

SENATE

Tuesday, June 21, 2005

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

PAPERS LAID

1. Draft Green Paper on Consumer Protection in the Information Age. [*The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo)*]
2. Annual audited financial statements of the Telecommunications Services of Trinidad and Tobago Limited for the financial year ended March 31, 2004. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
3. The Freedom of Information (Exemption) (No. 2) Order, 2005. [*The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith)*]

Freedom of Information (Exemption) (No. 2) Order

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, may I also advise that the Statutory Instruments Committee considered the Freedom of Information (Exemption) (No. 2) Order and found that there is nothing to which the attention of the Senate should be specifically drawn. The minutes of the committee were circulated to members.

**GREEN PAPER ON CONSUMER PROTECTION
IN THE INFORMATION AGE**

The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo): Madam President, it is a privilege to have the opportunity to present today, on behalf of the Government of Trinidad and Tobago, a Green Paper entitled “Consumer Protection in the Information Age”.

This Green Paper invites comments from the public on opportunities to reform consumer legislation. The ideas and proposals in this paper are aimed at enhancing protection available to citizens when they buy goods and services today, and in the future. Effective consumer laws should help consumers buy with confidence, and help promote a fair and competitive marketplace. The Green Paper advances an approach for aligning the body of existing consumer legislation with Vision 2020. The achievement of developed country status

assumes the attainment of an efficient market economy, an essential component of which, must be an effective framework for consumer protection, empowerment and advocacy.

A number of developments at the domestic, regional, and international level have given rise to the need to examine today's consumer laws, to ensure they remain relevant and effective in a rapidly changing local and global marketplace. Developments such as trade liberalization, globalization, and the advent of the Internet and e-commerce are changing the very nature of the way consumers and businesses interact.

Trinidad and Tobago is well positioned and focused on developing new opportunities for citizens and businesses throughout the country to foster innovation and a strong, diverse and competitive marketplace. Modern consumer protection laws can serve as a catalyst for increasing consumer confidence in the marketplace through fair and transparent rights and responsibilities; enabling technological and e-commerce innovation and growth; and ensuring Trinidad and Tobago is an attractive and competitive location for existing and new business investment.

The Government of Trinidad and Tobago, in seeking to protect the economic interests of consumers, has recognized the need to reform the existing legislative framework of consumer laws. Consumers have now become increasingly expectant of the Government to take the necessary action on their behalf, to obtain satisfactory redress in consumer disputes. Unfortunately, however, while the existing consumer legislation makes provision for redress, it is archaic and does not allow for the Government to adequately pursue these rights on behalf of the consumer. The Government has therefore committed itself to the reform of the consumer laws in this country by developing a new framework of consumer legislation. This reform is being guided by three main principles:

1. Fairness to consumers.
2. Practical and clear requirements.
3. Responsiveness and flexibility to future change.

Some of the recommendations are aimed at ensuring a harmonized approach to consumer law with our CARICOM counterparts, while others are aimed at reflecting international consensus around consumer rights and responsibilities. We have also looked more closely at a few specific sectors of the marketplace to determine if there are opportunities to target specific problems through enhanced disclosure and remedies.

Allow me to offer some examples of typical consumer protection problems. People entering into complex hire purchase agreements, where the true cost of borrowing is not at all clear to your average consumer. In order to comparison shop for different hire purchase plans, a person should not have to be an economist, banker or accountant. Many complaints are from frustrated consumers who have saved hard and borrowed heavily to buy expensive items like new homes, cars, appliances and electronics, only to encounter multiple repair problems that either take too long or do not get fairly resolved. It is essential that businesses and sectors causing some of these problems take greater responsibility in resolving them. By creating the ability in law, to regulate problem sectors, government can encourage industry to develop fair voluntary standards and, where necessary, government can require minimum mandatory standards.

We are now experiencing examples of fraudulent behaviour, where unsuspecting consumers pay advance fees for goods or services such as phony jobs on cruise ships or phony business opportunities. Modern and adaptable consumer laws can allow government to prohibit advance fees in problem areas in order to target scam artists without having to resort to criminal proceedings.

It is important to point out that the vast majority of businesses operate in good faith and deal fairly with consumers. Unfortunately, only a select few problem businesses can tarnish the reputation of a business sector. Effective consumer laws can allow enforcement officials to target those actors causing the greatest consumer harm. It is our experience that the business community generally agrees that fair-minded consumer laws are good for fair-minded businesses.

Two crucial global trends in the marketplace have serious consequences for consumer protection:

- (i) The growth of the services sector—Dramatic growth in service offerings over the years highlight inconsistent rights and protection in law for services versus the sale of goods;
- (ii) Advent of the Internet and e-commerce—Older laws, such as those in Trinidad and Tobago, do not reflect the need for new rights and responsibilities for sales online and these laws may also function as barriers to new e-commerce innovations.

The complaints information collected and analyzed by the Consumer Affairs Division of the Ministry of Legal Affairs, has demonstrated continuing growth in warranty- and repair-related complaints. The Government wishes to encourage the development of minimum warranty standards in key sectors. The approach used

Green Paper on Consumer Protection
[SEN. THE HON. C. KANGALOO]

Tuesday, June 21, 2005

in this paper is to identify a number of factors supporting the need to reform consumer laws and an analysis of best practices in other jurisdictions. The aim of reform is to ensure that Trinidad and Tobago has a modern, flexible and responsive approach to marketplace problems as they emerge.

The Ministry of Legal Affairs is fully aware that strong and effective legislation is not the only solution to enhancing consumer protection. Along with stronger and clearer rules there is equally a need to ensure that consumers and businesses are educated about their rights and responsibilities and are provided with useful and timely information.

Perhaps, most importantly, there is a need to examine the effectiveness of our existing enforcement and dispute resolution option under today's consumer laws.

The Consumer Affairs Division currently advises and educates consumers, but consumers increasingly seek and expect dispute resolution mechanisms that are fair, simple, inexpensive, accessible and fast.

The research for the year ending December 2004, has indicated that of the 995 consumer complaints received by the Ministry of Legal Affairs, only 368 were resolved to date. This is typical of the Ministry's annual success rate since 1985. Of the remaining unresolved complaints received, consumers have indicated that they were unable to pursue their legal rights due to the substantial costs involved and the delays experienced in the litigation process.

By promoting alternative ways to resolve disputes out of court, and exploring options such as a Small Claims Court or Consumer Tribunal we hope to ensure that strong laws can be backed by effective enforcement and redress.

Proposals identified in this paper are intended to stimulate meaningful discussion and the exchange of ideas. Potential reforms identified cannot become law until feedback from consultations has taken place and a bill is drafted and passed by the legislature.

I encourage consumers, business owners and hon. Senators to read through the ideas and proposals outlined in this Green Paper and share your important opinions and suggestions with the Government, by way of the Ministry of Legal Affairs, Consumer Affairs Division, No. 3 Duncan Street, Port of Spain. The Government is firmly committed to ensuring that Trinidad and Tobago is, and continues to be seen as a great place to do business for both buyers and sellers.

Madam President, I thank you.

ANTI-TERRORISM BILL

[Third Day]

Order read for resuming adjourned debate on question [June 07, 2005]:

That the Bill be now read a second time.

Question again proposed.

Madam President: Hon. Senators, the following Senators have spoken on the Bill. They are: Sen. The Hon. Martin Joseph, Sen. Wade Mark, Sen. Dana Seetahal, Sen. Robin Montano, Sen. Prof. Ramesh Deosaran, Sen. Dr. Jennifer Kernahan, Sen. Mary Kathleen King, Sen. Parvatee Anmolsingh-Mahabir, Sen. Angela Cropper, Sen. Brother Noble S. A. Khan and Sen. Sadiq Baksh was in the process of speaking when the Senate was adjourned. You have spoken for nine minutes. You have 36 minutes of your 45 minutes, if you wish to continue. You do?

Sen. S. Baksh: Thank you very much, Madam President. When I spoke on the last occasion, I was drawing to the attention of this Senate a letter written to me by a citizen of Trinidad and Tobago. That letter drew to my attention that to support the Anti-Terrorism Bill would be to support the Government in continuing to trample on the fundamental rights and freedoms of ordinary citizens in Trinidad and Tobago. He was mainly concerned about his religious beliefs and the way that this Bill will trample on those fundamental rights, to encourage other people to become members of his religious organization and be part of his religious belief.

In addition to that, I recall the Minister, in presenting the Bill, said that he consulted with many organizations including religious organizations and associations. He mentioned the An Junan Sunat Jamaat Association. As such, because the brother who wrote the letter to me is of the Islamic tradition and Islamic faith, I wondered whether the Minister in winding up would inform this Senate as to which organizations supported the Government or whether they pointed out some of the possible violations that could take place with the implementation of such an act.

He drew to my attention certain sections of the Constitution in terms of our belief systems that could be further eroded. In my opening statement, I drew some other comparisons by other people. By definition, there is very little that distinguishes the criminal from the terrorist; very little. One person's terrorist is another's freedom fighter. We need to understand the clear line of demarcation

between a terrorist and a freedom fighter. The theoretical difference between an act of terrorism and a criminal act is that a criminal act executed with a political end in mind, is deemed to be an act of terrorism.

Sen. Mark: Yes. I agree with that.

Sen. S. Baksh: As such, if anybody in Trinidad and Tobago is qualified to speak about acts by anybody, to have a political end, is me.

You will recall that as early as 2002, people on the other side started to accuse me as the party organizer for the UNC, as masterminding a voter padding scheme in Trinidad and Tobago.

Sen. Mark: Which was not true!

Sen. S. Baksh: I publicly deny that I had any part or participated in any such act. After that talk went on for a long time—as though to create an environment in which you could fester this type of understanding—the EBC was made out to be collaborating with me and assisting in such an exercise. The entire national community witnessed a most unfortunate event in Trinidad and Tobago, in which a sitting Member of Government was being accused of undermining the democracy of Trinidad and Tobago; getting an independent body to work alongside with him and his party. When an enquiry was set up and the facts came out, it all came out that that was in fact a smokescreen that allowed the perpetrators of those acts to go about their own methodology, in terms of social reengineering and the movements of people from one area in Trinidad and Tobago to other parts.

It was the first occasion in Trinidad and Tobago that did not show a movement of people from Moruga coming into city centres but we saw people from Diego Martin moving to places such as Basse Terre and Marac in Moruga. You could have seen for the first time in history, the movement of people from the rural areas to city centres having the reverse. That was in fact an act that started to be perpetrated in such a way to have a political end. That was an act of terrorism.

Further to that, there was a search of my home. It was almost comical. During the search the officers took my computer monitor and went with it and left the server there with all the information—unbelievable, nothing more. That led me to believe even that it was a not well thought-out event. As if that was not enough—*[Interruption]* I will come to that Minister. The Minister is quite correct.

Sen. Mark: He was part of the plot, Dr. Saith.

Sen. S. Baksh: We were in Government at the time.

Sen. Mark: He knows Bickram well.

Sen. S. Baksh: It just goes to show how an organization and government could infiltrate certain independent bodies and contribute to the loss of credibility of those organizations.

To compound it, they in fact arrested a number of people. They questioned my daughter. They arrested my niece and had her paraded up and down Harris Promenade, San Fernando in handcuffs; a 22 year-old person treated the way we would treat a terrorist.

Sen. Mark: Criminal!

Sen. S. Baksh: What was even worse is that after all was said and done the State did not provide one shred of evidence. Day after day, week after week, month after month and year after year, they have been going to court without being represented. Some of these cases fell by the wayside, some are still ongoing. Those are acts that we really cannot condone. Those are acts of terrorism. Where the fine line changes from a criminal act to terrorism is something that we must clearly understand.

It is even worse, because you will recall that during the 18/18 situation where we had a constitutional deadlock in Trinidad and Tobago, persons unknown to me planted foreign matters in my water tank that they claimed, at the time, to be cocaine and the State did not say different. I am not sure whether the Forensic Science Centre did an analysis of that foreign matter. It was painted and placed to the national community that it was in fact cocaine of a street value of "\$X" million. Information reaching me suggests that it was not cocaine. If there was cocaine, it was a very minute quantity, but it was soap powder, washing soda and all sorts of concoction that went into my water tank that endangered my life and the life of my family.

Sen. Mark: That is PNM!

Sen. S. Baksh: I am not casting—In addition to that, there were two missiles, as part of the foreign matter that was placed in my water tank. When the authorities questioned me in another country, they wanted to know what type of residence I had, that would accommodate two tanks and two missiles. They concocted visions of basements and underground channels, maybe because of what happened in Iraq. They could not understand how I could have two tanks and missiles at my home. In fact, when they enquired what type of tank it was I

told them they were Tuff tanks. They wanted to know who the manufacture was; whether it was Abraham's or one of the weapon manufacturers, not being able to understand the context of what was taking place in Trinidad and Tobago; because of the poor performance of the authorities we have water tanks in almost every home in Trinidad and Tobago. They wanted to know what kind of tank I had. It was Tuff and it was tough for me that we had that kind of situation existing in Trinidad and Tobago. I tell you these things—

Sen. Mark: Joe, your party is a terrorist organization!

Sen. S. Baksh: I take this opportunity to inform the national community that I have never seen cocaine in my life. I have never seen missiles in my life. I was not part of harbouring any cocaine or missiles in my water tank. That was an act of terrorism.

Sen. Mark: That was an act of terrorism by the PNM. The PNM was responsible.

Sen. S. Baksh: I am further saying that that criminal act was executed with a political end in mind.

Sen. Mark: That is a fact.

Sen. S. Baksh: I will not say that I am not making an accusation, because the beneficiary of such a political end is only one party in Trinidad and Tobago, and that is the People's National Movement.

Sen. Mark: That is it. That is the only party that could have benefited from that.

Sen. S. Baksh: I go further. We had a very unfortunate act against the people, the Parliament and the democracy of Trinidad and Tobago on July 27, 1990. That act was perpetrated by a known group of people in Trinidad and Tobago, often referred to as a terrorist group, both nationally and internationally.

As the party organizer of the UNC I informed this honourable Senate and the national community, as the person responsible for the 1995 election, I was never in collaboration with any terrorist group in Trinidad and Tobago, including the Jamaat al Muslimeen. I spoke to the leader of the Jamaat al Muslimeen on one occasion, that was during the period that I was the Minister of Works and Transport representing the then Prime Minister at an Islamic Conference at the Cascadia Hotel, and that is public knowledge. I, as the party organizer of UNC, could tell you that our party, within the official framework of the structures of the

party, did not collaborate, as far as I am aware, with any terrorist group in Trinidad and Tobago.

Sen. Mark: That is a fact. The PNM did! Joseph did!

Sen. S. Baksh: I and I alone was responsible for the management of the 1995 election for the UNC. Further to that, be that as it may, all that took place from 1990, in terms of terrorism and the way we are now working to criminalize terrorism—as a party, we support the criminalization of acts of terrorism but within a framework that will preserve the democracy of all the citizens of Trinidad and Tobago.

In addition to that, while I served as a government minister under the UNC administration during the period 1995—2001, we had the opportunity to establish a clear demarcation between law and order and disorder, making a clear demarcation between law-abiding citizens and terrorists in Trinidad and Tobago and when that opportunity presented itself, Trinidad and Tobago and the rest of the world stood still. We decided then, as we decide now, that we would never be part of any terrorist group in Trinidad and Tobago. Symbolically, what we did is when that particular group sought to expand that spot of ground that belonged to the citizens of Trinidad and Tobago, we said: “No it will not happen under our watch” and we erected a fence in 24 hours to make it clear to all the citizens and the rest of the world that we will clearly have a demarcation between law-abiding citizens and any known terrorist organization in Trinidad and Tobago. We did that.

Sen. Mark: We did that. That is on public record. What did the PNM do?

Sen. Dr. Kernahan: Tear down the fence!

Sen. Mark: Tear down the fence!

Sen. S. Baksh: I would give you a chronological list of events that have brought us to where we are today to have to criminalize the acts of terrorism. It is not something that the national community is not aware of. They are well aware of it. What happened? Immediately we were removed from office, as if to signal that it is business as usual to the 1990 era, the fence came tumbling down and not one single official in the present administration could account as to how it came down, who took it down, who ordered it down and who allowed it to be down. Today, I accuse this administration for taking down the fence between law and order and disorder in Trinidad and Tobago.

Sen. Mark: The PNM. Joseph and them break down the fence.

