals. [*Desk thumping*]

Madam President, listening to the Government you would believe that kidnapping at the moment is not a crime; but it is a crime. You would almost

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believe that it is lawful and we are trying to oppose measures to make it an offence. The real problem is that the Minister of National Security and Rehabilitation has been unable to catch the culprits to bring them to the doors of the court. I told you earlier about the two cardinal principles: You got to catch the offender, and you got to have evidence beyond all reasonable doubt. The real problem is—and we have not heard it yet—what is the Government going to do to catch the culprits? You cannot apply the law if you cannot catch them. And the need for greater legislation is not the real issue; the real issue has to do with Government's impotence to catch the criminals. Stiffer penalties are hurdles to clear when you can catch the crooks.

Let us look at what the Government has done in the last 18 months. They brought down a security officer who was said to be an expert on kidnapping and paid him a big set of money and he left. What were the results? A costly public relations gimmick fed to a compliant media that has yielded no results. The Minister stands up in his speech and says, “You know we have got a better kidnapping rate; we are solving the kidnappings much better than the big countries.” Really? If that is the case then how come you are not catching the criminals down here? You are simply not doing it. What is going on? If we are so good at it why are we not exporting our expertise and telling everybody, “Listen, do it our way”? Instead, there was an announcement the other day—the hon. Minister can correct me if I am wrong—where some experts somewhere in the United States of America were supposed to be coming down to help train our police officers. Why are they coming to train us? Why are we not going to train them? It does not make sense.

What else did the Government do? There was Operation Anaconda which was slithered into oblivion. The third thing was the boast of new vehicles to the police service. That is not what is needed! What is needed is trained intellectual capital in the police service. What is needed is that we need to take our police service now and raise the bar; we need to raise the entrance requirements. If we alter the minimum requirements what would happen? At the moment you can become a police officer if you have three O’levels. Do you really think in this modern age that is good enough? With the greatest of respect, three O’levels are nothing. Should we not increase it to five O’levels, or even better still three A’levels? We would get a better class of police officers. Why are we not doing that?

For example, there are police officers in Police Headquarters doing clerical work. Why are these trained police officers doing clerical work? Why do we not have secretaries doing secretarial and clerical work? Take the police officers in

whom you have invested a lot of money and do it there. To solve the crime problem you are going to need a philosophical shift in focus from brawn to brain. This took place in the United States of America years ago and you saw the result of crime falling when you shift it from brawn to brain. The population does not trust the police officers. Almost every day you hear the poor man, the ordinary man, and the big man—why do we not do that. While I am on this, let me just move a little—because I would like to move back and forth into certain legal points on the Bill. There is a clause in the Bill which says that if a person has any information about a kidnapping and does not give it to the police he would be liable to six months imprisonment and a fine of \$50,000.

Let me tell you a little story, Madam President, about my cousin's kidnapping. As I said, I was involved in it from start to finish, and I made serious enquiries after we found the burnt skeleton and I found out the name of the person who was the mastermind. Three weeks to the day, after we found the skeleton, I had a meeting in the widow's house; it was the widow's daughter, three police officers and I. At that meeting, for the first time—nobody in the family knew about this up until then, I was the only one—and we were talking and I told the police officers that I knew who was the mastermind. And they asked: Who? And I gave the name. One of the police officers tried to argue with me and eventually I asked him why he was arguing with me, go and investigate it. I gave him certain evidence that I had. Go and investigate it. In any case I then told nobody. The widow and the daughter were scared out of their minds. They asked why did I say this in front of the police? I said, do not worry, we are talking to the police officers. It is all right. But I warned them not to say anything, and they said nothing. I said nothing to anybody—except of course there was that one meeting.

Three weeks later to the day, the widow gets a telephone call from the mastermind saying, "How come you are telling people that I kidnapped Monty and murdered him?" The only way he could have got that information was from the police. And you are coming to me this afternoon and telling me now, that if I do not share my information with the police I am going to have to pay \$50,000 and take six months in jail. Well, I would tell you something. God forbid, knock on wood; I pray that nobody in my family is ever kidnapped again. Once in a lifetime is enough. I would tell you this: In a thousand years—whether there is a law or not—I would not obey that law. I would not share everything this time with the police. Because in sharing with the police what I had, I, effectively, fed into the hands of people like John Grant and my cousin's murder has remained officially unsolved. I say this publicly to the nation, if this passes be very careful, because you cannot trust the police. I speak from personal and tragic experience!

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You simply cannot trust them! They have done nothing about that! They do nothing! They sit there and say, “Oh, who are the UNC representing?” I am representing my family first and all the victims second! [*Desk thumping*] I know what it is like. Madam President, the thing is too serious. This should not be a political football. This should be something very serious. This should be something that we should be saying, “Okay, this is how we are going to help people”; but this Bill is not going to help.

They talk about bail—and there has been a debate in the Senate about bail, and people have said to bring back the no bail provisions. Really? Madam President, our democracy is based on the cardinal principle that it is better for 10 guilty men to go free than one innocent man to hang. That is the cardinal principle. Get that principle right, you understand everything; get it wrong, you understand nothing.

Now, with bail what happens is that the magistrate, the high court judge and the Court of Appeal have discretions, but a man, when he is accused of a crime, is presumed innocent. Murder, being a capital crime, one understands why you are not being granted bail. Quite frankly, anybody accused of murder, at the end of the day, has the very real potential of getting hanged. Whether he is guilty or innocent, he would probably say, “Look boy, it is better that I do not take my chances, let me run. And he will skip—because one’s life is worth everything. But with crimes that do not carry the capital penalty, why can you not get bail? After all, you are presumed innocent until you are proven guilty. Of course, the blood lust is on because of what these kidnappers, thugs and murderers have been doing to the society; holding us to ransom.

Now, you do not respond with thuggery; you do not respond with undemocratic behaviour; you respond with brain, not with brawn and you have a right to bail. I have a copy of a letter from the *Express* newspaper. Unfortunately, the date was torn off in my brief case, so I do not have the date. But it was written about a month ago by Mr. Michael Laila, the protocol and information officer of the High Court. He was writing with respect to a letter entitled: “Moronic move by magistrate”, which appeared on Page 12 of the *Express* newspaper of April 07, 2003 written by Mr. Gerald Street of Port of Spain. Mr. Street, in his letter, was criticizing a magistrate for letting some alleged kidnappers out on bail. It is interesting to read certain parts of Mr. Laila’s letter. He says, look, these are the facts of the matter:

1. The accused appeared before the magistrate, Mr. Wellington, in the San Fernando Magisterial District Court on Wednesday April 02, 2003 on a

charge of kidnapping. He was represented by counsel who requested the bail.

The police complainant was not present at the time. Incompetence No. 1. The matter was stood down to await his approval. When he did arrive he informed the court that the accused had not been granted bail in any previous matters nor had any record of previous convictions. The court heard that the accused had been in custody for six days. Ample time for the people to conduct enquiries about him.

2. The prosecutor was unable to mount a credible objection to bail on any of the grounds known in law, such as the likelihood of the accused failing to surrender to the custody of the court or committing offences while on bail or interfering with witnesses and so on.

In other words, there was no evidence whatsoever to suggest that the accused person was likely to go and commit further kidnappings. Having regard to the factors set out above, the court fixed bail in the sum of \$75,000 to be approved by the Clerk of the Peace of the court. The accused was also ordered to surrender his passport. When a person is arrested, it does not mean to say that he is necessarily guilty. He is accused. God knows that many innocent people have been already accused of all kinds of crimes, including murder.

So do not come with this thing about no bail for kidnappers. Sure, it sounds good on a political platform. It sounds good when persons sit and say, "Hey, that is right, boy, if he is a kidnapper, lock him up and throw away the key". Why not? I would tell you something. I am speaking personally—I am not speaking on behalf of my party or anything—I have difficulties with the question of capital punishment, but I would tell you this. I would cheerfully hang and I would pull the lever on the men who killed my cousin. Where does that put me? I do not know; but I know how they feel. Do you know what makes it worse, Madam President? I know who did it. What is more is that they know who did it, too.

You know, Madam President, when the UNC was in power the former Attorney General, Ramesh Lawrence Maharaj, was bringing legislation after legislation into the Parliament and the PNM had a mantra then that more laws do not solve crimes. I agreed then with what they said, and I agree now. More laws do not solve crimes. What does solve crimes is the solving of the crimes. The best deterrent is not the penalty, but the fear of getting caught. People are not getting caught and so the crimes are being committed. If you do not catch the criminals it would go on.

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Look at that outrageous shooting at Movie Towne last week and there have been absolutely no arrests. I have a little bet on with myself—and I am praying to God that I am wrong; I would be the first person to stand and say, “Thank you, I am so glad I was wrong”—that the perpetrators of that crime would not be brought to justice. I pray. The day I am wrong—and if the editorials in the newspapers say, “You are wrong, Sen. R. Montano”, I would say, “Are you not glad that I was wrong?” But I fear that I am right. Because I have seen too many kidnappings and the perpetrators not brought to justice. Nobody is being brought to account; nobody is being brought to book and they want to bring back John Grant, an accessory after the fact to murder. [*Interruption*]

Sen. Prof. Deosaran: Madam President, I am very sorry to disturb the hon. Senator’s trend of thinking, but I am wondering if he would give way to a clarification from his contribution. I think he has made some very fine points, which, to my mind, one in particular could, for the benefit of the honourable Senate, do with some clarification. Would the hon. Senator agree or comment upon the possibility that having strict rules on the bail issue would serve not only at the time that the case is being tried, but could also serve as a severe deterrent to persons who might be thinking about the offence of kidnapping? The hon. Senator is quite correct in terms of the civil rights aspect of it. Let me repeat for your benefit, Sir, through you, Madam President. Could the severity of the bail provision not also act as a deterrent to those who might be thinking or conspiring to commit the offence of kidnapping?

Sen. R. Montano: Madam President, the short answer to that question is no, I do not think so. The reason for it is that the deterrent is not that I would not get bail; the deterrent is that I would or would not get caught, as the case may be. [*Desk thumping*] That is the deterrent. This is why I have said that there has to be a shift in emphasis from brawn to brain in the police service. There has to be a weeding out of the corrupt elements in the police service. There is hardly a person in Trinidad and Tobago who trusts the police officers.

When you look at the way the police officers went into Laventille the other day, it is almost as if everybody in Laventille is a criminal. So we are going to treat all of you like that and you all are pariahs. It is perfectly true that there are criminals in Laventille, but I hope I would be forgiven for saying that I believe that the vast majority of the citizenry of Laventille want what we all want; a better life. They want opportunities; they want their children to be able to go to school and to be able to share in the national pie. That is what they want. They do not want their children growing up to be gangsters, murderers, kidnappers and drug

dealers. Many of them are offended by the stigma that is now attached, caused by the criminals who hide amongst them in that neck of the woods, as it were.

So that if you ever want to understand a problem you must go back to basics. If you do not go back to basics you would get carried away with your rhetoric. You would get high on your own supply—as Al Pacino said in the movie “Scar Face”.

Madam President, I am reminded, to a certain extent, of two of *Aesop’s Fables* that we all know about: “The wolf in sheep’s clothing” and “The boy who cried ‘wolf’”. Separately, each fable makes sense: Watch out for wolves dressed as sheep and do not commit serial deception or people would stop believing you. What happens when the serial deception consists of wolves dressing as sheep? What if people begin to suspect that not every boy who cries “wolf” is lying, but that every sheep is a wolf in sheep’s clothing? The danger raised by the serial deception is not that the people would not believe it when a wolf is coming; the danger is that they would not believe it when a sheep is coming. In the fable of “The boy who cried ‘wolf’”, the deceiver pays the price. In the twisted version, unfolding today, only the victims and the dupe suffer and outrage grows because nobody blames the wolves dressed as sheep; or the sheep that were mistaken for wolves. That is the moral of the story. When scrutiny is reserved for the other side, as it is today—blaming the UNC—crime pays.

Madam President, there is so much that I could say but, to a large extent, it would be merely repeating the points using other words. I would love to be able to say that I could support this Bill. I would love to be able to turn to the country and say this Bill would help in the fight against the criminals; this Bill would bring down crime—and I can sit and argue the case and say yes, look at what it would do. But this Bill would not do that. This Bill would just be passed and it will sit there, because no steps are being taken to catch the criminals.

You are saying that the Bill has the provisions to go into your bank account. Sen. Seetahal has already dealt with that. I support and repeat everything that she said, but one of the things that I noticed is that the person whom they are going to get to go into your bank account is from the rank of a police sergeant and up. Really? You are going to get a police sergeant to go into my bank account without my knowledge; without my ability to go to the judge and say that this is absolute rubbish! Really? And you are coming to me and telling me that that provision does not require a constitutional majority? You have to be crazy, Madam President! I beg your pardon, Madam President. That is unparliamentary language. I withdraw it. I did not mean it to be insulting and I apologize. It cannot

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be right. No right-thinking person in this country can approve of what is going on; no right-thinking person can think of the terror of what is going on, or the deep pain of the families of kidnapped victims and not be really, really angry!

I live in fear, Madam President, and I have been warned. My friend said to me, “Robin, be careful. Do not make the speech that you intend to make this afternoon because either a member of your family would be kidnapped or you would be kidnapped and killed”. My answer to that is; I was born to walk in the sunshine; I am going to walk in the sunshine and no criminal would make me walk in the shade. [*Desk thumping*] If you touch my family this time I would not behave the way I behaved, and this time I would tell everything that I know, so go ahead. But if the whole country wants to kill me, fine. Then I would leave it to them and to the whole country and say, “You see, I told you that it would not work. I told you that this would not do anything. I told you that the best deterrent is catching them”. And you know what? They will never catch my murderers. Never!

Madam President, I wish I could support the Bill, but I cannot. I close on that very, very sad note. Hon. Senators, if you would forgive me—I would not be staying for the rest of the afternoon, not because of a lack of interest, but my injury dictates that I do leave. I apologize for my absence. No offence is meant. I shall follow the debate from afar. Hon. Senators, I urge you and the Government of Trinidad and Tobago to withdraw this Bill, fix the police service, move from brawn to brain, and let us get the country right. God bless you. [*Desk thumping*]

Thank you.

Sen. Basharat Ali: Madam President, I am very pleased for this opportunity to make a very brief statement. I cannot say that I am an expert in kidnapping or otherwise, and I have had only one opportunity of a first reading of the Bill. There are many legal minds here and I believe that a number of them have already spoken, so I would like to be quite brief. It is interesting that having heard the hon. Minister of Education and Sen. Robin Montano this afternoon, I feel the concern of the hon. Minister of Education and I feel the deep sense of grief of Sen. R. Montano who is walking out now. When I wrote this little note I said that I may or may not say something and the first thing I wrote here is that we are in a virtual state of crisis and that there is a high level of anxiety among the population.

I think what Sen. R. Montano and even the Minister of Education have said today confirms what I have written down here today. We are in a virtual state of crisis and I believe, very strongly, that there is a great need for crisis management

with the objective of protection and prevention of not only kidnapping, but also other crimes in our country today. Otherwise, I see panic among our citizens and we are already seeing that such panic leads to individual action—which may be illegal action when people are moved to protect themselves. That is the nature of the human being, and in many cases that could be illegal and from the individual action you go to the next step and that is anarchy. I think none of us would want to see that.

So I believe that there is a very strong need for firm, decisive and urgent action by our protective services backed by laws with teeth. Any citizen in this country right now has very great reservations about the police and their capability of detection. On the other hand, do we have the laws? So, that is why I say that we need strong protective services and we need to be backed up by laws with teeth. It is my view that what we have in front of us, in this Bill being debated at present, is part of a formula for solving an urgent problem in this country.