Sen. S. Baksh: I am now calling on the Government of Trinidad and Tobago to establish a fence and a clear demarcation between law and order and terrorism in Trinidad and Tobago.

Sen. Mark: Put back up the fence.

Sen. S. Baksh: That would be a first step in establishing that the Government is now in control. They are now prepared to not talk the talk, but to walk the walk.

Sen. Mark: Put back up the fence.

Sen. S. Baksh: It will be a clear indication to the rest of the world that we in Trinidad and Tobago are prepared to deal with local known terrorist groups before we deal with foreign terrorism.

Sen. Mark: Deal with local terrorism before you deal with foreign terrorism.

Sen. S. Baksh: Our Minister of Foreign Affairs will tell us that a national policy is as important as our foreign policy. Good foreign policy is rooted and is an extension of a good local national policy. Whereas we have the fine work of the Minister of Foreign Affairs on the international scene, ensuring that people internationally—I want to compliment the Minister of Foreign Affairs, because when people try to paint Trinidad and Tobago in a bad light, I see him sparing no sleep, going out to all parts of the world trying to convince them that things are not as bad. While he does that—he has succeeded in convincing some of the countries to remove their warnings about Trinidad and Tobago and I compliment him.

Sen. Mark: Advisories.

Sen. S. Baksh:—Travel advisories that are unacceptable. I compliment him and the Government for acting speedily to redress those situations, but locally it must be supported.

I call on the Government to utilize foreign resources including the FBI, CIA, MI5 or MI6, Interpol and everyone to do two things today: bring the perpetrators of the act of terrorism against me and my family to justice.

Sen. Mark: Yes, bring the perpetrators.

Sen. S. Baksh: Whoever they may be. Secondly, that they erect a fence to establish a clear demarcation between the Jamaat al Muslimeen and state lands at Mucurapo.

Sen. Mark: Put back the fence, Joe. National security!

Sen. S. Baksh: When a government appears to have seized the apparatus of the State and uses it in a politically-partisan fashion, that too, by definition may be considered to be an act of terrorism. State-sponsored terrorism is as devastating, if not worse than any other form of terrorism.

Sen. Mark: State-sponsored terrorism.

Sen. S. Baksh: Look at what happened to a citizen that continued on a foundation that his foreparents left to establish one of the largest conglomerates. It is a transnational corporation, with businesses all over the world, Mr. Lawrence Duprey. At least, the State had the wisdom to say that they made an error and they will correct it. Could you imagine the damage if that organization was in fact on the New York Stock Exchange, the UK Stock Exchange or our stock exchange to any great extent, what would have happened here with the main shareholder, Chief Executive Officer and leading officer of that organization's home being searched?

Sen. Mark: No evidence.

Sen. S. Baksh: That is another form—

Sen. Mark: What goes around comes around.

Sen. S. Baksh: —of state-sponsored terrorism.

Sen. Mark: “Ah hope all yuh could deal with it, yuh know.” Think you all would be there forever?

Sen. S. Baksh: I am sure that we will consider the recent situation in Iraq. In the final analysis, the decision to get rid of Sadaam Hussein was not based on the presence of weapons of mass destruction.

Sen. Mark: That is clear.

Sen. S. Baksh: It is evident to the world. The decision was taken long before, to free the people of Iraq from what the US Government labelled as state-sponsored terrorism, notwithstanding that they in fact sponsored that statesman. They sponsored him to be the leader of that country. Notwithstanding that, they took the decision because they felt that the administration was sponsoring state terrorism against the people of Iraq. It became a question of a regime change. The United States Government felt that the Government was oppressing citizens. Hence, they had to be removed and they removed the regime.

State-sponsored terrorism can appear in many forms. Consider a situation where the Government, by virtue of its incompetence, allows criminals to

Anti-Terrorism Bill
[SEN. BAKSH]

Tuesday, June 21, 2005

terrorize the citizens; that, too, is state-sponsored terrorism. That, too, may be classified as an act of terrorism. If this Bill ensures that would be a new clause in the Bill you would find support on this side; where you are protecting the rights of citizens. [*Interruption*] I will refer to it.

When the Government ignores the merit principle and appoints several of its own incompetent and corrupt party members to key positions of authority within the state bureaucracy and the state-owned corporations, the State is guilty of discrimination and terrorism. This Government continues to commit a crime with partisan political consideration as its main objective.

Sen. Mark: Bickram. Richard Bickram, Joe and you sponsored him.

Sen. S. Baksh: Madam President, the prevention of acts of terrorism is important. The Bill does not tell us what preventative measures and/or infrastructure have been put in place to enable and facilitate crime prevention and the apprehension of terrorists. It is important that the Bill tells us what are the preventative measures that the Government has in place to prevent terrorism. It is not a question of sitting and waiting for a terrorist to strike and then act. We need to be preemptive in our approach to terrorism. We need to protect our sensitive installations throughout the country.

By definition, someone stealing cable from TSTT will be construed as an act of terrorism because it is interfering with the communication network in Trinidad and Tobago.

In terms of prosecution, using predetermined methods and various legislation including this Bill, if it becomes law, we need to know how, in a predetermined way, we will be dealing with those issues and what are the other pieces of legislation necessary to work in concert with this Bill.

Conviction needs to be determined by what type of trial and how it will be carried out, the nature and the type of evidence that would be admissible. We have a situation in Trinidad and Tobago where the law does not apply for certain types of evidence gathered in a particular way that is now international practice to be used as evidence. So what is the other supporting legislation put in place for this piece of legislation to work?

Fair, just and reasonable punishment is something that we should aspire to. How can we deliver fair, just and reasonable punishment if we take this Bill into consideration? The sentence for all the crimes committed under this Bill deemed to be terrorism, is 25 years. I will show you how some of these things could

apply. For instance, if someone stole your car and parked it and a terrorist had the opportunity to take the diesel from your vehicle and used it to make a petrol bomb to bomb an installation, you will be responsible. If it was my car I will be responsible. I want to know how? If it was my property, how will we deal with situations like that? Instead of sentencing everyone convicted of a terrorist act, as defined in the Bill, to 25 years imprisonment, different crimes can have different lengths and different types of punishment. For example, remedial and re-education programmes, community service sentencing and other methods we could suggest as we go along. Different activities can justify different, fairer and just sentences instead of 25 years sentence for all or any convicted terrorist. I believe in re-education and retraining with supervision after release. We need to have tags on people.

In relation to the Bill, some suggested ways to clarify terrorist activities are talking to a suspected terrorist with or without the knowledge of that person is, in fact, a terrorist activity. Working with identified terrorists with or without knowledge of the person links that person to terrorism. Individuals and/or organizations engaged in covert terrorist activities will also be linked to terrorism. We know that people give donations to a number of religious organizations for the furtherance of the religion and the work that they do either in the region, nationally or internationally. You could find yourself being branded a terrorist when you make such a donation. If you make a donation to individuals or organizations engaged in overt terrorist activities, that would also be an act of terrorism. Individuals engaged in terrorist activities, resulting in damage to property; again that will also be an act of terrorism. Individuals engaged in terrorist activities, resulting in damage to humans or human livelihood in their place of work; that will also be an act of terrorism. We need to have a definition and we need to have safeguards against all these things.

Madam President, in essence, the provisions of the Anti-Terrorism Bill, 2004 must be about the protection of nationals against terrorism. That must be the first thing; secondly, the protection of citizens against terrorism and the influences of terrorists; thirdly, the identification and detection of terrorists; fourthly, the clarification of activities labelled as terrorist activities; and fifthly, the provision of the means through the legal system by which the Government can identify and prosecute individuals or groups suspected of, or confirmed and/or charged with engaging in terrorist activities. Those are fundamentals to be established in any Bill that I have not found in this Bill so far.

Anti-Terrorism Bill
[SEN. BAKSH]

Tuesday, June 21, 2005

In the Explanatory Note it is stated that the purpose of the 2004 Anti-Terrorism Bill is to criminalize terrorist activities.

Part II, clause 3 states that the penalty is 25 years. I queried that earlier, based on the nature of the involvement of the individual and the type of activity engaged by that said individual would be the different time sentence for imprisonment of offenders. There are different sentences for crimes under terrorism.

Clause 4, how could a person know that he or she is directly providing financial or any support to terrorist activities? We need to find out some mechanisms by which we would be able to determine that. As I said earlier, when you make a donation—internationally they are discouraging the use of notes as a form of donation, because they would like to have it in the form of credit cards and wire transfers. We are dealing with those things that are traceable. When you make those donations to groups like that, the person making that donation could be in jeopardy.

However, if the individual or groups knowingly seek to provide direct or indirect aid to terrorism and terrorist activities, then that action, under the 2004 Bill, should become a crime if you could establish that.

Clauses 5 and 6, I want to query what happens if someone, as I was saying earlier, steals your property and then abandons it somewhere else and a suspected or known terrorist used and utilized that property to commit a crime that caused the loss of life or the damage to other property including your car, who is liable for assisting the terrorist in that case? How will you protect innocent citizens from having to face a 25-year sentence for such a situation?

Clause 7, in this situation what is protection for and the role of objectivity of the lawyers and the person giving another a power of attorney over their estate and those people acting without the knowledge that the individual would be engaged in terrorist activities? Could you imagine you give a power of attorney to someone, and without your knowledge the person acts on your property to do something? At what point should the lawyer or the appointed person disclose this information to avoid liability? That is an important thing! When you get down into the Bill, you will see some instances where there can be situations where people could get in trouble.

Clause 9 speaks of “a terrorist group”. It should be “any terrorist group”.

Clause 10: is there any provision if the person harbouring the suspected or known offender does so under duress? That is an important thing. You could

harbour someone under duress, threat or violence of grievous bodily harm to themselves, a loved one, a family, relative or acquaintance. Where are the safeguards for something like that?

Clause 12: it is my belief and understanding that all adults have freedom of choice. However, if the choice was made under extenuating circumstances, what provisions do we have to protect the innocent party? That must be clearly stated.

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

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

Question put and agreed to.

Sen. S. Baksh: I move to clause 13, the training of whom and by whom? It may be very likely that a person or persons are already trained, possibly by the Government, or already possessing the knowledge by legitimate means, could pass on that information unknowingly to others involved or associated with terrorism. How could we avoid or prevent this? I want to explain that. Could you imagine that we have a citizen of Trinidad and Tobago as the Commander of the Cadet Force, he imparted training to citizens, as part of the Cadet Corps and one of the cadets should be part of a terrorist organization, would the person who provided legitimate training to that person and the other person that he is now training unknowingly went out and committed an act or participated in acts of terrorism, how would we safeguard such a person in a legitimate exercise?

Clause 31, offences under the terrorism Act are not deemed to be of a political character, would they then be deemed criminal or would they be deemed civil? If it is not political, how will it be deemed, criminal or civil?

I wanted to draw to your attention some of the specifics of this Bill and to show some of the reasons why we on this side find it extremely difficult to support this Bill. According to our understanding, a person could be detained for a maximum period of 24 hours. I know some of us might be caught up in looking at what is taking place in Aruba and believe that someone could be held for up to 116 days for an offence. We understand, when we look at a comparative situation around the world, how fortunate we are in Trinidad and Tobago, where we have 24 hours. We need to safeguard our freedom and our democracy.

This Act, via an order, changes this arrangement. I want you to know for how long. An order under subsection (3) shall be for a period not exceeding 48 hours

Anti-Terrorism Bill
[SEN. BAKSH]

Tuesday, June 21, 2005

in the first instance and may be extended for a further period, provided that the maximum period of detention under the order does not exceed 14 days. It has moved from 24 hours to 14 days. In Aruba, where you can be held for a period of 116 days and possibly up to 146 days under their law, in the first instance, it is up to eight days. Now we are introducing under an order in this Bill, detention for a maximum of 14 days. This is a fundamental violation of the rights of citizens under this and another reason why we cannot support this Bill on this occasion in this form. [*Desk thumping*]

We further cannot support this Bill because the Bill violates sections 4 and 5 of the Constitution of Trinidad and Tobago. We are of the opinion that this Bill needs a special majority and not a simple majority.

This Bill further breaches the Constitution on the right of a citizen not to incriminate himself in the giving of evidence; another reason why we cannot support this Bill in this form.

This Bill forces journalists and reporters to reveal their sources of information under the forced penalties of fines and a jail term for citizens of Trinidad and Tobago. That is another reason why we cannot support this Bill.

This Bill further threatens the freedom and fundamental rights of the trade union movement in Trinidad and Tobago; another reason why we cannot support this Bill in this present form.

This Bill openly violates the rights of the free press; another reason why we cannot support this Bill.

This Bill needs to be looked at. This Bill needs to be reshaped. Whereas we in the UNC support the criminalization of terrorism, we support that in a form that will preserve the fundamental rights and freedoms, civil liberties and democracy of all the citizens in Trinidad and Tobago, now and in the future.

Madam President, we further draw to the attention of this Senate, and by extension the national community, a situation that occurred on election day in 2001. I saw the road between River Side Road, the link road between Marabella and Battoo Boulevard and Sea View Drive, blocked off by logs and debris that disallowed the free flow of citizens from one area between Gopaul, Tachorie and Ramnanan Streets and Battoo Boulevard on to Vistabella. I went to the police station and reported that a group of people were terrorizing citizens on the train line in San Fernando. There were persons armed with sawn-off shotguns. I went to the Marabella Police Station and the police officers handled the matter

expeditiously and said that they would accompany me to the site and so said, so done. They did accompany me. When I took them to the train line in Marabella, I pointed out to a group of police officers, men standing, dressed in Muslim garbs with sawn-off shotguns. The police officers in my company looked at them and asked me where. I was pointing them out and told them: "Look them there." They were watching and asking me: "Where?"

Sen. Wade Mark: Political police.

2.30 p.m.

Sen. S. Baksh: Madam President, I draw that to your attention for you to understand—

Sen. Mark: Political police.

Sen. S. Baksh:—quite clearly, a situation that we cannot allow to continue in Trinidad and Tobago. I am one of the strongest defenders of the police service in Trinidad and Tobago, because I am aware of police officers, notwithstanding their political or other affiliations, who serve and protect the citizens of Trinidad and Tobago but, as I said, in an earlier discussion, the time has come when we must now admit to ourselves that we do not just have a few bad eggs in the police service. In fact, we have more bad policemen in Trinidad and Tobago than good police officers. We have more than 51 per cent of the officers in the police service in Trinidad and Tobago who are not protecting and serving the interests of citizens of Trinidad and Tobago.

I want to recommend to the administration that they take note of that situation and correct it. Firstly, they can correct this situation by improving the method of recruitment; by improving the training available to police officers in Trinidad and Tobago; by implementing an immediate plan to solve crime in Trinidad and Tobago; and by implementing a short, medium and long term plan that will redress the criminal activities in this country.

Madam President, one very powerful tool and the means by which the concerns about the level of crime and criminality in our country could be addressed is to engage the cooperation and active participation of all sections of the population in crime prevention measures. To do so, we need to re-engage cooperation between citizens and the police service in Trinidad and Tobago; we need to reestablish trust between the community and police officers; working with that must be to devise strategies for implementing government policies which should be translated into achievable objectives and specific tasks to address the specific concerns of our citizens in each of the different areas; implementation at

Anti-Terrorism Bill
[SEN. BAKSH]

Tuesday, June 21, 2005

each level with coordinated, responsible and accountable groups within the service, through different agencies and institutions; and by adopting a concept of moral guardianship and recognition for our local heroes.

Madam President, if our youths see criminals constantly outwitting and outsmarting the law and law-abiding citizens, it is not hard to realize why they would idolize those criminals. Once again, we need to make it attractive and rewarding to be a law-abiding citizen in Trinidad and Tobago. [*Desk thumping*]

Madam President, to reduce crime, we need to implement a sustained, continuous, on-going and multi-dimensional approach with multi-level parallel operations and tangible rewards for being a law-abiding citizen until it again becomes the norm to have a crime-free society. This is something that we must develop.

We must utilize our existing organizations. We cannot wait for new things. With the advent of globalization, defence, security services and law enforcement agencies need to keep ahead of crime and criminality while coordinating their efforts with other countries and their law enforcement international counterparts and organizations.

Madam President, as we strive to fight terrorism, we cannot do it alone. We need to engage our four international law enforcement agencies that are counterparts to all of us.

I want to advise this Government to listen to the electorate and provide the infrastructure that would enable the Government to achieve the legitimate objective of protecting the citizens of Trinidad and Tobago. Those objectives must be achieved by working together with the citizens. We need to continue to educate our public to support the Government.

Madam President, we cannot and do not agree that today Trinidad and Tobago is a country of extremes. While some people are doing well, others are “catching hell”.

Sen. Mark: Yes.

Sen. S. Baksh: We now have a situation where an innocent member of staff of the hon. Prime Minister received a bullet while sleeping. Madam President, that cannot be temporary; that is not a temporary situation. I am sure that it pained the Prime Minister to have a member of his staff, like any other citizen, gunned down while asleep. Madam President, that is not a temporary situation; that is permanent. The only thing that is temporary in Trinidad and Tobago is the PNM.

Thank you very much. [*Laughter*] [*Desk thumping*]

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, thank you. Madam President, I had not intended to speak in this debate but Sen. Baksh made some serious charges against the PNM and I need to correct the record.

Madam President, let me deal with the first issue that he raised which is the voter padding issue which he claimed was terrorism.

Sen. Mark: Go ahead.

Sen. The Hon. Dr. L. Saith: I was campaign manager for the PNM, playing the same role that Sen. Baksh played. Was it in the 1995 election?

Hon. Senator: Yes.

Sen. The Hon. Dr. L. Saith: A member of a team came to us and indicated that there was a programme on the way to transfer voters into the marginal constituencies; legally and illegally.

Let me give you a case of the legal one. I remember Sen. Seepersad-Bachan was living in Valsayn, her matrimonial home, but sought under what is called “ancestral home” to get herself registered in San Fernando West, legal. I am not saying that there is anything illegal about it.

Sen. Seepersad-Bachan: Are you saying that was illegal?

Sen. The Hon. Dr. L. Saith: I said it was legal, whether it was morally correct or not is another matter. It was legal. Illegally, however, people were being made to sign transfer forms. When that information came to me, I said that I was not prepared to deal with hearsay, I want evidence, and the evidence was provided. Having been provided with the evidence, the General Secretary and I took it to the police and to the Chairman of the Elections and Boundaries Commission. Am I right?

Sen. Joseph: It went to the EBC first.

Sen. The Hon. Dr. L. Saith: We took it to the EBC and we met with the Chairman and Members of the Elections and Boundaries Commission who advised us that they did not have the investigative capability.

Sen. Joseph: Where are you going, Senator?

[*Sen. S. Baksh is on his feet*]

Sen. The Hon. Dr. L. Saith: Sit down! [*Laughter*]

Sen. Mark: He is totally out of place.

Madam President: Sen. Mark, I am the only one who could tell anybody or discipline anybody in this place. Both sides, please, be quiet and give the Minister a chance to speak.

Sen. Mark: Yes. [*Interruption*]

Sen. Joseph: You are trying to do what you want. [*Interruption*]

Sen. The Hon. Dr. L. Saith: Madam President, so the EBC, having advised us that they did not have the capability to investigate, we took it to the police, and we made the documents available to the police. What actions have been taken since then have been taken by the police in respect of the information they have. I would not comment on whether the cases have been dismissed and why they have been dismissed, but I am just giving the facts. I am sorry that the hon. Senator left, because he made allegations and he disappears.

Sen. Seepersad-Bachan: He is coming back.

Sen. The Hon. Dr. L. Saith: You have no use—? [*Laughter*] He raised the question about cocaine and missiles in his water tank. He came to the conclusion, without any evidence, that the only party that could have benefited from this would have been the PNM.

Sen. Mark: The policeman said so.

Sen. The Hon. Dr. L. Saith: Madam President, unless the hon. Senator could indicate what evidence he has, let me put another scenario that is equally possible.

Sen. Mark: But the police said so.

Sen. The Hon. Dr. L. Saith: Sen. Mark, if you have evidence then produce it.

Sen. Mark: Yes, it was in the papers.

Madam President: Sen. Mark, please allow the Minister to continue.

Sen. The Hon. Dr. L. Saith: Madam President, let me put another scenario.

It is equally possible, and it has happened with elections before, where people go and report to the police that they have been shot at. It has happened before. It has been done to create a wave of sympathy. So it is equally possible—

Sen. Mark: That it was done by the PNM.

Sen. The Hon. Dr. L. Saith —that this was done by someone else to create sympathy. It could be, until such time as we have the evidence.

Madam President, there is a third possibility. Given the history of that party, it may be internal to the party itself. Madam President, I am just saying that it is easy to make allegations, but until you have proof—

Sen. Mark: The police said so. [*Interruption*]

Sen. The Hon. Dr. L. Saith: Madam President, can I be protected from the mumblings over there?

Madam President: Sen. Mark, it is very difficult for me to hear anybody when you are speaking at the top of your voice on that side.

Sen. Mark: Okay, peace and love.

Madam President: Thank you.

Sen. The Hon. Dr. L. Saith: Let me go to the third issue that he raised. You see, it is important. He talked about as campaign manager or organizer or whatever, he has not had any dealings with the leader of the Muslimeen or with the Jamaat, and I take his word. That is why I was quite clear in asking him what about his party, and he went on to say that as far as he is aware—

Madam President, it is on record that in 1995, the then leader of the NAR, Mr. Selby Wilson—after a public meeting in which the NAR and the UNC were having joint platforms—walked away from that alliance saying quite clearly that he was convinced that there was an arrangement between the Jamaat and the UNC in respect of the 1995 election. That is a fact. So that if the hon. Senator said that he did not know about it, I take his word.

Madam President, so 1995 came, the election was held and the UNC got into government. We had an equal number of seats. The first meeting that the then government had was with the Jamaat—the first meeting—the Prime Minister, the Minister of National Security and the head of the public service.

Sen. Mark: Openly. No secret meeting.

Sen. The Hon. Dr. L. Saith: So to say that he has not met with them is correct. It does not say that the party has not met and had a relationship with them. I am not ascribing motives or anything, but I think in the interest of placing the facts on record, I needed to say this. That is my only contribution.

Sen. Prof. Deosaran: Thank you for giving way. I wonder if I heard you right, Senator. Are you saying, through you, Madam President, that the head of the Public Service Commission was present at that meeting?

Sen. The Hon. Dr. L. Saith: No, not the head of the Public Service, the permanent secretary.

Sen. Prof. Deosaran: Thank you.

Sen. The Hon. Dr. L. Saith: The point is that to make allegations, as have been made, without giving a full picture of what has happened over the years—I needed to correct that.

Madam President, I thank you. [*Desk thumping*]

Sen. Prof. Kenneth Ramchand: Madam President, thank you. We have no choice but to join the fight against terrorism. Terrorism is a globally organized phenomenon which invades or infiltrates particular countries. I want to sound a note which we heard in Sen. Cropper's contribution and which some of the behaviour here today, already, encourages me to sound, terrorism is not a partisan matter, and this discussion is not supposed to be a party political discussion. This is a meeting of the Parliament in which we are discussing a phenomenon that threatens the world and which threatens individual countries. [*Desk thumping*]

One of the possible perils of belonging to a nation that contains people who have come from so many different countries; and people who have affinities to so many different cultures and religions is that there are groups or gangs or individuals who could ally themselves to terrorist organizations overseas for ideological, political, economic or religious reasons. May I say, in important parenthesis, that "we will never understand terrorism if we think of it only as the work of believers, fundamentalists and fanatics". There is very often—as the case in Iraq shows—a strong economic basis for terrorism.

Madam President, those who link up with international terrorist organizations, persons in our communities might really be small fish and they may not be called upon at first to carry out acts of terrorism in their own country; they may not be asked to carry out these acts on behalf of the organization or any of its affiliates but, the tightening of security measures in many countries designed to debar the entry of likely looking terrorists, might well make small, unlikely looking fish like us useful as infiltrators into other countries. Such missions or contacts are strategic options that international terrorist organizations have already begun to turn to, and there are people here who will do it for money.

Let us not also forget that when we think of the reasons why these organizations exist and why people link up with them, let us not forget that many interests at home and in the global field stand ready to benefit from

destabilization. Once a country is destabilized, there are people all over the world waiting to pounce. So a terrorist might not have a specific ideological intent. It might simply be that he is an anarchist; he is taking part in the destabilizing of a country, and in the mess that follows, all kinds of persons can benefit.

There is another scenario that we have to contemplate. A good fisherman can never bank on a catch, much less predict the nature of his catch, but a good fisherman is prepared to throw the line and waste his bait just on the off chance. Some of these international organizations are throwing their bait and hoping that they will catch something.

A terrorist organization, or even a foreign government, might calculate that it will turn out to be a good investment to give money and supplies like books, manuals, medicines, guns or to offer tuition and training, passage and accommodation paid to a group in this country. Now, the group might be a legitimate political party trying to win power in duly constituted elections. On the other hand, it may not be a political group; it may not be a political party, but it could use the resources that are given to it by people from abroad to lease itself to one political party after the other, and then with the help of the media and with the trapped acquiescence of the politicians who dealt with them, such a group might impose an image and a reputation that it could intimidate a whole population, and this would qualify them to be called a terrorist group. I am sure, if my definition is agreed, we have a terrorist group in Trinidad and Tobago.

Have you ever said aloud to yourself that since 1990 a precedent has been set in this country that allows lawlessness to think it can do what it likes and get away with it? Just check! Go back to the papers and the statistics. Since 1990 lawlessness reigns and lawlessness feels that it could get away with anything because we are intimidated; the man on the street is intimidated; the jury is intimidated; the police are intimidated; and the politicians are intimidated.

I am trying to explain not only why I believe that we have to subscribe to the conventions against international terrorism, but I also want to suggest that there are dangerous gaps in our defence against overseas organizations. We have to find some way—I do not know if legislation is the way to do it—to measure or control the kind of aid, the amount and purpose of the aid that local organizations solicit or receive from other governments or international organizations. So what we are saying about the convention offences is okay, but I feel we have to look at our case a little more closely and add to them.

In all its aspects, the Anti-Terrorism Bill has implications for the ordinary citizen of this country. We cannot deny our obligations with respect to the

Anti-Terrorism Bill
[SEN. PROF. RAMCHAND]

Tuesday, June 21, 2005

international treaties and the convention offences in Part III and we cannot afford to separate those offences from the other offences included in the Bill as a whole. Madam President, the Bill, as a whole, is problematic.

Madam President, let me begin with clause 3.

“A person who commits a terrorist act is guilty of an offence and is liable to imprisonment for twenty-five years.”

Okay, of course, we would have to define what is “a terrorist act”.

I have a question with respect to clause 3(2). I would give way if Sen. Seetahal or somebody else could enlighten me. Is “consecutively” meant to be the opposite of “concurrently”?

Sen. Seetahal: Yes.

Sen. Prof. K. Ramchand: Now, I have never agreed with “concurrent”. I do not agree with giving convicted criminals an automatic discount. If you do two things, take your punishment for the two things. I do not want you to lock them together. I do not even like the thing that says, 12 months really mean nine months or eight months. That is a 30 per cent discount at one time. “I send you for a year and you would get eight months”. No, I do not agree with that.

Sen. Seetahal: Madam President, could I correct this clarification? “Consecutively” means following; it means after. It does not mean at the same time, which is the usual time of sentence, but that “concurrently” is when it arises out of the same incident. The question about the 12 months meaning eight months does not really mean that. It means that if you behave well, you would get four months, up to a maximum of, as remission. That is if you behave. So it is a kind of incentive.

Sen. Prof. K. Ramchand: Thank you. I was just asking the question, but I still do not like it, but there it is. Now, I want to know if this 3(2) makes it mandatory that you have to decide on the terrorist offence before the offences under any other law are dealt with. Again, I am willing to give way to have a clarification. Does a terrorist offence have to be dealt with first and then you would deal with the other offences under other laws?

Sen. Seetahal: No.

Sen. Prof. K. Ramchand: Well, I still do not know what the procedure would be.

Sen. Seetahal: The most serious one first.

Sen. Prof. K. Ramchand: The most serious one first, so that is the terrorist one.

Sen. Seetahal: Exactly.

Sen. Prof. K. Ramchand: It seems to me that if in committing an act of terrorism you knocked down an old man or you broke a window, and I want to hold you for more than 48 hours then let me charge you and convict you for that. I would have you there in the cell and then I could pump you for information about the terrorist group that you belong to. So why should I deal with the most serious charge first? The more serious charge might be harder to secure the conviction. Let me take the easy one and stick you in jail and then get my chance to question you, and then I would not have to deny you your 48 hours and say that we are going to extend it to 14 days.

Sen. Seetahal: That is an abuse.

Sen. Prof. K. Ramchand: Madam President, the way these criminals are abusing me, I do not mind abusing them back. *[Laughter]* It is within the law. You cannot tell me that I must not try you for the smaller offence first.

Madam President, the more important question has to do with the phrase “under some other law”. I wonder if anybody with the knowledge and the expertise has calculated how many of these offences under this Bill are covered by some other existing law. If the majority of offences in this Bill are so covered: What are the reasons why the existing laws cannot be left to do the job, and if they cannot do the exact job, can they not be amended and/or strengthened to suit?

It would seem to me that if we followed such a procedure, the remaining specifically “terrorism offences” can be scrutinized properly and brought to Parliament as necessary legislation to be added in the fight against terrorism. Perhaps, persons who know about these things would find that this is an outlandish suggestion, but I can only work out of common sense, not out of legal knowledge. Madam President, those were questions about clause 3.

I want to go now to Part I which is the section on definitions. I noticed that there are no definitions for “terrorism” and “terrorist”. Perhaps, the hope is that if we define a “terrorist act” satisfactorily, we can then define a “terrorist” because a “terrorist” is a person who carries out terrorist acts. So we are banking very heavily on our definition of a “terrorist act”.

Madam President, without even looking at the definition, if you ask me what are some of the characteristics of a “terrorist act”, I would say—although it does not always have to be an act of violence or an act that precedes violence—terrorist acts are usually committed against buildings, public objects and occur in public places where innocent and unsuspecting crowds become victims; terrorists acts are quite brutal in their unconcern for the suffering of the innocent; terrorists acts are not accidental but they are planned or they are part of a policy; they are part of a programme of activities that a group has; and terrorist acts emanate from a group of people who have conspired to carry out these terrorist acts in relation to some agenda that they have. So we could also talk about a terrorist group, and this group serves some cause. They also have some head, some leader or some high command.

When I look at the definition, I want to see if the definition would embrace some of these elements. Madam President, I do not think that they do. If you go through the definition there is nothing in (i), (ii) or (iii) that would distinguish these acts from acts about which we already have laws. There is nothing specifically terrorist about these acts. That is okay, because we have a second part which would try to define and bring distinction. We then see “and is intended to”. So the intention now is what is going to help sculptor the thing for us. We also get targets directed against a government or international organization with the intention of compelling them to do or not do something.

We also have intended to “intimidate the public or a section of the public”. Well, I would want to add to that “intimidate or inflict suffering upon”, because you want to blackmail the people you want to influence by taking innocent lives and making innocent people suffer. If I am dead, you cannot intimidate me. So when you blow up a place and kill me, you are not intimidating me, you are killing me; you are inflicting suffering and death upon me, using me as a “pawn” and that is what I would like to see recognized, the “pawns” who are involved in this thing.

I would like that definition to be thought about a bit longer, and I would like it to be as such that it would allow me to define “terrorism” and define “terrorist” from it. It really has to be a much better definition than we now have.

I want to take a recent example about how inadequate this definition of a “terrorist act” is. Last week, Minister Montano made a carefully prepared statement, betraying partisan contempt for the cane field, and leading clearly to the inference that descendants of Indians were specially favoured by the UNC government with respect to gaining places at the Trinidad and Tobago Institute of

Technology (TTIT) and the University of the West Indies (UWI). Let me say for the record that I deplore that unfortunate statement. [*Desk thumping*] I am using it here as an example of how the definition of “a terrorist act” can be used. The Government should not believe that because they are in charge now they could have that definition, because when the boot is on the other foot, people could use that definition against you.

If I look at clause 3, a “terrorist act” means an act, which causes or is likely to cause “prejudice to national security or disruption of public safety”, I would say that Minister Montano’s speech qualifies; or “intimidate the public or a section of the public”, it qualifies; and “for the purpose of advancing a political, ideological or religious cause”, it qualifies. [*Desk thumping*] It was a party political statement, and the party has not repudiated it. [*Desk thumping*] That is why I say it is a party political statement. [*Desk thumping*] A responsible political party would get up and say that this does not represent the position of the political party to which the Minister belongs. [*Desk thumping*] If I were on the other side, I would get up and say so if the party does not say so.