As I said, my first reading of the Bill suggests, as a layman, that it is quite straightforward and I must pay compliment to the hon. Attorney General for such an easy-reading document which I was able, as a layperson, to go through quite quickly and be able to respond. I have also seen some of the comments by my fellow Senators here in terms of proposals and I am sure that there are a few which are to come. I feel, personally, that we should be able to get through the various stages of this Bill in an expeditious manner because we are dealing with an urgent problem. My plea, in this very short address here, is for a non-partisan approach to provide the Ministry of National Security and Rehabilitation and the Judiciary with the required tools. There is little doubt that we need to do some beefing up on the Ministry of National Security and Rehabilitation.

I feel, too, that notwithstanding the existence of other laws, we can sit and go through this Bill with an open mind and we can arrive at a document which would serve that purpose of strengthening the legal situation with respect to kidnapping. We have heard the word “deterrent” and I believe that if we address it carefully, we can aim at deterrence. That is why I said we could do some preventive work when we approach this problem.

Once again, I say, let us all—without looking at anything—be non-partisan and for the benefit of our citizenry, approach this in a very urgent way, so that we get something going to alleviate that feeling of fear that is among our people now so that we can continue to enjoy this blessed country of ours.

Thank you.

Madam President: Hon. Senator, I had intended, at the end of your contribution, to congratulate you for your maiden speech in this honourable Senate. [*Desk thumping*]

Minister in the Office of the Prime Minister (Sen. The Hon. Christine Kangaloo): Madam President, I rise in support of the Kidnapping Bill. In listening to the contributions of the Opposition Senators who have spoken on this Bill, a disturbing picture has emerged of an Opposition, whose Senators are either deliberately misunderstanding the provisions of the Bill or whose Senators are callously indifferent to the suffering that is being inflicted on innocent men, women and children by the scourge of kidnapping in Trinidad and Tobago. [*Desk thumping*] At the end of the day, the most depressing aspect of the contributions made is that they demonstrate that we have an Opposition that is prepared to sacrifice the well-being of the society at large on the altars of narrow-partisan politics. [*Desk thumping*]

Sen. Smith opened the Opposition's position with the point that the legislation would fail, because we have not dealt with the social ills. Madam President, we know that any government—and this Government is doing this—must take a hydra-headed approach to deal with crime and the causes of crime including the crime of kidnapping. Any sociologist worth his salt would tell you that there must be an array of measures to regulate the behaviour in society, and at this time immediate legislative intervention is one of the measures being proposed by the Government to deal with this issue. This is not just being done in isolation. It is being done in all of the social development programmes that are being put in place by this Government.

You know when Sen. Smith speaks about the social ills and the fact that we are not dealing with the social ills, it takes me back to what was the response when we presented the 2002/2003 national budget, and we spoke of all the social intervention measures, they labeled it as a soup-kitchen budget. They said that we were going to create a dependency syndrome. Madam President, that argument just points to the fact that there is absolutely no intellectual consistency in their arguments. [*Desk thumping*] So, on the one hand, they say that we are not dealing with the social ills and yet when we point out that we are going to deal with the social ills, they say, oh, we are creating a soup kitchen; a dependency syndrome; they laugh at the programmes like CEPEP; they say that increasing public assistance could never do anything to assist with crime. But we, as a responsible Government, know what we are to do and this legislative intervention is one of the measures.

Then we heard from Sen. Smith, again, the very specious argument that this Bill should not be passed because hangings do not deter murderers, so 25 years would not deter kidnapers. Madam President, if we are to adopt that argument that would invalidate any piece of legislation that we bring before this honourable Senate. [*Desk thumping*] There is no piece of legislation that can guarantee a 100 per cent elimination of the mischief it is intended to address. And if we succumb to Sen. Smith's fatalistic approach then we should all pack up our bags and leave this chamber. That is the practice of those on the other side, not us.

With respect to the Kidnapping Bill, the legislation is intended to regulate, not eliminate; we would be very happy if it could eliminate, but it is intended to regulate. We are not saying that this Kidnapping Bill is a magic wand, we are saying that it is a necessary ingredient in the battle against kidnappings. So we would not succumb to Sen. Smith's fatalism. We would not lie psychologically prostrate and throw our hands in the air and say we cannot do anything about crime. We would try, as much as we can, to intervene in this issue of kidnapping. To lie in supine genuflection to the criminal elements might be the practice and the style of other political parties but not us on this side. [*Desk thumping*]

Sen. Seepersad-Bachan spoke at length about her distrust of the police service. That distrust of the police service has been given as a reason that this Bill would fail. You know that is not an argument which should lie in their mouth. We have attempted to introduce certain police reform measures and they come here and talk about "Oh, the police service needs to be cleaned up; oh, the police service is not sufficient". They come and say that to us in this honourable Senate while their leader, his stated position outside of the honourable Senate with respect to those pieces of legislation, is quite clear. Madam President, again, I wish to point out that they should not be raising those arguments.

It is a curious thing that clauses 7 and 8 of the Bill were dealt with by Sen. Seepersad-Bachan who spoke at length about her distrust of the police service, but you know there are similar provisions—I think section 32 of the Proceeds of Crime Act is very similar to the provisions of clauses 7 and 8 of this Bill. Is it not amazing that in the year 2000 a piece of legislation is passed by the former administration, setting out a similar procedure to the ones we have in this Bill, but when we bring it in 2003, they are saying that it should not be passed because they do not trust the police service? If imitation is the sincerest form of flattery then those on the other side should be flattered and not be fearful about the introduction of these clauses. At worst, their position in this year 2003, after they had passed similar pieces of legislation in 2000, smacks of legislative hypocrisy. Again, it emphasizes their intellectual inconsistencies.

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Sen. Smith said—he repeated it quite a few times and he received a lot of commendations for saying it—that those on the other side are prepared to work with us to support the Bill and if we are serious about it we must talk with them. Who is the “we” he is speaking of? Because no sooner had he articulated that position in this honourable Senate, than we are hearing from his political leader outside of this honourable Senate, that they are not supporting the Bill. First, it was no support for the Bill until Caroni (1975) Limited was debated. Then there was no support for the Bill until constitutional reform was addressed. And the latest flavour of the week is that there would be no support unless the Equal Opportunities Commission is set up. So the point is that they are prepared to hide behind any political fig leaf to avoid supporting this Bill. [*Desk thumping*]

Then I listened to Sen. Seepersad-Bachan who, with her usual excitement, declared that the UNC, in making decisions, holds public consultations and that any views put forward by the UNC are the views of the people. Well, we on this side are interested in finding out from the goodly Senator as to who are the people she is referring. Are the Members of the Downtown Owners and Merchants Association (DOMA) not people? Or, have they suddenly reverted to being the parasitic oligarchy? Are the people listed in the Ansa McAl survey in the *Sunday Guardian* of May 04, 2003 not people? What of the 79 per cent of the people sampled, who felt that the Opposition should support this Bill? Are they not people, Madam President? What of the 31 per cent of the polled who felt that a punishment of 21 to 25 years is appropriate for the crime of kidnapping? What of the Hindu Credit Union? The San Juan Business Association? The Trinidad and Tobago Unified Teachers Association? Are they not people? Why is it that these peoples’ views are not being put forward here? Why is it that these peoples’ views are being frustrated by the position being taken by the Opposition?

May I also just mention that Sen. R. Montano, in speaking about the people, said that he is representing the right-thinking people of Trinidad and Tobago. So all these persons who have stated that they want support for the Bill are not people and right-thinking members of Trinidad and Tobago? Like so many other things, it is very clear that the UNC’s understanding of the concept of democracy so far is very, very far from the concept that we on this side understand it to be.

Sen. Prof. Deosaran, in his contribution pointed out that punishment is not a priority issue in the phenomenon of kidnapping. He said the most effective deterrent is effective investigation, proper arrests and convictions. We have no quarrel with that. In fact, the Minister of National Security and Rehabilitation has pointed out the measures being taken with the Anti-Kidnapping Squad during his contribution.

I also want to point out about the presence of the Federal Bureau of Investigation (FBI), to train the Anti-Kidnapping Squad officers as reported in the *Newsday of Saturday, June 07, 2003*. We are saying that those measures to beef up the Anti-kidnapping Squad combined with other measures, would lead to more effective investigation, proper arrests and convictions. Sen. Prof. Deosaran's points are well taken, and we wish to assure him that they are being acted upon.

Sen. Amb. Thomas raised the issue about the discretion in sentencing. The clause that concerned him was that the minimum sentence would be 25 years, but we want to point out that it is a minimum sentence and that the court would have a discretion above that. We are of the view on this side that there must be a minimum sentence for kidnapping. Sen. Amb. Thomas gave the example of two scenarios: an individual who was taken to Venezuela and held for six months and a \$3 million ransom was demanded, and he compared it to a second scenario of someone being kidnapped for half a day for \$2000. He was asking whether the penalty for both of them should be the same. We are saying on this side that we believe that there must be a minimum sentence for kidnapping; because kidnapping, in any form, must provoke social outrage and society's abhorrence, and that is reflected in the minimum level of sentencing. We are really saying that there cannot be anything as a nice kidnapping. Kidnapping in any form is evil; it must attract society's contempt and must be visited with a minimum sentence.

Madam President, over and over we heard about the shortcomings in the legislation and we heard that the—*[Interruption]*

Cell phone rings.

Madam President: All hon. Senators, please check that your cell phones are turned off.

Sen. The Hon. C. Kangaloo: Madam President, we believe that this Kidnapping Bill is one of the steps that are needed to counteract what is happening in the society at this stage.

Sen. Seetahal, I believe, in her contribution, questioned why all the offences of kidnapping were not put in this Bill. The reason, as I understand it, is that kidnapping for ransom is the offence that is causing all this trauma on society at this stage, and the Government feels that it must step in by legislative intervention. If we were to try and codify all the offences relating to kidnapping in one piece of legislation, it would take too long and it would be too comprehensive an exercise, so that we are dealing right now with the issue that is affecting and traumatizing the members of society.

3.30 p.m.

Madam President, we, on this side, call on the Opposition to try something different, to effect a culture change and to do what is right for the country, as opposed to what is right for them. We call upon them to support the Bill.

Madam President, I thank you.

Sen. Mary King: Madam President, I also rise to, very strongly, support the Bill. I must admit that the Minister of Education tore at my heart this afternoon with some of her descriptions of families. There is no doubt that we live in very dangerous times in which crimes of violence are, indeed, far too prevalent. This state of affairs and, in particular, the recent increasing numbers of kidnappings, are negatively affecting, not only our social lives, but also our economic outlook. Clearly, it has to be the responsibility of any government in power to confront this issue, this menace.

One hopes that there is a solution, but it can never be a political solution with a capital “P”; it cannot be based on the ideology of any party, the PNM or the UNC. It cannot be, I hope, that any government encourages crimes, since government is usually about looking after its people, and in order to be able to look after its people, it must attract votes; hence no government can transparently inflict this scourge upon its people.

One has to greet the recent move by the Leader of the Opposition to hold talks on ways to deal with the present crime situation as a recognition that the fight against crime is a bi-partisan task; it is a job for all of us. We will also be told that when the other side was in power the escalating crime rate forced that regime to throw its hands in the air in desperation. The scale of crime has also driven the present Government into, what is now called, “controversial meetings” with euphemistically called “community leaders”.

Madam President, the fight against crime and kidnapping is not the time for political horse-trading. One agrees that the legislation on its own does not stop crime, but it gives us, in part, the wherewithal to deal with the perpetrators of such crimes. Therefore, it is very unfortunate that such trading or, what is happening at the moment, such lack of trading, has caused us to have such a watered-down bill before us today.

The fight against these crimes is also about the existing economic and social environments; it is about the political will to address a seemingly insurmountable problem. The Minister of Education told us this afternoon as well, that it is about the provision of adequate human and physical resources. The last is difficult; one

in which there are so many other contenders for resources; besides education, the health issues, the economic transition, such as we have to deal with in Caroni. The economic reconstruction, such as the Government team looking into Vision 2020. We also have to look at unemployment relief.

If we look at countries like the United States, they have almost unlimited resources, compared to Trinidad and Tobago, with which to combat crime; for example the international drug trade. Yet, even in the United States, no one can seriously claim that they are winning the battle. Drug running is big money, and it has unleashed in the region here an inordinate amount of violence and follow-the-leader criminal activity, including kidnapping and kidnapping for ransom.

The large sums of money available have captured many countries' public officials, by way of bribes, to facilitate, if not participate, in some of the criminal activities; not to mention the gang strife that results in the brutal slayings that are now an everyday part of our life here in Trinidad and Tobago. In general, this is independent of which government is in power at any one time. Thus, today, in this Senate, the task before us is not about scoring political points or hurling empty and alarmist charges; it surely has to be about addressing a common enemy.

Kidnapping is a crime that places the family of the victim in a situation in which their reaction, especially when there is a payment for ransom involved, and the fear, which has already been mentioned today, that the involvement of the police could actually lead to the victims being harmed, has all but stymied police action; hence worldwide, we have a detection rate for kidnapping which is low. We seem to be doing better, having had data given to us that we have a 33 per cent success rate.

Traditional police forces are at a severe disadvantage in solving these types of crimes, since they have to depend on what people know or saw and their own underground intelligence. The Bill before us today seeks to encourage and even coerce people to provide that information in clause 9, by making it a crime to withhold information, but we have to do all these things if we want to reduce the numbers of kidnappings. One way being proposed in the north is by way of high-tech monitoring of high-risk people, but today we are almost all fast becoming high risk.

I read in the newspapers that kidnapers are of a certain psychological bent; however, in Trinidad and Tobago the willingness to pay the ransom is, perhaps, encouraging the casual perpetrator to see it as an easy way to earn money; it has now become a small, medium and large size business. The advice given in that

same article is that we should not pay the ransom, but it is extremely difficult to convince a family to risk the life of a loved one for the sake of the public at large.

In fact, this upsurge in kidnapping is not restricted to Trinidad and Tobago; it is all over the region. It has reached astronomical proportions in Guyana, Colombia, the Philippines and Mexico. The short-term response to our crime and kidnapping problems has to be at the crime-fighting level. There has to be, as also mentioned by Sen. R. Montano, more physical, better technological and better trained manpower resources for the police. We have heard the Commissioner of Police, Hilton Guy, telling us of rogue elements in the police service. Sen. R. Montano has identified, very clearly, the problems in the service and I presumed that within the next few months we will get an opportunity to discuss those ills when the Police Service Bills come before us. However, I see another aspect; the developmental aspect is of very critical importance to this whole issue.

Trinidad and Tobago is a country with a gross domestic product (GDP) per capita of US \$8,000, comparable to that of Costa Rica, which is called the new "Tiger Cub" of the region. If we assume that this is the measure of wealth of both countries, we can see that Trinidad and Tobago has some 25 to 30 per cent of its household living below the poverty line, and 7 per cent of our secondary school cohorts go to a university or a tertiary education institution of some kind. If we look at the figures for attendance at tertiary education institutes in Costa Rica, it actually has 32 per cent. So if tertiary education is taken as a measure of upward mobility of the general population, the ability to earn high salaries, then the major part of the Trinidad and Tobago workforce is doomed to subsistence level living, if not to poverty itself.

If we look, on the other hand, the wealth as indicated at US \$8,000 per capita, is seen to be also in the hands of a few, and crime may be one of the ways of re-balancing the education and economic disadvantage of the majority of our people.