Madam President, all I am saying is, if you take that speech which is fresh in our minds, and you look at the definition of a “terrorist act” it qualifies, as far as I am concerned, as a terrorist act. So we really have to be careful about the definition.

In passing, I would like to notice the definition of “terrorist property” and I am wondering whether we would be able to fit in there—how do you know that it is “likely to be used”? I want some sign or some evidence that is “likely to be used”. I would like to know that it is equipped or organized to facilitate. I would see there certain kinds of instruments or devices—

Sen. Seetahal: I just want to say to the Senator that would be the evidence, but you cannot put the evidence in the statute, but “likely to” is a term which tells you what you are looking for and when you are prosecuting you would then look for the evidence and the evidence would prove “likely to”.

Sen. Prof. K. Ramchand: So, “likely to” is not my opinion or somebody’s opinion?

Sen. Seetahal: It is objective.

Sen. Prof. K. Ramchand: Okay. Well, I still do not like it.

Sen. Seetahal: I like it.

Sen. Prof. K. Ramchand: That was only in passing. I now want to come to some other questions about particular elements in the Bill. I have a question about clause 33 which says:

“Every person should forthwith disclose to the Minister—

(a) the existence...

The Minister shall disclose to the appropriate authority...”

Again, I do not know too much about these things, but I would like to know why they have to “disclose to the Minister”. I would like to know why it says “to the appropriate authority”. Does this mean that there are alternative appropriate authorities and that it is not standard and fixed that it has to go to “X”? So it is a question about why the Minister and the phrasing of “the appropriate authority” and why not specify the authority.

With respect to clauses 23 and 24, first of all, I would really like to know: what is the difference between the classes of action one could carry out under clause 23, and the classes of action one could carry out under clause 24? I really do not know what is involved if a judge makes an order for the gathering of information. Does that order authorize somebody to be called in to assist the police in their seeking of information? Does it authorize to “detain them”? Does it authorize to “arrest them”? Does it authorize “to search their premises”? What does this authority that gathers information consist of? What are the components? I would like to know. It seems to me that under clause 24(3) you could also detain somebody. Why do you want to detain that person twice? Why can you not have 24(3) alone since it is a ragbag that includes everything? I would just like to know: What are the differences between clauses 23 and 24 of the classes of action that may be carried out?

Then, going back to 23(3), how do we know that a person is interfering or is likely to interfere with an investigation? Is he going to shoot a witness or is he going to burn down a building or destroy computer records? Again, Madam President, I would just like to know.

Sen. Jeremie: There would be a burden on the prosecuting authority to produce evidence and that evidence has to persuade a judge.

Sen. Prof. K. Ramchand: What are some examples of the kind of interference?

Sen. Jeremie: It can be anything that goes around with a thesis that there is likely to be an interference with an investigation on any physical site. It says reasonable grounds.

Sen. Prof. K. Ramchand: You could say—

Madam President: I am simply listening, but I am still here.

Sen. Prof. K. Ramchand: Madam President, I know that you are listening, because when we talk on this side you have to—

Madam President: But you have to address me, Sir.

Sen. Prof. K. Ramchand: Yes, Madam President. People used to say, “they afraid Carl”. There is a tradition of fearing attorneys general, so when they talk you have to talk back to them and listen to them.

Madam President, as I said, those are questions and I want to come now to the detention order. There has been a lot of comment about the detention order in subclauses 23(3) and 23(4). I have not heard much about 23(5):

“Every order shall specify the place at which the person named in the order is to be detained and conditions in respect of access to a medical officer.”

3.15 p.m.

I would have liked it to be stated precisely where the person named in the order is to be detained, whether it is in a jail, a ministry or a special place somewhere, where such detainees are dealt with. I do not know. It sounds like a minor thing but we have to be very careful about people's rights and freedoms. I come back now to clause 23(3) and (4), just to rehearse what has been said. We note at clause 23(4) that the person can be detained:

“for a period not exceeding forty-eight hours in the first instance and may be extended for a further period provided that the maximum period of detention...does not exceed fourteen days.”

Now, clearly, this is without a doubt, a breach of one of our rights under the Constitution. This is not a matter of legal opinion and this is where I would fight the biggest legal brains in the world. The plain English of the Constitution says: “You cyar do me that”. And there are laws which allow you to detain for 48 hours. The Constitution does not even say you could detain somebody for 48 hours, but there are laws and practices that allow it.

[The Attorney General attempts to stand]

In a minute, Madam President, I would give way to the Attorney General, as soon as I am finished what I am saying. I have no objection to this if it is clearly stated in the legislation that this is in contravention to sections 4 and 5 of the

Anti-Terrorism Bill
[SEN. PROF. RAMCHAND]

Tuesday, June 21, 2005

Constitution and if it is passed with a special majority, because the Constitution envisages, at times, when it may seem necessary to deprive citizens of some of their fundamental human rights under sections 4 and 5. Section 13 says if it has to be done legislation must so confess and the clause must be inserted and it must be passed with a special majority.

I feel that the struggle is so desperate that if it is necessary to contravene my rights under sections 4 and 5, once the legislation recognizes it is doing that and is passed by a special majority, I would accept it.

Sen. Jeremie: Madam President, I thank the Senator for giving way. If I could speak just to that point, the constitutionality of clause 23. Now, the point is that the existing practice is that the accused person is not detained by the police for more than 48 hours. Now, what is important to note there is that without the intervention of a judicial officer, your detention would be unlawful if it goes beyond a reasonable period of time. If you read section 4(a) of the Constitution, which has to be read together with section 5(2)—Section 4(a), the preambular clause says:

"It is hereby recognized and declared ...

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law."

Section 5(2) states:

Without prejudice to subsection (1) ... Parliament may not—

- (a) authorise or effect the arbitrary detention, imprisonment or exile of any person;"

Now, what has been argued is that by extending that 48 hour period to a 14-day period at clause 23, it is, ipso facto, unconstitutional. The distinction between the right given at common law, to detain a person by the police for 48 hours, is a critical distinction because what the Bill does is to put the judicial officer after that. So that the judicial officer and the courts are the guardians of the Constitution. That, in itself, is the protection of the law which is required by the Constitution.

Even the constitutional cases, stretching back to Thornhill, do not define that 48-hour period in blanket terms. What Lord Diplock said in Thornhill in relation to section 5(2) was that the Constitution signified not a particular lapse of time,

but a period which was not longer than the circumstances of the case required. Then he went on to say, that the Constitution provides that Parliament may not deprive a person, who is arrested or detained, of the right to be brought promptly before an appropriate judicial authority. So that the focus is on the removal of the stigma of the police state and the intervention of the High Court, which is the guardian of the Constitution.

Madam President: I think you are making contribution in a contribution.

Sen. Jeremie: I am sorry. Thank you for giving way.

Sen. Prof. K. Ramchand: I really do not mind, Madam President. It was very interesting.

Madam President: Maybe the Attorney General would join the debate later.

Sen. Prof. K. Ramchand: Madam President, while he was convincing me while he was talking, I am sure I would go back home and think about it and consult with some other people and come up with the opposite view which just shows that this is the kind of Bill that has to go to a select committee, where these matters can be thrashed out. So, thank you very much, Mr. Attorney General. Tonight I am going to ring a few people to come against you.

Madam President, I was going to say something similar with respect to clause 24(9), but I think the issue has been raised about whether there are clauses in this Bill that require an insertion of the statement enjoined by clause 13 and whether a special majority is required. These are serious issues concerning this Bill and I am sure that the select committee would address those issues. In the meantime, I support Sen. Seetahal's—I had written here—opinion, but I feel so strongly that what she says is factual; I support her declaration that there are clauses of the Bill that require the insertion of the statement and passage by a special majority. However much I agree that we need to devise anti-terrorist legislation, and although like the Constitution itself I can envisage the surrender of some of my rights as enshrined in sections 4 and 5 and other places, my surrender is not unconditional.

Sen. Jeremie: Madam President, I thank the Senator for giving way again. This would be the last occasion. The proposal to carry it to a select committee was in recognition of the fact that we understand that the legislation is complicated legislation; that there is a balancing act which needs to be carried out between pushing the envelope in terms of punishing criminal terrorist conduct and maintaining the respect, for which this country is well known for the individual

Anti-Terrorism Bill
[SEN. THE HON. J. JEREMIE]

Tuesday, June 21, 2005

rights and freedoms. I thought you were locking yourself into a position in advance of the select committee and I did not want you to do that.

Sen. Prof. K. Ramchand: Madam President, all good debaters have to lock themselves into the position, and they come and argue, but they do argue with an open mind and with some flexibility. I am sure that if this select committee works according to these kinds of principles, we would come up with legislation that is acceptable to the Parliament and that would serve the needs of the country.

He is lucky he intervened then because I am just finishing up. Nobody's surrender of their fundamental rights can be unconditional. Certain requirements must be met and for the time being, I am not sure that the present Bill meets those requirements. It would not arise, but I would not have voted for it in its present form, if we were going to vote upon it, today.

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

Madam President: I have promised Sen. Gift that I would call him next.

Sen. Seepersad-Bachan: But it is our turn, Madam President.

Madam President: Senator, it is his turn, because you go 1, 2, 3. Besides, there are a lot of speakers on this side. [*Crosstalk*]

Sen. Seepersad-Bachan: I thought it was a Government, an Opposition, and an Independent.

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Thank you, Madam President. It was not my intention to intervene on this Bill, but having heard a few inconsistencies on the other side, particularly, some of those sitting in the front row, I thought it fit and necessary to correct some of these impressions. I must say that Sen. Baksh, in his usual crisp and analytical style, did touch on some very important issues, which, I believe, at the end of the day when the select committee is charged to review the Bill before us, will result in an acceptable document. Sen. Baksh indeed did very well, until he came to the final part of his contribution referring to the People's National Movement Government as temporary. I know that must have been an oversight on his part. [*Laughter*]

Madam President, what this Bill seeks to do—or any permutation thereof, which is negotiated—is to give the force of law in Trinidad and Tobago to a number of international legal instruments to which Trinidad and Tobago is a state party. It allows us to assume our due share of the international burden which devolves on all states to protect the international community and, of course, its

own citizens. This is what this Bill or any permutation thereof, sets out to do. It reminds us of paragraph 3(e) of the United Nations resolution, 1373 which exhorts all members signatories thereto, of the need to discharge their international obligations which are enshrined in the protocols and conventions to which they are signatories.

It is in keeping with that obligation, therefore, that Trinidad and Tobago, our administration, in the exercise of its responsibility over the years, has ratified a number of these conventions and instruments against terrorism. For purposes of the record, I think it is incumbent upon me to just remind this Senate of some of those conventions and treaties to which this Government, and others, have signed over the years. These would include the Convention on Offences and Certain Other Acts Committed on Board Aircraft of 1963. Then we come to the Convention for the Suppression of Unlawful Seizure of Aircraft of 1970. A third such convention is for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 1971. Then there is the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including diplomatic agents. This was adopted by the General Assembly of the United Nations in December 1973. Then we have the International Convention against the Taking of Hostages adopted by the United Nations General Assembly in 1979. We also signed the Convention on the Physical Protection of Nuclear Material of 1980. Added to that, we did sign and ratify the Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, and the Supplementary Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation in the year 1988.

On top of that, Madam President, we also signed and ratified the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988. We did go on to sign the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf of 1980. Then there is the International Convention for the Suppression of Terrorist Bombings adopted by the United Nations General Assembly in 1997. Latterly, we signed a couple of years ago, the Inter-American Convention against Terrorism.

So, that, indeed, contrary to what we were told here by Members on the other side, that promoting this Bill in is response to the dictates of some imperialist power, this is really not so, because as you can see, the 9/11 incident took place fairly recently, while our signature and adherence to these conventions referred to earlier preceded that incident by many, many years.

Anti-Terrorism Bill
[SEN. THE HON. K. GIFT]

Tuesday, June 21, 2005

In addition to that, we are now in the process of finalizing our internal arrangements to become a party to the International Convention for the Suppression of the Financing of Terrorism, which was adopted by the United Nations General Assembly in 1999. It would be appreciated, therefore, that Trinidad and Tobago's protection under international law, as a small state, rests with the protection that can flow from such conventions and treaties which aim to protect, not only the international community, but our own citizens as well.

It was said here by a Member of the opposite side, in rationalizing on the point of Trinidad and Tobago answering or responding to the dictates of some imperialist power, that we might have overlooked the situation involving the most heinous international criminal act of terrorism in the downing of an aircraft over Trinidad and Tobago/Barbados air space and waters sometime ago. Under this administration we do not buckle to pressures that may come from outside sources, because our situation and position are premised on principle, so that we would defend those principles before any fora, as the need arises.

In fact, I wanted to remind this Senate that mindful of our obligation under the international treaties to which we are signatories and which we have endorsed worldwide, we at our recently concluded meeting of Ministers of Foreign Affairs of Caricom held in Bahamas just two weeks ago, made sure that that act of terrorism, that is the downing of the Cuban aircraft in 1976, did not go unnoticed and, indeed, we had it etched into the records of the communiqué the following statement made by the Ministers of Foreign Affairs—and I wish it to be reflected in the record:

“The Ministers...”

—of Foreign Affairs of Caricom

“noted the detention by US Immigration officials of Mr. Luis Posada Carriles, an individual long associated with acts of violence against the Government of Cuba and a primary suspect as one of the authors of the most horrific acts of terrorism ever experienced by the countries of CARICOM, the 1976 bombing of a Cubana aircraft in international waters off Barbados.”

The communiqué which was unanimously endorsed by all Ministers of Foreign Affairs attending that meeting, including your humble servant, continues:

"The Ministers recalled the trauma this event had caused to the Governments and peoples of the Region, and the families of the 73 innocent victims, who were citizens of countries both within the Caribbean and beyond. They

reiterated their continuing concern to ensure that all of the perpetrators of this despicable crime be brought to justice and their expectation therefore that the Government of the United States of America would take appropriate action in respect of the accused terrorist in its custody.

The Ministers further recalled the commitment which both CARICOM and the United States of America shared as members of the international community to fight against terrorism in all its forms, and their solemn undertaking, in keeping with the many Security Council Resolutions on the subject, that suspected terrorists should find no safe haven in any of their countries."

And the communiqué ends on this particular item, Madam President:

"They looked forward therefore to a satisfactory resolution of the present issue so that closure could be brought to this most painful event in the Region's history."

So, that, indeed, it can be seen clearly that we, in Trinidad and Tobago, singly, as well as other Caricom colleagues, collectively, have articulated our views and our position on this matter of international terrorism as enunciated in this communiqué just read.

In other words, we are saying that having been parties to these conventions, we observe the rule and the principle enunciated in the saying *pacta sunt servanda* which is found in Article 26 of the Vienna Convention. So that once you become a signatory to these responsibilities, then it behoves you to observe them, because in them lies your own protection, as a small and sometimes defenseless State.

As I said, it was not my intention to intervene in this matter, but the points raised by many of our colleagues on the other side left me no other alternative in terms of clearing the air and to point out the role that Trinidad and Tobago must play in the presentation and support of this Bill, whether in its present form or its amended form. I therefore urge the Members opposite to accompany our side in the approval of this Bill via the select committee procedure.

I thank you, Madam President. [*Desk thumping*]

Sen. Carolyn Seepersad-Bachan: Madam President, I am pleased to make a contribution to this Bill this afternoon, although we know that this Bill will be going before a select committee. It was on that basis I had decided that I would not make a contribution, but after hearing some of the comments made here, I felt it necessary that I clarify some issues raised by Sen. the Hon. Dr. Lenny Saith.

Let me, first of all, state that the hon. Minister spoke about the issue of voter padding, and when my matter appeared before the Elections and Boundaries Commission (EBC). I want to say it again; I have said it a thousand times; I said it before the EBC and I have said it before the Commission of Enquiry, I have always voted from my home in Vistabella, San Fernando. At no point in time was it ever told to me that I was doing anything wrong. As a matter of fact, I want to say this. Do you know why? It was the PNM Government and Members on that side that brought a whole set of police to my home in Vistabella. I was living there at the time when they brought a whole set of police to my home and told me I had to go before the EBC, and threatening—this whole cloud of fear.

You see, I want you to understand what happened to this nation, because it is interesting to note that we are dealing with a Bill on terrorism; because do you know what? It created this fear around so many people and that is why I had to come out and do what I did to clarify the situation. San Fernando is a place where several people, many professionals, would go to Port of Spain and rent an apartment, like I did when I was at university, and I will tell you, a lot of them have never changed their address, and at no point in time was it told to us that it was immoral or illegal or the issue was ever discussed. It is amazing to know that only at that election that we found that this was such an issue and I will refer you, Dr. Saith would remember that Minister Christine Kangaloo was one of those who would return from Port of Spain to her home in Marabella to vote. The hon. Martin Joseph went before the EBC and indicated, that yes, he was living in one area but was voting in another area. The hon. Minister would also remember Ian Seukeran, the brother of Diane Seukeran, did that for many elections. Her son, Johnny, would do the same thing.

Sen. Dr. Saith: Madam President, please—

Madam President: Please, Senator, is it on a point of order?

Sen. Dr. Saith: The Senator is imputing—

Sen. C. Seepersad-Bachan: You know, Madam President, I did this last week and—

Madam President: Please, we cannot have two speakers—

Sen. Dr. Saith: Madam President, I never said that the Senator did anything illegal. I never said that. I said it was quite legal.

Sen. C. Seepersad-Bachan: So why the process?

Sen. Dr. Saith: Just for the record, this was in 2000. There was no PNM Government in power at the time.

Madam President: Yes, Senator, he did say it was legal, I do not remember him accusing you of anything illegal. Please continue.

Sen. C. Seepersad-Bachan: Well, Madam President, at no time was it told to me it was illegal. I appeared before the EBC and the matter was discharged when they said there was nothing illegal about it. [*Desk thumping*] It was the Elections and Boundaries Commission that discharged the matter. Members of the PNM administration went before the Commission of Enquiry and called my name again and said it was illegal and, there again, I had to go before the EBC and the people presiding at that EBC had to indicate that there was nothing illegal, because there are several other examples in this country.

I say this because, even when I went before the EBC, it was raised by Ian Atterly at the time, who brought the matter before the EBC and there was Marva Bostic. Do you not recall Marva Bostic, the big PNM activist? She admitted before the commission that she went to the house in Valsayn; she went into the post box; she took out my husband's bank statement and the EBC commission had to tell her that she was violating the law. But I did not hear the police going after Marva Bostic for going into people's mailbox. This is the problem we have in this country. There is one law for one and another law for another.

To this day I have continued to carry this image as if I did something so wrong in this country, when I did nothing wrong and I did everything else that everybody else on that side was doing. I am amazed in this country—and that is why I raised the issue. The Senator said that Mr. Bickram came to him from the Party Administrative Support Unit (PASU) office in Chaguanas—and yes, there was the PASU office in Chaguanas—and he would recall when Sen. Sadiq Baksh's home was being raided and searched, at the same time that PASU office was raided as well as the executive chairman's office at Maritime, all concurrently taking place on that morning. Everybody would recall that.

I wonder if you recall also, when there was a police officer in the Marabella Police Station who was able to tell us that another colleague of his was able to give a blow-by-blow account to the then Leader of the Opposition, Mr. Patrick Manning, as to exactly what took place in those searches at all those various offices and homes. But we do not hear these things. Nothing was wrong with that. It is amazing how informed! The Member opposite would also recall that there is a videotape of where there was evidence of Mr. Bickram—the same Mr.

Anti-Terrorism Bill
[SEN. SEEPERSAD-BACHAN]

Tuesday, June 21, 2005

Bickram—when he was going to the Member for San Fernando East’s office on Coffee Street and would meet with Joan Yuille-Williams and those visits were frequent. He said he does not know why none of these cases had been dropped or whatever.

Some of them have been dropped; not all. Some of them are still pending. Do you know why? Because there was a lack of prosecution. There was never any evidence. Nothing has ever come to court. You frustrated all those magistrates in those courts who got fed up every time these cases appeared; no prosecutor, because there was no evidence. This is the problem that you have.

I remember they went after women in Barrackpore, Nariva and Mayaro, all the backward areas.

3.45 p.m.

Sen. Yuille-Williams: Madam President, on a point order. I am sorry, I was just wondering if the hon. Member said: “Joan Yuille-Williams”. Who met with me, please?

Sen. C. Seepersad-Bachan: Do you want me to clarify it?

Sen. Yuille-Williams: Just the name of the person—I am sorry.

Sen. C. Seepersad-Bachan: There was a time when Mr. Bickram would be going to the office of—

Sen. Yuille-Williams: To meet with Joan Yuille-Williams?

Sen. C. Seepersad-Bachan: To meet with Patrick Manning—

Madam President: Please Members, one must sit. Are you giving way to the Minister?

Sen. C. Seepersad-Bachan: She asked me to answer and I was answering her.

Madam President: All right, then.

Sen. Yuille-Williams: Could I ask the question again? Did you say that someone used to go to Coffee Street to meet with Joan Yuille-Williams?

Sen. C. Seepersad-Bachan: You were present at the meeting.

Sen. Yuille-Williams: Let me assure you that I have never seen or met with Mr. Bickram. [*Interruption*] I have never gone and met with Mr. Bickram. Is that all right? Let me put it on record. [*Interruption*] I have never met Mr. Bickram, whoever Mr. Bickram is. Is that all right? Thank you, Madam President.

Sen. Dr. Saith: Now my point of order, Madam President. The hon. Senator is imputing motives to this Government. I want the hon. Senator to be quite clear

that in 2000 the PNM was not in Government; the PNM was in Opposition; the police did not report to the PNM, and if you have to accuse anybody of harassing women, it has to be the UNC Government that was in charge at the time. [*Desk thumping*]

Sen. C. Seepersad-Bachan: Madam President, just let me continue. I have continuously stated that I was dealing with the Leader of the Opposition at that point in time, who was Mr. Patrick Manning. I have stated that. What was on the tape—there was a videotape—and there was a driver and another person who used to go with Mr. Bickram to the Coffee Street office and at that meeting it was alleged that you were present—Sen. The Hon. Joan Yuille-Williams.

Furthermore, I am talking about the treatment of these women who were taken, who were charged by the police. Let me just say that some of them were harassed and threatened.

These are simple women. They said: “I did not know what to say; if to admit—whatever they tell me to say I will say it.” They were so scared; they were threatened. One of them even told us that afterwards that she was told that she would never see her son again in her life if she did not say certain things. It is time now that we get to the bottom of this.

Furthermore, I recall that there was another one—and Sen. Baksh would remember this one—a girl from Nariva, I think it was, and her father had died and the policemen turned up at that home—

Sen. Yuille-Williams: Just give me a minute—

Sen. C. Seepersad-Bachan: Just let me finish—and threatened that girl. The funeral was taking place and they arrested that girl. I will give way to you now.

Sen. Yuille-Williams: Sorry, Madam President. I just wanted to make sure that things do not go that I am not aware of. I am wondering if what the hon. Senator is saying is that she has a tape where I was present when Mr. Bickram came—or something like that—to the San Fernando office? Am I hearing that? I am not quite clear whether that is what she was saying.

Sen. C. Seepersad-Bachan: No.

Madam President: That is what I got.

Sen. Yuille-Williams: I want it to be very clear. I am a little shocked to know that I do not know where I am, so I want to get that clarified. Is there a videotape that will say where I am? [*Interruption*]

Sen. C. Seepersad-Bachan: Madam President, there is a videotape of an interview and—Sadiq, what was the guy’s name again? The person who was interviewing is a member on your side now, actually. He is a big supporter. I would try to remember his name in a while. But they were interviewing the driver of the car who was reporting what he saw on these occasions. He said he turned up at the GTM’s office on Coffee Street. He stood outside and saw Sen. Joan Yuille-Williams, the then Leader of the Opposition and Mr. Bickram, in conversation. Okay? I said that and I am glad. Let me clarify that, because I do not intend to further any propaganda. I deal with facts. Okay?

Madam President, the hon. Senator said that one of the things that took place with the whole voter padding was that Mr. Bickram came to them. And, you know, the interesting thing about that is, when the search was performed on the UNC’s Party Administration Support Unit (PASU) office, there was a document that was unsigned. It was claimed that the document was signed by Mr. Steve Ferguson, but there was no signature. They asked my sister, who was in charge of PASU at the time—yes, I know you wanted to get to that, Senator—they asked her: “Where did you get this document?” Because this is the incriminating evidence, you know. She told them: “With all that has been going on, the *Express* newspaper called me for a comment and I asked them what document they are referring to.” And they said it was this document. She said: “Can I have a copy of it, please?” And they gave her a copy. So I got it from the *Express*, from the Attorney General’s advisor. Mr. Cuffie was the one who gave it to her. She said: “If you notice, you would see something on the top here”—the police has that document—“that Mr. Cuffie—”

Sen. Jeremie: Before he was employed at the office of the Attorney General. [*Crosstalk*]

Sen. C. Seepersad-Bachan: Mr. Cuffie got this document and on the top of it the fax number was for a Mr. Selwyn Ryan at the University of the West Indies. That is where the document came from.

Hon. Senators: Oh goooooood!

Sen. C. Seepersad-Bachan: I asked afterwards: “Is the police now going to investigate the *Express* to find out where they got this document? Did they go to Mr. Ryan’s office to find out where he got that document?” That is the only thing they could find; the only piece of incriminating evidence that came from the *Express* newspapers, which was forwarded to the *Express* by Mr. Selwyn Ryan.

Madam President, let us set the record straight. Mr. Bickram was fired long before from the PASU office for the same reason and that was, he was not performing his job. And what was his job? Let me tell you what his job was. It was setting up an information system—like you do; like any political party—to take a record of their voters and to have, what we call, the Voter Information Management System.

Madam President: Are you speaking to me or are you speaking across the road?

Sen. C. Seepersad-Bachan: My apologies, Madam President. But, you know, sometimes I do get carried away with those on the other side. Let me put it as a matter of record and let me clarify the issue. I want to read this affidavit which was witnessed by the Commissioner of Affidavits, Carolyn Joseph. It states:

“I, RICHARD BICKRAM formerly of Malabar Farm Road, Carapo, do solemnly and sincerely declare as follows:”

Madam President: Was it a Statutory Declaration?

Sen. C. Seepersad-Bachan: Yes.

“...The Statutory Declarations Act
Chap. 7:04”

1. All of the matters contained in this statutory declaration are true and correct, and are within my personal knowledge unless otherwise expressly stated to be on information and belief in which case I verily believe the same to be true.
2. I have known Patrick Manning the current Prime Minister of Trinidad and Tobago (hereinafter called Patrick) for many years. I used to have a roti shop very close to Gulf City Mall. This was 1997/1998. Patrick used to come there and buy roti's from me. We had developed a relationship—”

Sen. Dr. Saith: Madam President, on a point of order. I just want to know whether that is in relation to some case, or it is just an affidavit that has been sworn to by a gentleman just like that. What is it in relation to?

Sen. R. Montano: It is a Statutory Declaration.

Sen. Dr. Saith: No, I just want to know.

Hon. Senator: Of Mr. Richard Bickram.

Sen. Dr. Saith: Okay. It has not been tendered in evidence anywhere, and the people who are named in it have not had an opportunity to—*[Interruption]* No, I am asking. So you are putting something on the public record which is imputing improper motives. *[Crosstalk]*

Madam President: I think you should answer the question that is being asked, please. The Minister wants to know whether in that affidavit—

Sen. R. Montano: She does not have to answer that question.

Madam President: Senator will you—whether, in that affidavit there are names of anybody or any people who are now engaged in any kind of legal action.

Sen. R. Montano: No!

Sen. C. Seepersad-Bachan: No.

Madam President: Besides that, I want to know where we are going in this Senate today. Really! A matter was raised by one person; it was rebutted by the other side and has been rebutted by Sen. Seepersad-Bachan, and I honestly do not know what the relevance of that affidavit is. *[Crosstalk]*

Sen. C. Seepersad-Bachan: Madam President, I have had the opportunity to rebut the issue with respect to me.

Madam President: And you rebutted.

Sen. C. Seepersad-Bachan: Right! I am now on the issue with Mr. Bickram, because the point was raised that he was working in the PASU office and that is where the information came from and went to the police. This is what the hon. Senator said here, that because Mr. Bickram was in the office that they were able to take the evidence to the police. So I am clarifying that.

Madam President: Yes, but, Senator, do you intend to read that entire affidavit into the record?

Sen. C. Seepersad-Bachan: No. I want to quote parts of it, Madam President—

Sen. R. Montano: This will deal with that.

Sen. C. Seepersad-Bachan: —to put this into context once and for all.

Sen. Dr. Saith: Madam President, on a point of order again.

Sen. Mark: But why “all yuh” interrupting the lady? You cannot take the truth? *[Interruption]*

Madam President: Sen. Mark, please!

Sen. Dr. Saith: Madam President, I have no objection to her reading. I just want the circumstances to be quite clear. This is an affidavit that the Senator has in her possession, a Statutory Declaration—

Sen. Mark: Signed by whom?

Sen. Dr. Saith: Signed by a Commissioner. If somebody went and said “I did it”, it has not been, as far as I know, any part of any—

Sen. Mark: So what?

Sen. Dr. Saith: Let me finish. In other words, it is somebody saying, “I am saying this.”

Sen. R. Montano: Madam President, just for the record. If a person makes a statutory declaration and anything in that statutory declaration is false, the person is liable to fine and imprisonment.

Hon. Senator: Who will know? [*Crosstalk*]

Madam President: When everybody is finished and everybody has stated their opinions, then maybe we could continue in this Senate with this debate.

Please continue, Senator.

Sen. C. Seepersad-Bachan: Thank you, Madam President—

Madam President: Oh, Attorney General, you wanted—

Sen. Jeremie: Yes, Madam President.

Hon. Senator: Oh Lord, what is this? You could bring any document—

Sen. Jeremie: Madam President, on a point of order. Section 35(5)—

Hon. Senators: Oh no, oooooh no. Oh oh.

Sen. Jeremie: The Senator is imputing improper motives to—

Hon. Senators: No, no, no.

Sen. Jeremie:—a Member of the Lower House.

Madam President: Section 35 what?

Sen. Jeremie: Section 35(5).

Sen. Mark: You are playing “mas” but you are afraid of powder? [*Crosstalk*]

Sen. Jeremie: Madam President, may I continue?

Madam President: Yes.

Sen. Jeremie: The motive which is suggested is that the Member in the other place was somehow a party to a conspiracy relating to—

Sen. Mark: Nobody said that!

Sen. R. Montano: Listen to the affidavit first and then make your objection!
[*Crosstalk*]

Madam President: Sen. R. Montano, please! I would prefer if you did not shout across the floor.

Sen. R. Montano: You are not supposed to hear it.

Madam President: Sen. Bachan, you could make your contribution without imputing improper motives to anybody in this Senate or in the other Chamber. I totally agree that if you are doing that, then it is wrong.

Sen. C. Seepersad-Bachan: Madam President, I would prefer to read it now, because I do not want them to say it was Carolyn Seepersad-Bachan who is imputing any improper motive. But do you know what? Many people's characters and reputations were tarnished on this whole issue because of the allegations that came from the other side. [*Desk thumping*] Now you have an affidavit that has cleared up most of that issue, it is amazing—and that has continued.

Let me remind you, the very first day I was in this Senate, I took it from Glenda Morean, who was then the Attorney General; accusing us of this voter padding—myself and my sister, Susan Seepersad. She called the names in this Senate. Do you know what was amazing?

Sen. R. Montano: And you allowed it! You allowed it!

Sen. C. Seepersad-Bachan: It was allowed then, and it is amazing when you try to clarify and clear people's reputation—

Hon. Senator: You, Madam President!

Sen. C. Seepersad-Bachan: This is why it is becoming so unfair in this Senate, Madam President. It is the same thing that has happened here. Look at the motives that were imputed just now by the hon. Senator. [*Interruption*] It is up to us to clear these things. I am a person who does not like this propaganda. I am tired of the propaganda that takes place inside here. Let us deal with facts!

Madam President, let me just quote:

- “2. I have known Patrick Manning the current Prime Minister of Trinidad and Tobago (hereinafter called ‘Patrick’) for many years. I used to have a roti shop very close to Gulf City Mall, this was 1997/1998. Patrick used to come there and buy roti’s from me. We had developed a relationship in 1996 and 1997. I also used to assist with the financial running of the PNM’s San Fernando West Constituency office. I used to meet with Patrick there quite often and we became quite friendly.”