Madam President, it is not enough to simply move the earnings of the disadvantaged many to a minimum wage level, using instruments like the Unemployment Relief Programme or the Community-based Environmental Protection and Enhancement Programme. The population, in general, has to be better equipped so as to earn better wages and better salaries. Education is key, but it is not the only missing ingredient. I spoke already about that in the last budget debate, so I will not repeat it here, but we must be aware of it and we, too, must begin to assist, in a more fundamental way, the problems of our broken families. The collapse of the technical/vocational education system. Is it not time for Trinidad and Tobago to develop its social safety net towards a more caring welfare system for all our people?

Let me turn to the specifics of the Bill. I feel that in clause 3(1) all kidnapping should be captured here and not just kidnapping for ransom. I will suggest at the committee stage that by simply deleting the word “similar” in line two, we can have that covered—kidnapping for any purpose, unlawful and so on. This point has also been mentioned previously by Sen. Seetahal who is not here at the moment.

Obviously, we may have to have penalty clause changes, but we can add these in after clause 5 of the Bill. Clearly, there can be two parallel offences associated with kidnapping: the detention of a person against his or her will and the attempt to obtain money from the family, under duress, for the release of the kidnapped person; but we have another issue. We have reported cases in the world where the person who has allegedly been kidnapped was actually part of the gang that attempted to obtain money on the pretext that the person was being held against his or her will. In this case, only one crime has been committed. The Bill does not cater for this eventuality.

For example, clause 5(1) does not, in its present statement, apply to negotiations for a ransom of a person who is, in fact, not wrongfully restrained or confined; hence this clause should be amended to cover this scenario. It can be easily done by stating:

“A person or persons who, knowingly, negotiates or assists in any negotiation to obtain a ransom for the release of a person who at the time is or is thought to be wrongfully restrained...”

I would like that amendment to be discussed at committee stage.

I also support those who are calling for the reinstatement of the no-bail clause, because kidnapping is as heinous a crime as murder, and if that was not clear to us today after listening to Sen. R. Montano himself, it will never be. I would like to see the no-bail clause reinstated.

Madam President, there is also a clause of the Bill which I do not understand. Clause 6(2) is very difficult to comprehend and it may even be incorrect English. One would also assume that even legalese should be correct English. I look forward to the Minister’s interpretation of that, so that we can rephrase it, if necessary, at the committee stage or, if need be, delete the clause entirely.

Thank you, Madam President.

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams) Madam President, first of all, let me apologize for

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that little accident; I thought the phone was really turned off; I am sorry about that. I also apologize to Members in the Senate. I congratulate the new speaker, Sen. Basharat Ali, on his maiden contribution. I hope that we will see him a little more often in the Senate. [*Desk thumping*]

I would not be long this afternoon. In fact, I did not intend to speak on this Bill at all. I thought that the contributions on this Bill were adequately handled by Senators so far, but after listening to Sen. R. Montano, I thought that there were a few things I should say, because clearly, he was traumatized. He was very, very emotional.

Sen. R. Montano talked about his cousin who was kidnapped. It touched me because I remembered the incident quite clearly. I followed that incident; I knew of the work that he had done. In fact, I knew the Montanos long before I came to this Parliament, because I lived just one street before their original family home. At one time, my uncle nominated his father for the San Fernando City Corporation. So when I heard about this incident—I think that I must have read everything about it in the newspaper, so I knew how he felt here this afternoon. I think he poured his heart out as best he could.

What struck me was the fact that he said, “I wish I could support this Bill.” I was really touched. He knew that he had to do something; he knew that something was needed. Probably, he remembered his cousin and, probably, his cousin was pleading with him, but there was something that prevented him from supporting this Bill, and he sat there trying to find out what it was. I wrote down where he clearly said that this was not a political football. I wish I could believe what he said because, clearly, it seemed to be that the politics this afternoon was interfering with him.

He went around and around and thought about everything and blamed everyone. Even when he said that he did not believe in capital punishment and made an excuse for his party, which means that some of the members of his party support it, he could not bring himself to support the Bill. I think it is very sad when we reach this kind of position. I was thinking at one time that kidnapping had not reached the doorsteps of the Opposition, but then I remembered today that it was right home with them.

Just a few weeks ago, it did not come to my home, it came to my heart, because, Kerri Greaves, the daughter of a member of my staff was kidnapped. On my way to work that morning I heard that she had been kidnapped. Kerri works with the Ministry of Community Development and her father works with the

Ministry of Community Development and Gender Affairs; a very simple and honest man. Kerri and her friend were walking somewhere in Maraval, on their way home, when she was snatched. At the time she was pregnant; all that had to come out as we talked about her.

Kerri's father, her mother and members of the family were as traumatized as Sen. R. Montano, and so are all the others who are in that position. I went to see Kerri's father one evening, with other members of the staff who had been going there. There was very little we could do when we got there; we just went to give them support. We would probably have asked if he had seen the doctor, if he had eaten, things like that; friends coming to you at this time mean something; friends coming to pray with you.

We spent some time talking about the situation and he said to me, "Minister, ensure that the Opposition supports that Bill, do all that you can do," and he went on to tell me all about the calls he had been receiving for ransom and what had been happening with his family. I promised him that we would do all that we could. So when we spent all this time, even though people said we were wasting time and that the Bill was urgent, I was hoping in the interim that we could change the hearts of some of these people opposite. Some people are really cold! I really thought that over some time people would come around to understand the importance of supporting a bill like this.

Madam President, what was worse was that while we were there, two Senators came by, Sen. Mark and Sen. Baksh; they also came to give Kerri's father support because Mr. Greaves was, at one time, a candidate for the UNC in a local government election, so they were colleagues. I suppose they did give him support. They can bear me out, when I say, that he stood on his verandah and spoke to them; all he did not do was to go down on his knees. He pleaded with them, "Please support the kidnapping legislation." I do not think that he could have done it any better. He was moved to tears. He pleaded with them for quite some time. I stood at the back of both of them and listened; all I saw were the bodily signs, head shaking and whatnot, whatever it meant.

Sen. Mark: Sympathy.

Sen. The Hon. J. Yuille-Williams: The fact remains, that there was a colleague pleading. In fact, I did not know until that evening that he was a UNC candidate at one time; someone in the house told me about it, but after they talked I recognized it. He was seeing two of his influential colleagues, who could assist at that time. I am hoping that the pleading of Mr. Greaves did not go in vain. I am

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hoping that there is some warmth in the hearts of some of the people opposite this afternoon and that they would say, "Something needs to be done; whatever is necessary!"

We have come here with almost a watered-down Bill from one Chamber, removing the bail clause and things, simply because something has to be done. We must make some movement forward; we cannot just talk and not attack it. We are using numbers here this afternoon to pass this Bill. This Bill should have been passed unanimously, not by numbers; this is too important a subject; it affects too many people. [*Desk thumping*] People crying out are standing there and listening.

You will not find that young woman here today; she is in hiding with her mother. You asked yourself, "Why should that happen; how could we help?"

Sen. Dr. Kernahan: Because of PNM policy!

Sen. The Hon. J. Yuille-Williams: While we were sitting there, there was a child in the Port of Spain General Hospital with 19 stab wounds, after being kidnapped. All that was brought to us, and we are still here pussy footing. I do not know how else to describe it: playing football with a serious crime, and people are cold, unrelenting.

Marc Prescott from the San Fernando Boys' RC School is not here with us. His kidnapping has changed the entire face and culture of that school. It is not the happy place where children once played in the front and awaited parents. That school now has so many regulations; they now have a dress code: you cannot pick up your child if you are wearing shorts or a certain type of clothes, because they trust no one, and you must have a letter when you are coming. The whole place has now become like a prison; the young children cannot grow up as they would like.

We are only asking, "What could you do to assist?" This is all that this Bill is saying; we have to do something. We are the leaders of this community, we are in front; we make the laws. [*Crosstalk*] The people out there depend on us. I am quite sure when Sen. R. Montano said, "My family comes first; I represent my family first and other people after", he did not really mean that. I am sure he said that because he was so pained, because we represent the people of Trinidad and Tobago; they are our concern. [*Desk thumping*]

Sen. Prof. Deosaran: Madam President, I rise very reluctantly, but in the spirit with which the Acting Leader of Government Business is speaking, I feel obliged to intervene in order to be helpful.

I was wondering, given the relatively vast number of amendments which have developed over the last few sittings on this Bill, primarily the ones submitted by the hon. Attorney General, whether the Government would consider redrafting the Bill and thereby accommodate some of the concerns and the need for the warm heartedness that the Acting Leader of Government Business is now imploring us to convey. That means we can “save face”, as it were, by a redrafting of the Bill, taking into consideration some of the comments made by my colleagues and the Opposition and some of the wide spread comments we have been hearing all over the country, in order to convey to the national population that this is a Parliament that is able to take the high moral ground and act in the widest public interest.

Alternatively, perhaps, in that same context, Madam Leader, through you, Madam President, whether the Government would want to appoint a joint select committee if only to obtain the objective that you are enunciating, consensus and, perhaps, reflecting Parliament’s concern over a very serious matter. If we make a mistake today, it will haunt all of us; both on the Government and the Opposition sides. I am sorry to be so long, but I thought that I would intervene for that purpose.

Thank you.

Sen. The Hon. J. Yuille-Williams: Thank you, Sen. Prof. Deosaran. When I listen to your contribution now and your contribution before, I am really moved. I see that you feel the pain of the families of some of these kidnap victims. We would want to do anything that would help, but I wonder if you can change those people who sit in front of you? In the other place, where we will have to use a constitutional majority, how could we change those people?

Sen. Mark: We want to change you!

Sen. The Hon. J. Yuille-Williams: Just listen, and you will see that it seems we are going nowhere.

Madam President: Senators, please!

Sen. The Hon. J. Yuille-Williams: These people are not willing. You have a warm heart, Sen. Prof. Deosaran. Blocks of ice seem not to change even if the sun strikes on them all day long. [*Laughter*] It makes no difference, because the reason for it has nothing to do with kidnapping; that is the problem.

When Marc is not there; when Micah is not there; when my friend, Clint Arjoon from South was kidnapped and burnt over days and nights, and he was not at home; that is not the reason. Clint’s five-year-old son does not sleep with him

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anymore, because he is so scared; that is not the reason. If those were the reasons, then we would get them to change. I do not want to say it is “civil disobedience”; I do not want to say it is a bad "tabanca" since they lost the election; I do not want to say, as they do, that it is the Caroni (1975) Limited issue, and we know it is not, or as they say, it is discrimination or constitutional reform, when that is not it. [Crosstalk].

Madam President, you can understand what I am saying, because every day is a new excuse as to why they are not supporting the Bill.

Sen. Mark: We want to get rid of the PNM!

Sen. The Hon. J. Yuille-Williams: Sen. Prof. Deosaran, in your good faith, that is not it. The fact remains that they will not support anything, because they look on us on this side—Even though kidnapping or any one of those crimes could affect any one of them, if it happens, God forbid, then I suppose some of them will probably change, only then, but I do not even think that will change them, because the loss of power is what is guiding those people. [Desk thumping]

I really feel pain. I did not think that after all these weeks nothing would change them. Sen. Prof. Deosaran, we would go with whatever you try, but will it make a difference? It would just delay the process; they will not move; they will not budge.

Sen. Mark: Withdraw the Bill!

Sen. The Hon. J. Yuille-Williams: We will not withdraw the Bill! We will go with what we can do. [Desk thumping] [Crosstalk] We have a responsibility to the people out there, and they know what is happening in this Parliament; they know that we are trying. Just as Mr. Greaves begged you, hundreds out there are begging you to support the Bill. The Hindu Credit Union is a strong credit union. [Interruption]

Madam President: Sen. Smith, I have listened and I have been very patient; your voice is rising above the Senator's voice.

Sen. The Hon. J. Yuille-Williams: The Hindu Credit Union is a mixed group; it has a large membership; it is a multi-ethnic group. They saw the necessity to hold a symposium, as my colleague said, and coming out of that they asked for support of the Bill. Think about how many members they control; you are saying no to them, because you do not care about those people; you care about yourselves.

The businessmen in San Juan came together as business people. They saw this crime; they knew that there was need for support; they talked, they begged;

nothing doing. The Trinidad and Tobago Unified Teachers' Association (TTUTA), a responsible organization, the teachers' union, took time also to make comments. They, too, begged on behalf of the number of children and teachers they have as their stakeholders. It did not bother you.

The church—Pastor Clive Dottin, a supporter of the UNC, also asked that something be done. [*Crosstalk*] He is an open supporter; he said so, and I appreciated his comments. He asked that you support this Bill. I am sure you read all of what Father Clive Harvey had to say. Every time he gets a platform, he also talks about support for this Bill. Who else, Sen. Prof. Deosaran, do you think will help them? If God came down, it would make no difference to that team; they will not change. We could stay here for the next six months, they will not change.

They are only hoping that some miracle would happen and they would just jump across, sit on the other side and control Trinidad and Tobago. [*Desk thumping*] [*Laughter*] If that happens, then they will come to us and say, "Let us look at legislation", and "We need consensus and we hope", and that kind of nonsense.

Sen. Prof. Deosaran, I have read your comments, Sen. Amb. Thomas' comments and I have listened to Sen. King and everybody in this Parliament. You know, as I know, that nothing will happen. We could change all of the Constitution while they sit there; we could withdraw all the VSEPs, which embarrassed them. At the last minute, they carried that matter to court because everybody was taking VSEP. While they sit there, they will not change. Therefore, what do we do?

I ask for the support of this Senate, from those of you with consciences this afternoon. I know, probably, that some people felt that more could have gone into this legislation, but I am guided by those legal brains who say that certain parts of this Kidnapping Bill are taken up in other parts of the law. I am not sure; I do not know about it; I take it from them.

I know that Sen. Seetahal said that this Bill has been copied from Singapore; a lot of legislation is copied. Sen. Seetahal said that in the Singaporean legislation much more was in it; I appreciated that, but I have been guided that some of it is in other areas. Even though that has been said at this time, we need to send a signal from this Parliament. We cannot sit here and do nothing. At least, it is a signal we are sending that we are attacking the problem. We might not have done it the way everybody else wants to, but nothing that we do is complete in itself; there is always room for amendments and for further legislation, but we have to

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send a signal. We have sat for six or eight weeks with this legislation and we are still where we started. We have a piece of watered-down legislation on kidnapping, but we are going to pass it, because we need to let those people outside there know.

Sen. R. Montano said that as soon as he heard that his cousin was kidnapped, he went to the house and sat there to await the call for the ransom; I heard that very well. He knew that one of the major reasons for kidnapping is for ransom, that is why, as a lawyer, he sat there waiting to hear how much money that family would have to pay to have the member released. Therefore, one of the major issues in this Bill, clauses 3, 4 and 5, deal with kidnapping for ransom.

Many people asked why just kidnapping for ransom, but when I heard the Senator say that he sat to await the call from the kidnappers to see how much money his family would have to pay, I said, "Yes, he is going to support the Bill," because those people kidnapped his family, as far as he thought, for ransom, but he did not support it.

There was a young lady whose child was kidnapped; the kidnappers asked for nothing, but she said, "All I have is \$500," and she was offering the kidnappers \$500 for the release of her child. She, too, felt that they had taken her child for ransom, but she was a very poor person, therefore, she was offering all she had. The \$500 that she had was like \$500,000 to some people or like \$5 million to others. So we see the kinds of things people have been doing; half a million, \$3 million, some people are paying it.

Abductions of Trinidadians in Guyana; we see the kind of money people have been paying. It is a way of getting money very quickly. Therefore, this Bill seeks to create specific offences for kidnapping for ransom, and not only for the kidnapper, but the person who negotiated. I heard one kidnapper saying quite openly that his role was to negotiate. If even it is only that the Bill is doing, which was not done in other legislation or anywhere else in law, we have moved one step forward.