I do not know if there is any—[*Interruption*]

- “3. In about the early part of 2000 my friend Suresh Maharaj told me that he was working for the UNC’s Party Administration Support Unit (‘PASU’). Because we were friendly, he asked me to come and work with him there. I called Patrick and he urged me to go as it would mean that he would have a spy inside the enemy camp.

4. I used to contact him on various occasions—”

Sen. Jeremie: Madam President, on a point of order. [*Crosstalk*]

Sen. Joseph: Especially if it is somebody from the other place.

Madam President: He is on a point of order. [*Crosstalk*]

Sen. Jeremie: It is section 35(8)—

Sen. Mark: What! What “happen” to 35(8)?

Sen. Jeremie: It states:

“The conduct of the President of the Republic of Trinidad and Tobago, Members of the Senate or the House of Representatives...shall not be raised.”

Sen. Mark: Who is talking about the conduct?

Sen. Jeremie: If the Senator is speaking about the hon. Prime Minister spying, that is conduct and that is being raised. [*Interruption*] Whether she is reading or otherwise—and this is why I refer to—

Sen. Mark: You playing “mas” but you “fraid” powder, man. Nobody is imputing improper motives.[*Crosstalk*]

Sen. Jeremie: Ma’am, the charge here is not that the Senator is imputing improper motives; it is that it shall not be raised. [*Crosstalk*]

Sen. R. Montano: So you could raise things but we cannot!

Madam President: Are you on a point of order, Mrs. Yuille-Williams?

Sen. Yuille-Williams: Yes. Let me just make one point, please, if the Senator would give way, as she is standing.

Madam President: Yes.

Sen. Yuille-Williams: I want to let this honourable Senate know that I was the chairman of San Fernando East from 1986 to 2001.

Sen. C. Seepersad-Bachan: San Fernando West. [*Crosstalk*]

Sen. Yuille-Williams: I am hearing things about Mr. Manning's office which is San Fernando East.

Sen. R. Montano: No!

Sen. Yuille-Williams: Am I wrong in saying that I have heard that?

Sen. R. Montano: You are wrong!

Sen. C. Seepersad-Bachan: I am talking about San Fernando West and he was the leader of the party—

Sen. Yuille-Williams: I am hearing about a relationship with Mr. Bickram and as the Chairman of San Fernando East for almost 15 years, I have not seen or met Mr. Bickram in that office and all the information that goes with it. [*Interruption*]

Sen. Dr. Saith: We refused to pay Bickram; they paid him.

Hon. Senator: Why do you not allow the Senator to read the thing—

Madam President: Yes, she can read it, but we have to be very careful, even in a document, not to impute anything about the conduct of a Member of the Senate—[*Interruption*] Well, it does, in the document. She is not personally doing it, but in the document, and we have to be very careful, Senator.

Sen. C. Seepersad-Bachan: Madam President, I continue:

“4. I used to contact him on various occasions and give him information as to what the UNC was doing in the San Juan as well as take instructions from him. He gave me the idea of voter padding and told me to try to get the UNC [*Laughter*] to implement it as policy. [*Interruption*] I failed in this regard.”

That is what he is saying. [*Crosstalk*]

Sen. R. Montano: It was Patrick's plan!

Sen. Jeremie: On a point of order, Madam President—section 35(8). I am not speaking about imputing improper motives here; I am speaking about it being raised. [*Crosstalk*] Those are the Standing Orders.

Madam President: Senator, I do not think we could allow you to continue to read that document. It is very—[*Crosstalk*]

Sen. Mark: Why? Why?

Sen. R. Montano: So they can read theirs and we cannot read ours? That cannot be right! That cannot be fair! [*Crosstalk*]

Madam President: You are speaking in that document about the person who is the Prime Minister of the country and, therefore, under section 35(8), you are out of order.

Sen. R. Montano: So they can say things about us and we cannot say things about them? That is not fair!

Hon. Senator: That is parliamentary privilege.

Sen. Mark: What parliamentary privileges?

Sen. Dr. Saith: Give it to the press.

Madam President: Senator, are you giving way again?

Sen. Jeremie: Madam President, I was just referring you now to section 43(5) as to your powers.

Madam President: I know section 43(5).

Hon. Senator: Oh God, boy. You should retire from politics. All you want to do is to cover up for the PNM. That is all the AG wants to do, cover up for the PNM! Corruption!

Madam President: Senator, would you go on with your contribution and leave that out?

Sen. C. Seepersad-Bachan: I just want to finish one part of it. I am not going to call any names because this is what they are so fearful of. [*Crosstalk*] If it is not true, you should be able to defend it. But, Madam President, I am not going to call any names.

Sen. Mark: Corrupt! Set up the Parliament.

Sen. C. Seepersad-Bachan: This is paragraph 7. I will skip 5 and 6, because they are very scared of 5 and 6, and I will just quote this part:

“7. They were very anxious that I give information about voter padding even when I could not say so definitely. They told me lie and to make it up. In accordance with their wishes I made up stories and accused persons...”

I want you to understand what Mr. Bickram is doing here. I am trying to get at what Mr. Bickram is admitting to me.

Sen. Jeremie stands.

Sen. R. Montano: So what, you do not want the story to come out?

Sen. Jeremie: Ma’am, I am repeating the point of order [*Interruption*] for the reasons I articulated.

Sen. Dr. Saith: Give it to the press. [*Crosstalk*]

Madam President: She has not called the person’s name, but in the English language, “they” would refer to people who went before.

Sen. Joseph: Give it to the press, man.

Sen. Mark: Why are they afraid to defend themselves? [*Crosstalk*]

Madam President: Senator, will you go on with your contribution and leave that document? Could we come back to the Bill on terrorism, please, and put that aside?

Sen. C. Seepersad-Bachan: Madam President, I thought, you know, the matter was raised by the other side—

Madam President: And you were given the chance and you rebutted.

Sen. C. Seepersad-Bachan: I am not getting the chance, with the number of talkers so far—

Sen. Mark: It is the Attorney General who is covering up! We “ain’t” getting a chance to respond!

Madam President: Sen. Mark, everybody had their chance to rebut.

Sen. Mark: No! We did not get our chance.

Madam President: Minister Saith had his chance to rebut and Sen. Seepersad-Bachan, in the first 10 or 15 minutes of her contribution, did rebut to what was said. [*Crosstalk*] I am asking you, Senator, to please come back to the Bill. All right?

Sen. R. Montano: She has not finished her rebuttal!

Sen. Mark: They cannot tell us when to rebut or how to rebut. [*Interruption*]

Madam President: Sen. Montano, the next time you scream across the floor like that, I will ask you to leave this Chamber!

Sen. R. Montano: You might as well do it now.

Sen. Dr. Saith: Madam President, may I just suggest that instead of contravening the rules of this Senate, if you believe in the document, hand it to the press; give it to the press.

Sen. Mark: You do not tell us when to hand our affairs to the press! [*Crosstalk*]

Madam President: All right, thank you very much. Senator, please come back to the Bill.

Sen. C. Seepersad-Bachan: Madam President, what I was trying to get at was what Mr. Bickram admitted to. Let me leave out “they” and “them” and whatever. But the bottom line is—and I hope this settles this issue once and for all. He said:

“...I made up the stories and I accused persons of voter padding when I really did not have any evidence against them. Many of the alleged reports on voter padding that I turned over to the police were made up by me...”

And I do not want to say, on specific instructions by whom, so I would leave out all of that.

Madam President: Senator, I thought I told you to come back to the Bill.

Sen. C. Seepersad-Bachan: Madam President, I hope that settles the matter. That is why to this day there is no evidence in the courts. [*Crosstalk*] This is why they could never—

Madam President: Please!

Sen. Mark: They are afraid.

Hon. Senator: Send them out!

Sen. Mark: Yes, that is what you want. You want a dictatorship! That is what you want!

Madam President: Sen. Mark, I cannot hear the Senator above your voice! *[Interruption]* Continue, Senator.

Sen. C. Seepersad-Bachan: Madam President, it brings me back to—because we are dealing with a terrorism Bill.

Madam President: And you all are terrorizing me here. *[Laughter]*

Sen. Mark: I like that one, Madam President.

Sen. C. Seepersad-Bachan: Madam President, let me just remind you, it was Occah Seapaul who they put under house arrest. Let me remind you of that. It also reminds me of when they sent out all these armed police to Mrs. Panday's home. I do not know what they expected; whether they expected Mrs. Panday to come out with a gun and start shooting, or looking under the car. I do not know if they expected her to be hiding under a car, but it was ridiculous when you saw those pictures.

Hon. Senator: Tell them!

Sen. C. Seepersad-Bachan: It is amazing when this Government stands there and talks about terrorism. *[Interruption]* It was interesting to hear the hon. Minister responding to Sen. Sadiq Baksh and he started surmising, as usual, like the same nonsense that went on here with this Bickram story when they put together all of this nonsense. He said: "You know, it probably could be internal bickering or somebody with an internal file." That is the propaganda that these people love to spread. Do you know what is amazing? As a Minister I thought he would have stood there and given the reassurances that he would get to the bottom of this issue, because Sadiq Baksh's family was put at risk.

Madam President: Sen. Baksh.

Sen. C. Seepersad-Bachan: Sen. Sadiq Baksh's family, Madam President. I do not know if anybody understood that the children of Sen. Baksh could have been in danger. Their lives were in danger. And do you know what is amazing? I knew that Sadiq had left the country—

Sen. Mark: The hon. Sadiq Baksh.

Sen. C. Seepersad-Bachan: Okay, my colleague, the hon. Sadiq Baksh, left this country hurriedly to attend to his wife who was in New York undergoing

surgery, when this matter took place. I do not think they understood the trauma that his family experienced. [*Crosstalk*] But do you know what I heard? It was probable internal bickering, and all sorts of nonsense. That is the way they treat with these things. [*Interruption*]

Sen. Dr. Saith: Madam President, again, the Senator is imputing motives to me and I need to clarify it. Sen. Baksh raised the issue and said it benefited the PNM. I pointed out that there are other scenarios. As far as that is concerned, the hon. Minister of National Security has, on many occasions in this Parliament, indicated that the police are investigating and we hope that they will find the culprit—

Sen. R. Montano: Ask Corporal Joseph Charles. And what is the name of the other one again?

Sen. Dr. Saith: So do not create the impression that we are not aware of the trauma that it caused Sen. Baksh. But, I am saying that Sen. Baksh himself has said: “The PNM caused me this trauma”, and I am saying he does not have the evidence and until he has the evidence, there are many other scenarios that could be equally taken.

Sen. Mark: I heard that already.

Madam President: Quite true. It was just another scenario that he was quoting. Let us get back to the debate.

Sen. C. Seepersad-Bachan: Madam President, all I am saying is that I thought the Minister would have responded by giving reassurances to this country that a scenario like that would never occur again. I think that is what Sen. Baksh was trying to raise in his contribution. You know, it is the same thing with Nizam Baksh’s son. This is why the hon. Nizam Baksh in the other place went through that grief because there are no reassurances coming from that side, as a Government.

This is why, when we heard Sen. Montano last week—and I am glad to hear Sen. Prof. Ramchand condemning that, because propaganda should not be in this place. That is why I chose to read the affidavit, so I could back up my statement and most people in this Senate would know that. I do not stand here to make statements that I cannot back up, and that is the problem that I have. I want us to understand that when you tarnish people’s reputation, it does nothing to this country. We should desist from doing that, because when we destroy them outside, who would make the contribution that we need to this country today? We must always remember that.

Anti-Terrorism Bill
[SEN. SEEPERSAD-BACHAN]

Tuesday, June 21, 2005

I do not know if this administration would ever understand. [*Interruption*] I could understand, because when Sen. Baksh was in government and coming up to the 2000 election, they saw the kind of performance of Sen. Baksh. He was able to raise the votes in San Fernando West from 4,000 to 9,000 and that is what scared the PNM administration, while they were sitting there in an 18/18 situation.

Madam President, the Minister mentioned the Jamaat and so, too, did my colleague, Sen. Baksh. But to this day you will never hear the Jamaat saying: “I helped the UNC win a seat.” You could only hear—and it is in the court record and on public record—that, “I help the PNM win the Government today”. [*Desk thumping*] It is now on international record in a Florida court that a man who could claim his fame now, said that he was a member of a group which was able to assist the Government into power today, and that is in a Florida court of record.

4.15 p.m.

Madam President, when they talk they must remember what they are speaking about; at the end of the day, I do not know if they understand. We heard so many speakers today talk about the Bill and the rights of citizens. Why is there this excessive concern not to infringe on the rights of citizens? For one thing, everybody accuses this Opposition of not supporting bills, but I want to remind this nation that while they were in Opposition they gave no support to any bill that the UNC brought, even if bills that dealt with the setting up of a joint select committee would lend to transparency and more openness to the public. [*Crosstalk*] [*Desk thumping*]

Sen. Joseph: And you say that you do not mislead!

Sen. C. Seepersad-Bachan: Did you support that Bill? Madam President, through you, they did not support the Bill.

Sen. Dr. Saith: You said that we did not support any bills. [*Crosstalk*]

Sen. C. Seepersad-Bachan: Madam President, it is not that we do not support bills. [*Interruption*]

Madam President: Sen. Mark, you are carrying on a conversation that is totally separate from the debate on this Bill.

Sen. C. Seepersad-Bachan: We have given support to bills that need a constitutional majority. Let me just remind you, the OSHA Bill. Why? It strengthens the rights of citizens in this country. [*Desk thumping*] It protects the rights of citizens. That is why they have the blood of workers who have died on

their hands, because they have failed to bring that OSHA Bill and get it enacted. We passed that Bill. We came here at Christmas time and we facilitated them, because we wanted to see that legislation enacted. [*Interruption*]

Sen. Yuille-Williams: Madam President, two things. For the Senator to say that we never supported any bills, as I said before, we were complimented by Members on the then government's side, which was your side, on various occasions, for our input, because we took the time to research. I always remember Dr. Rafeeq, in particular, who always thanked the then Opposition. I am also wondering if what is going on now is relevant to this Bill. We have drifted so far away that we need to come back to the Bill and that is why I rise at this time to say that what is being said is irrelevant to the Bill.

Madam President: I ask the Senator to come back to the Bill, because you have really drifted away.

Sen. Mark: We are on the Bill.

Sen. C. Seepersad-Bachan: It is not that we will not support the Bill, but we on this side have to be assured. This Bill infringes on the rights of citizens and I want to make that point. You continue out there saying that this is why the Opposition is not supporting the Bill, but we are concerned about the rights of citizens. If only we could have trusted this Government more, but because of recent happenings, when we hear about political police and all other things, we have a problem supporting a Bill like this. We do not trust them. [*Desk thumping*] We do not know if we pass a Bill like this today, whether it would come back to haunt us. Is this their way of abusing? They have used every State mechanism in favour of themselves and have abused it and it is not in favour of the citizens of this country. [*Desk thumping*] This is why I want to make that point today.

On that basis, at this point in time, this is why we will continue to be concerned about citizens of this country, the half of the country that voted for us. When we hear statements like Sen. D. Montano's and others, as Sen. Prof. Ramchand rightly said, you wonder who is terrorizing who.

I thank you.

Sen. Mark: Let us give the Attorney General full attention.

The Attorney General (Sen. The Hon. John Jeremie): Madam President, I rise to make some very brief remarks on certain clauses of the Bill which have been attacked on the grounds of them being unconstitutional.

Anti-Terrorism Bill
[SEN. THE HON. J. JEREMIE]

Tuesday, June 21, 2005

I begin by stating that there are a couple areas on which I propose to speak in the select committee, because there are some areas of concern in the Bill, but those which have been highlighted, with respect, are arguable and the balance of the argument really lies on the side of passing the legislation.

Sen. Mark: Not at all!

Sen. The Hon. J. Jeremie: If I can take us through the justification for the legislative measures. Firstly, it has been recognized, as Sen. Prof. Ramchand said earlier, that those conducting the business of democratic government in this era have to make legislative choices which, notably, in some fields, are very much a matter for very difficult decisions; particularly when, as is often the case, the interest of one individual or group has to be balanced against those of another individual or group or interest of the community as a whole. Courage is not about expediency; it is about doing one's best to provide solutions which are adequate to the threat.

This country faces a real threat of terrorism. I say so without fear of contradiction. [*Crosstalk*] That man in Florida, to whom they refer, is there because of my efforts and the efforts of a team of lawyers, including Sen. Seetahal and Mr. Mendez, and because the Government has taken a policy decision that terrorism has to be fought vigorously with every resource of the State. Where the conduct of Government is threatened by terrorism, difficult choices have to be made, but any derogation of fundamental rights must be proportionate to the situations faced by the country and any such legislation, if it infringes the Constitution, I accept, must be passed by the requisite majority which is required by the Constitution.

Madam President, the Government recognizes these matters, but took pains to look at the anti-terrorism legislation before us and to seek views of a wide cross section of human rights lawyers. This was a process undertaken before I assumed office. We took the precaution of taking those views and, at the end of the day, the legislation before us reflects, in my view, an adequate balance between the rights of the individual and the right of society to protect itself.

Sen. Seetahal's contribution was particularly strong in relation to the constitutional issues. The first issue which she raised and the one which I sought, perhaps, wrongly to interrupt my friend Sen. Prof. Ramchand on, was section 23. That is a section which we have spent considerable time on. The section provides for the detention of persons for up to 14 days for the purpose of preventing the commission of an offence under the Act. On the face of it, it infringes the

constitutional right not to be deprived of liberty and security of person, which I had sought to explain, but closer examination, if you look at section 4(a) of the Constitutions, it declares that an individual has a fundamental right to:

“life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;”

Section 5(2)(a), to which I also referred, states:

“...Parliament may not—

(a) authorize or effect the arbitrary detention, imprisonment or exile of any person;”

And section 5(2)(c)(iii) provides that Parliament may not:

“deprive a person who has been arrested or detained—

(iii) of the right to be brought promptly before an appropriate judicial authority.”

Parliament is also prevented by section 5(2)(c)(iv) of passing laws that deprive a person who has been arrested or detained:

“of the remedy by way of habeas corpus for the determination of the validity of his detention and for his release if the detention is not lawful;”

Under clause 23 of the Bill a police officer may, with the written consent of the Director of Public Prosecutions (DPP), apply *ex parte* to a judge in chambers for an order to detain a person.

As I said before, the difference here is that the police officer has the untrammelled right to detain for 48 hours. Once we move away from that right, we put the power of detention in the hands of the court and the court is guardian of the Constitution. The cases say that the court, in access to the High Court, is itself the protection of the law required by the Constitution. The court may grant the order only if satisfied that there are reasonable grounds to believe that the person may interfere in the investigation or is preparing to commit an offence under the Act. This is a serious matter. Our society does not have a culture of police officers making this determination to themselves; our Constitution does not allow it, so that is the right reason there is judicial intervention. The detention order, at first, under the common law, is for 48 hours, but may be extended for up to 14 days by the judge. An accurate record must be kept, in respect of the detainee, during the period of detention.

Anti-Terrorism Bill
[SEN. THE HON. J. JEREMIE]

Tuesday, June 21, 2005

The Court of Appeal of Trinidad and Tobago recently ruled that a person should be held in custody for not more than 48 hours for the purpose of questioning and investigation, without being charged by the police. That is the case of *Holmes ex parte, Sherman* and another which is repeated in Justice Sinanan, at first instance. It is not a Court of Appeal decision in Trinidad; it is a first instance decision in *Mondesir v. the Attorney General of Trinidad and Tobago*.

He said there:

“It seems to me that there is authority for the view that although an initial arrest may be lawful, the detention of the arrested person, consequent thereon, may be unlawful if the length of that detention is unreasonable or excessive, but the court goes on to say that the curtailment of a person’s liberty for 48 hours is not pursuant to some right, but rather the lawfulness of the detention depends on the circumstances of each case.”

In these peculiar circumstances, the exigencies of the case might well satisfy a judge. I do not know, because we have the separation of powers in this country. This is not an Executive or police matter; the protection of the law is granted by the guardians of the Constitution and they will not break the Constitution.
[*Interruption*]

Madam President: Hon. Senator, if you are going on for a little while, then we will continue after tea. [*Crosstalk*] If you are going to be going on for another few minutes, then we will continue after tea.

Hon. Senators, this House is now suspended for the tea break; we will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. The Hon. J. Jeremie: Madam President, when we broke I was on the point of the 48-hour convention. I was about to square that with the requirement under the old law, section 38(4) of the Magistrates' Court Act of 1952, which says that a person taken into custody for an offence without a warrant shall be brought before the Magistrates' Court as soon as practicable. That means, in the absence of any special statutory provision, he is to be brought before a Magistrates' Court within 48 hours of the arrest. I hasten to add that we are speaking here of police officers, without the intervention of the judicial arm.

In the case of *Ulric Bobb v. the Attorney General of Trinidad and Tobago*, Mr. Justice Blackman supported the flexible position that what is meant by the Constitution is not a hard and fast 48-hour rule, but that, in the circumstances of the case, you bring the person to court as soon as is practicable. In that case he referred to the important case of *Thornhill v. the Attorney General of Trinidad and Tobago* in which Lord Diplock held that the word “promptly” in section 5(2)(c)(ii) of the Constitution, signified not a particular lapse of time, but a period which was not longer than the circumstances of the case required. He went further to say that section 5(2)(c)(iii) provides that Parliament may not deprive a person, who is arrested or detained, of the right to be brought promptly before an appropriate judicial authority.

That expression has been the subject of judicial interpretation by the Trinidad courts; that is a Privy Council decision, albeit in an appeal from the Trinidad courts. In *Mondesir v. the Attorney General of Trinidad and Tobago*, Mr. Justice Sinanan said, as follows, on page 27:

“Now it seems to me there is authority for the view that although an initial arrest may be lawful, the detention of the arrested person, consequent thereon, may be unlawful if the length of that detention is unreasonable or excessive.”

The point that the cases are trying to bring out is that you have to determine the question of what is reasonable in relation to the circumstances of the case. The Constitution is a paper document which was written and which contains important rights, but which could not have predicted the terror and the effects of terror wrought on society since 9/11.

In that case as well, Mr. Justice Sinanan ruled that the curtailment of a person’s liberty for 48 hours is not pursuant to some constitutional right, and this is important. There is no right being infringed. He said that the lawfulness of the detention depends on the circumstances of each case. That is to underline the point that I made before.

Section 4(a) of the Constitution provides that a person’s liberty is not taken away except by due process of law. The question is whether the effect of clause 23 would be to deprive a person who is neither charged with nor suspected of having committed an offence of his liberty, without due process, in contravention of section 4(a) of the Constitution. In the case of *Thomas and Hillaire v. the Attorney General of Trinidad and Tobago*, the Privy Council in 1998, in the person of Lord Millette, said that the due process clause excludes legislative as well as executive interference with the judicial process. That is what is meant by the due process clause. It is meant to protect us against the dangers of a police State

Anti-Terrorism Bill
[SEN. THE HON. J. JEREMIE]

Tuesday, June 21, 2005

and that is the balance which we sought to strike in the legislation, so that the power of the police to detain for 48 hours, without the intervention of a judicial officer, is counter-balanced by the power of the courts thereafter to continue detention for a period of 14 days. We think that is reasonably justifiable in a society as ours, which has proper respect for the rule of law and which is confronting the perils of terror.

Lord Millette further stated that the due process clause requires the process to be judicial; it also requires the process to be due. In Their Lordships' view, due process of law is a compendious expression in which the word "law" does not refer to any particular law and is not a synonym for common law or statute, rather it invokes the concept of the rule of law itself and the universally accepted standards of justice observed by civilized nations which observe the rule of law.

The United Nations and the international fora to which we belong, sets the agenda with respect to customary norms of international law. As my colleague, the hon. Minister of Foreign Affairs has so rightly pointed out, the legislation before us is a product of, in part, our international commitments, but also, in part, our own constitutional requirements. The due process of law clause gives constitutional protection to the concept of procedural fairness. In the Hillaire case, Their Lordship adopted the observation of Mr. Justice Holmes in an American case and said, as follows:

"Whatever disagreement there may be as to the scope of the phrase 'due process of law', there can be no doubt that it embraces the fundamental concept of a fair trial before a judicial officer with an opportunity to be heard."

In clause 23 the application, on the face of the legislation, is made ex parte in the first instance; that is to say, for a period which is in excess of the 48 hours, but that period of detention would, in the circumstances contemplated by the Bill, the terrorist danger which we face, be reasonable, having regard, I submit, to the authorities which I have cited. Because that application is made ex parte, the detainee, strictly speaking—and I come with clean hands—is not given a right to be heard, which is part and parcel of the fairness principle. But in practice, an ex parte application may be set aside under Order 32, Rule VI of the rules of the Supreme Court, if the other side has not been amply heard or if there is material in the application supporting the ex parte application which subsequently turns out to be untrue.

Madam President, I submit that those safeguards are adequate to protect clause 23 from attack and if that were not enough, I should like to add that the clause does not in any way interfere with a person's common law right to file a writ of habeas corpus, as was done in the case of Mr. Small in relation to his extradition proceedings to the United States.

I do not wish to engage the Senate in a discussion on the precise nature of the law, but I felt that it was necessary because of the disquiet which had been expressed in relation to clause 23, in particular, to cite the authorities before. Those authorities make it clear that under the common law the police may detain a person for the purpose of investigation for a maximum period of 48 hours. The clause which we have introduced into this Bill is a nice marriage of what is required of us by our international commitments and our constitutional dictates. So that the person to be detained, provided that the court wishes to make an order in excess of 48 hours, must satisfy a judicial officer that ample grounds exist.

Similar considerations apply with respect to the extension of the period of detention. In the light of the authorities and because there is no established procedure upon which the court may grant such an extension, I propose that at the committee stage we take up this question and that we, perhaps, seek an amendment to provide that subsequent detention orders be made by summons with an affidavit in support, which would ensure that the detainee is furnished with notice and is not deprived of his right to be brought promptly before a judicial officer in compliance with section 5(2)(c)(iii) of the Constitution. I believe that copies of that amendment will be circulated at the relevant time of the committee stage.

I turn now to clause 24, remembering that I am sticking to the constitutional arguments of the Bill. The second issue is whether clause 24 infringes section 5(2)(d) of the Constitution. That section provides that Parliament may not:

“authorise a court, tribunal, commission, board or other authority to compel a person to give evidence unless he is afforded protection against self-incrimination...

That too can be answered, because we spent considerable time looking at how we can marry our international commitments with our constitutional dictates.

Under clause 24 of the Bill, therefore, in order to get information from named persons, a police officer of the rank of inspector or above may apply ex parte again to the judge in chamber—the High Court being the guardian of the Constitution—for an order, but the prior written consent of the Director of Public

Anti-Terrorism Bill
[SEN. THE HON. J. JEREMIE]

Tuesday, June 21, 2005

Prosecutions is required before that application can be made. The judge can make the order if satisfied that the DPP gave consent and that there are reasonable grounds to believe that an offence was committed and that the named persons can provide information about its commission or the person who committed it.

The order may include terms and conditions which the judge considers reasonable and if it is not expressed in the statute, that is part of the inherent jurisdiction of the High Court with respect to its role given under section 14 of the Constitution, as the guardian of the Constitution. So that the court may include terms and conditions which the judge considers to be reasonable; for example, an order that a person be examined under oath; an order that a person attend at a time and place to be examined or to produce document or things; the order may be executed anywhere in Trinidad and Tobago and may be varied by a judge.

It is the law as drafted that a person shall answer questions asked by the DPP and shall produce the documents or things he was asked to bring, but—and this is important—he may refuse to answer a question or produce a thing on the basis that law or privilege protects the non-disclosure of the information. Therein lies the protection against self-incrimination and that is how we sought to balance, again, the dictates between the present danger, which we have to place in relation to terrorism and the constraints of the Constitution.

A person cannot refuse to answer a question or produce a thing on the basis that this would incriminate him or expose him to a penalty, but his answer or things produced or evidence obtained in these proceedings cannot be used by him in any criminal proceedings; so that once he answers truthfully, the question of self-incrimination in criminal matters does not arise. His only penalty is in relation to perjury, if he lies. Again, you can see a concrete example which prompted the United Nations, I think, to pass the resolution in the first place, the ticking bomb example: you have someone under custody and you have to get information from him which might save the lives of many. The United Nations has no constitutional limits, so that their words were absolute: you get the information from him.

In our context, we say, you get the information from him; he is compelled to answer to protect the lives of the many, but the offset is that the answer cannot be used in criminal proceedings against him. Those are the parameters within which we live, until my friends on the other side engage in a process of meaningful constitutional reform, which we on this side are always open to. I, myself, made that offer to the Leader of the Opposition in the failed talks on the police reform package. I submit that in relation to clause 24 as well, it passes constitutional

muster and great care was used in trying to meet our international obligations and to satisfy the demands of the Constitution.

In relation to clause 25(1), Sen. Seetahal raised the point that it allows the courts of Trinidad and Tobago to adjudicate on a matter involving the commission of an offence under the Bill outside of Trinidad and Tobago. But with respect, that confuses the issues of jurisdiction and rights. All that the clause says is that the courts will have jurisdiction over offences committed in any part of the world, but the Constitution remains the supreme law of Trinidad and Tobago and of our courts. Our courts cannot act in contravention of the Constitution and that is established by a case made famous by my predecessor twice removed, Mr. Ramesh Maharaj.

Even in respect of that point, an Act of Parliament may legally confer jurisdiction on the courts of Trinidad and Tobago for matters involving offences outside of its territorial waters and that is clear, but the courts ultimately are bound by the Constitution and obliged to speak to the rights, as the guardian of the Constitution. So there are two separate questions; one relates to jurisdiction and one relates to the process which the courts follow. The courts are hamstrung by the Constitution; they cannot act outside of the Constitution. The question of extraterritoriality applies also in respect of common law offences, conspiracy, for example, and in respect of certain prevention of corruption offences, although on that I think I should say no more for the time being.

In relation to clause 32, Sen. Seetahal raised a concern regarding the duty to disclose information which would assist in the prevention of the commission of a terrorist act. Under clause 32, a person who has information to assist in preventing the commission of a terrorist act or securing the arrest or prosecution of a person for a terrorist act, must disclose the information to a police officer of the rank of sergeant or above. The question is whether that clause infringes a person's right against self-incrimination as well. Clause 32(3) states that civil or criminal proceedings shall not lie against any person for disclosing any information in good faith. There is a slight drafting error in that clause, which I propose to tidy up at the committee stage. We propose to move an amendment to clause 32 along the lines of the protection given under clause 24(9), to bring it into total conformity with the Constitution.

Madam President, my short contribution today was to allay the fears of those on the other side that the Government went into this legislation without considering the constitutional implications. The constitutional implications have been studied for two years by silk in different parts of the world and we have taken our time on this. We have sought to strike a balance between our international commitments and the straightjacket provided by the constitutional

Anti-Terrorism Bill
[SEN. THE HON. J. JEREMIE]

Tuesday, June 21, 2005

protection. I hasten to add that the fact that the legislation is so long in coming, because it has been long in coming, has deprived the Republic of a certain degree of leverage in the international community, which we are well prepared to take, as long as we pass legislation which is consistent with our Constitution.

I thank you, Madam President.

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, the contribution made by the Attorney General has made my summing up very, very easy, and I will pay for that, somebody said. Let me first of all start off by thanking all Senators for the very valuable contribution to this very important debate. As you are aware, some 14 Members participated in this debate and their contributions have been well noted. I would have been minded to address the contribution made by each individual, but given the fact that the intention is to go to a select committee, I am sure that individual contributions will be considered and addressed at the select committee stage.

I will resist the temptation to respond to some of the comments made by the later Members in the contribution to the debate, because I am sure sooner rather than later, an opportunity is going to present itself in this Senate that the whole issue of voter padding, ancestral voting, James Carville, the whole thing, would be put in a context so that hon. Members and, by extension, the national community, will get a better appreciation and understanding of some of the issues that have been raised here. An opportunity is going to lend itself, sooner rather than later, when I intend to address them comprehensively.

Let me respond specifically to the contribution made by Sen. Prof. Deosaran, where he suggested that, perhaps, the Bill should have been put out—I should not say public comment—for information of the public. We had it all set up; we had already met with all the newspapers and it was designed in a particular way so that it could be brought to the attention of Members, but having raised it and since we have agreed that we are going to a committee stage and since he also made some comments with respect to what the population ought to know, in terms of our international responsibility, et cetera, we will hold on the publication of the Bill and allow the select committee to have some input in terms of its publication. I just thought I should indicate that.

The Attorney General addressed some of the issues raised with respect to the Constitution. The contributions made by every single Member will be considered at the select committee stage, so with those brief words, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, I beg to move that the Bill be referred to a special select committee of the Senate, in accordance with Standing Order 51.