Sen. R. Montano said that it was difficult to catch because the police do not catch anyone. I suppose he said that because his cousin's murderer was not held, so we cannot blame him. Sometimes you want to tell people not to speak like that, somebody has to have confidence. We do have problems with police. Some people say I do not speak too much about that, because my father was a policeman for 38 years. I respected him and I respect the service as well; but, yes, there are problems.

The PNM Opposition and the then government came together and worked for months upon months to get legislation that would address problems within the police service but they are still not supporting it. They are not supporting the same legislation that they sat for months and months and worked on! They are not going to support it, because they are sitting on the opposite side. Country has nothing to do with it; it is about personalities and us, and that is what is important to them.

Even though Sen. R. Montano knows that there are problems with the police service, and there is a Bill to change the management of the police service—one that was agreed upon, incidentally, Sen. Prof. Deosaran, by both sides—because they have changed sides now they are not going to support it. There is no hope for anything that has to do with constitutional majority.

Sen. Mark: Under the PNM!

Sen. The Hon. J. Yuille-Williams: There is no hope for them; they will not support even legislation which they, themselves, put together. Therefore, for the time being, everything we do we are going to water it down, because this is how they want to run this Parliament. Yet they are telling us that they want to present themselves to people out there again, saying, “Put us in power again!” To do what? That is being extremely selfish.

I remember in this Parliament, I was sitting across there, and we did a bill to deal with customs and drugs and so forth. Dr. Rafeeq was on this side as the Minister of Health. We had to contribute, so I researched it well because I felt that I had a responsibility to assist. When I was finished, if you go back to the *Hansard* it is there, he said, “You should be sitting over here and not over there.” Do you know why he said that? He felt it was a substantial contribution, something that would guide him with the legislation. That is how we operated when we sat on that side, as most people could see; we worked hard.

And that bitterness! We lost elections as well. In 1986 it was 33/3. Three persons came to the House and the other six came here, including Sen. R. Montano, and contributed. [*Desk thumping*] Are you the first to lose an election? All over the world it is either win or lose, that is the only situation you have. Sometimes you draw and somebody makes a decision.

Sen. Mark: “But yuh don't tief!”

Sen. The Hon. J. Yuille-Williams: I want to tell you that you do not stay down like that for so long. The last Parliament you did not come and even wanted

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to take a salary; it is in this Parliament that you came in. Now that you have come in, be responsible; you cannot continue like this all the time. I am really pleading; I do not know if it would help.

As far as the police service is concerned, we have to have some confidence. There are flaws, support the legislation and put different management in place; all these things go together; it is a package. Everything you do in this Parliament is a package. I heard Senators talking about the amount of legislation brought, but you brought a whole lot of legislation the last time, some of which we are now amending. Some of it has not been put in place at all, but we are doing that.

Madam President: Senator, please address me.

Sen. The Hon. J. Yuille-Williams: Madam President, I read where the Member for Fyzabad said, “If you have a kidnapping, first call me and then I will call the police”, or whatever it was. He was saying that the first person to call is the Member of Parliament. It was in the newspaper in black and white. I mean to say, Madam President, that is carrying the joke too far. [*Laughter*] [*Crosstalk*] They are talking about no confidence in the police, but why if a member of your family is kidnapped, would you call the Member of Parliament? Why are you trying to mislead the people about the powers which you do not have? There is even a special call code, one of those fancy things you have; whatever it is, “Call me and leave it to me; do not call the police.” [*Crosstalk*]

When you do that, you mislead a whole country, you make people have no confidence in the police so you make things even worse. Why, if somebody gets kidnapped, would you call the Member of Parliament? Is it a road, a bridge, a drain? [*Crosstalk*] A life is at stake and you would call the Member of Parliament? What could he do? When I read this in the newspaper, I said I could not understand why people would do such a thing, would mislead a whole generation! This is a serious matter that they are making a joke out of, that is why they could do such stupidity!

The police are there; we are paying them; we have put things in place. I have deep respect for them, and I always will, regardless of what you say about the police service, and I will continue to do that. [*Desk thumping*] It does not tell me that if there are things to make life better for them, I would not do it. [*Crosstalk*] While you are waiting for it to be cleaned, there are a lot of people outside there suffering, because you would not vote for this Bill. It is hard.

Sen. Mark: Are you begging me?

Sen. The Hon. J. Yuille-Williams: Sen. R. Montano asked how would it help, his cousin is gone. He said that he would not allow the police to go into his bank account. Madam President, we had a discussion with a Senator who is not here today, but he saw that a person who was kidnapped all the figures from his entire bank account were taken away from the bank; some of you in the back will know what I am talking about. The information was given out from the bank.

Sen. Mark: Carlos John's information was given out by the Bank.

Sen. The Hon. J. Yuille-Williams: This Bill is supposed to address that. I saw in the newspaper that a kidnap victim sued a bank. This legislation was trying to deal with that. It is a crime to provide information to an accused person on the financial assets of a person about to be kidnapped. If you look at clause 6(1) you will see that. So how will it help? We are hoping it will help to deter those people, in whose confidence you have placed your money, from going outside and giving it to would-be kidnappers; that is one way it will help. Sen. R. Montano asked, "How will it help?" That is one way in which it will help.

Senator R. Montano talked about sharing information. Really, if you have no confidence in the police, as he has, then information will not be shared. The police must have information. They have to find ways and means of getting it. I do not think that any of them are witch doctors, wizards, magicians or anything like that; they have to find ways of getting information, by talking to people or people being proactive by going to the police and giving information. They must have information to do their work.

If you care about people at all, you would ensure that those people who give information that will lead to the conviction of kidnappers, are protected. So when Sen. R. Montano asked how it would help, I want to tell him that this Bill will help, because in clauses 11 and 12 it provides protection for any person who gives information.

Sen. R. Montano said that you cannot catch the kidnappers. How are the police going to catch them? Somebody must come forward and give some kind of lead if he or she has information to assist the police. Some people are afraid to do it and, therefore, if we need that information it is our responsibility to protect the persons, the informants; this is one way the Bill is going to help. So even though some of you may feel that the Bill does not address all that you will like it to address, there are very significant ways in which this Bill is addressing some of the problems associated with this crime.

Kidnapping is a crime. You are saying that it is increasing, but you are sitting there and saying, "Leave it to the PNM to do it." Well, we are going to do what

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we can do without you; I am telling you that. [*Desk thumping*] We would have liked to do more. In fact, when you talk to the commissioner, you get the impression that some people had kidnapped, came out of prison and did the same thing again. That bail clause that Sen. Prof. Deosaran really wanted to have included, it was there in the first draft in the other place. It had to be removed because it called for a special majority, and they are not going to give the special majority.

If even within this Parliament there are reasonable people who would have liked to have that special majority, we know that if it goes down to the other place, it will be defeated. I am quite sure that there are people here who would want to give a special majority to give this Bill teeth. Some of you are saying that the Bill does not have teeth, that it does not bite enough; it does not, but you cannot give it teeth without a special majority. From our experience, we would get the special majority in this Senate, but we would not get it in the other place.

Sen. King: Madam President, I would just like to make a point. What happens downstairs should be allowed to happen downstairs. If this Senate feels that the Bill should have the no-bail clause, it should put it in.

Sen. The Hon. J. Yuille-Williams: Madam President, if it happens there, then we would have to put this Bill away for the next six months or so, and that is what those people want. [*Crosstalk*] They really want us to put this Bill away for six months; they want this Bill to fail. Whereas I understand what Sen. King said, that kind of demonstration to the national community, they do not care what the national community says, because all those lobbying groups out there belong to the national community and none of them could make an impression on the other side. Even though we went down there and we have that demonstration, it would not move them. They would now feel that they have won a battle, because they have stopped the Bill.

We had to remove those clauses that needed a special majority to prevent them from stopping the Bill, because we are the Government, and we feel that at no time should they be allowed to stop this legislation. We won outside there; the people said, "Govern," and if we cannot do it that way, we will change it, but we will do it. We will govern with or without them. It is a pity that we have to almost reach the stage where we are almost pleading. In fact, all I am doing here today is pleading, but I know it is not going anywhere. To me they are happier today; they are stronger today; they care nothing about anybody else. They are just happy that we have reached a stage where they will not support this Bill or any legislation that we bring to the Parliament.

Madam President, we will not even ask for a division, because we do not even want them to say no. They might ask for a division themselves, so they could record the no. History will tell them! They are proud to know that they have let the country down. They have let those victims' families down.

Madam President, you saw when Mr. Choo Young Chee, the Santa Cruz shopkeeper, was kidnapped, the entire village prayed everyday.

Sen. Dr. Kernahan: Under the PNM they have to pray!

Sen. The Hon. J. Yuille-Williams: Candles were lit all around, because he was a symbol to them; he was their friend. That is what they have been doing. They are allowing villagers, schools and families to be traumatized as Sen. R. Montano's family was, and they sit here, laugh and feel extremely proud that the PNM brought a bill; they are not members of the PNM; they care very little about the communities out there; all they want to do is to get over here, if even they have to jump over this thing. They do not care how they reach here, whether they have to pass through the roof or whatever, as long as they are not sitting there.

We sat there. I know some of the Senators sitting there now, sat there with us. We worked and we voted for and against. They said that they are not here to make us look good. I do not know what is looking good. It is said that where there is life there is hope. I do not know if there is any life over there anyway, [*Laughter*] so there might be no hope. I do not know if some people are alive over there at all. If you were alive and breathing God's fresh air, you would not behave like you are not on this earth; as though you do not feel what is happening.

I wanted to make my contribution to support this Bill, to see if I could plead with six ice blocks [*Laughter*] [*Crosstalk*] that have remained stone cold; who see everything over there as a joke, even though it has come home to them, even though their own colleague said, "I would have liked to support that Bill," even though there was that cry coming from him. He left here; I doubt it was because of his foot alone, because he has been here for weeks, and before now his foot was not as bad as it is now; every week it gets better. [*Laughter*] [*Crosstalk*]

He had to leave here today, because I know that he really feels pained. He knows what he said here. He could not sit there and vote, because Albert Montano would have been on his case. [*Desk thumping*] I am telling you that is why he left. He was pained; he could not sit with the others and say no, no, no, no. He left it for you to say no, no, no. Take that as an example of what I am saying.

Today, at least, remember your colleague; remember Kerri, your friend, one of your former candidates; remember all the young people whose children are

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being snatched at all times; remember the older ones who are being snatched; remember that any one of us could be snatched. As you think about that, whatever this Bill offers, in whatever way it could help, I appeal to the Senators over there to support this Bill. You are smiling so you are getting a little warmer.

Thank you, Madam President.

Madam President: Hon. Senator, you even had me smiling and laughing at the end of your contribution.

Hon. Senators, this is a good time to suspend for the tea break. We will return at 5.00 p.m.

4.27 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Parvatee Anmolsingh-Mahabir: Madam President, I rise with great disappointment to offer some insights on the Bill before us. While I support the Bill with the amendment recommended by my colleagues, my disappointment arises from the failure on the part of both Government and Opposition to have adopted a collaborative approach in the national interest to such an important piece of legislation. This approach is fundamental and indispensable, a *sine qua non* to passing urgent legislation infringing legislation in the other place.

This Bill, which is the subject of our scrutiny today, has been described as a toothless, watered-down version of a bill that has been re-drafted to avoid the requisite special majority for passing crucial sections.

This Bill has omitted the necessary deterrent no bail penalties that would have rendered it more effective in stemming the tide of the scourge of kidnapping once the police are able to effect arrest. While I would have preferred to see the no bail penalty retained as a deterrent, where there is specific evidence against the accused, there may exist an alternative which should be explored. I have before me a copy of Act No. 18 of 1994 which deals with no bail, and I refer to section 5(2) which states:

“A Court shall not grant bail to a person who is charged with an offence listed in Part II of the First Schedule and has been convicted on three occasions arising out of separate transactions—

- (a) of any offence; or
- (b) of any combination of offences listed in that Part, unless on application to a Judge he can show sufficient cause why his remand in custody is not justified.”

There are other sections in the Bill that perhaps the hon. Attorney General can enlighten us on, but what I am suggesting—and I am subject to the hon. Attorney General's views—is that perhaps this Act can be amended to add kidnapping as one of the offences in the first schedule in Part II.

What I am proposing, is that options available must be utilized to send a strong message to the potential kidnapers that the State is serious about dealing with these criminal parasites. This is because we need deterrents. The scourge of kidnapping is holding our society under siege and we must do what is necessary to protect our citizens.

This heinous crime against society has encroached on our young and defenceless. They are being brutalized. Children, parents, families, are being traumatized almost on a daily basis. Criminals now dictate the type of life law-abiding citizens must live. This is outrageous! We cannot tolerate this state of affairs. When our young children have to march in the streets to highlight the runaway crime situation, we cannot and must not throw up our hands in despair. We must put in place the necessary measures to halt the criminal persecutions of our citizens. This despicable trade in flesh must stop!

If this epidemic is not arrested and statistics continue to rise, we may have the dubious reputation of becoming the crime or kidnapping capital of the Caribbean rather than a developed country by 2020.

What about the victims? There is nothing in this Bill which provides for compensation to victims of kidnapping. In this regard, I should mention that there is in our law books a statute called the Criminal Injuries Compensation Act, 1999. This Act, No. 21 of 1999, came into force on November 02, 2000. There appears to be provisions in this Act to assist kidnapping and other victims of crime. If we look at section 29 of this Act, it states:

“Subject to an application being submitted to the Board, the Board may pay compensation under this Act to—

- (a) the victim;
- (b) a dependant of the deceased victim; or
- (c) the person responsible for the care and maintenance of the victim or dependant, where that person has suffered pecuniary loss or has incurred expense in the care of the injured victim or dependant, as the case may be.

- (2) Compensation may be paid in respect of—
- (a) Expenses reasonably incurred as a result of the injury or death of the victim;
 - (b) Loss of earning power as a result of total or partial incapacity of such victim;
 - (c) Pecuniary loss to the dependant of the deceased victim;
 - (d) Other pecuniary loss or expenses incurred resulting from the personal injury or death of the victim which the Board determines to be reasonable.”

Why is the public not made aware that they can seek assistance from the State in terms of compensation as a victim of crime? Why is this Act not being put into effect? What about the board? Has the board been constituted? And if not, why not?

While the State is interested in punishing the criminals, and rightly so, the State must also be concerned with the well-being of the victims of crime. There appears to be organized criminal elements who are capitalizing on a weak system of intelligence-gathering by our security forces. The kidnappers have demanded and collected ransoms with impunity and little or no interception of the telephone calls demanding the ransom has been achieved; this, in spite of \$61 million spent on acquiring spying and surveillance technology. Is this equipment being used to protect our citizens?

In the metropolitan cities, Biometric Surveillance Systems are being used to effectively lower the crime rate. Modern technology must play a crucial part in tracking criminals. There is much work to be done to improve the police service. Our protective forces must be given the resources and be trained to develop strategies and techniques to deal with the spiralling crime rate.

We are all aware that legislation alone would not be the panacea to rid us of this kidnapping menace. I support my colleagues' call for a comprehensive networking strategy involving all sectors of civic society in a cohesive onslaught against crime.

Perhaps what also needs to be done is to motivate some of our politicians to demonstrate statesmanship and maturity to put the interest of the nation first at all times, above party politics, especially on the text of urgent, important legislation such as this Bill before us. [*Desk thumping*] The verdict of the past three or four

general elections, with 17/17/2; 19/16/01; 18/18; 20/16, reveals that the electorate has been telegraphing in clear, unambiguous terms the need for Government and Opposition to work together for the benefit of the country. Our politicians need to rethink and readjust to this new mandate issued by the 21st Century electorate.

Cooperation and compromise for the passage of Constitution-infringing bills must be the new political configuration and the way forward if we are to truly serve our citizens.

I thank you. [*Desk thumping*]

Sen. Dr. David Quamina: Madam President, I have listened to all that has been said over the past days and I am left with very little to contribute. The question of kidnapping for ransom and related offences is, of course, a very heinous crime and one should, at all times, try all means to prevent this from occurring.

In the classroom, for instance, children are removed. Security is not in evidence; programmes are not instituted to prevent them from leaving the class. They are kidnapped and they may not return; or they may return at dates at which the parents did not anticipate them to return. Family members are perturbed about this and as we see, many schools are instituting policies to prevent children from leaving school without being supervised by someone.

We think that there is some measure of corruption in the police service but I do not think that it is overwhelming. Nevertheless, there is some corruption in the police service. What needs to be done is to weed those out that we think are causing the problems. We should then try to catch whoever the crook is who takes the child away, but we must, in the final analysis, I think, put our trust in the police.

We bail a person out to be free rather than put him in jail because he has failed. Much has been said about all aspects of kidnapping during the course of this day. All that remains now to be said is just what people have been repeating over and over during the course of the several days that have passed. But it is better to be free than to be jailed and it is much better for one to pursue the events that would prevent your child from being jailed or imprisoned.

Crisis management is a very important thing in school management. Firm action by the protective services is, of course, also a very important thing to prevent this, and expeditious services by the parents, by the family, by whoever may be around, is necessary because security and major programmes are necessary to prevent these things from happening recurrently.

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I do not think that there is very much else one can say on this. We have all spoken at length about it and all I can say at this present time is that we should endeavour as much as is possible to pursue whatever needs to be pursued to prevent this thing from recurring.

Thank you very much. [*Desk thumping*]

Sen. Brother Noble S. A. Khan: Madam President, perhaps what is before us would indicate that social and behavioural change is perhaps one of the most dynamic variables in any society, and if you were to think as a people seeking out and establishing for ourselves and future generations, a great civilization, a better society, one would think that over the period of time that this responsibility that has evolved on us as a nation, as a people, has not been what we would have liked it to be and, obviously, if that is so, the question of introspection, of responsibility and of accountability, will arise.

We know that the Bill before us has been in the other place and despite that, even what is here before us, there are proposals which indicate a plethora of changes or amendments that are forthcoming. One would think that our discussion of this matter in the Senate gives credence to the role of the Senate and that which is placed in the parliamentary process. Obviously, in looking forward, we could think in terms of a new way of looking at the world, and even of our own. Against that background, some of the negatives that could definitely emerge within ourselves are questions of selfishness, of distrust, of rights and interests, of jealousies.

We are dealing with a major input of crime which continues to haunt us and which has been growing. I am sure what has emerged here, and by far outside in the wider society, there will be agreement in the condemnation of crime in all its forms, be they violence, murder, kidnapping, white collar, blue collar. I think we will all denounce those crimes. Obviously then, the mechanism for denouncing those crimes would be one thing; the mechanism of putting in place action that will stave off or reduce or eliminate the prevalence of those crimes, or any crime for that matter, is one that as a people, as a nation, we would think in terms of.

To this, therefore, I could only urge that the responsibility that evolves upon ourselves is one that is very sacred and one which we should definitely give some meaning to. Although we are but a few, this few represents many. It represents the nation. Kidnapping, as you know, has been around us from earliest times, and even if we were to go to the century before this one, it has been immortalized in our literature—Robert Louis Stevenson: *Kidnapped*—and what have you. Even the behavioural patterns of that time, it came through that kidnapping appeared to

be at one time supported by the establishment, particularly those countries of the North, in order to build up their population.

Today it has moved into a different area. It has emerged, more or less, as an industry and this industry—if we were to give it that credibility—is also one among other industries that plague the world today. You hear about the drug industry; the money laundering industry, and all of these things which are negative and definitely illegal and criminal. The challenges that they provide for peace-loving and legal people are very many, and even today this is before us. But the expansiveness of these types of negatives, one could even think in terms of what element of contribution to our gross national product (GNP) these elements play in the economy.

Obviously, illegality is something that we cannot support no matter what element it may have or contribute towards the economy. Even as we know that kidnapping has been around for quite some time, the question of—even from those early times—and when we saw the indication in our society, the response, I would say, was not the one that was desirable. So that today it continues to grow.

The challenge is massive and I would like to think in terms of, as a Caribbean people, as this thing spreads and it comes down into our country and our small communities, the old adage that when your neighbour's house is on fire you must watch for your own, or in a more graphic way: “When dem shave your neighbour beard you wet your face”, all of these having the same meaning. The extent to which this is spreading in our land, as we have heard before, has reached the panic stage.

Again the question is: What caused this deviancy in our society in such a massive way? This question has been around all the time. We have heard earlier on that those who are particularly involved in the social behavioural sciences have been making very creditable contributions in this way, and possibly if they were not, the question is, what would have been the position.

I would like to add my small bit about this environment that we ourselves have created. What about our values; the mores of our society; how has that changed? What role does leadership play in that? Starting from within the family we know that is most important. Our children, the generation that we come from; the generations that are being formed now; the question of their training, even from preconception, conception, pregnancy, upbringing: early years, pre-teen, teen, young adults, what have you, the whole spectrum of a person coming into the society; the educational processes at each level; some of us who have been

around for sometime and who definitely partake in what is going on now, could understand the herculean task and must have some respect for those who are involved in some of the decision-making processes and the steps they are taking to address this question.

Again, I would like to give some credit to some of the agencies of the Government in their attempts to face these challenges and other NGOs and CBOs which are in the area of dealing with this. I would like to make mention of some of the areas that have been touched upon by past speakers. I would not go into too much detail. We are dealing with crime. We could think in terms of the preventative aspects and I think by far this is one of the areas in which we should be addressing ourselves. But when it comes to dealing with it when it has occurred, to stem it off; to guide it away from us, so to speak, the first thing that would come to us—and they have come in for plenty knocking; and very easy to knock when you are under a strain, under a trauma, to hit out at the persons who, possibly, are the ones who are best positioned to help you. I make reference here particularly to the police and the prisons and the other protective forces.

The police has been with us for quite some time and I would like to backtrack a little to some of the areas that I, personally, am aware of. Many enquiries and commissions have gone into the police service and other areas; commissions have gone also into the area of the prisons, but I would deal first with the police and what I know of. It has been some years ago and as far as I could recall, those reports that came out, not much has emerged from them. The report that I would like to make reference to that came out—I think it was the Bruce Report—a significant amount of work had gone into it.

I was in the public service—and I am drawing on that experience that I, personally, have had—and the report came to a group and the direction from the Cabinet at the time was to implement as far as possible all those elements of the report that did not have financial implications. The direct officer who was dealing with it was a new officer and I was the “overlooking” officer, so to speak. I thought it unfair just to drop it on her desk and let her on her own. So I worked very closely with her and the strategy that I adopted was that we went through the report in detail and for each one of the recommendations we formed an expression of how that should be dealt with. There was precious little of the recommendations that did not have financial implications. We put up a very comprehensive report, reduced it to about two or three pages and it went right up the system. That was in the Ministry of Finance in those days. That was the end of that. We never heard anything more of it.

I am sure the report is part of the national records; we could go back and look at it. But what I am speaking of here is what I personally know of and in which I was involved. I think what I explained here is what happened to many of the recommendations of researches that have gone into some of the areas in which we have to really take action to make things work—to implement things. Now in any area of doing things, in my own small model there are two major areas: the question of training the people, giving them the empowerment, the conceptual tools, the technical tools and also giving them the material support, and put together the numbers also. You would have the question of motivation, a proper financial package and other non-monetary packages that would allow the persons to get the things done.

What I am saying here might be very simple and imperfect, but it is not meant to be finical or fastidious or to be all-inclusive. I think my point would be well understood, that if we do not have the thing properly geared and fashioned, we are in for plenty trouble. I think this is something in any elementary management or motivational area of pursuit that we might be familiar with.

The question, therefore, of the police and meeting the challenge, I am speaking here in a pure form, not bringing to bear those other non-productive areas or the negative effects which I would not like to go into when we speak in terms of the corruption. Because if you look at that, if we were to go outside there and listen to people's perception of corruption, you would find very few places that you cannot touch with that. Even that might be parts of our imaginations also.

The question, therefore, in meeting any challenge, particularly in what we are dealing with—dealing with the areas of crime and kidnapping is part of it; or I should put it the other way, we are dealing with kidnapping which is part of crime—we must impact in other areas. Like the other Senators who have spoken before, the police is most important, but just leaving the police or the Ministry of National Security and Rehabilitation out on a branch and not delivering the goods, I think that we would be, if not unfair or unjust, really carrying it back, as I said, with the illustration that I gave with the question of the Bruce Report, how it just remained there. But when we think in terms of the spread of the responsibility for it, one gets the impression that people are pulling it away and just leaving the police out on the branch alone.

I am not holding any brief for any police or anything like that, I am just trying to put it in my own limited way and the perspective around. So this is one area I think in terms of where we have to play a most important part. In past contributions that I have made, as meagre as they are, I have always tried to stress

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the point of implementation and equipping people for the job. I had mentioned before the Ministry of Education, the Ministry of the Environment and the Forestry Division where we know that there are people where there are jobs; money has been voted and I guess in the other parts of the services also, but yet we see that this is not being taken up. Because if you have it and you do not put it into place, then how do you expect it to be done? How do you expect it to mature?

So we may give them the tools, we motivate them and set them in place and hope by the grace of God that things will work. I think that to some extent the position that we are in, we will have to take some responsibility for that. This is just in one area of crime-catching.

With respect to the prisons, I would deal with it along those lines. It is one of the great recruiting points for the negatives that are taking place in our society. Here again we have had reports and reports coming out. I know just recently—I am sure there are some of us in the Senate who might remember the group that had looked at the prisons and came up with suggestions, but that again is a bit cloudy as to what is taking place with that. If we were to just think in terms of over the period of time that these reports have been on—and perhaps, I do not know—the majority of people who are victims of the prison system or who end up in the prisons are those from the lower end of the economic ladder; the accepted lower end of the social ladder.

I would not like to say it, but you get the feeling that the society feels that they are the dregs, and though you may hear cries or appeals, you get a feeling that it is a problem that we have to live with. It is like a sore foot, where we put just a plaster over it and it festers below and it continues to grow even as we say the poverty is expanding in our society. This again throws back into how we meet the challenges of our nation.

So coming out of the prison system you have a recruiting base. I have heard other contributions from the Senate and I myself have always felt that the question of redemption, of reformation, is one that has to temper the question of punitive action, of a society trying to get back. That does not mean that they would do things and we would just take it so and treat them with kid gloves. Far from that. But unless we have within ourselves the proper conceptual tools, the philosophical outlook of how our society could go—because this is what we are judged by. The money that we have flowing, the good health that we may have, just think of it—this is a little aside—we tell our people we would give them good health service; as a Caribbean people we spend plenty money in training our doctors, both at Mona and down here, and other parts of the Caribbean where we

have these schools, but when it comes to the service, you find doctors not working and people are not getting any service. This creates problems in people's mind and builds an element of distrust. These are the facts of life. If we continue to go that way, when the next explosion comes—that would be quite some time; and I did my bit to stave off some when it happened in the past—I do not know what may happen because it is becoming vicious and more vicious.

Not because it is becoming more vicious that we would react by looking in the Kidnapping Bill at no bail. They would tell you that the more you kill is the more that would come; they cannot kill all. That is language on the ground. When that is built up into some of our traditions—and that is so—and it becomes a little more sophisticated and we ourselves are unable to meet that challenge, well God help us.

These are some of the social implications that we think in terms of when it comes to the prison, the police and the wider society where, possibly the soul of our nation rests. It is possibly the greatest help which we could think in terms of reaching out to—because by far the political parties or the Government or the Cabinet are just subsets of our society which take upon themselves—and the nation has reposed upon them—some element of trust to help us and to guide us as a people and build us and move us forward. That is as simple as I can put it, or my simple mind has formed that expression as it is.

We are God-fearing people in this society. That is enshrined in our Constitution, but many of the institutions, I think, if we are growing—and I said before, we are very organic, very dynamic—it means to say the question of change would take place either willingly, knowingly or unknowingly, how much command we have over that. Possibly, too, the activities of our society and what emerges forms a barometer and if we are unable to watch that and gauge it, well, again, how far have we succeeded? Could we continue to spin in small pools that are intellectually deprived, morally, ethically and spiritually deficient? Because this could be why we are in this state. Put against a matrix I do not know where that would lead us. But we continue to grow as a people; we make more children and we continue to bring new societies whether having control over them or not.

Very often when things emerge in some of our areas, one hears expressions like: “Anaconda 1, Anaconda 2, Baghdad”, all of these in a way that are very negative. As a young boy growing up, when I learnt of Baghdad, we knew it as a golden city where the rector of that university in Baghdad, Ahmad Algars Ali, at age 32, was one of the intellectual luminaries of the world; where we heard of Aristotle, Socrates, of mathematics, and all these types of intellectual enquiries

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being made and being the seat of great learning. I speak of the Baghdad that was recently destroyed—a second destruction, so to speak, because in the Tarik it is said that the first shot that Baghdad had was when the Mongols came out of Central Asia and devastated Baghdad. It has not yet revived, and here you have another one.

The Baghdad I am speaking about is some code name given to an area in our country. It has very negative connotations, likewise Anacondas 1 and 2. We borrow these terms. I do not know where they got them from, but if we read the newspapers or look at our television, we would know where it is.

I belong to the Baghdad that they talk about, where they send these people in. Listen to a dialogue that took place between myself and a young boy. “We bad; Laventille bad.” I am lying on my bed and that is the talk “ah” getting. “We is Indian.” What is going through my mind is: “What stupidity they put in he head now?” I said: “Come, sit down.” I explained to him that Laventille “ain’t” bad; they have the whole world; God made all different types of people. Now this is a young boy.

Other than that, too, people from across the line—the priority road I am talking about—would come up, sit with Ali and go over different things. I “lime” with children from other parts of the community also and all children are alike. I am sure the Minister of Education is aware of what I am speaking. She herself is a very beautiful person. But what I am speaking about here, you are labelling people.

The first reaction they had from the elders when “Baghdad” came was totally negative. They pushed that aside. So you had no support even with the message that you are sending. I do not know if it was intellectual depravity or people from other communities looking upon these people as that small child was telling me. But once you do not have the concept right, you are in for plenty trouble. It is true that some of the people when they win an election in the area they move out quickly. I know about that—not from now, you know; long ago.

I would not like to paint this too much and I am not being very critical; what I am telling you here is very factual. To square with the people is very important, people who over a time have been trustful, willing to place their lives in your hands, and here you are putting a label on them.

This morning when I came down Duke Street, there were three young men walking up the road—the armed forces—not police uniforms—military uniforms with guns, et cetera. Their faces were grim. But they are the same product of the

same Baghdad, and it struck me—I would share my thoughts—here we have an army but from the time they are young we are telling our children that the army is supposed to defend our people from outside attack. Well, of course, you know Venezuela is always a beating ground. In case the Venezuelan comes, or anyone comes, the army is there to defend you. But here you have them striding around the city of Port of Spain with the guns not turned to the enemy outside, but inside. That is a terrible thing, and you are talking about Baghdad and what have you.

Again our conceptualization, our understanding, of a problem which we ourselves have created, look at the way we intend to deal with it, turning the guns that we took from our tax money to buy, to put them against our own young children. It is a sad, sad day.