Question put and agreed to.

Bill referred to a special select committee of the Senate.

Madam President: Hon. Senators, the Members of that select committee will be Sen. Danny Montano, who will be the Chairman; Sen. Martin Joseph; Sen. Knowlson Gift; Sen. John Jeremie and Sen. Christine Kangaloo. For the Opposition we have Sen. Robin Montano and Sen. Roy Augustus and for the Independents we have Sen. Prof. Ramesh Deosaran and Sen. Angela Cropper.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate do now adjourn to Tuesday, June 28, 2005 at 1.30 p.m., at which time we will continue debate on the Private Members' Motion.

Sen. R. Montano: Madam President, could I just enquire if it is possible for us to conclude my Motion next week so that no matter what happens we finish it? We normally finish at 4.30 p.m. It would have been so nice if we had finished the last time, because we want to give Sen. Prof. Deosaran's Motion a chance.

Madam President: Senator, as you know, I do not really have any say as to whether it finishes; it depends on how many Senators are going to speak again. If there are no further speakers, then, of course, you will be called upon to wind up. We will just maybe have to play it by ear. Maybe you can talk to the Leader of Government Business in the Senate privately and see what agreement you can come to. *[Interruption]*

Sen. R. Montano: Then in that case, seeing that it is Private Members' Day, we have agreed with Sen. Prof. Deosaran that we will not debate my Motion next week; we will conclude it at another time and start his Motion next week.

Sen. Dumas: You do not want to talk to the Government, but you are making agreements by yourself. *[Laughter]*

Madam President: I think once that agreement is reached, we can do that. I see no objection there. As far as I know we can do that. I will clarify it and we will make a final decision.

Adjournment

Tuesday, June 21, 2005

Sen. The Hon. Dr. Saith: Just to indicate that we agree that if they wish to change the order of things, we have no problem with it.

Madam President: The Government has no problem; Independents, you have no problem.

**ALLEVIATION OF POVERTY SITUATION
(Inability of Government)**

Sen. Wade Mark: Madam President, the Motion addresses the inability of the Government to alleviate the worsening poverty situation and the consequential negative impact on our society and on national development.

I raise this particular Motion on the basis of the increasing level of poverty in our nation. Recently, the United Nations Development Programme through its spokesperson stated that some 50 per cent of our population was living under the poverty line. I was a bit alarmed at the particular statistic that was revealed. That has to do with a number of factors as you are well aware. It has to do with, one, the level of underemployment that currently exists in our nation. It has to do with the rate of unemployment which, as you know, has been artificially deflated by the Government. It has to do with the continuous increases in the cost of living manifested in many ways, including the high rate of inflation, relatively speaking.

When we look at the health services, education and other basic infrastructural facilities that the nation of Trinidad and Tobago ought to enjoy, one comes to the inescapable conclusion that the level and rate of poverty needs to be addressed. This is a very rich nation, in terms of natural resources. We have, as a nation, a gross domestic product amounting close to \$70 billion. We have a budget of close to \$31 billion and we have a per capita income of close to US \$9,000 in this country. Yet, according to the statistics, it is clear that all is not well. In spite of the efforts on the part of the Government to introduce make-work programmes, the rate of poverty continues, because the kind of income that ordinary people are receiving through these make-work programmes is insufficient for them to really make two ends meet in Trinidad and Tobago.

Madam President, you would know that an ordinary CEPEP worker goes home with \$1,400 a month. If you analyze and assess the cost of living and when you think about the rents that people have to pay and their other commitments, \$1,400 for an adult, given the rate of pay that Ministers enjoy on that side, given the rate of pay and benefits that executive members of this society, in terms of what companies and corporations enjoy, it is impossible for members of this population to subsist.

What we have also demonstrated and witnessed is that there has been a consistent decline in the human development index of this country, as manifested in the United Nations Development Report. I have here the Human Development Report for 2002. In 2002, in the Human Development Index under “High Human Development”, Trinidad and Tobago is ranked No. 50. Two years later in the 2004 report, Trinidad and Tobago sunk to No. 54. So there has been a consistent fall in the Human Development Index, as it relates to our ranking.

If we can look at some of the statistics in this report, and I refer to page 147, there is a section that deals with populations below the income poverty line. Madam President, 12.4 per cent, according to the UNDP statistics, of the population of Trinidad and Tobago live under or receive US \$1 a day. This is in accordance with the report. It goes on to say that between 1990 to 2002, some 39 per cent of the population of Trinidad and Tobago lived on less than US \$2 a day.

When you combine this 39 per cent and you add it to the 12.4 per cent, you get close to over 50 per cent of the population of Trinidad and Tobago subsisting on less than about US \$3 a day. This is an alarming statistic. When you combine this particular reality with the poor health care facilities that ordinary people are subjected to in this country, it becomes even more alarming. The health expenditure, according to these figures issued by the United Nations for 2004, the percentage of GDP going toward the health care service in 2001, amounted to 1.7 per cent. In the private sector, the percentage of expenditure was 2.2 per cent. The report goes on to tell you about the difficulties that ordinary people are experiencing in the area of measles. You have the question of the physicians, 75 physicians or doctors to a 100,000 population. It talks about people who are able to access affordable and essential drugs, between 50 and about 78 per cent.

In Trinidad and Tobago, there is need for a more revolutionary, comprehensive, holistic approach toward addressing the issue of development. Development in Trinidad and Tobago is still being boasted and addressed in the context of growth rates. We are told about macro economic indicators; the level of growth; the rate of inflation; the amount of foreign exchange reserves that we have; the rate of exchange; the balance of payment that we enjoy, in terms of a surplus. Those things do not translate, in the final analysis, to a real improvement in the quality of life of the ordinary citizens of the country. [*Desk thumping*] So we can boast about all these macro economic indicators, but when we boil down, as we say, the bhaji, what we see in Trinidad and Tobago is increasing suffering.

Alleviation of Poverty Situation
[SEN. MARK]

Tuesday, June 21, 2005

Just yesterday, Labour Day, the trade union movement called on the workers to boycott bakers, because there have been two systemic decreases in the price of flour, yet still the price of bread went up. [*Interruption*]

Madam President: You have about one minute.

Sen. W. Mark: When the price of bread went up, as a result of increases in the price of flour—[*Interruption*]

Madam President: I think I am wrong, you still have time; my mistake.

Sen. W. Mark:—the Bakers' Association increased their prices. The price of flour went down and yet still the Bakers' Association has not adjusted its prices. Every single day in this land, because of the workings of this economy, the interplay of market forces and free trade, which is the new gospel that is being preached by the apostles on that side—[*Laughter*—there are no provisions to protect the ordinary citizens.

In terms of food prices, let me tell you what happened under the UNC. I am not dealing with details, but the overall figures, Sen. The Hon. Martin Joseph.

5.45 p.m.

Madam President, in 1995 we inherited high food prices at 16.8 per cent, which went down to 10.2 per cent in 1996; it was 10 per cent in 1997; 15.1 per cent in 1998; it went down to 8.6 per cent in 1999; 8.3 per cent in 2000; and it went back up to 13.9 per cent in 2001. Under the PNM regime it was 10.2 per cent and 12.6 per cent in 2002 and 2003 respectively.

As I indicated on another occasion, the PNM has now rebased the index of retail prices and, therefore, there is now suppression in the cost of living given the new index of retail prices in Trinidad and Tobago.

Madam President, I am making an appeal to the Government that is claiming that it can no longer introduce price control mechanisms to control the rapidly increasing cost of living particularly as it relates to food prices, but at the same time it is doing nothing to increase agricultural production so that the supply of basic goods and products coming from the agricultural sector may be increased. The farmers are not being encouraged because many rich, agricultural lands are being appropriated for housing construction under this administration.

The only way that we are going to address poverty in this land is to have a fundamental shift in public policy which must ensure that the wealth of this nation and the income derived from oil and natural gas are more evenly distributed amongst the people.

Madam President, the facts and figures are showing that the inequality in the distribution of income continues to rise between the rich and the poor; the poor are becoming poorer and the rich are becoming richer. So we have to deal with the distribution of income, and only public policy can address this issue.

The second area I believe we have to deal with is agricultural production. We have to focus on that and do something. We have the new Minister of Legal Affairs and she must intervene in some positive way to deal with the rising prices which ordinary people face on a daily basis.

I make an appeal because we are on the grill, we are feeling the heat, people are coming to us, and they are crying, they are hurting, they need help and the Government is silent on this issue. So today I make an appeal to the Government to deal with the issue of increasing poverty that is having a negative impact on our society and by extension, the national development in Trinidad and Tobago.

Thank you very much, Madam President.

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Mustapha Abdul-Hamid): Madam President, I rise to respond to the Motion: Government's Inability to Alleviate the Worsening Poverty Situation and the Consequential Negative Impact on our Society and National Development.

I begin by asking the hon. Senator if he would please make up his mind. Towards the end of his contribution he cursed exchange rates; growth rates; indices; macro indicators; et cetera, yet the foundation of his contribution was the human development index where he claimed that we ranked 50th in 2002 and by 2004, our position was 54th.

Madam President, may I point out to him that in 2004, the Human Development Report had actually considered more countries, and as a result of the greater number of countries it would be unfair and unreasonable to assume that a movement in the ranking from 50th to 54th was necessarily a reduction in our status, or that we are at an inferior status. [*Interruption*]

Sen. R. Montano: Which were the new countries that displaced us?

Sen. The Hon. M. Abdul-Hamid: In fact, in 2002 when that ranking took place, we were ranked as having a medium human development index as opposed to 2004 where we were ranked as having a high human development index. [*Desk thumping*]

Sen. Mark: The foundation was laid by the UNC.

Sen. The Hon. M. Abdul-Hamid: Your result was in 2002—

Sen. R. Montano: Speak to Madam President.

Sen. The Hon. M. Abdul-Hamid:—our result Madam President, was in 2004, and the numbers are clear.

Madam President, with regard to this poverty line issue, there are some in this Chamber who will know better than I, that there are a number of formulae that can be used to determine where this poverty line is and the one most commonly used is income. However, for a country like Trinidad and Tobago, income is perhaps an inaccurate reflection of where that poverty line is and I say so because there are a number of services that are provided by the State and non-governmental organizations, which all contribute to the standard of living that might be enjoyed by any citizen that may not necessarily be reflected in the income. [*Desk thumping*]

Madam President, for a village in a remote area of Africa, India, or China where there are very few services available, those persons who reside in those areas, strictly speaking, literally live off the \$1.00 or \$2.00 per day if they sell goat's milk, corn, or whatever it may be. In a country like Trinidad and Tobago—and I will go through some of the poverty alleviation strategies that we have employed.

In those remote areas, there is no access to education or health facilities or any basic service. There is no access to water or any other services that may be offered that we have grown accustomed to in this part of the world and which are free. These all contribute to the standard of living of citizens.

Madam President, I would mention a few as I go along. As we all know by now, poverty alleviation has been a main focus of this Government. In fact, it is taking us a little longer to repair the damage of neglect from the long six-year period, the drought in the social sector. [*Desk thumping*] [*Crosstalk*]

I will mention a few programmes which were intended to target poverty alleviation, human development, wellness and well-being, and community development and sustainable livelihoods which are categorized into three areas: developmental, remedial and preventative.

Madam President, with the broad categories of persons we have been targeting, the vulnerable groups in the society including the socially displaced youths, older persons, women, the disabled and others, we now have a very strong tradition of offering our services to the entire population across the country. In

this fiscal year, investment in the social sector totalled \$3.9 billion which represents 9.1 per cent of total Government expenditure. [*Desk thumping*]

We spent \$2.649 billion on social programming; \$3,080,200 million during the current fiscal year, last year we spent \$2.6 billion, this year we are spending \$3.08 billion. In addition, non-governmental organizations which are also contributing to this poverty alleviation strategy were in receipt of \$181.7 million.

Madam President, I will go through the programmes one by one and I know I would not have enough time given the length of this list. Government's allocation to the public assistance programme was \$121 million, 25,000 families benefited, and as you would recall during the course of the year the specific sums were increased over the previous years. This allocation is provided to citizens who can demonstrate that they are needy, it is open to all, you simply need to get in touch with the Social Welfare Officers in your respective areas and make a reasonable case. Any citizen of this country who is able to demonstrate that he/she is in need will have access to the public assistance programme.

The Old Age Pension caters to 64,510 senior citizens and we have allocated \$790 million to adjust the needs of our older citizens in this programme. The Social Help and Rehabilitative Effort Programme (SHARE) benefits over 20,000 families and we have spent and propose to spend \$60 million in this programme.

Madam President, the Disability Assistance Grant was increased to \$800 per month and expanded to target disabled citizens ranging from ages 18 to 65 years. The programme was allocated \$137 million in 2004. The human development and training initiatives, those measures that I have just outlined, were designed to provide immediate relief. But in order to treat with poverty in a comprehensive way, there has to be an intervention that is geared towards ensuring that individuals can sustain themselves in the medium to long term. Recognizing that, we have set for ourselves the target of increasing considerably all the training programmes that are available to the citizens of this country.

I refer you to the On-the-Job Training Programme of which I spoke last week where, over the last three years, we have been able to provide training for up to 18,000 citizens between the ages of 18 and 30. This year we will train 6,500 citizens, and may I add, one important characteristic of all these training programmes is that while we make available the training facility, we make all the arrangements to provide you with your needs with respect to training gear.

Unheard of in many parts of the world, this Government has been providing a stipend to all our trainees so that they can sustain themselves while they train and

Alleviation of Poverty Situation
[SEN. THE HON. M. ABDUL-HAMID]

Tuesday, June 21, 2005

learn a skill. [*Desk thumping*] We understand that people need to live while they educate themselves.

Madam President, Helping You Prepare for Employment (HYPE), is a developmental programme targeting young persons who have left school and have been unable to find employment because of a lack of necessary academic qualifications or technical skills. We have trained 1,330 persons in 2004 at a cost of some \$15 million. They were trained in plumbing, carpentry, electrical installation, masonry, welding, tiling, painting and other life skills. The programme is also to be expanded to address the needs of 1,500 beneficiaries and we will spend \$19 million on this programme during this fiscal year.

Madam President, the retraining programme for displaced workers. Those to whom I refer are those who were displaced between 1995 and 2001. Government's investment in this programme is based on the recognition of the plight faced by many retrenched workers in gaining employment after job losses. We have allocated \$4 million for this programme and continue to train an average of 650 persons per year. Our allocation continues to increase and we have been training in the area of manufacturing, auto maintenance and repair, building construction technology, information technology, hospitality and related areas.

We have allocated \$29 million to the Youth Training and Employment Partnership Programme (YTEPP) and we have trained 6,029 nationals to date, and there are 25 centres across the country. Next year we propose to spend approximately \$40 million. The areas of training that are generally associated with this programme are auto maintenance and repair, food preparation, garment construction, et cetera.

The Geriatric Adolescent Partnership Programme (GAPP) is a very important programme that sensitizes young men and women to the ageing process while training them in practical geriatric care skills. Participants in this programme are given a stipend of \$50 daily for five days per week. While it provides the stipend and the training, it improves the capacity for service delivery to homes of older persons.

Madam President, there are a number of other programmes: the Women in Harmony Programme, the Civilian Conservation Corps, all of which are having significant impact. Just so that I may demonstrate the versatility and the innovation in Government's intervention in poverty reduction and alleviation, we have also embarked on a major entrepreneurial development programme and we have been conducting a pilot project, the community-based micro enterprise loan

facility where community-based organizations are strengthened to function as micro lending and support agencies for the benefit of needy persons in their community. This programme provides micro loans up to \$10,000 to allow citizens in communities to start their own businesses. A similar thing is done on a larger scale with NEDCO.

With respect to education, not only is the education in Trinidad and Tobago at primary, secondary and pre-primary, or early childhood, but we are moving more and more in the direction of making that early childhood become completely free, universal early childhood education, and day by day we are moving closer and closer to making tertiary education free and available to all.

In addition to that, we have been providing transport, meals, such as breakfast, lunch and milk drinks to deserving school children. We have also been providing books with our textbooks rental and loan programme, and before that, there was a situation where we were providing grants for students to buy books.

Madam President, to determine the poverty line is a very complicated exercise and I am sure that I have only literally hinted on what the Government has been doing.

I thank you for the opportunity and I ask the Senator to stop wasting the Parliament's time.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.05 p.m.