How do we treat with our young and less fortunate, or our unfortunate? Where is the spirit? Where is the soul? Where is the love? Where is the caring? Where is the sharing; the example? Where is the end? Where is the conscience? Are these the activities that we hope today to breed in a society? It is sad, sad, sad.

The Judiciary, those of us who have undergone formal training, always knew that the Judiciary is a very conservative body, not taking the side of the establishment. So how, in this whole mix, are we treating the Judiciary? If there is one bastion that we still have some confidence in, it is the Judiciary, even as we have the confidence in the Legislature, even as we have the confidence in the Executive.

But I think in the beginning we had started off in the other place by making the crime of kidnapping as being non-bailable. I feel very strongly about that. I think there were some adjustments to the Bill, but as heinous as the crime of kidnapping is, if I had to have a say in it, as I do, I would say, carry up the punishment for the crime to the point where you do not have a bail for it, than to say have it less and make it non-bailable, especially after you listen to the cries within recent times of the actual experience of dealing with certain elements of the State—the police, and how they deal with it.

It is part of the people's rights that bail and what have you, along these lines—and I think it is a major principle of being not guilty unless proven so, and we should treat and act with people like that. To that extent I think that if this were to come back I cannot support it. I would much prefer that if we are going with kidnapping—which I support in whatever form it may be after all these things come through—the punishment for it when convicted is one, where those series of crimes that are definitely at the moment non-bailable, put it in that category, than

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to leave it at 25 years or less than 25 years and take away people's bail. That is the way I feel on that.

To the point where we have come from to the point where we have bail, the experience may have been on the North Atlantic where bail has emerged and we have "we" slavery and "we" usual thing: the slavery, the indentureship, the colonialism and what have you. But to go and interfere with people's bail and put it in the hands of people other than who are the first judges—because right now the question of it beingailable, we would still have the confidence in the Judiciary and even if somebody does not get bail here they can appeal to the Judiciary even before the trial and the Judiciary—this is how I understand it in my layman's way—would still be the bastion of the people. Because from small we are telling our children we are ruled by law and part of the law is the Judiciary and if we do not have the confidence in the Judiciary, at least nominally, well we might as well revert to the jungle or go back to "wey dem fellas say dey doing outside dey".

Coming back again to the question of the society, the position that I am in, I interact with many of the government agencies and we know the work they are doing. Whatever Government is in place these agencies continue to operate, so I am not being particular about any type of government. We are talking about the agencies and the ministers with responsibility for them, carrying them forward. I know that there is much work being done and to that extent the only thing we could always say—sometimes I wonder if it is a backward race we are running, because you hear about poverty and poverty eradication. This has been around and it took new meaning, perhaps coming again from outside, the United Nations; part of the major thrust—we hear about HIV/AIDS. These are some of the negatives. All of those have a backfeed into the society and affect kidnapping, especially in the Baghdad area.

So many of these things come out of what are imposed upon us and that is why sometimes I feel kind of scared about where our brain thrust is; where the vision is coming from. Of course, we have 2020 and we look forward to that, but the question of implementation and what has been achieved over the period of time, the backward race seems to emerge again. Of course, we could always say that the economic model that we are following is not what has emerged and we are still in the plantation system, but have we been able to motivate our people so they could become self-engineering; the engine room in ourselves?

So that all these negatives just come like water falling off our backs. This is the hope, I would think, to set the machinery in place and more importantly, set

the proper example. It has been said that if the leaders do not have vision the people perish. So perhaps we may look at that again, that question of vision, of seeing where we go and, more importantly, implementation.

As I have said before, you would hear me pounding on this question of implementation, making it happen. Today as we go about we see street children. That is a new phenomenon within 10, maybe 15 years, if so long. This is what we are producing and that is a healthy ground for kidnappers. They say, "Brother Noble, when you see six months reach and they on the ground there and they get a bottle and they reach up, no love in their hearts, you know." The gun comes like a cherished thing, a tool. They have no feeling when they shoot at you, because the love "eh dey; it ain't cultivated".

These are the points that we have to hit at. It was the calypsonian Stalin who said so. But some of us knowing the tradition, it becomes a format of forming a mind, and this is a dangerous thing when you play with that. Perhaps in a veiled way you could understand what I am saying.

When this becomes a refined point with a direction towards a goal—passing away, leading you into another area, but more to come to replace you when you go and when one has gone there might be four more coming, you could see where it could lead to. These are important aspects. If it is used towards the correct goal or point that is fair, square and correct, perhaps a better society would come. This would be a minimal group, but when it emerges as a way to build your society—and you may say that is the way to go—again that is where the trouble is—plenty trouble. One wonders if we are not at that stage now, or how far we are into it.

The question before us on the Kidnapping Bill is one that I support. There is need for it, and like everybody else I guess, will support it. I cannot go into the fine points of the Bill. I think Sen. Dana Seetahal and the people with the legal minds and the Attorney General have touched on that, but the broad framework I would like to address is when law comes before us, what motivates it; what are the things firing it; what are the immediate problems and, more importantly, how we face these challenges from the technical, the conceptual and the human relations activities in meeting these challenges.

To that end, therefore, I would think that when we go about it we could think in terms of a better society. No social order will ever satisfy the demands of its citizens equally or seriously in attempts at equal recognition. This is an important factor, the rights of all. You would not be able to reach an equation as long as there is serious inequality in the distribution of economic wealth. That is the bottom line.

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The calypsonian immortalized it. It was Sparrow, I think, who said: “No love on a hungry belly”, something like that. That could go into other areas of activity.

We know that economic power commands knowledge out of all. That, in itself, has its own intelligence. It is the way in which we guide that intelligence if we are to build a society to limit justice, to think in terms of tempering it down to what has been referred to as democracy. I would remind some of our friends here, I was looking not too long ago—Prof. Harold Laskey, I think it was, in the last century, the London School of Economics, one of the great architects of the world as far as the political economy is concerned, overlooking Rousseau—and some of us should remember that. His observation was that the democratic process—he was making reference to the situation in England—only takes place at the time when the vote is cast at election time. So to carry that to its logical consequences, once the people, having done that and they put people into position, it is a different ball game. But if we are to forge a new society, if we are to build for our people, obviously, we must not forget that responsibility and that oath that we have taken and which we hear with you, Madam President—we should always pay very much respect to the eloquent and heart-feeling way in which you give that daily prayer to us when you start the Senate.

So I hope by the grace of Allah that something does come out of this Kidnapping Bill to give a direction to our people, and those who are deviant, those who are doing deeds—because it is their deeds and acts that we must look at and think in terms of what is good and what is bad. They are our children, our people and let us hope that they would have that guidance to bring them back on the straight and narrow path.

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

Sen. Sadiq Baksh: Madam President, how many more must die? How many more must be brutalized and terrorized? How many more must be kidnapped before the PNM realizes that they are in office; that they are responsible for putting in place programmes and policies to ensure that they defend and preserve the safety of citizens of Trinidad and Tobago? [*Desk thumping*]

Madam President, this administration has failed as a Government. We have more murders than ever; more brutality than ever; more crime than ever. There are kidnappings and kidnappings and kidnappings, more than in any other period in the history of Trinidad and Tobago. That is where we are today.

I want to tell the Leader of Government Business on that side—the acting Leader of Government Business—we are not cold; we are very, very concerned

that the PNM continues to coddle criminals and they cry crocodile tears for our citizens that fall victims to their friends. That is the position. [*Desk thumping*] That is their history; that is the record of the PNM.

You will recall, if you look at the data between the period 1991—1995, you would see that, in fact, that was a period in the history of our country when we experienced some of the most heinous crimes to take place in Trinidad and Tobago. It was as if to signal to criminals when the PNM came into office, it is a free-for-all. That is the position. The record will show that during the period 1991—1994 we had an increase in criminal activity. We had more murders on a continuous increase from 1991, 1992, 1993, 1994 and 1995.

You would recall that in 1994 the United National Congress, in fact, began to finalize plans to become the government of Trinidad and Tobago. In doing that, Madam President, we went out into the population and did a survey to enquire of the issues that the citizens of Trinidad and Tobago felt were important to them and what they needed an incoming government to do.

6.00 p.m.

Madam President, you would be surprised to know that although employment ranked high during that period—and, in fact, in 1994 it was about 19.7 per cent—that crime and criminal activities, 84 per cent of the respondents to that survey that was done over a sample size of 500, indicated that crime and criminal activities were, in fact, their major concern.

As a matter of fact, as the then organizer of the party, I could not understand how come with an unemployment rate of 19 per cent plus the official figures that crime could have been the major issue on the agenda. But that was what it was, Madam President, and it was because of four hard years of unabated criminal activities taking place in Trinidad and Tobago.

Madam President, you would be surprised to learn that the then Prime Minister, hon. Patrick Manning took cognizance of that. I would quote from that historic budget speech of 1994 in which he took cognizance of the criminal activities. On page 29 it says:

“The violence in our society has taken on a wanton dimension which is alien to the character of the people of this country.”

Madam President, has anything changed? Is the violence alien to the character of Abu Bakr, the then and present Prime Minister’s riding partner? I continue to quote:

“Madam Speaker, our best efforts at the amelioration of social conditions during this transition to growth and employment will be frustrated unless *the problem of crime* is aggressively controlled.”

Those were the words of the then Prime Minister. This is followed by the statement:

“Government is determined to arrest and reverse this trend, and to create conditions where, as before, parents could feel safe in allowing their children to walk the streets of their communities and to take public transportation, where our population no longer finds it necessary to make fortresses of their homes, and where we would not have become inured to scenes of grizzly violence portrayed in our media.”

Was that delivered, Madam President? No. What do you think? I ask the Minister of National Security now. Could we read that for the many kidnapped victims? Madam President, you could imagine what they would say when we read that to them? Let me continue from 1994.

“The first is the development of an efficient, disciplined, well-equipped and professionally-managed Police Service,...”

Madam President, he said that. Is it not back again in 2002 as we debate this Kidnapping Bill? I continue to quote:

“In this regard, Government will, within the constraints of available resources, seek to improve accommodation for the protective services and to increase their mobility.”

We have police stations falling. For that period they did nothing to police stations. We have police stations in Matelot, Gasparillo; police stations after police stations falling down. The UNC government improved, reconstructed and repaired over 60 police stations including Mon Repos in San Fernando, Freeport, but we still have a situation in which the conditions under which we ask our protective service to work, leave much to be desired. The point I am making is that the present administration are masters at the art of identifying problems; developing in their minds the programmes, but never implementing anything to solve the problems of Trinidad and Tobago. [*Desk thumping*] Madam President, and I quote again:

“Our vision is that of a peaceful, well ordered, culturally vibrant, prosperous society, acknowledged by the rest of the world as a paragon of multiculturalism, tolerance, harmony; a cultural mosaic.”

They had the gall to add:

“Our vision is not just pie-in-the-sky, we have identified the elements of our strategy to realize it.”

Realize what, Madam President? This was since 1994. We have, in fact, from December 24, 2001, when the administration kidnapped the country—[*Desk thumping*]*—*and, in fact, became the Government of Trinidad and Tobago.

This is a very serious issue and I want to tell you; as if to mark the entry of a new phase in Trinidad and Tobago, kidnapping took on the new meaning from January 01, 2002. It was as if a signal went out to criminals that it is a free-for-all, new criminal activities, and kidnapping must become the order of the day. That is what it is all about. Any impartial observer looking at the trends taking place would realize that is the case; as if a signal went up; as if drums started to beat; as if smokescreens went up, that criminals could have a free-for-all.

Many speakers spoke very passionately in terms of the need to curb crime, criminal activities and kidnappings. In our party, the UNC, we share the view that we must do everything possible and develop proper programmes, policies and research capabilities to ensure that we promote a safe country. We agree that crime is a result of many complex changes in the country in terms of economic, social and cultural factors, such as employment, dysfunctional families, child abuse, poor education and community breakdown.

We cannot turn a blind eye to substance abuse. No bill by itself could solve the problem of crime that we have in Trinidad and Tobago. We need to focus on broad social outcomes. We need to get citizens more involved in community life. Citizens must participate in community life and when they do, they are more likely to defend their communities and community members. If they participate in community life they would not offend the community.

We must make crime harder to commit and set the mechanisms in place to be easier to detect crime. We must develop creative designs within the framework of crime science. We must utilize the research capabilities that we have developed at the University of the West Indies. We must use that as a tool to be able to identify crime areas; to identify certain patterns; to identify victims and multiple victimizations in terms of the recording, in terms of the research, and use that research to develop the right tools to be able to go out there and fight crime in an organized way.

We must develop and utilize data. We must create databases and data-warehouses. We need to utilize data and to continuously do research. We need to know the fashion of repeat and multiple victimizations. We must help community

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members. We must help communities. We must help organizations that participate in getting citizens to go along the right path. We need data on repeat victimization in Trinidad and Tobago. We need to understand the methods in which criminals operate and develop their trade.

In 2001, when, in fact, we realized after one year out of office that we had an unabated situation in terms of murders, criminal activities and kidnappings, we initiated a four-phased crime plan that we unveiled to Trinidad and Tobago. One: was the UNC plan in 2001, which we would have been initiating now and which we have asked the Government to initiate as part of its programme to deal with this scourge.

We realized that with the criminal activities that were taking place, we needed urgent attention; not short term, not medium term and not long term, but an immediate plan. That immediate plan entailed joining efforts between the army, police and private security forces working with communities throughout Trinidad and Tobago to arrest the urgent situation of dealing with crime in Trinidad and Tobago. We needed an urgent joint patrol, joint community effort, and ensuring that we, in fact, put it on the top of the agenda.

From 1994 to 2001, whereas when we did research in 2000, there were other issues and crime did not make it in the first three important issues but by 2001 it made it back to the top of the agenda as the most important issue to voters in Trinidad and Tobago. Out of that, Madam President, we initiated this immediate plan because people wanted immediate action; not necessarily a Bill; not necessarily of taking harsh action against people, but getting all the good people of Trinidad and Tobago—the time was then; the time is now, when all good people in Trinidad and Tobago must stand up and fight against crime. This is, and this must be, a unified effort.

In addition to that, to initiate a short-term plan—and a short-term plan was, in fact, to establish a think-tank. We needed a think-tank to go out there to ensure that we create a research on knowledge base in order to gain authority. The think-tank would be the home of research programmes. It would include a strong science component, which would focus on new ways to reduce and prevent crime. It would adopt a research method that could provide practitioners with the answer to what works: where and why questions; a crime science lab that would be associated with the think-tank. Madam President, it would have developed programmes in the short term utilizing the research that was already done and creating a new opportunity to develop that research capability.

Madam President, then as a second phase, a do-tank. That do-tank would develop mechanisms whereby the ideas and approaches developed through crime science are properly disseminated and implemented. It would also house the publications' sections and would be responsible for developing a marketing strategy for crime science. It was all part of an integrated approach.

And most of all, a tell-tank. The tell-tank would be responsible for the development of all training programmes. In fact, what it would have done is utilized the research, get the wheres and whys, and then go into training programmes that would have trained law enforcement officers. So in addition to improving accommodation; in addition to providing greater mobility; in addition to providing computerization and better detection methods, it would have had, in fact, a development of training programmes across the board. Madam President, that was part of the short-term plan. So there was an immediate, there was a short and then utilized that experience to then evaluate the process that went into place in terms of the think-tank, the do-tank and the tell-tank, and then developed programmes for the short term to deal with these issues.

In fact, Madam President, we looked at an important approach. [*Interruption*] Madam President, you realize that when we, on this side, talk about the serious issue on how we get about these things; we try to make a contribution to get the Government to stop talking and to start acting; to forget the words and bring out the deeds—[*Desk thumping*] That is what it is, Madam President, but they seem incapable of converting words to deeds and putting plans into action and that is the problem; that is the reason we have crime in Trinidad and Tobago.

Today I call for a national stated commitment to decency and civility and a zero tolerance for working together with criminals to solve any crime in Trinidad and Tobago. [*Desk thumping*]

Secondly, crime prevention activities based on knowledge, derived from research and crime-prevention activities ensure that whatever takes place and whoever commits crime in Trinidad and Tobago should be accountable for their actions and we must take steps to prevent the recurrence of crime in Trinidad and Tobago.

Thirdly, we must use all the resources in our community with which to forge partnerships in developing crime-prevention strategies. Madam President, then and only then we would be dealing, seriously, with crime and criminal activities. This administration said that they came to save Trinidad and Tobago, please save us from the murderers; please save us from criminals; please save us from the kidnappers.

Thank you very much, Madam President.

Sen. Dr. Eastlyn McKenzie: Madam President, we have had the economic aspect; we have had the social aspect; we have had the spiritual aspect, and we have had the legal aspect of kidnapping discussed. I want to deal directly with the Bill before us.

I would like to start by saying how pleased I am, and I am certain how pleased we are, to have a new Senator sitting, albeit temporarily, with us today and we want to say welcome to Sen. Alleyne. [*Desk thumping*] I have not had the opportunity, in a formal way, to also say welcome to Sen. The Hon. Christine Sahadeo. [*Desk thumping*] Welcome, Madam, I hope this challenging experience would be a good one for you.

Madam President, like many others before me, I would like to say that my heart goes out to all those connected with persons who have been kidnapped, and forgive me if I have a special place in my heart for the children, especially little Marc who has not been heard from, of, or anything. I guess all of us who are parents and grandparents would have a little spot in our hearts. If this is a place where we could appeal, well then we also appeal to those who are holding him to set him free.

Madam President, to go to the Bill I intend to be pretty short because speakers before me have spoken on the Bill very broadly, indeed. I looked at the kidnapping measures in some of our Caribbean islands and what struck me from the beginning was how short these sections of their laws were. They were very short and, in fact I want to just—

PROCEDURAL MOTION

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Thank you, Sen. Dr. McKenzie. Madam President, in accordance with Standing Order No. 9(8), I beg to move that the Senate continue to sit until the conclusion of the reply by the Hon. Minister of National Security and Rehabilitation.

Question put and agreed to.

KIDNAPPING BILL

Sen. Dr. E. McKenzie: Madam President, as I was saying, I have looked at, very briefly, some of the laws from some of those islands and I found them so short because mainly they dealt with a definition and a punishment. All the in-between things that we have here, they did not have those in their laws. For example, in Jamaica they have a definition and they have what the punishment would be upon conviction. Montserrat the same thing; they have a definition and they have what the penalty would be, if one were found guilty. The Bahamas;

they also have a definition, unfortunately, I did not see in that section what the penalty was.

I also noted, Madam President, that there was a little difference in some of these islands where they actually included a sentence on the possibility where the kidnapped person could have been taken out of the country and they had sections on that. As I said, you have that in Montserrat, Bahamas, Nevis/Anguilla. In Nevis/Anguilla apart from that definition they have something in their laws to take care of whether a kidnapped victim is taken or sent out of the country. I read in the newspapers where the authorities were wondering whether little Marc was taken out of the country. There is a penalty for that in some of those countries of which I have spoken.

I have looked at Barbados and they also have their definition and their penalty struck me because it is imprisonment for life. They also have a clause where, if you knowingly hide or conceal a person; knowing that that person is kidnapped—if you harbour the person, as we normally say—then you also are guilty and could be given life imprisonment. In Dominica, they have a definition also of being sent out of the country and the penalty. Grenada has the same thing.

So, Madam President, I wondered why our laws had to have so many sections but, again, the authorities would know. Another thing that I observed was that those laws did not have kidnapping for ransom by itself; just kidnapping, whether for ransom, what have you; that was how they had theirs. I have looked at clause 2 and have observed also that the hon. Attorney General has a comprehensive set of amendments. I would like to break my contribution just to appeal to her that after the hon. Minister of National Security and Rehabilitation would have wound up the debate, whether she could not have everything incorporated into one document as she had done previously when she brought the Bill from the other place, otherwise, Madam President, I think we would go crazy when we get to the committee stage. So if we could just have one. I am sure the Attorney General would see the wisdom in it. I now go back to the Bill, Madam President.

As I was saying, there is nothing about kidnapping for ransom; just kidnapping and be it for ransom, whatever it is, they have taken care of it. In clause 3(2), I have seen where the age has been reduced in the amendment but, for example, Jamaica has 14. I have seen where it has been amended so I would not go on. I now go to clause 4. They have talked about whether you receive or have possession of and dispose of money, et cetera. Certain cases came to mind—from my own memory, I do not have any clippings to support—where the police would

set up a sting operation and they would have either notes marked or what have you. I saw recently where the banks had copied the numbers of some notes and they had that, so when you catch the people with the ransom money or you seize the ransom money, you would have it in your possession to take to the courts as evidence. I am not sure if there is an amendment to deal with it. You know that the money is bad money, if you want to call it that; you know what the intent was but because you want to set up a sting to catch the culprit, you have to bend backwards to get this kind of evidence to put forward.

I have looked at clause 5 and again I say the same thing, you can trick to make the trick but again I observe, I think, glancing through very quickly, I saw where this was changed from “knowingly” and we have something else.

Madam President, I believe my limited knowledge of the law confused me in clause 6(1). I understood the accused person to be somebody who has already been charged—I am not saying convicted. So if you are saying that a person who has directly or indirectly and whether by letter and so on, discloses to a person accused of an offence, I am wondering whether this is not a sort of after the fact thing.

In other words, I have not disclosed to you—just for an illustration—that Sen. Mark has plenty money in the bank and I have given you a long list of all his assets. I think that the kidnapper would have gotten this information about Sen. Mark before he decided to kidnap him. So he is saying well this is somebody who has plenty money. They have said in the Senate that he works for \$25,000 a week, therefore, he should have plenty money. So with that type of information, the kidnapper takes him. He is not accused. I am saying that he is given the information before he commits the act, and it is based on the information why he commits the act. So, I am confused about the word “accused”. That is my interpretation. In other words, you are accused after you have been charged or arrested or what have you. I do not think that is the time that somebody would disclose to you that this person had money in the bank. I am confused and I guess it is my illiteracy but I expect that I would be enlightened when the time comes.

“...owned by a kidnapped person or relative or friend...”

I think that is hard to trace; who is a friend and who is not a friend.

I go to clause 7(2). Well I am totally against a police officer being authorized to enter and so on. Madam President, I recollect very vividly, when we were debating the Integrity Bill that Senators were included in the list of officers who had to disclose their assets. Nearly everyone who spoke about it was not against

the disclosing, but was against the fact the information would not be confidential. That was the problem. I am very concerned, I should say, about clause 7(2) especially that presently we have two police officers who are charged with kidnapping.

I am very sceptical about this because it is not a hearsay matter that people have no trust in the police. I want to make it abundantly clear that it is just a few of them because we have such honourable policemen around here and we do not want them to feel that we do not trust them. We trust you, absolutely. [*Desk thumping*] We feel so safe here that we could put our heads down and sleep sometimes because we know that you are honest people. But you know that among your ranks you have policemen who are not very honest. In fact, we have people in all areas and disciplines of life where you would find someone who is not as honest as he or she should be. From the priesthood right down, not everybody is as he or she should be. I want the policemen who are here with us to know that I am not referring to all but you do have some bad apples amongst you. We are hoping that you would have the avenue, in the police service, where you could squeal on them confidentially; where you could go to your commissioner or your Minister and say: this police officer is not as clean as he or she should be, and to know that that information would be confidential but it would be investigated and action taken. Madam President, I would say no more on that.

Then the persons who fail to produce their books, et cetera; Madam President, you see all these laws that do not have those, I go with that. You see these; I find that we are going a little deep into certain areas. I am very concerned and I think we should be careful how we are going about these things.

I go to clause 8, because I have seen where a little attempt has been made to amend clause 8(1). However, I go to clause 9(1)(a) where it talks about property belonging to spouse or children. Well, I know of people who when they know they are going to seize their property they transfer it to brothers, sisters, parents, et cetera, so probably the net should be wider than that.

I would also like to say that when information is given, as you have in clause 9, in the different parts here 9(1)(a), (b), (c) that the information must be used solely for the purpose of this Bill and I do not know whether it is in the amendment because you know we have not—

Sen. Morean: Madam President, May I, just on a point of clarification, because I did circulate in advance the amendments within a draft where I indicated, in bold, what was being amended, and underlined what was being taken off.

Sen. Dr. E. McKenzie: Thank you. Well, sorry, as I said I did not get a chance to go through all; that it must be used solely for the purpose because I know that you may have it for the Kidnapping Bill and then somebody uses that same information in a court of law for something other than for what it was intended.

I was very concerned about clause 9(2) and I have seen, in some cases in the public service, where some people refused, actually, to give information for court matters because of their terms and conditions of service. We have to look at that because we may have public servants, or whoever, who, under their contracts are under oaths of confidentiality. I think that we should look at that. I talked about the police and our duty to give information to the police so I do not want to dwell on that anymore.

I go to clause 10 and I know that there has been concern—and I have seen where others have written about the question of corroborating testimony. I do not know whether this has been dealt with in the amendments but this is something where some people who have actually written about the Bill have some concerns about the corroborating of the evidence.

Madam President, when I looked at the other things, I know that Sen. Seetahal and others have dealt with them; those who have spoken before me, and I am not here to repeat anything but just to bring to mind those areas of the Bill that I did not hear mentioned.

I want to thank those who have spoken before me on all sides because I have learnt from all the contributions, be it the social, the economic, the spiritual or the legal, and to say that I hope that together we can put our heads together and really do what I know we are supposed to do in this Senate; that is to ensure that the best possible Bill comes out of our debate; that when we are finished with it we must be satisfied that it could not be better within the circumstances existing.

I want to say thanks and I guess that when we have the Bill in one document that we are going to sit and discuss, in a nice and civil manner, with our input to ensure that we have brought about the best possible Bill that could have emerged from the House.

Madam President, and I make a plea again that if little Marc's abductors are listening, set him free! Please, set him free!

The Minister of National Security and Rehabilitation (Sen. The Hon. Howard Chin Lee): Mr. Vice-President, let me first of all take the opportunity to thank all the Senators for their impressive and some not so impressive contributions.

The Independent Senators, the Opposition Senators and Senators on this side have all contributed to what we consider the historic passage of a bill. While I listened to the Senators on both sides, it became apparent to me that this crime of kidnapping for ransom has touched each and every one of our lives.

I could not help but listen to Sen. Robin Montano as he expressed his emotions as his cousin was kidnapped in, I believe 1997, and the trauma he experienced. Sen. Joan Yuille-Williams spoke about 21-year-old Kerri Greaves, the daughter of a person who works closely with her in her Ministry. Then there was my colleague on my left, Sen. Hazel Manning, who spoke about the pain and anxiety of the school children. So, Mr. Vice-President, the issue obviously affects all of us.

I have had the experience of visiting many of the homes of kidnapped victims. I have heard their experiences. I heard the experience of Mr. Ken Medford, who was tied and blindfolded on a river bank, with the threat of being thrown in if he did anything. I have spoken to Mr. De Bohlmer's wife, who, at the time that her husband was kidnapped, pleaded that he be returned home safely to her. I was at the home of Mr. Bally Maharaj when his son returned home safely and saw the jubilation, which the family experienced upon his return.

I also met with the Sabgas on the kidnapping of their son, whose wife was beyond control. I also had the opportunity to visit Mr. Keiwon Sullivan at the Mount Hope Medical Complex. I spoke with Keiwon and could not help but feel sorrow when I saw his head bandaged and fingers pounded to oblivion. His grandparents, his mother and his father were all there.

I met with Mr. Choo Young Chee of Santa Cruz, whose wife and children were pleased to have him back, but who were traumatized by the entire occasion. What is apparent is that this matter should not be political because it affects all of us.

I listened to the contribution made by Sen. Seetahal where she said that she thought that any reasonable parliamentarian ought to recognize that the time had come for us to put in place legislation to deal with that offence and that we must have our own law on kidnapping.

I would like to inform the hon. Senator that all the suggestions and

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observations regarding amendments to the legislation will receive this Government's fullest attention and that her concerns for dealing exclusively with the act of kidnapping for ransom has drawn me to inform this Senate that the focus of the Government is to bring immediate relief to the victims of kidnapping for ransom, as well as to the citizens of this beloved land, who can fall prey to these predators. Kidnapping for ransom is the issue and the legislation seeks to deal specifically with this matter.

The legislation intends to make the business of kidnapping a very difficult one. It focuses on all the various aspects, from the point at which information is given to the point at which abduction and negotiation take place. It focuses on deterring all the various elements to make kidnapping for ransom as difficult a crime as possible to perpetrate.

Sen. Smith concluded that increasing the sentence from 15 to 25 years would not act as a deterrent. He also spoke about the drawbacks within the police service in relation to corrupt elements and the Anti-Kidnapping Squad and the potential abuse by police officers of the authority to search without warrant and the loss of confidence in the police service.

We heard many Senators speak about the loss of confidence. While these are legitimate concerns, I would like to inform Sen. Smith—and all the other Senators who voiced their concerns—that in the police service, like any other institution, there are bad apples. This Government intends to do all that it can to weed out the bad apples in the police service. I am sure that all the reservations expressed by the Senators will be addressed.

May I also note that we have brought, and will bring again to the Parliament, the Constitution (Amdt.) Bill, 2002, the Police Complaints Authority Bill, 2002 and the Police Service Bill, 2002 and we, once again, ask the Opposition for its support. We have learnt and understand that to improve any service, the management of that service is a key element.

On the claims that an increase from 15 to 25 years will not act as a deterrent, I would like to inform the Senators that while there is no guarantee of the expected effectiveness of such provisions, the Government is convinced that a 66 per cent increase in the sentence to be imposed on a person guilty of kidnapping would not only deter a potential kidnapper, but also reduce the likelihood of re-offending as far as the crime of kidnapping for ransom is concerned.

I listened quite attentively to Sen. Dr. Kernahan who stated that the Government brought in a Mr. Thomas A. Clayton, who simply turned out to be an

advisor in insurance that businessmen in this country should use to protect themselves against kidnapping. That could not be further from the truth. In fact, the Senator went on to add that that was the history of how the Government dealt with the very serious crimes of this country.

I would like to take the opportunity to set the record straight, as I have heard many people on that side, as they usually do, tell lies and more lies. I would like to inform this Senate that when the spate of kidnappings took place last year, a comprehensive needs assessment was conducted, which resulted in the arrival of Clayton Consultancy Agency in this country. This consultancy is comprised of members of the Federal Bureau of Investigation (FBI), members of the Central Intelligence Agency (CIA), the National State Agency, Department of Defence; and they had spent over 20 years as an international business and security consultant to over 35 countries.

He successfully negotiated with the Colombian government on their hostage issue. As well, he spent 10 days together with his team over the period August 30 to September 09, 2002, covering the following modules. We had a training course in evidence gathering during investigation. As one of the Senators pointed out, we cannot convict someone without evidence. One of the most important things for conviction is evidence gathering.

They also covered the area of case management—reduction of risk of being a kidnapped victim. In fact, we had a meeting with the president of every Chamber of Commerce in Trinidad and Tobago and spoke about different ways a person could reduce the risk of being a kidnapped victim, as well as surveillance, intelligence gathering and analysis, counselling on the trauma of kidnapping, case preparation for indictment, extortion demands and other related areas. All these issues were discussed and information and technology passed over to an increased Anti-Kidnapping Squad.

Mr. Vice-President, the act of kidnapping has therefore been occupying the attention of this Government over the past 18 months and we propose to continue with this mission, assigning to it all the vigour and conviction that I have committed today. Judging from the context of the modules of training, the nation can be assured that the Anti-Kidnapping Squad is fully equipped to respond to any situation that relates to kidnapping.

In addition to this, I am also pleased to inform the honourable Senate that on Monday of this week, four members of the Federal Bureau of Investigation arrived in Trinidad and Tobago and are presently in the process of training our increased Anti-Kidnapping Squad, together with nine members of the Guyanese Police Service and two members of the Surinamese Police Service to upgrade

their abilities in the area of kidnapping.

I have also heard arguments that the police have not charged and arrested anyone for kidnapping. That again could not be a greater lie. In the year 2002, out of 29 kidnappings for ransom, 39 persons were charged and arrested and 49 per cent of the cases were solved.

Sen. Prof. Ramesh Deosaran, while amplifying the fact that kidnapping is a serious problem in the country and that a bipartisan approach is needed, expressed concerns that the Bill focuses on punishment which, to him, is not a priority issue where kidnapping is concerned, when compared with the necessity for effective investigation, proper arrest and conviction.

On that issue of punishment, I am to inform Senators that the problem of repeat offenders in the kidnapping business, as identified by the police, necessitated the inclusion of this provision of the Bill. There are instances where upon arrest and subsequent release, kidnapping offenders return to their life of crime. The same individuals return again and again.

The increase in sentencing in this regard is not so much the imposition of punishment as it is the need for treatment and rehabilitation. With regard to investigation, arrest and conviction, the hon. Senator, being an integral part of the strategic process to improve all aspects of the criminal justice system, is aware that the Ministry of National Security and Rehabilitation and the Judiciary are working feverishly to ensure that the proposed mechanisms are in place to meet all the requirements of the absolute rule of law. Sen. Prof. Deosaran also suggested certain drafting amendments to the Bill, all of which have been duly noted and will be given full consideration.

Mr. Vice-President, with reference to Sen. Mark's statements—and he was giving some brief statistics—on the murder rate under the UNC as compared with the PNM, he cleverly stopped at 1999. He did not mention the year 2001 because between the year 1999 and the year 2001, it went from 100 under the Minister of National Security, Mr. Basdeo Panday, to 151, the highest in the history of Trinidad and Tobago. There was a 55 per cent increase from 1999. So, we inherited an increasing trend in the murder rate. With all of the think-tank, do-tank, tell-tank and water tank, nothing worked. So, do not come here and accuse us when you had an out-of-control rate.

In closing, Senators can rest assured that the invaluable contributions rendered by all the Senators will form the nucleus upon which the final draft will be formulated. I would also like to inform the national community, through this Senate, that this Government is not in favour of concentration of power in the Executive and, as a consequence, we will continue to bring to both Houses of

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Parliament matters of urgent importance to be reviewed and analyzed in the interest of furthering our cherished democracy, which is built upon people's participation.

I therefore take this opportunity to urge my esteemed senatorial colleagues to send a clear message to the population at large, convince them that we have fulfilled the major part of our national responsibility; to impress upon them that there are issues which transcend the confines of partisan politics. Let the national population know that the greater good of the nation should not be subordinated to any other subjective concern. Save our nation, save our children, purge the national society from the criminal contamination. The successful passage of this Kidnapping Bill will surely send a positive message.

Mr. Vice-President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

ADJOURNMENT

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, June 17, 2003 at 1.30 p.m.

Mr. Vice-President: Hon. Senators, there is a matter to be raised on the adjournment of the Senate.

Water and Sewerage Authority (Disposal of Properties)

Sen. Wade Mark: Mr. Vice-President, the Water and Sewerage Authority has now become a virtual hot bed of corruption, cronyism, nepotism and patronage for the ruling party and their close associates.

Not only did the former Minister of Public Utilities, Sen. The Hon. Martin Joseph, chalk up an overall deficit of over \$430 million through his reckless and insensitive employment practices, including some 376 trainees and scores of consultants, including the husband of the Minister of Legal Affairs, but he also supervised and gave approval to the wanton increases in the level of executive management packages and other terms and conditions of employment which he has so far failed to take responsibility for.

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Not satisfied with this level of PNM corruption and patronage, the Board of Commissioners of WASA, led by PNM activists, Roland Baptiste and Rawlinson Agard have now proceeded to give away the houses of WASA for a virtual song and dance.

The minutes of the board meeting of April 26, 2001 revealed ministerial authorization for the sale of some four unoccupied, dilapidated properties. With respect to the houses occupied by senior managers, valuation reports were not yet received in order to seek an indication of interest from the occupiers.

Confirmation of the board's position by the Human Resources Committee at its meeting of May 10, 2001 further stated that should occupants not be interested in purchasing the property, they should all vacate, some in a period of three months. Mr. Vice-President, at the board meeting of the authority held on May 24, 2001, the board took the view that the valuations received were inconsistent with the market value of the properties and another method, that is using real estate agents, should be used to obtain a true valuation prior to offering these properties to their occupants.

The board also decided that the properties for which the occupants did not indicate an interest should be publicly auctioned. At its May 24, 2001 board meeting the authority rescinded its earlier decision to offer the properties to the occupants and directed management to advise the occupants that all the properties were now to be auctioned using the valuation prices as the offset prices for the auction. This was at its May 24, 2001 board meeting. All occupants were so written. I have the minutes of the board meeting that took place at WASA to prove this.

Valuations were received orally and verbally from the authority's panel of valuers, but these initial valuations raised more questions than they provided answers. As an example, the property at Ragbir Street in St. Augustine, which comprises some 68,000 square feet of land and which is located in a prime residential area was valued by the panel of valuers at WASA for \$280,000.

Queries were also raised in 2001 by the management of WASA on the valuation of properties at Charlotte Street, St. Joseph and Calcutta Road in Freeport. Having been apprised of the authority's concerns, the valuers—you see the games taking place, Mr. Vice-President; they say \$280,000, the management says they are not happy with that and the valuers revised their valuation. The valuations for the Ragbir Street and Charlotte Street properties increased: Ragbir Street, \$350,000, up from \$280,000; and Charlotte Street went

up to \$370,000, the initial valuation being \$300,000.

So concerned were the authorities that at its 563rd meeting held on May 24, 2001, it directed management to procure the services of other valuers to ascertain the real market values and further directed management to advise the occupants of the quarters, in writing, of the market value and of the intention to use same as the upset price in a public auction of the property.

This decision to proceed by way of public auction effectually rescinded the earlier decision to offer properties to the occupants at the valuation prices I quoted earlier. The PNM board of commissioners, at its 572nd meeting on May 14, 2002 rescinded the earlier board decision of May 24, 2001 to proceed via auction and proceeded to dispose of expensive WASA properties, not on public auction, but on the basis of valuations submitted by the authority's panel of valuers and we saw the crookedness that went on prior to this particular decision.

Mr. Vice-President, out of a total of 76 WASA-owned houses, the PNM board of commissioners, led by Roland Baptiste, took a decision to dispose of 23 of its houses to the employees who had been in occupation of these properties. I have a list of the 19 properties and their valuations, but it would take too long to go through the listing. When you see the shameless and paltry valuations, you will see that this is a giveaway. I would not bore you.

8.00 p.m.

Mr. Vice-President, all 19 properties have been grossly undervalued by the PNM board of commissioners and, as such, have failed to protect and pursue the national and public interest. To demonstrate the rampant corruption and nepotism, one only has to look at the sell-out of state property to one Mr. Wayne Joseph, General Manager, Operations who, as you recalled, recently experienced a giant leap in his terms and conditions of employment; moving from \$21,000 per month to \$35,000 per month; a housing allowance of \$3,500; entertainment allowance of \$2,000; a bonus of 25 per cent; professional and club fees of \$300 per month; overseas travel grant, \$15,000 per year; a fully-maintained vehicle, valued at \$250,000; or \$6,000 per month and an increment of 3 per cent of previous years basic salary.

Mr. Vice-President, this same Wayne Joseph lives, as we speak, in a house from WASA at a valuation price of \$610,000. Further, he has received a 20 per cent discount on this sum and, therefore, Mr. Wayne Joseph is living in a house that is valued with the land at over \$5 million, but he got the house for \$488,000. The house is located in Rapsey Street, Federation Park, St. Clair. If that is not corruption—forget the place, it is the value of the land—I do not know what is.

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This is not only an abuse of power and office; it is tantamount to misbehaviour in public office by this former Minister of Public Utilities. WASA houses are also being occupied by the Chief Executive Officer, Errol Grimes and another general manager, whose name I will call next week. We understand that they too have purchased their homes for a song and a dance. The chief executive officer is illegally receiving \$50,000 per month; \$5,000 per month for housing allowance; unlimited entertainment and telephone services and he has also been given a free house. Let the Minister of Public Utilities and the Environment deny that tonight. This matter is so serious—

Mr. Vice-President: You have two minutes more.

Sen. W. Mark: Yes, Sir. This matter is so serious that unless the PNM regime takes proper and urgent measures to protect our national interest, the UNC would be left with no choice but to write to the Director of Public Prosecutions and the police. We intend to leave no stone unturned until justice is served. WASA properties do not belong to Mr. Patrick Manning, Roland Baptiste or Mr. Martin Joseph, to give away to their friends and their families. We demand a public auction of all WASA properties, including those sold to the CEO and other general managers—you know Abu Bakr very well. This feeding frenzy at the public trough must be stopped and the UNC will halt this madness by exposing it to the public during our campaign in the election that is due on July 14, 2003.

Mr. Vice-President, we call on the Minister of Public Utilities and the Environment to take immediate action to recover the moneys stolen from the public by the WASA board and the management, through these unconscionable sale of WASA properties. We believe that these properties were sold at peppercorn rates. We believe that justice has not been served. We call on the Minister of Public Utilities and the Environment to immediately intervene and bring some sanity to the madness that now exists at WASA.

I thank you very much. [*Desk thumping*]

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Mr. Vice-President, I think we have just seen a demonstration of the abuse of persons and reputations that we have been talking about. The vilification of organizations, personnel officers and individuals serving the public interest seem to characterize what the Senator knowingly advocates as true and what he knows is not the truth. He presented it as if he believes it.

The Senator was a former representative of workers, but he savaged workers in this manner, in terms of the salaries and terms and conditions, with figures which he presented, knowing that they did not exist. But then he gave us the explanation. This is the kind of misinformation, personal abuse and lies that the UNC intends to use in the search for political points on the next campaign trail. *[Desk thumping]*

Mr. Vice-President, as early as July 1998, the rationalization of WASA owned houses/quarters was recommended to WASA's Board of Commissioners by its then Chief Executive Officer, Mr. E. Ashcroft of Severn Trent for consideration. The then recommendation was based on a report titled Recommendations for the Rationalization of WASA owned houses/quarters – Interim Report, dated May 19, 1998.

The board of commissioners moved towards developing a housing policy, which included the disposal of WASA properties identified as providing no operational benefit to the Authority. The objective, as stated, was a reduction in maintenance costs and the realization of revenue from the sale of properties recognized to be a drain on the Authority's purse.

The board of commissioners agreed, at its Five Hundred and Thirtieth Meeting, held on July 28, 1998, to rationalize the use of its habitable houses and to dispose of unoccupied, inhabitable quarters which were not located on the same property occupied by WASA installations. The decision was taken that vacant properties were to be sold by public auction, whereas those occupied by the Authority's employees were to be sold to the occupants at valuations to be determined.

The board, in the process of deciding to dispose of the subject properties, considered the following factors:

- improvements in transportation and communications infrastructure in the country over time;
- the automation of WASA's plants and installations;
- the high and rising cost of repairs and maintenance of the buildings;

and concluded that the building should be disposed of.

The procedure that followed this matter at the Five Hundred and Sixtieth Meeting of the Board, held on February 22, 2001 was the disposal process, which was reviewed and it was noted that vacant properties which were to be disposed

of by public auction have been advertised for sale with reserved prices, March 01 and 02, 2001 being the dates set for the proposed auction. The public auction of the first batch of unoccupied houses was held on March 01 and 02, 2001 at which deposits were received on four properties.

At the said Five Hundred and Sixtieth Meeting, the board also agreed that those employees in occupation of quarters be given first option to purchase the properties at the respective valuation prices. This is the meeting of February 22, 2001. The employees in occupation of the Authority's quarters were required to indicate their intention to purchase within one month of the offer and to complete the purchase within three months thereafter.

At the Five Hundred and Sixty-first Meeting of the Board, held on March 27, 2001, it was reported that the then Minister of Infrastructure, Development and Local Government had raised the question of the Authority's ownership of the properties advertised for sale. At the request of that Minister, WASA agreed to halt the sale of the properties in question, until the issue of ownership was clarified. By letter dated April 09, 2001, the then Minister of Infrastructure, Development and Local Government agreed to the completion of the sale of the properties in respect of which deposits had already been received.

At a meeting of April 18, 2001, the representatives of the then Ministry of Infrastructure, Development and Local Government and WASA officials, the issue of title to the properties advertised for sale was discussed and clarified. At this meeting, the properties at Warren Street and Rio Claro were identified as properties vested in the State and as such were not to be disposed of by the Authority.

The issue of the completion of valuations in respect of properties occupied by WASA retirees and senior staff was discussed at the Five Hundred and Sixty-second Meeting of the Board held on April 26, 2001 and a mandate given to WASA's management to ensure that all valuations be completed within two weeks.

On May 24, 2001, the board agreed that all occupied quarters were to be sold to the occupants at a 20 per cent discount on market price, on condition that the purchaser or occupant waive any claim relating to investment expenses for improvement or refurbishment in respect of the said quarters. The minutes of the Authority's human resource committee and the tenders committee demonstrate the involvement of these two bodies throughout the decision-making process, in respect of the disposal of the Authority's properties over the years. Decisions of the board were, therefore, made on the informed guidance of these committees.

In conclusion, the following must be noted:

- (a) The decision to dispose of unoccupied properties by offering them for sale, was a decision of the then WASA Board of Commissioners in 1998.
- (b) The current board, having reviewed the policy and having found same to be in the best interest of the Authority and keeping with the statutory powers vested in the board, has simply continued to implement the policy.
- (c) The decision of the current board to offer occupied properties for sale to occupants at a 20 per cent discount on market price, is consistent with the provisions of the decision of May 24, as well as the Land Tenants (Security of Tenure) Act, Chap. 59:54 section 5(5), which allows a 50 per cent discount on market price, in recognition of expenditure incurred in respect of refurbishment and improvement to properties. This is consistent with; it is not exactly the same.
- (d) All valuations were done by approved valuers from the Authority's panel of valuers. The Water and Sewerage Authority, being a statutory body, and having regard to the fact that we had an approved panel of reputable valuers, used these valuations. No queries were raised in respect of the valuations done by any authority.
- (e) Further, the only sale completed was in respect of the property located at No. 7 Rapsey Street, St. Clair. The property is enclosed, fully path accessed through WASA quarters.

The disputed normal valuations of the area which have been suggested, do not apply. Therefore, the gargantuan valuation that is proposed in the Senate today has no basis in fact or in market conditions.

It is to be emphasized that the decision of the WASA Board to dispose of certain properties, was in the national interest and the interest of the Authority, given the need of the Authority in its current circumstances, to cut costs and enhance revenues inflows. This was indeed protecting the public purse and in the public interest.

I thank you, Mr. Vice-President.

Question put and agreed.

Senate adjourned accordingly.

Adjourned at 8.16 p.m.